



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0639

Introduced 2/24/2021, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

New Act

10 ILCS 5/21-1	from Ch. 46, par. 21-1
10 ILCS 5/21-2	from Ch. 46, par. 21-2
10 ILCS 5/21-3	from Ch. 46, par. 21-3
10 ILCS 5/21-4	from Ch. 46, par. 21-4
10 ILCS 5/21-5 rep.	

Creates the Uniform Faithful Presidential Electors Act. Concerning electors for the Electoral College, provides for an alternate elector to fill a vacant position (replacing the procedure currently in the Election Code), including if an elector has marked a ballot in violation of his or her pledge. Requires a political party to submit an elector nominee and an alternate elector nominee to the Secretary of State. Requires an elector nominee and an alternate elector nominee to pledge to vote for the President and Vice President nominees of the party that nominated the elector and alternate elector. Makes conforming changes in the Election Code and provides that an elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge in the Uniform Faithful Presidential Electors Act may not receive an allowance for food and lodging. Effective immediately.

LRB102 15248 SMS 20603 b

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 1. Short title. This Act may be cited as the
5 Uniform Faithful Presidential Electors Act.

6 Section 5. Definitions. As used in this Act:

7 "Cast" means accepted by the Secretary of State in
8 accordance with subsection (b) of Section 30.

9 "Elector" means an individual selected as a presidential
10 elector under Article 21 of the Election Code and this Act.

11 "President" means the President of the United States.

12 "Unaffiliated presidential candidate" means a candidate
13 for President who qualifies for the general election ballot in
14 this State by means other than nomination by a political
15 party.

16 "Vice President" means the Vice President of the United
17 States.

18 Section 10. Designation of State's electors. For each
19 elector position in this State, a political party contesting
20 the position, or an unaffiliated presidential candidate, shall
21 submit to the Secretary of State the names of 2 qualified
22 individuals in accordance with Article 21 of the Election

1 Code. One of the individuals must be designated "elector
2 nominee" and the other "alternate elector nominee". Except as
3 otherwise provided in Sections 20 through 35 of this Act, this
4 State's electors are the winning elector nominees under the
5 laws of this State.

6 Section 15. Pledge. Each elector nominee and alternate
7 elector nominee of a political party shall execute the
8 following pledge: "If selected for the position of elector, I
9 agree to serve and to mark my ballots for President and Vice
10 President for the nominees for those offices of the party that
11 nominated me.". Each elector nominee and alternate elector
12 nominee of an unaffiliated presidential candidate shall
13 execute the following pledge: "If selected for the position of
14 elector as a nominee of an unaffiliated presidential
15 candidate, I agree to serve and to mark my ballots for that
16 candidate and for that candidate's vice-presidential running
17 mate.". The executed pledges must accompany the submission of
18 the corresponding names to the Secretary of State.

19 Section 20. Certification of electors. In submitting this
20 State's certificate of ascertainment as required by 3 U.S.C.
21 6, the Governor shall certify this State's electors and state
22 in the certificate that:

23 (1) the electors will serve as electors unless a
24 vacancy occurs in the office of elector before the end of

1 the meeting at which elector votes are cast, in which case
2 an alternate elector will fill the vacancy; and

3 (2) if an alternate elector is appointed to fill a
4 vacancy, the Governor will submit an amended certificate
5 of ascertainment stating the names on the final list of
6 this State's electors.

7 Section 25. Presiding officer; elector vacancy.

8 (a) The Secretary of State shall preside at the meeting of
9 electors described in Section 30.

10 (b) The position of an elector not present to vote is
11 vacant. The Secretary of State shall appoint an individual as
12 an alternate elector to fill a vacancy as follows:

13 (1) if the alternate elector is present to vote, by
14 appointing the alternate elector for the vacant position;

15 (2) if the alternate elector for the vacant position
16 is not present to vote, by appointing an elector chosen by
17 lot from among the alternate electors present to vote who
18 were nominated by the same political party or unaffiliated
19 presidential candidate;

20 (3) if the number of alternate electors present to
21 vote is insufficient to fill any vacant position pursuant
22 to paragraphs (1) and (2), by appointing any immediately
23 available individual who is qualified to serve as an
24 elector and chosen through nomination by and plurality
25 vote of the remaining electors, including nomination and

1 vote by a single elector if only one remains;

2 (4) if there is a tie between at least 2 nominees for
3 alternate elector in a vote conducted under paragraph (3),
4 by appointing an elector chosen by lot from among those
5 nominees; or

6 (5) if all elector positions are vacant and cannot be
7 filled pursuant to paragraphs (1) through (4), by
8 appointing a single presidential elector, with remaining
9 vacant positions to be filled under paragraph (3) and, if
10 necessary, paragraph (4).

