



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB4648**

Introduced 2/1/2012, by Rep. Kay Hatcher

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1 from Ch. 46, par. 2A-1  
10 ILCS 5/Art. 25.5 heading new  
10 ILCS 5/25.5-5 new  
10 ILCS 5/25.5-10 new  
10 ILCS 5/25.5-15 new  
10 ILCS 5/25.5-20 new  
10 ILCS 5/25.5-25 new  
10 ILCS 5/25.5-30 new  
10 ILCS 5/25.5-40 new

Amends the Election Code to provide for the recall of local elected officials. Effective immediately.

LRB097 15591 HLH 60731 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section  
5 2A-1 and adding Article 25.5 as follows:

6 (10 ILCS 5/2A-1) (from Ch. 46, par. 2A-1)

7 (Text of Section WITH the changes made by P.A. 89-719,  
8 which has been held unconstitutional)

9 Sec. 2A-1. All Elections - Governed by this Code -  
10 Construction of Article 2A.

11 (a) No public question may be submitted to any voters in  
12 this State, nor may any person be nominated for public office  
13 or elected to public or political party office or removed from  
14 office in a recall election in this State except pursuant to  
15 this Code, notwithstanding the provisions of any other statute  
16 or municipal charter. However, this Code shall not apply to  
17 elections for officers or public questions of local school  
18 councils established pursuant to Chapter 34 of the School Code,  
19 soil and water conservation districts or drainage districts,  
20 except as specifically made applicable by another statute.

21 (b) All elections in this State shall be held in accordance  
22 with the consolidated schedule of elections established in  
23 Sections 2A-1.1 and 2A-1.2. No election may be held on any date

1 other than a date on which an election is scheduled under  
2 Section 2A-1.1, except special elections to fill congressional  
3 vacancies held pursuant to writs of election issued by the  
4 Governor, judicial elections to fill vacancies in the office of  
5 Supreme Court Judge held pursuant to writs of election issued  
6 by the Governor under subsection (a-5) of Section 2A-9,  
7 township referenda and votes of the town electors held at the  
8 annual town meeting, emergency referenda approved pursuant to  
9 Section 2A-1.4, special elections held between January 1, 1995  
10 and July 1, 1995 under Section 34-53 of the School Code, and  
11 city, village or incorporated town primary elections in  
12 even-numbered years expressly authorized in this Article to  
13 provide for annual partisan elections.

14 (c) At the respective elections established in Section  
15 2A-1.1, candidates shall be elected to office, nominated for  
16 election thereto or placed on the ballot as otherwise required  
17 by this Code, and public questions may be submitted, as  
18 specified in Section 2A-1.2.

19 (d) If the requirements of Section 2A-1.2 conflict with any  
20 specific provision of Sections 2A-2 through 2A-54, as applied  
21 to any office or election, the requirements of Section 2A-1.2  
22 prevail, and shall be enforced by the State Board of Elections.

23 (e) In the event any court of competent jurisdiction  
24 declares an election void, the court may order another election  
25 without regard to the schedule of elections set forth in this  
26 Article.

1 (Source: P.A. 89-719, eff. 3-7-97.)

2 (Text of Section WITHOUT the changes made by P.A. 89-719,  
3 which has been held unconstitutional)

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5 Construction of Article 2A.

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9 office in a recall election in this State except pursuant to  
10 this Code, notwithstanding the provisions of any other statute  
11 or municipal charter. However, this Code shall not apply to  
12 elections for officers or public questions of local school  
13 councils established pursuant to Chapter 34 of the School Code,  
14 soil and water conservation districts or drainage districts,  
15 except as specifically made applicable by another statute.

16 (b) All elections in this State shall be held in accordance  
17 with the consolidated schedule of elections established in  
18 Sections 2A-1.1 and 2A-1.2. No election may be held on any date  
19 other than a date on which an election is scheduled under  
20 Section 2A-1.1, except special elections to fill congressional  
21 vacancies held pursuant to writs of election issued by the  
22 Governor, township referenda and votes of the town electors  
23 held at the annual town meeting, emergency referenda approved  
24 pursuant to Section 2A-1.4, special elections held between  
25 January 1, 1995 and July 1, 1995 under Section 34-53 of the

1 School Code, and city, village or incorporated town primary  
2 elections in even-numbered years expressly authorized in this  
3 Article to provide for annual partisan elections.

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5 2A-1.1, candidates shall be elected to office, nominated for  
6 election thereto or placed on the ballot as otherwise required  
7 by this Code, and public questions may be submitted, as  
8 specified in Section 2A-1.2.

9 (d) If the requirements of Section 2A-1.2 conflict with any  
10 specific provision of Sections 2A-2 through 2A-54, as applied  
11 to any office or election, the requirements of Section 2A-1.2  
12 prevail, and shall be enforced by the State Board of Elections.

