



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB3080

Introduced 12/16/2008, by Sen. Christine Radogno - Frank C. Watson - John J. Millner - Chris Lauzen and All Republican Senators

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1	from Ch. 46, par. 2A-1
10 ILCS 5/16-12 new	
10 ILCS 5/19A-15	
10 ILCS 5/24A-23 new	
10 ILCS 5/24B-21 new	
10 ILCS 5/24C-20 new	
10 ILCS 5/25-9 new	

Amends the Election Code. Provides for special primaries and elections to fill vacancies following the 2008 general election and occurring on or before January 1, 2009 in the office of United States Senator or office of Representative in Congress. Makes implementing and conforming changes. These provisions are repealed on January 1, 2010. Effective immediately.

LRB095 23190 JAM 53841 b

FISCAL NOTE ACT  
MAY APPLY

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  
5 Sections 2A-1 and 19A-15 and by adding Sections 16-12, 24A-23,  
6 24B-21, 24C-20, and 25-9 as follows:

7 (10 ILCS 5/2A-1) (from Ch. 46, par. 2A-1)

8 (Text of Section WITH the changes made by P.A. 89-719,  
9 which has been held unconstitutional)

10 Sec. 2A-1. All Elections - Governed by this Code -  
11 Construction of Article 2A.

12 (a) No public question may be submitted to any voters in  
13 this State, nor may any person be nominated for public office  
14 or elected to public or political party office in this State  
15 except pursuant to this Code, notwithstanding the provisions of  
16 any other statute or municipal charter. However, this Code  
17 shall not apply to elections for officers or public questions  
18 of local school councils established pursuant to Chapter 34 of  
19 the School Code, soil and water conservation districts or  
20 drainage districts, except as specifically made applicable by  
21 another statute.

22 (b) All elections in this State shall be held in accordance  
23 with the consolidated schedule of elections established in

1 Sections 2A-1.1 and 2A-1.2. No election may be held on any date  
2 other than a date on which an election is scheduled under  
3 Section 2A-1.1, except special primaries and special elections  
4 pursuant to Section 25-9, special elections to fill  
5 congressional vacancies held pursuant to writs of election  
6 issued by the Governor, judicial elections to fill vacancies in  
7 the office of Supreme Court Judge held pursuant to writs of  
8 election issued by the Governor under subsection (a-5) of  
9 Section 2A-9, township referenda and votes of the town electors  
10 held at the annual town meeting, emergency referenda approved  
11 pursuant to Section 2A-1.4, special elections held between  
12 January 1, 1995 and July 1, 1995 under Section 34-53 of the  
13 School Code, and city, village or incorporated town primary  
14 elections in even-numbered years expressly authorized in this  
15 Article to provide for annual partisan elections.

16 (c) At the respective elections established in Section  
17 2A-1.1, candidates shall be elected to office, nominated for  
18 election thereto or placed on the ballot as otherwise required  
19 by this Code, and public questions may be submitted, as  
20 specified in Section 2A-1.2.

21 (d) If the requirements of Section 2A-1.2 conflict with any  
22 specific provision of Sections 2A-2 through 2A-54, as applied  
23 to any office or election, the requirements of Section 2A-1.2  
24 prevail, and shall be enforced by the State Board of Elections.

25 (e) In the event any court of competent jurisdiction  
26 declares an election void, the court may order another election

1 without regard to the schedule of elections set forth in this  
2 Article.

3 (Source: P.A. 89-719, eff. 3-7-97.)

4 (Text of Section WITHOUT the changes made by P.A. 89-719,  
5 which has been held unconstitutional)

6 Sec. 2A-1. All Elections - Governed by this Code -  
7 Construction of Article 2A.

8 (a) No public question may be submitted to any voters in  
9 this State, nor may any person be nominated for public office  
10 or elected to public or political party office in this State  
11 except pursuant to this Code, notwithstanding the provisions of  
12 any other statute or municipal charter. However, this Code  
13 shall not apply to elections for officers or public questions  
14 of local school councils established pursuant to Chapter 34 of  
15 the School Code, soil and water conservation districts or  
16 drainage districts, except as specifically made applicable by  
17 another statute.

