



SC0070SAM001

LRB095 12915 JAM 49996 a

1 AMENDMENT TO SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT 70

3 AMENDMENT NO. ____ . Amend Senate Joint Resolution
4 Constitutional Amendment 70 by replacing everything after the
5 title with the following:

6 "RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL
7 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
8 CONCURRING HEREIN, that there shall be submitted to the
9 electors of the State for adoption or rejection at the general
10 election next occurring at least 6 months after the adoption of
11 this resolution a proposition to add Section 7 to Article III
12 of the Illinois Constitution as follows:

13 (ILCON Art. III, Sec. 7 new)

14 SECTION 7. RECALL OF EXECUTIVE OFFICERS, MEMBERS OF THE GENERAL
15 ASSEMBLY, JUDGES, AND LOCAL OFFICERS

16 (a) Electors may petition for the recall of an executive

1 branch officer as identified in Section 1 of Article V, a
2 member of the General Assembly, a Supreme, an Appellate, or a
3 Circuit Judge, or a salaried elected officer of a unit of local
4 government. If the recall petition is valid, on a separate
5 ballot the question "Shall (name of person) be recalled from
6 the office of (office)" must be submitted to the electors,
7 along with the names of any candidates certified for the
8 successor election, at a special election called by the State
9 Board of Elections or at a regularly scheduled election to
10 occur not more than 100 days after the date of certification of
11 the recall petition. The officer, member, or judge subject to
12 recall may be a candidate in the successor election.

13 (b) An executive branch officer, a member of the General
14 Assembly, a Supreme, an Appellate, or a Circuit Judge, or a
15 salaried elected officer of a unit of local government is
16 immediately removed upon certification of the recall election
17 results if a majority of the electors voting on the question
18 vote to recall the officer, member, or judge. If an officer,
19 member, or judge is recalled, the candidate who receives the
20 highest number of votes in the successor election is elected
21 successor for the balance of the term. Once a recall election
22 petition is certified, the petition may not be withdrawn and
23 another recall petition may not be initiated against that
24 officer, member, or judge during the remainder of his or her
25 current term of office.

26 (c) Any elector of the State, or the applicable Legislative

1 or Representative District, Judicial District, Judicial
2 Circuit, or unit of local government, may file an affidavit
3 with the State Board of Elections providing notice of intent to
4 circulate a petition to recall an officer, member, or judge no
5 sooner than 6 months after the beginning of the officer's,
6 member's, or judge's current term of office. An affidavit must
7 be filed by an elector of the Legislative or Representative
8 District, Judicial District, Judicial Circuit, or unit of local
9 government for which the recall petition will be circulated.
10 The affidavit must identify the name of the officer, member, or
11 judge and the office to be recalled, the name and address of
12 the proponents of the recall petition, and the date of filing
13 with the State Board of Elections. An affidavit providing
14 notice of intent to circulate a petition to recall a Supreme,
15 an Appellate, or a Circuit Judge may not be filed unless the
16 Judicial Inquiry Board has filed a complaint against that Judge
17 under subsection (c) of Section 15 of Article VI. A recall
18 petition shall not be circulated prior to filing the affidavit,
19 and a recall petition must be filed with the State Board of
20 Elections no later than 160 days after filing the affidavit.

21 (d) A petition to recall an executive branch officer must
22 include signatures of electors of the State equal to at least
23 12% of the total votes cast for the office in the election at
24 which the officer or member was elected, with signatures equal
25 to at least 1% of the vote for the office from at least 5
26 separate counties. A petition to recall a Governor or

1 Lieutenant Governor elected jointly under Section 4 of Article
2 V must include both officers. A petition to recall a member of
3 the General Assembly must be signed by electors of the
4 applicable Legislative District or Representative District
5 equal to at least 20% of the total votes cast for the office in
6 the election at which the member was elected. A petition to
7 recall a Supreme, an Appellate, or a Circuit Judge must be
8 signed by the electors of the applicable Judicial District or
9 Judicial Circuit equal to at least 20% of the total votes cast
10 for the office of Governor in the most recent election at which
11 the Governor was elected. A petition to recall a salaried
12 officer of a unit of local government must be signed by
13 electors of the unit of local government equal to at least 20%
14 of the total votes cast for the office in the election at which
15 the officer was elected. The form, circulation, and manner of
16 filing a recall petition shall comply with the requirements
17 provided by law for a statewide advisory public question,
18 except the deadlines set forth in this Section.

19 (e) A recall petition is valid unless an objection is made
20 within 45 days after the date the petition is filed, and an
21 objection to the recall petition may be made in the same manner
22 as to a candidate for the office subject to recall. The State
23 Board of Elections shall certify the recall petition not more
24 than 105 days after the date the recall petition is filed. Any
25 recall petition or election pending on the date of the next
26 general election at which a candidate for the office subject to

1 recall is elected is moot.

2 (f) If a recall election is initiated, the name of no
3 successor candidate may appear on the ballot unless a
4 nominating petition has been filed with the State Board of
5 Elections no more than 40 days after filing of the recall
6 petition. The nominating petition of an established party
7 candidate must contain the same number of signatures and be
8 circulated in the same manner as an established party candidate
9 for nomination to the office subject to recall, except the
10 petition must be circulated no more than 40 days prior to the
11 last day for filing nomination petitions. The nominating
12 petition of an independent or new party candidate must contain
13 the same number of signatures and be circulated in the same
14 manner as an independent or new party candidate, respectively,
15 for election to the office subject to recall, except the
16 petition must be circulated no more than 40 days prior to the
17 last day for filing nomination petitions. A nominating petition
18 may be objected to in the same manner as a candidate for the
19 office subject to recall, unless otherwise provided by law. The
20 State Board of Elections shall certify a valid nominating
21 petition not more than 105 days after the date the recall
22 petition is filed.

23 (g) An election to determine whether to recall an executive
24 officer, a member of the General Assembly, a Supreme, an
25 Appellate, a Circuit Judge, or an officer of a unit of local
26 government and to elect a successor shall be proclaimed by the

1 State Board of Elections and held not less than 60 days and no
2 more than 100 days after the date of certification of the
3 recall petition.

4 (h) The provisions of this Section are self-executing and
5 judicially enforceable.

6 SCHEDULE

7 The State Board of Elections shall proceed, as soon as all
8 the returns are received but no later than 31 days after the
9 election, to canvass the votes given for and against this
10 Constitutional Amendment, as shown by the abstracts of votes
11 cast. If this Constitutional Amendment is approved by either
12 three-fifths of those voting on the question or a majority of
13 those voting in the election, then the State Board of Elections
14 shall declare the adoption of this Constitutional Amendment and
15 it shall, upon declaration of its adoption, take effect and
16 become a part of the Constitution of this State. This Schedule
17 supersedes and applies notwithstanding any statute to the
18 contrary, and no other requirements, including without
19 limitation proclamation of the results of the vote or notice by
20 publication, are necessary for its effectiveness.".