

**VILLAGE OF DOLTON
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 15-022

**AN ORDINANCE AMENDING THE DOLTON VILLAGE CODE
TO PROVIDE FOR THE RECALL OF ELECTED OFFICIALS**

WHEREAS, the Village of Dolton is a home rule unit of government under Article VII of the Illinois Constitution; and

WHEREAS, the case of *Williamson v. Doyle*, 103 Ill.App.3d 770 (1st Dist. 1981) declared that “a home rule unit could enact a valid recall ordinance”; and

WHEREAS, the President and Board of Trustees of the Village of Dolton believe that the electorate of the Village should have the right to exercise the right to alter or reform Village government when the public good so requires; and

WHEREAS, the President and Board of Trustees have further determined that it is reasonable and will promote good and responsive government for the Village to establish a procedure pursuant to which Elected Officials may be recalled from office;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF DOLTON, COOK COUNTY, ILLINOIS, in the exercise of its home rule authority as follows:

SECTION 1: Amendment. Title I of the Village of Dolton Village Code is hereby amended to provide the following new Chapter 14, “Recall of Elected Officials”:

Section 1-14-1 – Declaration and Purpose.

The Corporate Authorities of the Village of Dolton hereby declare and vest the power in the electorate to recall from office officials elected by them so that these officials may be directly responsible to the electorate for their behavior in office.

Section 1-14-2 – Authority.

This Ordinance, codified in this Chapter, is adopted by the Corporate Authorities of the Village of Dolton pursuant to the home rule authority granted by Article VII, Section 6 of the Illinois Constitution of 1970.

Section 1-14-3 – Definitions.

As used in this Chapter, the following terms shall have the meanings prescribed in this Section:

A. “Elected Official” shall mean the Village President (Mayor), Village Trustees, and Village Clerk of the Village of Dolton, irrespective of whether the person holding any such office was elected, appointed to fill a vacancy, or succeeded by operation of law.

B. “Recall” shall mean the power of the electorate of the Village of Dolton to remove an Elected Official from office.

Section 1-14-4 -- Recall of Elected Officials.

A. Elected Officials hold office subject to the right of recall vested by this Chapter in the electors of the Village of Dolton. Subject to the terms and provisions of this Chapter, any Elected Official may be recalled and removed from office by a majority vote of the electorate at a recall referendum initiated as provided in this Chapter.

B. No Elected Official shall be subject to recall at an election to be held during the Elected Official’s first year in office or at an election held during that Official’s last eight months in office.

Section 1-14-5 – Recall Procedures.

A proposition to recall an Elected Official shall be certified by the Village Clerk to the proper election authority, who shall then submit the proposition at an election in accordance with the general election law, if a petition requesting such action is signed by electors of the Village numbering not less than 25% of the total vote cast at the last election for Mayor of the Village, and the petition is filed with the Village Clerk.

The proposition shall be in substantially the following form:

Should (Name of Elected Official) be recalled and removed from the Office of (Title of Office) of the Village of Dolton?

If a majority of votes cast shall be in favor of the recall of the named Elected Official, the office shall be declared vacant and the office shall then be filled in the manner provided by law for the filling of a vacancy.

Section 1-14-6 – Procedures Upon Receipt of a Recall Petition.

A. By noon on the second business day following receipt of a recall petition, the Village Clerk shall cause a copy of the recall petition to be delivered to the Elected Official who is the subject of the recall petition.

B. The placement of a recall petition on the ballot shall be subject to the objection procedures set forth in the applicable provisions of the Illinois Election Code.

C. Unless otherwise provided in the recall petition, a recall petition once filed shall be certified by the Village Clerk to the Election Authority for placement on the ballot for the next earliest regular election as provided by the Illinois Election Code.

SECTION 2: Repealer; Severability. Any provision of the Village Code heretofore adopted which is in conflict with the provisions of this Ordinance is, to the extent of such conflict, hereby repealed. If any provision of this Ordinance is determined to be void or illegal for any reason, such determination shall not affect the validity of the remaining terms hereof.

SECTION 3: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law, and shall apply to individuals elected to Village office in April, 2013, and thereafter.

PASSED AND APPROVED this 1st day of June, 2015.


RILEY H. ROGERS, Mayor

ATTEST:


MARY KAY DUGGAN, Clerk

Ayes: 4 Muhammad, Pierson, Stubbs, Rogers
Nays: 3 Brown, Henyard, Hunt
Absent: 0
Abstain: 0