

SB1487



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1487

Introduced 2/9/2017, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

5 ILCS 70/1.25
10 ILCS 5/7-61

from Ch. 1, par. 1026
from Ch. 46, par. 7-61

Amends the Statute on Statutes. Includes a resolution filling a vacancy in office and a declaration of intent to be a write-in candidate as documents shall not (rather than may) be considered filed until it is received by the election authority. Amends the Election Code. Makes conforming changes. Effective immediately.

LRB100 06970 MLM 17021 b

A BILL FOR

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 Statute on Statutes is amended by changing
5 Section 1.25 as follows:

6 (5 ILCS 70/1.25) (from Ch. 1, par. 1026)

7 Sec. 1.25. Unless an Act otherwise specifically provides,
8 any writing of any kind or description required or authorized
9 to be filed with, and any payment of any kind or description
10 required or authorized to be paid to, the State or any
11 political subdivision thereof, by the laws of this State:

12 (1) if transmitted through the United States mail,
13 shall be deemed filed with or received by the State or
14 political subdivision on the date shown by the post office
15 cancellation mark stamped upon the envelope or other
16 wrapper containing it;

17 (2) if mailed but not received by the State or
18 political subdivision, or if received but without a
19 cancellation mark or with the cancellation mark illegible
20 or erroneous, shall be deemed filed with or received by the
21 State or political subdivision to which it was required or
22 authorized to be directed on the date it was mailed, but
23 only if the sender establishes by competent evidence that

1 the writing or payment was deposited, properly addressed,
2 in the United States mail on or before the date on which it
3 was required or authorized to be filed or was due. In cases
4 in which the writing or payment was mailed but not
5 received, the sender must also file with, or pay to, the
6 State or political subdivision to which the writing or
7 payment was required or authorized to be directed, a
8 duplicate writing or payment within 30 days after written
9 notification is given to the person claiming to have sent
10 the writing or payment, by the State or political
11 subdivision to which the writing or payment was required or
12 authorized to be sent, of its non-receipt of the writing or
13 payment.

14 If a writing or payment is sent by United States registered
15 mail, certified mail or certificate of mailing, a record
16 authenticated by the United States Post Office of such
17 registration, certification or certificate shall be considered
18 competent evidence that the writing or payment was mailed. The
19 date of registration, certification or certificate shall be
20 deemed the postmarked date.

21 Notwithstanding any other provision of law, ~~neither~~ a
22 petition for nomination as a candidate for political office, a
23 resolution filling a vacancy in office, a declaration of intent
24 to be a write-in candidate, or ~~nor~~ a petition to submit a
25 public question to be voted upon by the electors of the State
26 or of any political subdivision or district shall not ~~may~~ be

1 considered filed until it is received by the political
2 subdivision, election authority, or the State Board of
3 Elections, as applicable.

4 (Source: P.A. 97-81, eff. 7-5-11.)

5 Section 10. The Election Code is amended by changing
6 Section 7-61 as follows:

7 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

8 Sec. 7-61. Whenever a special election is necessary the
9 provisions of this Article are applicable to the nomination of
10 candidates to be voted for at such special election.

11 In cases where a primary election is required the officer
12 or board or commission whose duty it is under the provisions of
13 this Act relating to general elections to call an election,
14 shall fix a date for the primary for the nomination of
15 candidates to be voted for at such special election. Notice of
16 such primary shall be given at least 15 days prior to the
17 maximum time provided for the filing of petitions for such a
18 primary as provided in Section 7-12.

19 Any vacancy in nomination under the provisions of this
20 Article 7 occurring on or after the primary and prior to
21 certification of candidates by the certifying board or officer,
22 must be filled prior to the date of certification. Any vacancy
23 in nomination occurring after certification but prior to 15
24 days before the general election shall be filled within 8 days

1 after the event creating the vacancy. The resolution filling
2 the vacancy shall be filed with ~~sent by U. S. mail or personal~~
3 ~~delivery to~~ the certifying officer or board within 3 days of
4 the action by which the vacancy was filled; ~~provided, if such~~
5 ~~resolution is sent by mail and the U. S. postmark on the~~
6 ~~envelope containing such resolution is dated prior to the~~
7 ~~expiration of such 3 day limit, the resolution shall be deemed~~
8 ~~filed within such 3 day limit.~~ Failure to so transmit the
9 resolution within the time specified in this Section shall
10 authorize the certifying officer or board to certify the
11 original candidate. Vacancies shall be filled by the officers
12 of a local municipal or township political party as specified
13 in subsection (h) of Section 7-8, other than a statewide
14 political party, that is established only within a municipality
15 or township and the managing committee (or legislative
16 committee in case of a candidate for State Senator or
17 representative committee in the case of a candidate for State
18 Representative in the General Assembly or State central
19 committee in the case of a candidate for statewide office,
20 including but not limited to the office of United States
21 Senator) of the respective political party for the territorial
22 area in which such vacancy occurs.

