



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0145

Introduced 1/29/2019, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

10 ILCS 5/21-1

from Ch. 46, par. 21-1

Amends the Election Code. Provides that no candidate for President or Vice-President of the United States shall appear on the official ballot for the general election if that candidate has not released his or her tax returns at least 5 days prior to the date set for certification of the ballot for the general election. Defines "released his or her tax returns" to mean that the tax returns filed with the federal Internal Revenue Service for the 5 most recent years in which tax returns have been filed by the candidates for President and Vice-President of the United States have been filed with the Secretary of State. Requires the Secretary of State to post the tax returns on the Secretary of State's website and to certify that the tax returns have been filed to the State Board of Elections. Allows the Secretary of State to adopt rules to implement the provisions.

LRB101 07331 SMS 52371 b

FISCAL NOTE ACT
MAY APPLY

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 Election Code is amended by changing Section
5 21-1 as follows:

6 (10 ILCS 5/21-1) (from Ch. 46, par. 21-1)

7 Sec. 21-1. Choosing and election of electors of President
8 and Vice-President of the United States shall be in the
9 following manner:

10 (a) In each year in which a President and Vice-President of
11 the United States are chosen, each political party or group in
12 this State shall choose by its State Convention or State
13 central committee electors of President and Vice-President of
14 the United States and such State Convention or State central
15 committee of such party or group shall also choose electors at
16 large, if any are to be appointed for this State and such State
17 Convention or State central committee of such party or group
18 shall by its chair and secretary certify the total list of such
19 electors together with electors at large so chosen to the State
20 Board of Elections.

21 The filing of such certificate with the Board, of such
22 choosing of electors shall be deemed and taken to be the
23 choosing and selection of the electors of this State, if such

1 party or group is successful at the polls as herein provided in
2 choosing their candidates for President and Vice-President of
3 the United States.

4 (b) The names of the candidates of the several political
5 parties or groups for electors of President and Vice-President
6 shall not be printed on the official ballot to be voted in the
7 election to be held on the day in this Act above named. In lieu
8 of the names of the candidates for such electors of President
9 and Vice-President, immediately under the appellation of party
10 name of a party or group in the column of its candidates on the
11 official ballot, to be voted at said election first above named
12 in subsection (1) of Section 2A-1.2 and Section 2A-2, there
13 shall be printed within a bracket the name of the candidate for
14 President and the name of the candidate for Vice-President of
15 such party or group with a square to the left of such bracket.
16 Each voter in this State from the several lists or sets of
17 electors so chosen and selected by the said respective
18 political parties or groups, may choose and elect one of such
19 lists or sets of electors by placing a cross in the square to
20 the left of the bracket aforesaid of one of such parties or
21 groups. Placing a cross within the square before the bracket
22 enclosing the names of President and Vice-President shall not
23 be deemed and taken as a direct vote for such candidates for
24 President and Vice-President, or either of them, but shall only
25 be deemed and taken to be a vote for the entire list or set of
26 electors chosen by that political party or group so certified

1 to the State Board of Elections as herein provided. Voting by
2 means of placing a cross in the appropriate place preceding the
3 appellation or title of the particular political party or
4 group, shall not be deemed or taken as a direct vote for the
5 candidates for President and Vice-President, or either of them,
6 but instead to the Presidential vote, as a vote for the entire
7 list or set of electors chosen by that political party or group
8 so certified to the State Board of Elections as herein
9 provided.

10 (b-5) Notwithstanding the provisions of subsection (b) of
11 this Section, no candidate for President or Vice-President of
12 the United States shall appear on the official ballot for the
13 general election if that candidate has not released his or her
14 tax returns at least 5 days prior to the date set for
15 certification of the ballot for the general election. The
16 Secretary of State shall certify to the State Board that the
17 tax returns have been filed in accordance with this subsection
18 (b-5) and shall post the tax returns on the Secretary of
19 State's website. The Secretary of State may adopt rules for the
20 implementation of this subsection (b-5).

21 As used in this subsection (b-5), "released his or her tax
22 returns" means that the tax returns filed with the federal
23 Internal Revenue Service for the 5 most recent years in which
24 tax returns have been filed by the candidates for President and
25 Vice-President of the United States prior to the filing
26 deadline of this subsection (b-5) have been filed with the

1 Secretary of State.

2 (c) Such certification by the respective political parties
3 or groups in this State of electors of President and
4 Vice-President shall be made to the State Board of Elections
5 within 2 days after such State convention or meeting of the
6 State central committee in which the electors were chosen.

7 (d) Should more than one certificate of choice and
8 selection of electors of the same political party or group be
9 filed by contesting conventions or contesting groups, it shall
10 be the duty of the State Board of Elections within 10 days
11 after the adjournment of the last of such conventions to meet
12 and determine which set of nominees for electors of such party
13 or group was chosen and selected by the authorized convention
14 of such party or group. The Board, after notice to the chair
15 and secretaries or managers of the conventions or groups and
16 after a hearing shall determine which set of electors was so
17 chosen by the authorized convention and shall so announce and
18 publish the fact, and such decision shall be final and the set
19 of electors so determined upon by the electoral board to be so
20 chosen shall be the list or set of electors to be deemed
21 elected if that party shall be successful at the polls, as
22 herein provided.

23 (e) Should a vacancy occur in the choice of an elector in a
24 congressional district, such vacancy may be filled by the
25 executive committee of the party or group for such
26 congressional district, to be certified by such committee to

1 the State Board of Elections. Should a vacancy occur in the
2 office of elector at large, such vacancy shall be filled by the
3 State committee of such political party or group, and certified
4 by it to the State Board of Elections.

5 (Source: P.A. 99-522, eff. 6-30-16; 100-1027, eff. 1-1-19.)