11 (c) To qualify as an alternate elector under subsection
12 (b) of this Section, an individual who has not executed the
13 pledge required under Section 15 shall execute the following
14 pledge: "I agree to serve and to mark my ballots for President
15 and Vice President consistent with the pledge of the
16 individual to whose elector position I have succeeded."

17 Section 30. Elector voting.

18 (a) At the time designated for elector voting and after
19 all vacant positions have been filled under Section 25, the
20 Secretary of State shall provide each elector with a
21 presidential and a vice-presidential ballot. The elector shall
22 mark the elector's presidential and vice-presidential ballots
23 with the elector's votes for the offices of President and Vice
24 President, respectively, along with the elector's signature
25 and the elector's legibly printed name.

1 (b) Except as otherwise provided by law of this State
2 other than this Act, each elector shall present both completed
3 ballots to the Secretary of State, who shall examine the
4 ballots and accept as cast all ballots of electors whose votes
5 are consistent with their pledges executed under Section 15 or
6 subsection (c) of Section 25. Except as otherwise provided by
7 law of this State other than this Act, the Secretary of State
8 may not accept and may not count either an elector's
9 presidential or vice-presidential ballot if the elector has
10 not marked both ballots or has marked a ballot in violation of
11 the elector's pledge.

12 (c) An elector who refuses to present a ballot, presents
13 an unmarked ballot, or presents a ballot marked in violation
14 of the elector's pledge executed under Section 15 or
15 subsection (c) of Section 25 vacates the office of elector,
16 creating a vacant position to be filled under Section 25.

17 (d) The Secretary of State shall distribute ballots to and
18 collect ballots from an alternate elector and repeat the
19 process under this Section of examining ballots, declaring and
20 filling vacant positions as required, and recording
21 appropriately completed ballots from the alternate electors,
22 until all of this State's electoral votes have been cast and
23 recorded.

24 Section 35. Elector replacement; associated certificates.

25 (a) After the vote of this State's electors is completed,

1 if the final list of electors differs from any list that the
2 Governor previously included on a certificate of ascertainment
3 prepared and transmitted under 3 U.S.C. 6, the Secretary of
4 State immediately shall prepare an amended certificate of
5 ascertainment and transmit it to the Governor for the
6 Governor's signature.

7 (b) The Governor immediately shall deliver the signed
8 amended certificate of ascertainment to the Secretary of State
9 and a signed duplicate original of the amended certificate of
10 ascertainment to all individuals entitled to receive this
11 State's certificate of ascertainment, indicating that the
12 amended certificate of ascertainment is to be substituted for
13 the certificate of ascertainment previously submitted.

14 (c) The Secretary of State shall prepare a certificate of
15 vote. The electors on the final list shall sign the
16 certificate of vote. The Secretary of State shall process and
17 transmit the signed certificate of vote with the amended
18 certificate of ascertainment under 3 U.S.C. Sections 9, 10,
19 and 11.

20 Section 40. Uniformity of application and construction. In
21 applying and construing this uniform Act, consideration must
22 be given to the need to promote uniformity of the law with
23 respect to its subject matter among states that enact it.

24 Section 100. The Election Code is amended by changing

1 Sections 21-1, 21-2, 21-3 and 21-4 as follows:

2 (10 ILCS 5/21-1) (from Ch. 46, par. 21-1)

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

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

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

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

1 State Board of Elections as herein provided. Voting by means
2 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
6 them, but instead to the Presidential vote, as a vote for the
7 entire list or set of electors and alternate electors chosen
8 by that political party or group so certified to the State
9 Board of Elections as herein provided.

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

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

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

8 ~~(e) Should a vacancy occur in the choice of an elector in a~~
9 ~~congressional district, such vacancy may be filled by the~~
10 ~~executive committee of the party or group for such~~
11 ~~congressional district, to be certified by such committee to~~
12 ~~the State Board of Elections.~~ Should a vacancy occur in the
13 office of elector ~~at large~~, such vacancy shall be filled in
14 accordance with Section 25 of the Uniform Faithful
15 Presidential Electors Act. ~~by the State committee of such~~
16 ~~political party or group, and certified by it to the State~~
17 ~~Board of Elections.~~

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

19 (10 ILCS 5/21-2) (from Ch. 46, par. 21-2)

