

HB3554



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3554

Introduced 2/24/2009, by Rep. Tom Cross - Dave Winters

SYNOPSIS AS INTRODUCED:

10 ILCS 5/25-6

from Ch. 46, par. 25-6

Amends the Election Code. Makes a technical change in a Section concerning vacancies in the General Assembly.

LRB096 10430 JAM 20602 b

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 25-6 as follows:

6 (10 ILCS 5/25-6) (from Ch. 46, par. 25-6)

7 Sec. 25-6. (a) When a vacancy occurs in the ~~the~~ office of
8 State Senator or Representative in the General Assembly, the
9 vacancy shall be filled within 30 days by appointment of the
10 legislative or representative committee of that legislative or
11 representative district of the political party of which the
12 incumbent was a candidate at the time of his election. The
13 appointee shall be a member of the same political party as the
14 person he succeeds was at the time of his election, and shall
15 be otherwise eligible to serve as a member of the General
16 Assembly. The appropriate legislative or representative
17 committee shall declare that a vacancy exists and notification
18 thereof shall be given to the State Board of Elections, the
19 Secretary of State, and the Clerk of the House of
20 Representatives or the Secretary of the Senate, whichever is
21 appropriate, within 3 days of the occurrence of the vacancy.

22 (b) When a vacancy occurs in the office of a legislator
23 elected other than as a candidate of a political party, the

1 vacancy shall be filled within 30 days of such occurrence by
2 appointment of the Governor. The appointee shall not be a
3 member of a political party, and shall be otherwise eligible to
4 serve as a member of the General Assembly. Provided, however,
5 the appropriate body of the General Assembly may, by
6 resolution, allow a legislator elected other than as a
7 candidate of a political party to affiliate with a political
8 party for his term of office in the General Assembly. A vacancy
9 occurring in the office of any such legislator who affiliates
10 with a political party pursuant to resolution shall be filled
11 within 30 days of such occurrence by appointment of the
12 appropriate legislative or representative committee of that
13 legislative or representative district of the political party
14 with which the legislator so affiliates. The appointee shall be
15 a member of the political party with which the incumbent
16 affiliated.

17 (c) For purposes of this Section, a person is a member of a
18 political party for 23 months after (i) signing a candidate
19 petition, as to the political party whose nomination is sought;
20 (ii) signing a statement of candidacy, as to the political
21 party where nomination or election is sought; (iii) signing a
22 Petition of Political Party Formation, as to the proposed
23 political party; (iv) applying for and receiving a primary
24 ballot, as to the political party whose ballot is received; or
25 (v) becoming a candidate for election to or accepting
26 appointment to the office of ward, township, precinct or state

1 central committeeman.

2 (d) In making appointments under this Section, each
3 committeeman of the appropriate legislative or representative
4 committee shall be entitled to one vote for each vote that was
5 received, in that portion of the legislative or representative
6 district which he represents on the committee, by the Senator
7 or Representative whose seat is vacant at the general election
8 at which that legislator was elected to the seat which has been
9 vacated and a majority of the total number of votes received in
10 such election by the Senator or Representative whose seat is
11 vacant is required for the appointment of his successor;
12 provided, however, that in making appointments in legislative
13 or representative districts comprising only one county or part
14 of a county other than a county containing 2,000,000 or more
15 inhabitants, each committeeman shall be entitled to cast only
16 one vote.

17 (e) Appointments made under this Section shall be in
18 writing and shall be signed by members of the legislative or
19 representative committee whose total votes are sufficient to
20 make the appointments or by the Governor, as the case may be.
21 Such appointments shall be filed with the Secretary of State
22 and with the Clerk of the House of Representatives or the
23 Secretary of the Senate, whichever is appropriate.

24 (f) An appointment made under this Section shall be for the
25 remainder of the term, except that, if the appointment is to
26 fill a vacancy in the office of State Senator and the vacancy

1 occurs with more than 28 months remaining in the term, the term
2 of the appointment shall expire at the time of the next general
3 election at which time a Senator shall be elected for a new
4 term commencing on the determination of the results of the
5 election and ending on the second Wednesday of January in the
6 second odd-numbered year next occurring. Whenever a Senator has
7 been appointed to fill a vacancy and was thereafter elected to
8 that office, the term of service under the authority of the
9 election shall be considered a new term of service, separate
10 from the term of service rendered under the authority of the
11 appointment.

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