13 (e) In the event any court of competent jurisdiction  
14 declares an election void, the court may order another election  
15 without regard to the schedule of elections set forth in this  
16 Article.

17 (Source: P.A. 88-511.)

18 (10 ILCS 5/Art. 25.5 heading new)

19 ARTICLE 25.5. RECALL OF LOCAL ELECTED OFFICIALS

20 (10 ILCS 5/25.5-5 new)

21 Sec. 25.5-5. Definitions. For the purposes of this  
22 Article:

23 "Appropriate election official" means the State Board of  
24 Elections in the case of recall of an official elected from a

1 district that comprises more than one county, or is partly in  
2 one county and partly in another county or counties; the county  
3 clerk in the case of recall of an official elected to a county  
4 office or trustee of a sanitary district; or the local election  
5 official in the case of recall of an official elected to a  
6 municipal or township office, other than a municipal or  
7 township office where the municipality's or township's  
8 boundaries are co-extensive with or are entirely within the  
9 jurisdiction of a municipal board of election commissioners, in  
10 which case the "appropriate election official" means the  
11 municipal board of election commissioners.

12 "Local elected official" means any official elected to an  
13 office of a unit of local government. The term does not include  
14 an official elected to an office of a school district.

15 (10 ILCS 5/25.5-10 new)

16 Sec. 25.5-10. Removal of local elected official. Every  
17 local elected official is subject to removal by the electors  
18 qualified to vote for that official. However, a local official  
19 who has less than 18 months remaining in his or her term may  
20 not be recalled under this Article. The procedure to effect the  
21 removal of an incumbent of that office shall be as prescribed  
22 in this Article.

23 (10 ILCS 5/25.5-15 new)

24 Sec. 25.5-15. Petition; form. A petition, signed by at

1 least 15% of the registered voters of the unit of local  
 2 government who are entitled to vote for the local elected  
 3 official whose removal is sought, shall be filed with the  
 4 appropriate election official at least 61 days before the next  
 5 regularly scheduled election under this Code and shall be  
 6 certified within one day after receipt of the petition. The  
 7 petition shall demand an election on the question of whether  
 8 the named incumbent elected official shall be removed from  
 9 office, the election to be held at the next regularly scheduled  
 10 election, and shall contain a general statement of not more  
 11 than 200 words of a reason or reasons for the recall that are  
 12 related to the official responsibilities of the official whose  
 13 removal is sought.

14 The petition shall be substantially in the following form:  
 15 To the appropriate election official of (unit or district):  
 16 We, the undersigned electors of (unit or district),  
 17 entitled to vote for (name of person) demand an election on the  
 18 question of removal from office of (name of person) for the  
 19 following reasons: (Here state reasons in not more than 200  
 20 words).

21	<u>Name</u>	<u>House Number</u>	<u>Street</u>	<u>Date of</u>
22		<u>if any</u>		<u>Signing</u>
23				
24	<u>.....</u>	<u>.....</u>	<u>.....</u>	<u>.....</u>
25	<u>State of Illinois, )</u>			

1 ) SS.

2 County of (name) )

3 I, (name of person), certify that I am a registered voter,  
4 that I reside at (address), in the county of (name) and State  
5 of Illinois, and that the signatures on this sheet were signed  
6 in my presence, and are genuine, and that, to the best of my  
7 knowledge and belief, the persons so signing were at the time  
8 of signing the petitions qualified voters, entitled to vote for  
9 the office of (name of office), and that their respective  
10 residences are correctly stated, as above set forth.

11 .....

12 Subscribed and sworn to before me this ..... day of  
13 ....., 20 ...

14 .....

15 (Official title)

16 (Seal, if officer has one)

17 (10 ILCS 5/25.5-20 new)

18 Sec. 25.5-20. Petition; requirements. The petition shall  
19 consist of sheets having the form specified in Section 25.5-15  
20 and shall be signed by qualified electors of the unit of local  
21 government entitled to vote for the office held by the official  
22 whose removal is sought, and opposite the signature of each  
23 signer, his or her residence address shall be written or  
24 printed. The residence address required to be written or  
25 printed opposite each qualified elector's name shall include



1 the street address or rural route number of the signer, as the  
2 case may be, as well as the signer's city, village, or town.  
3 The county, city, village, or town of residence of the  
4 electors, however, may be printed on the petition forms when  
5 all of the electors signing the petition reside in the same  
6 county, city, village, or town. Standard abbreviations may be  
7 used in writing the residence address, including street number,  
8 if any.

9 A signature shall not be valid unless the requirements of  
10 this Section are complied with and unless the date of signing  
11 is less than 120 days preceding the date of filing the  
12 petition.