23 The resolution to fill a vacancy in nomination shall be
24 duly acknowledged before an officer qualified to take
25 acknowledgements of deeds and shall include, upon its face, the
26 following information:

1 (a) the name of the original nominee and the office
2 vacated;

3 (b) the date on which the vacancy occurred;

4 (c) the name and address of the nominee selected to fill
5 the vacancy and the date of selection.

6 The resolution to fill a vacancy in nomination shall be
7 accompanied by a Statement of Candidacy, as prescribed in
8 Section 7-10, completed by the selected nominee and a receipt
9 indicating that such nominee has filed a statement of economic
10 interests as required by the Illinois Governmental Ethics Act.

11 The provisions of Section 10-8 through 10-10.1 relating to
12 objections to certificates of nomination and nomination
13 papers, hearings on objections, and judicial review, shall
14 apply to and govern objections to resolutions for filling a
15 vacancy in nomination.

16 Any vacancy in nomination occurring 15 days or less before
17 the consolidated election or the general election shall not be
18 filled. In this event, the certification of the original
19 candidate shall stand and his name shall appear on the official
20 ballot to be voted at the general election.

21 A vacancy in nomination occurs when a candidate who has
22 been nominated under the provisions of this Article 7 dies
23 before the election (whether death occurs prior to, on or after
24 the day of the primary), or declines the nomination; provided
25 that nominations may become vacant for other reasons.

26 If the name of no established political party candidate was

1 printed on the consolidated primary ballot for a particular
2 office and if no person was nominated as a write-in candidate
3 for such office, a vacancy in nomination shall be created which
4 may be filled in accordance with the requirements of this
5 Section. If the name of no established political party
6 candidate was printed on the general primary ballot for a
7 particular office and if no person was nominated as a write-in
8 candidate for such office, a vacancy in nomination shall be
9 filled only by a person designated by the appropriate committee
10 of the political party and only if that designated person files
11 nominating petitions with the number of signatures required for
12 an established party candidate for that office within 75 days
13 after the day of the general primary. The circulation period
14 for those petitions begins on the day the appropriate committee
15 designates that person. The person shall file his or her
16 nominating petitions, statements of candidacy, notice of
17 appointment by the appropriate committee, and receipt of filing
18 his or her statement of economic interests together. These
19 documents shall be filed at the same location as provided in
20 Section 7-12. The electoral boards having jurisdiction under
21 Section 10-9 to hear and pass upon objections to nominating
22 petitions also shall hear and pass upon objections to
23 nomination petitions filed by candidates under this paragraph.

24 A candidate for whom a nomination paper has been filed as a
25 partisan candidate at a primary election, and who is defeated
26 for his or her nomination at such primary election, is

1 ineligible to be listed on the ballot at that general or
2 consolidated election as a candidate of another political
3 party.

4 A candidate seeking election to an office for which
5 candidates of political parties are nominated by caucus who is
6 a participant in the caucus and who is defeated for his or her
7 nomination at such caucus, is ineligible to be listed on the
8 ballot at that general or consolidated election as a candidate
9 of another political party.

10 In the proceedings to nominate a candidate to fill a
11 vacancy or to fill a vacancy in the nomination, each precinct,
12 township, ward, county or congressional district, as the case
13 may be, shall through its representative on such central or
14 managing committee, be entitled to one vote for each ballot
15 voted in such precinct, township, ward, county or congressional
16 district, as the case may be, by the primary electors of its
17 party at the primary election immediately preceding the meeting
18 at which such vacancy is to be filled.

19 For purposes of this Section, the words "certify" and
20 "certification" shall refer to the act of officially declaring
21 the names of candidates entitled to be printed upon the
22 official ballot at an election and directing election
23 authorities to place the names of such candidates upon the
24 official ballot. "Certifying officers or board" shall refer to
25 the local election official, election authority or the State
26 Board of Elections, as the case may be, with whom nomination

1 papers, including certificates of nomination and resolutions
2 to fill vacancies in nomination, are filed and whose duty it is
3 to "certify" candidates.

4 (Source: P.A. 96-809, eff. 1-1-10; 96-848, eff. 1-1-10.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.