



Sen. Antonio Muñoz

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1 AMENDMENT TO SENATE BILL 145

2 AMENDMENT NO. _____. Amend Senate Bill 145 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Sections 7-11 and 21-1 as follows:

6 (10 ILCS 5/7-11) (from Ch. 46, par. 7-11)

7 Sec. 7-11. Any candidate for President of the United States
8 may have his name printed upon the primary ballot of his
9 political party by (1) filing in the office of the State Board
10 of Elections not more than 113 and not less than 106 days prior
11 to the date of the general primary, in any year in which a
12 Presidential election is to be held, a petition signed by not
13 less than 3000 or more than 5000 primary electors, members of
14 and affiliated with the party of which he is a candidate and
15 (2) filing in the office of the Secretary of State a copy of
16 the candidate's income tax returns for the 5 previous years,

1 and no candidate for President of the United States, who fails
2 to comply with the provisions of this Article shall have his
3 name printed upon any primary ballot: Provided, however, that
4 if the rules or policies of a national political party conflict
5 with such requirements for filing petitions for President of
6 the United States in a presidential preference primary, the
7 Chair of the State central committee of such national political
8 party shall notify the State Board of Elections in writing,
9 citing by reference the rules or policies of the national
10 political party in conflict, and in such case the Board shall
11 direct such petitions to be filed in accordance with the
12 delegate selection plan adopted by the state central committee
13 of such national political party. Provided, further, unless
14 rules or policies of a national political party otherwise
15 provide, the vote for President of the United States, as herein
16 provided for, shall be for the sole purpose of securing an
17 expression of the sentiment and will of the party voters with
18 respect to candidates for nomination for said office, and the
19 vote of the state at large shall be taken and considered as
20 advisory to the delegates and alternates at large to the
21 national conventions of respective political parties; and the
22 vote of the respective congressional districts shall be taken
23 and considered as advisory to the delegates and alternates of
24 said congressional districts to the national conventions of the
25 respective political parties.

26 (Source: P.A. 100-1027, eff. 1-1-19.)

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

2 Sec. 21-1. Choosing and election of electors of President
3 and Vice-President of the United States shall be in the
4 following manner:

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

16 The filing of such certificate with the Board, of such
17 choosing of electors shall be deemed and taken to be the
18 choosing and selection of the electors of this State, if such
19 party or group is successful at the polls as herein provided in
20 choosing their candidates for President and Vice-President of
21 the United States.

22 (b) The names of the candidates of the several political
23 parties or groups for electors of President and Vice-President
24 shall not be printed on the official ballot to be voted in the
25 election to be held on the day in this Act above named. In lieu

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

1 so certified to the State Board of Elections as herein
2 provided.

3 (b-5) Notwithstanding the provisions of subsection (b) of
4 this Section, no candidate for President or Vice President of
5 the United States shall appear on the official ballot for the
6 general election if that candidate has not released his or her
7 income tax returns for the 5 tax years immediately preceding
8 the year of the general election. The Secretary of State shall
9 certify to the State Board that the income tax returns have
10 been filed in accordance with this subsection (b-5) and shall
11 post the income tax returns on the Secretary of State's
12 website. The Secretary of State shall redact the social
13 security number, address, and telephone number of any
14 individual in an income tax return submitted under this
15 subsection (b-5).The Secretary of State may adopt rules for the
16 implementation of this subsection (b-5).

17 If a candidate for President or Vice President has not
18 filed his or her income tax return with the Internal Revenue
19 Service for the tax year immediately preceding the year of the
20 general election by the time electors have been chosen under
21 subsection (a), then the candidate must submit his or her
22 income tax return to the Secretary of State within 5 days after
23 he or she files the income tax return with the Internal Revenue
24 Service.

25 As used in this subsection (b-5), "income tax return" a tax
26 or information return, declaration of estimated tax, or claim

1 for refund required by, or provided for or permitted under, the
2 Internal Revenue Code and that is filed on behalf of or, with
3 respect to any person, and any amendment or supplement thereto,
4 including supporting schedules, attachments, or lists that are
5 supplemental to, or part of, the return so filed.

6 As used in this subsection (b-5), "released his or her
7 income tax returns" means that the income tax returns for the 5
8 tax years immediately preceding the year of the general
9 election are filed by the candidates for President and Vice
10 President of the United States with the Secretary of State
11 before the filing deadline for the office. The candidates shall
12 file the income tax returns when filing a statement of economic
13 interests.

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

19 (d) Should more than one certificate of choice and
20 selection of electors of the same political party or group be
21 filed by contesting conventions or contesting groups, it shall
22 be the duty of the State Board of Elections within 10 days
23 after the adjournment of the last of such conventions to meet
24 and determine which set of nominees for electors of such party
25 or group was chosen and selected by the authorized convention
26 of such party or group. The Board, after notice to the chair

1 and secretaries or managers of the conventions or groups and
2 after a hearing shall determine which set of electors was so
3 chosen by the authorized convention and shall so announce and
4 publish the fact, and such decision shall be final and the set
5 of electors so determined upon by the electoral board to be so
6 chosen shall be the list or set of electors to be deemed
7 elected if that party shall be successful at the polls, as
8 herein provided.

9 (e) Should a vacancy occur in the choice of an elector in a
10 congressional district, such vacancy may be filled by the
11 executive committee of the party or group for such
12 congressional district, to be certified by such committee to
13 the State Board of Elections. Should a vacancy occur in the
14 office of elector at large, such vacancy shall be filled by the
15 State committee of such political party or group, and certified
16 by it to the State Board of Elections.

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