



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2261

Introduced 2/18/2009, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-2	from Ch. 46, par. 1A-2
10 ILCS 5/1A-3	from Ch. 46, par. 1A-3
10 ILCS 5/1A-3.1	from Ch. 46, par. 1A-3.1
10 ILCS 5/1A-4	from Ch. 46, par. 1A-4
10 ILCS 5/1A-7	from Ch. 46, par. 1A-7

Amends the Election Code. Adds 3 members to the State Board of Elections, to be appointed from political parties other than the 2 parties whose gubernatorial nominees received the highest and second highest number of votes in the most recent general election. Effective immediately.

LRB096 10106 JAM 20272 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 5. The Election Code is amended by changing
5 Sections 1A-2, 1A-3, 1A-3.1, 1A-4, and 1A-7 as follows:

6 (10 ILCS 5/1A-2) (from Ch. 46, par. 1A-2)

7 Sec. 1A-2. The State Board of Elections shall consist of 11
8 ~~8~~ members, 6 ~~4~~ of whom shall be residents of Cook County and 5 ~~4~~
9 of whom shall be residents of the State outside of Cook County.
10 Of the 6 ~~4~~ members from Cook County ~~each area of required~~
11 ~~residence~~, (i) 2 shall be affiliated with the same political
12 party as the Governor, (ii) ~~and~~ 2 shall be affiliated with the
13 political party whose nominee for Governor in the most recent
14 general election received the second highest number of votes,
15 and (iii) 2 shall be affiliated with a political party or
16 parties different than those represented by (i) and (ii). Of
17 the members from outside Cook County, (i) 2 shall be affiliated
18 with the same political party as the Governor, (ii) 2 shall be
19 affiliated with the political party whose nominee for Governor
20 in the most recent general election received the second highest
21 number of votes, and (iii) one shall be affiliated with a
22 political party different from those represented by (i) and
23 (ii). Members shall be persons who have extensive knowledge of

1 the election laws of this State.

2 (Source: P.A. 80-1178.)

3 (10 ILCS 5/1A-3) (from Ch. 46, par. 1A-3)

4 Sec. 1A-3. Subject to the confirmation requirements of
5 Section 1A-4 and except as otherwise provided in this Section,
6 ~~4~~ members of the State Board of Elections shall be appointed in
7 each odd-numbered year as follows:

8 (1) The Governor shall appoint 2 members of the same
9 political party with which he is affiliated, one from each area
10 of required residence.

11 (2) The Governor shall appoint 2 members of the political
12 party whose candidate for Governor in the most recent general
13 election received the second highest number of votes, one from
14 each area of required residence, from a list of nominees
15 submitted by the first state executive officer in the order
16 indicated herein affiliated with such political party:
17 Attorney General, Secretary of State, Comptroller, and
18 Treasurer. ~~If none of the State executive officers listed~~
19 ~~herein is affiliated with such political party, the nominating~~
20 ~~State officer shall be the first State executive officer in the~~
21 ~~order indicated herein affiliated with an established~~
22 ~~political party other than that of the Governor.~~

23 (2.5) Depending upon the number to be appointed, the
24 Governor shall appoint one or 2 members representing political
25 parties whose nominees for Governor did not receive the first

1 or second highest number of votes, abiding by the residence
2 requirement, from lists of nominees submitted by each of the
3 first State executive officers in the order indicated in this
4 paragraph affiliated with the political parties whose nominees
5 for Governor at the most recent general election received at
6 least 5%, but not the first or second highest number, of the
7 votes: Attorney General, Secretary of State, Comptroller, and
8 Treasurer.

9 (3) Each ~~The~~ nominating state officer shall submit in
10 writing to the Governor 3 names of qualified persons for each
11 membership on the Board of Election to be appointed from the
12 political party of that officer. The Governor may reject any or
13 all of the nominees on any such list and may request an
14 additional list. The second list shall be submitted by the
15 nominating officer and shall contain 3 new names of qualified
16 persons for each remaining appointment, except that if the
17 Governor expressly reserves any nominee's name from the first
18 list, that nominee shall not be replaced on the second list.
19 The second list shall be final.

20 (4) Whenever there is no State executive officer designated
21 in paragraph (2) or (2.5) affiliated with the political party
22 eligible for representation on the Board under that paragraph,
23 the member or members ~~all the state executive officers~~
24 ~~designated in paragraph (2) are affiliated with the same~~
25 ~~political party as that of the Governor, all 4 members of the~~
26 ~~Board to be appointed that year, from both designated political~~

1 ~~parties,~~ shall be appointed by the Governor without
2 nominations.

3 (5) The Governor shall submit in writing to the President
4 of the Senate the name of each person appointed to the State
5 Board of Elections, and shall designate the term for which the
6 appointment is made and, except in the case of the initial 3
7 additional members appointed pursuant to paragraph (2.5), the
8 name of the member whom the appointee is to succeed.

9 (6) The appointments shall be made and submitted by the
10 Governor no later than April 1 and a nominating state officer
11 required to submit a list of nominees to the Governor pursuant
12 to paragraph (3) shall submit a list no later than March 1.