20 Sec. 21-2. The county clerks of the several counties
21 shall, within 21 days next after holding the election named in
22 subsection (1) of Section 2A-1.2 and Section 2A-2, make 2
23 copies of the abstract of the votes cast for electors and
24 alternate electors by each political party or group, as
25 indicated by the voter, as aforesaid, by a cross in the square

1 to the left of the bracket aforesaid, or as indicated by a
2 cross in the appropriate place preceding the appellation or
3 title of the particular political party or group, and transmit
4 by mail one of the copies to the office of the State Board of
5 Elections and retain the other in his office, to be sent for by
6 the electoral board in case the other should be mislaid.
7 Within 31 days after the holding of such election, and sooner
8 if all the returns are received by the State Board of
9 Elections, the State Board of Elections shall proceed to open
10 and canvass said election returns and to declare which set of
11 candidates for President and Vice-President received, as
12 aforesaid, the highest number of votes cast at such election
13 as aforesaid; and the electors and alternate electors of that
14 party whose candidates for President and Vice-President
15 received the highest number of votes so cast shall be taken and
16 deemed to be elected as electors and alternate electors of
17 President and Vice-President, but should 2 or more sets of
18 candidates for President and Vice-President be returned with
19 an equal and the highest vote, the State Board of Elections
20 shall cause a notice of the same to be published, which notice
21 shall name some day and place, not less than 5 days from the
22 time of such publication of such notice, upon which the State
23 Board of Elections will decide by lot which of the sets of
24 candidates for President and Vice-President so equal and
25 highest shall be declared to be highest. And upon the day and
26 at the place so appointed in the notice, the board shall so

1 decide by lot and declare which is deemed highest of the sets
2 of candidates for President and Vice-President so equal and
3 highest, thereby determining only that the electors and
4 alternate electors chosen as aforesaid by such candidates'
5 party or group are thereby elected by general ticket to be such
6 electors and alternate electors.

7 (Source: P.A. 100-863, eff. 8-14-18.)

8 (10 ILCS 5/21-3) (from Ch. 46, par. 21-3)

9 Sec. 21-3. Within five days after the votes shall have
10 been canvassed and the results declared or the result declared
11 by lot as provided for in Section 21-2 above, the Governor
12 shall cause the result of said election to be published, and
13 shall proclaim the persons electors and alternate electors of
14 President and Vice-President so chosen composing the list so
15 elected, by transmitting by mail to the several persons so
16 chosen and composing the list or set elected, electors of
17 President and Vice-President certificates in triplicate, under
18 the Seal of State of their appointment, and shall also
19 transmit under the Seal of State to the Secretary of State of
20 the United States the certificate of the election of said
21 electors and alternate electors as required by the laws of
22 Congress.

23 (Source: Laws 1943, vol. 2, p. 1.)

24 (10 ILCS 5/21-4) (from Ch. 46, par. 21-4)

1 Sec. 21-4. Presidential electors; meeting; allowance. The
2 electors and alternate electors, elected under this Article,
3 shall meet at the office of the Secretary of State in a room to
4 be designated by the Secretary in the Capitol at Springfield
5 in this State, at the time appointed by the laws of the United
6 States at the hour of ten o'clock in the forenoon of that day,
7 and give their votes for President and for Vice-President of
8 the United States, in the manner provided by the Uniform
9 Faithful Presidential Electors Act ~~in this Article~~, and
10 perform such duties as are or may be required by law. Each
11 elector and alternate elector shall receive an allowance for
12 food and lodging equal to the amount per day permitted to be
13 deducted for such expenses under the Internal Revenue Code,
14 plus a mileage allowance at the rate in effect under
15 regulations promulgated pursuant to 5 U.S.C. 5707(b)(2) for
16 the number of highway miles necessarily and conveniently
17 traveled, for going to the seat of government to give his or
18 her vote and returning to his or her residence and otherwise
19 performing the official duties of an elector and alternate
20 elector, to be paid on the warrant of the State Comptroller,
21 out of any money in the treasury not otherwise appropriated,
22 and any person appointed ~~by the electors assembled~~ to fill a
23 vacancy shall also receive the allowances provided for
24 electors appointed. However, an elector who refuses to present
25 a ballot, presents an unmarked ballot, or presents a ballot
26 marked in violation of the elector's pledge in the Uniform

1 Faithful Presidential Electors Act may not receive an
2 allowance for food and lodging.

3 (Source: P.A. 92-359, eff. 1-1-02.)

4 (10 ILCS 5/21-5 rep.)

5 Section 105. The Election Code is amended by repealing
6 Section 21-5.

7 Section 999. Effective date. This Act takes effect upon
8 becoming law.