18 (b) All elections in this State shall be held in accordance  
19 with the consolidated schedule of elections established in  
20 Sections 2A-1.1 and 2A-1.2. No election may be held on any date  
21 other than a date on which an election is scheduled under  
22 Section 2A-1.1, except special primaries and special elections  
23 pursuant to Section 25-9, special elections to fill  
24 congressional vacancies held pursuant to writs of election  
25 issued by the Governor, township referenda and votes of the

1 town electors held at the annual town meeting, emergency  
2 referenda approved pursuant to Section 2A-1.4, special  
3 elections held between January 1, 1995 and July 1, 1995 under  
4 Section 34-53 of the School Code, and city, village or  
5 incorporated town primary elections in even-numbered years  
6 expressly authorized in this Article to provide for annual  
7 partisan elections.

8 (c) At the respective elections established in Section  
9 2A-1.1, candidates shall be elected to office, nominated for  
10 election thereto or placed on the ballot as otherwise required  
11 by this Code, and public questions may be submitted, as  
12 specified in Section 2A-1.2.

13 (d) If the requirements of Section 2A-1.2 conflict with any  
14 specific provision of Sections 2A-2 through 2A-54, as applied  
15 to any office or election, the requirements of Section 2A-1.2  
16 prevail, and shall be enforced by the State Board of Elections.

17 (e) In the event any court of competent jurisdiction  
18 declares an election void, the court may order another election  
19 without regard to the schedule of elections set forth in this  
20 Article.

21 (Source: P.A. 88-511.)

22 (10 ILCS 5/16-12 new)

23 Sec. 16-12. Separate ballots for 2009 special primary and  
24 special election. Notwithstanding any other provision of this  
25 Code, an election authority may prepare and use ballots for the

1 special primary and special election conducted pursuant to  
2 Section 25-9 that are separate from the 2009 consolidated  
3 primary and consolidated election ballots. This Section is  
4 repealed on January 1, 2010.

5 (10 ILCS 5/19A-15)

6 Sec. 19A-15. Period for early voting; hours.

7 (a) The period for early voting by personal appearance  
8 begins the 22nd day preceding a general primary, consolidated  
9 primary, consolidated, or general election, a special primary  
10 conducted pursuant to Section 25-9, or a special election  
11 conducted pursuant to Section 25-9 and extends through the 5th  
12 day before election day.

13 (b) A permanent polling place for early voting must remain  
14 open during the hours of 8:30 a.m. to 4:30 p.m., or 9:00 a.m.  
15 to 5:00 p.m., on weekdays and 9:00 a.m. to 12:00 p.m. on  
16 Saturdays, Sundays, and holidays.

17 (Source: P.A. 94-645, eff. 8-22-05.)

18 (10 ILCS 5/24A-23 new)

19 Sec. 24A-23. Separate ballot cards for 2009 special primary  
20 and special election. Notwithstanding any other provision of  
21 this Code, an election authority may prepare and use ballot  
22 cards for the special primary and special election conducted  
23 pursuant to Section 25-9 that are separate from the 2009  
24 consolidated primary and consolidated election ballot cards.

1 This Section is repealed on January 1, 2010.

2 (10 ILCS 5/24B-21 new)

3 Sec. 24B-21. Separate ballot sheets for 2009 special  
4 primary and special election. Notwithstanding any other  
5 provision of this Code, an election authority may prepare and  
6 use ballot sheets for the special primary and special election  
7 conducted pursuant to Section 25-9 that are separate from the  
8 2009 consolidated primary and consolidated election ballot  
9 sheets. This Section is repealed on January 1, 2010.