13 (7) The initial 3 additional members required by this
14 amendatory Act of the 96th General Assembly shall be appointed
15 by the Governor within 90 days after the effective date of the
16 amendatory Act from lists of nominees that shall be submitted
17 to the Governor as provided in paragraph (3) within 45 days
18 after the effective date of the amendatory Act. If the Senate
19 is in recess at the time of appointment, then the appointees
20 shall serve temporarily until the Senate acts upon those
21 appointments ~~In the appointment of the initial members of the~~
22 ~~Board pursuant to this amendatory Act of 1978, the provisions~~
23 ~~of paragraphs (1), (2), (3), (5) and (6) of this Section shall~~
24 ~~apply except that the Governor shall appoint all 8 members, 2~~
25 ~~from each of the designated political parties from each area of~~
26 ~~required residence.~~

1 (Source: P.A. 85-958.)

2 (10 ILCS 5/1A-3.1) (from Ch. 46, par. 1A-3.1)

3 Sec. 1A-3.1. Terms.

4 ~~Of the members initially appointed to the State Board of~~
5 ~~Elections pursuant to this amendatory Act of 1978, one member~~
6 ~~affiliated with each political party from each area of required~~
7 ~~residence shall serve a term commencing July 1, 1978 and ending~~
8 ~~June 30, 1979, and the other initial members shall serve terms~~
9 ~~commencing July 1, 1978 and ending June 30, 1981.~~

10 (a) Notwithstanding any provision in this Section to the
11 contrary, the term of office of each member of the State Board
12 of Elections is abolished on the effective date of this
13 amendatory Act of 1985. Subject to the confirmation
14 requirements of Section 1A-4, 8 members of the State Board of
15 Elections shall be appointed in accordance with the provisions
16 of Section 1A-3, except that the Governor shall appoint 4
17 members of the same political party with which he is affiliated
18 and 4 members of the political party whose candidate for
19 Governor in the most recent general election received the
20 second highest number of votes and except that a nominating
21 State officer shall submit to the Governor his required list of
22 nominees within 15 days after the current terms of office are
23 abolished and the Governor shall make appointments within 30
24 days after the current terms of office are abolished. Of the
25 members initially appointed to the State Board of Elections

1 pursuant to this amendatory Act of 1985, one member affiliated
2 with each political party for each area of required residence
3 shall serve a term commencing July 1, 1985, and ending July 1,
4 1987, and the other initial members shall serve terms
5 commencing July 1, 1985, and ending July 1, 1989.

6 (b) Of the initial members appointed under paragraph (2.5)
7 of Section 3, one member shall serve a one-year term and 2
8 shall serve 2-year terms as determined by lot, all terms
9 commencing on July 1, 2009 regardless of the date of actual
10 appointment.

11 (c) The terms of subsequent members of the State Board of
12 Elections shall be 4 years commencing on July 1 of the year in
13 which the appointments are made.

14 A member shall serve until his successor is duly appointed
15 and has qualified. No appointee shall enter upon the duties of
16 his office until all members required to be appointed in that
17 year have been confirmed by the Senate by record vote pursuant
18 to Section 1A-4.

19 (Source: P.A. 84-115.)

20 (10 ILCS 5/1A-4) (from Ch. 46, par. 1A-4)

21 Sec. 1A-4. All appointments of members to the State Board
22 of Elections shall be subject to the advice and consent of the
23 Senate pursuant to this Section. Appointments by the Governor
24 pursuant to paragraphs (1), (2), (2.5), and (7) of Section 1A-3
25 shall require the advice and consent of a 3/5 vote of the

1 members elected to the Senate. Appointments by the Governor
2 pursuant to paragraph (4) of Section 1A-3 shall require the
3 advice and consent of a 2/3 vote of the members elected to the
4 Senate.

5 The Senate shall confirm or reject appointments within 30
6 session days or 60 calendar days after they are submitted by
7 the Governor, whichever occurs first. Except in the case of
8 appointments to fill vacancies, the confirmation time period
9 specified in this Section shall not commence until all
10 appointments required to be made in that year have been
11 submitted by the Governor.

12 (Source: P.A. 80-1178.)

13 (10 ILCS 5/1A-7) (from Ch. 46, par. 1A-7)

14 Sec. 1A-7. The State Board of Elections shall meet at such
15 time or times as the chairman or any 6 ~~4~~ members shall direct,
16 but at least once per month. ~~Six~~ Five members of the Board are
17 necessary to constitute a quorum and 6 ~~5~~ votes are necessary
18 for any action of the Board to become effective, including the
19 appointment of the executive director, the employment of
20 technical consultants and the employment of other persons.

21 If a quorum is present at a meeting of the Board, one of
22 the members present may vote for the absent member pursuant to
23 a written proxy signed by the absent member. A member voting by
24 proxy who is not in attendance may not be counted towards the
25 presence of a quorum.

1 (Source: P.A. 80-1178.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.