97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0028

Introduced , by Rep. Joe Sosnowski - Sidney H. Mathias - Renée Kosel - Kay Hatcher - Richard Morthland, et al.

SYNOPSIS AS INTRODUCED:

ILCON Art. III, Sec. 7

    Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for elections to recall State executive branch officers and members of the General Assembly. Changes the signature requirements for affidavits and petitions for recall of the Governor. Effective upon being declared adopted.

1   HOUSE JOINT RESOLUTION

2   CONSTITUTIONAL AMENDMENT

3   RESOLVED,   BY   THE   HOUSE   OF   REPRESENTATIVES   OF   THE

4   NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE

5   SENATE CONCURRING HEREIN, that there shall be submitted to the

6   electors of the State for adoption or rejection at the general

7   election next occurring at least 6 months after the adoption of

8   this resolution a proposition to amend Section 7 of Article III

9   of the Illinois Constitution as follows:

10   ARTICLE III

11   SUFFRAGE AND ELECTIONS

12   (ILCON Art. III, Sec. 7)

13   SECTION 7. INITIATIVE TO RECALL GOVERNOR, EXECUTIVE OFFICERS,

14   AND MEMBERS OF THE GENERAL ASSEMBLY

15   (a) The recall of any Executive Branch officer named in

16   Section 1 of Article V ~~the Governor~~ may be proposed by a

17   petition signed by a number of electors equal in number to at

18   least 10% ~~15%~~ of the total votes cast for Governor in the

19   preceding gubernatorial election, with at least 100 signatures

20   from each of at least 25 separate counties. In addition, the

21   recall of any member of the General Assembly may be proposed by

22   a petition signed by a number of electors equal in number to at

23   least 10% of the total votes cast for that office in the

1   member's Legislative District or Representative District, as

2   applicable, in the general election in which the member was

3   last elected. A petition shall have been signed by the

4   petitioning electors not more than 150 days after an affidavit

5   has been filed with the State Board of Elections providing

6   notice of intent to circulate a petition to recall the

7   Executive Branch officer or member of the General Assembly

8   ~~Governor~~. The affidavit may be filed no sooner than 6 months

9   after the beginning of the officer's or member's ~~Governor's~~

10   term of office. ~~The affidavit shall have been signed by the~~

11   ~~proponent of the recall petition, at least 20 members of the~~

12   ~~House of Representatives, and at least 10 members of the~~

13   ~~Senate, with no more than half of the signatures of members of~~

14   ~~each chamber from the same established political party.~~

15   (b) The form of the petition, circulation, and procedure

16   for determining the validity and sufficiency of a petition

17   shall be as provided by law. If the petition is valid and

18   sufficient, the State Board of Elections shall certify the

19   petition not more than 100 days after the date the petition was

20   filed, and the question "Shall (name) be recalled from the

21   (office)? ~~office of Governor?~~" must be submitted to the

22   electors at a special election called by the State Board of

23   Elections, to occur not more than 100 days after certification

24   of the petition. A recall petition certified by the State Board

25   of Elections may not be withdrawn and another recall petition

26   may not be initiated against the same officer or member

1   ~~Governor~~ during the remainder of <u>his or her</u> ~~the~~ current term of

2   office. Any recall petition or recall election pending on the

3   date of the next general election at which <u>the officer or</u>

4   <u>member being recalled</u> ~~a candidate for Governor~~ is elected is

5   moot.

6   (c) If a petition to recall <u>an Executive Branch officer or</u>

7   <u>member of the General Assembly</u> ~~the Governor~~ has been filed with

8   the State Board of Elections, a person eligible to serve <u>in the</u>

9   <u>office with respect to which the recall petition has been filed</u>

10   ~~as Governor~~ may propose his or her candidacy by a petition

11   signed by a number of electors equal in number to the

12   requirement for petitions for an established party candidate

13   for the office ~~of Governor~~, signed by petitioning electors not

14   more than 50 days after a recall petition has been filed with

15   the State Board of Elections. The form of a successor election

16   petition, circulation, and procedure for determining the

17   validity and sufficiency of a petition shall be as provided by

18   law. If the successor election petition is valid and

19   sufficient, the State Board of Elections shall certify the

20   petition not more than 100 days after the date the <u>recall</u>

21   <u>petition</u> ~~petition to recall the Governor~~ was filed. Names of

22   candidates for nomination to serve as the candidate of an

23   established political party must be submitted to the electors

24   at a special primary election, if necessary, called by the

25   State Board of Elections to be held at the same time as the

26   special election on the question of recall established under

1 subsection (b). Names of candidates for the successor election

2 must be submitted to the electors at a special successor

3 election called by the State Board of Elections, to occur not

4 more than 60 days after the date of the special primary

5 election or on a date established by law.

6   (d) The Executive Branch officer or member of the General

7 Assembly ~~Governor~~ is immediately removed upon certification of

8 the recall election results if a majority of the electors

9 voting on the question vote in favor of recall ~~to recall the~~

10 ~~Governor~~. If the Governor is removed, then (i) an Acting

11 Governor determined under subsection (a) of Section 6 of

12 Article V shall serve until the Governor elected at the special

13 successor election is qualified and (ii) the candidate who

14 receives the highest number of votes in the special successor

15 election is elected Governor for the balance of the term. If an

16 Executive Branch officer other than the Governor is removed,

17 then the Governor shall appoint a successor as provided in

18 Section 7 of Article V to serve until a successor is elected at

19 the special successor election and qualified. If a member of

20 the General Assembly is removed, then a successor shall be

21 appointed as provided in Section 2 of Article IV to serve until

22 a successor is elected at the special successor election and

23 qualified.

24 (Source: Amendment adopted at general election November 2,

25 2010.)

1   SCHEDULE
2   This Constitutional Amendment takes effect upon being
3   declared adopted in accordance with Section 7 of the Illinois
4   Constitutional Amendment Act.