13 At the bottom of each sheet shall be added the affidavit in  
14 the form specified in Section 25.5-15 signed by a qualified  
15 voter of the unit of local government entitled to vote for  
16 removal of the elected official in which the signers of the  
17 sheet reside; certifying that the signatures on that sheet of  
18 the petition were signed in his or her presence; and either (i)  
19 indicating the dates on which that sheet was circulated, (ii)  
20 indicating the first and last dates on which that sheet was  
21 circulated, or (iii) certifying that none of the signatures on  
22 the sheet were signed more than 120 days preceding the last day  
23 for the filing of the petition; certifying that the signatures  
24 on the sheet are genuine; and certifying that to the best of  
25 his or her knowledge and belief the persons so signing were at  
26 the time of signing the petitions qualified voters of the unit

1 of local government entitled to vote for the office held by the  
2 official whose removal is being sought. This affidavit shall be  
3 sworn to before an officer who is qualified to administer  
4 oaths.

5 The petition, so verified, or a copy of the petition duly  
6 certified by the proper persons, shall be prima facie evidence  
7 that the signatures, statement of residence, and dates upon the  
8 petition are genuine and true and that the persons signing the  
9 petition are electors qualified to vote for the office subject  
10 to removal under this Article.

11 The person circulating the petition, or the candidate on  
12 whose behalf the petition is circulated, may strike any  
13 signature from the petition, if:

14 (i) the person striking the signature initials the  
15 petition at the place where the signature is struck; and

16 (ii) the person striking the signature signs a  
17 certification listing the page number and line number of  
18 each signature struck from the petition.

19 The certification shall be filed as a part of the petition.

20 The sheets, before being filed, shall be neatly fastened  
21 together in book form by placing the sheets in a pile and  
22 fastening them together at one edge in a secure and suitable  
23 manner, and the sheets shall then be numbered consecutively.  
24 The sheets shall not be fastened by pasting them together end  
25 to end, so as to form a continuous strip or roll. All petition  
26 sheets that are filed with the proper local election officials,

1 election authorities, or the State Board of Elections shall be  
2 the original sheets that have been signed by the voters and by  
3 the circulator of the sheet, and not photocopies or duplicates  
4 of those sheets.

5 The petitions, when filed, may not be withdrawn or added  
6 to, and no signature shall be revoked except by revocation  
7 filed in writing with the State Board of Elections, election  
8 authority, or local election official with whom the petition is  
9 required to be filed before the filing of the petition. Whoever  
10 forges the name of a signer upon any petition required by this  
11 Article is deemed guilty of a forgery and on conviction shall  
12 be punished accordingly.

13 (10 ILCS 5/25.5-25 new)

14 Sec. 25.5-25. Objections to petitions. The provisions of  
15 Sections 10-8 through 10-10.1 of the Election Code relating to  
16 objections to nominating petitions, hearing on objections, and  
17 judicial review shall apply to and govern, insofar as may be  
18 practical, objections to petitions for the submission of  
19 questions of recall under this Article.

20 The electoral board to hear and pass on objections shall be  
21 the electoral board specified in Section 10-9 to have  
22 jurisdiction over objections to the nominating petitions of  
23 candidates for offices in which the question of recall is  
24 proposed to be submitted to the electors.

1 (10 ILCS 5/25.5-30 new)

2 Sec. 25.5-30. Election on the question. If no objections  
3 to a petition are filed within 5 business days after the  
4 petition is submitted to the appropriate election official, or  
5 if objections are filed and the electoral board specified in  
6 Section 25.5-25 rules the petition sufficient, then  
7 immediately after the expiration of this 5-day period, or  
8 immediately after the receipt by the appropriate election  
9 official with whom the petition was originally filed, or from  
10 the electoral board of the petition and the certified copy of  
11 the electoral board's ruling declaring the petition  
12 sufficient, as the case may be, the appropriate election  
13 official with whom the petition was originally filed shall  
14 submit the petition without delay to the election authority or  
15 election authorities within the election jurisdiction or  
16 election jurisdictions where the elected official is subject to  
17 recall, and the election authority or election authorities  
18 shall order the election demanded in the petition held at the  
19 next regular election or municipal election 78 days after the  
20 filing of the petition. This election shall be conducted,  
21 returned, and the results declared in all respects the same as  
22 in other elections under the general election law.

23 If at the election on the question of removal at least a  
24 majority of those voting on the question vote in favor of  
25 removal, a vacancy exists in the office subject to removal. The  
26 vacancy shall be filled in the manner prescribed for filling

1 vacancies in that office in other cases.

2 (10 ILCS 5/25.5-40 new)

3 Sec. 25.5-40. Prohibition against future election or  
4 appointment. A person who has been removed from an elective  
5 office, or who has resigned from office while removal  
6 proceedings were pending against that person, shall not be  
7 appointed or elected to the same office within one year after  
8 the removal or resignation. Not more than one election for the  
9 recall of the same elected official shall be held during the  
10 same term of office.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.