10 (10 ILCS 5/24C-20 new)

11 Sec. 24C-20. Separate ballot screens for 2009 special  
12 primary and special election. Notwithstanding any other  
13 provision of this Code, an election authority may prepare and  
14 use ballot screens for the special primary and special election  
15 conducted pursuant to Section 25-9 that are separate from the  
16 2009 consolidated primary and consolidated election ballot  
17 screens. This Section is repealed on January 1, 2010.

18 (10 ILCS 5/25-9 new)

19 Sec. 25-9. Special provisions for filling a vacancy in the  
20 office of U. S. Senator or Representative.

21 (a) Notwithstanding any other provision of this Code, each  
22 vacancy following the 2008 general election and occurring on or  
23 before January 1, 2009 in the office of United States Senator

1 or office of Representative in Congress must be filled in  
2 accordance with the provisions of this Section. Any temporary  
3 appointment made pursuant to Section 25-8 shall expire upon  
4 certification of the results of any special election conducted  
5 pursuant to this Section.

6 (b) If and only if this amendatory Act of the 95th General  
7 Assembly takes effect on or before January 1, 2009, each  
8 vacancy in the office of United States Senator occurring on or  
9 before January 1, 2009 shall be filled by the people at a  
10 special election to be held on the same day as the next  
11 consolidated election. Candidates of established political  
12 parties shall be nominated for the office to be filled by  
13 special election at a primary election to be held on the same  
14 day as the next consolidated primary election.

15 (c) If and only if this amendatory Act of the 95th General  
16 Assembly takes effect on or after January 2, 2009, each vacancy  
17 in the office of United States Senator occurring on or before  
18 January 1, 2009 shall be filled by the people at a special  
19 election to be held on May 26, 2009. Candidates of established  
20 political parties shall be nominated for the office to be  
21 filled by special election at a special primary election to be  
22 held on the same day as the consolidated election held on April  
23 7, 2009.

24 (d) If and only if this amendatory Act of the 95th General  
25 Assembly takes effect on or before January 1, 2009, each  
26 vacancy in the office of Representative in Congress occurring



1 on or before January 1, 2009 shall be filled by the people at a  
2 special election to be held on the same day as the next  
3 consolidated election. Candidates of established political  
4 parties shall be nominated for the office to be filled by  
5 special election at a primary election to be held on the same  
6 day as the next consolidated primary election.

7 (e) If and only if this amendatory Act of the 95th General  
8 Assembly takes effect on or after January 2, 2009, each vacancy  
9 in the office of Representative in Congress occurring on or  
10 before January 1, 2009 shall be filled by the people at a  
11 special election to be held on May 26, 2009. Candidates of  
12 established political parties shall be nominated for the office  
13 to be filled by special election at a special primary election  
14 to be held on the same day as the consolidated election held on  
15 April 7, 2009.

16 (f) Within 5 days after the effective date of this  
17 amendatory Act of the 95th General Assembly for vacancies  
18 existing on that effective date or within 5 days after the  
19 vacancy for vacancies occurring after that effective date, the  
20 Governor must issue any writs of election necessary to carry  
21 out the provisions of this Section. If the Governor fails to  
22 issue any such writs within the 5-day period, then the  
23 Lieutenant Governor shall issue those writs within 3 days after  
24 the end of that 5-day period.

25 (g) If this Section requires that a special primary be  
26 conducted at the 2009 consolidated primary within a

1 municipality that by law is permitted to not conduct a  
2 consolidated primary, then the special primary required by this  
3 Section must nonetheless be conducted in that municipality on  
4 the day specified by this Code for the consolidated primary.

5 (h) The State Board of Elections shall by emergency rule  
6 establish the time periods with respect to special primaries  
7 and special elections required under this Section for (i)  
8 circulation and filing of nominating petitions, (ii) filing,  
9 hearing, and determination of objections, (iii) certification  
10 of candidates, (iv) notification to qualified electors, (v)  
11 absentee voting, (vi) canvassing of votes, (vii) declaration of  
12 results, and (viii) any other activity required for the conduct  
13 of the special primary or special election.

14 (i) This Section is repealed on January 1, 2010.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.