



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3793

Introduced 2/25/2009, by Rep. Julie Hamos - Paul D. Froehlich - Mike Boland - Harry Osterman - Sidney H. Mathias, et al.

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1  
10 ILCS 5/25-8

from Ch. 46, par. 2A-1  
from Ch. 46, par. 25-8

Amends the Election Code. When a vacancy occurs in the office of U.S. Senator, requires that: (i) the Governor make a temporary appointment and the office be filled at the next general election at which that office is scheduled to be filled, if the vacancy occurs less than one year before that election, and (ii) the vacancy be filled by the Governor by temporary appointment and at a special election, designated by the Governor, if the vacancy occurs one year or more before the next general election at which that office is scheduled to be filled. Requires the State to reimburse each election authority for costs associated with any special election held before January 1, 2011 to fill a vacancy in the office of U.S. Senator. Effective immediately.

LRB096 11664 JAM 22271 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 25-8 as follows:

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

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

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

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

21 (b) All elections in this State shall be held in accordance  
22 with the consolidated schedule of elections established in  
23 Sections 2A-1.1 and 2A-1.2. No election may be held on any date

1 other than a date on which an election is scheduled under  
2 Section 2A-1.1, except special elections to fill congressional  
3 vacancies held pursuant to writs of election issued by the  
4 Governor, special elections to fill vacancies in the office of  
5 United States Senator from this State held pursuant to Section  
6 25-8, judicial elections to fill vacancies in the office of  
7 Supreme Court Judge held pursuant to writs of election issued  
8 by the Governor under subsection (a-5) of Section 2A-9,  
9 township referenda and votes of the town electors held at the  
10 annual town meeting, emergency referenda approved pursuant to  
11 Section 2A-1.4, special elections held between January 1, 1995  
12 and July 1, 1995 under Section 34-53 of the School Code, and  
13 city, village or incorporated town primary elections in  
14 even-numbered years expressly authorized in this Article to  
15 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 elections to fill congressional  
23 vacancies held pursuant to writs of election issued by the  
24 Governor, special elections to fill vacancies in the office of  
25 United States Senator from this State held pursuant to Section

1 25-8, township referenda and votes of the town electors held at  
2 the annual town meeting, emergency referenda approved pursuant  
3 to Section 2A-1.4, special elections held between January 1,  
4 1995 and July 1, 1995 under Section 34-53 of the School Code,  
5 and city, village or incorporated town primary elections in  
6 even-numbered years expressly authorized in this Article to  
7 provide for annual 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 5/25-8) (from Ch. 46, par. 25-8)

23 Sec. 25-8. Vacancy in office of U.S. Senator.

24 (a) When a vacancy shall occur in the office of United  
25 States Senator from this state less than one year before the

1 next regularly scheduled election to fill that office of United  
2 States Senator, the Governor shall make temporary appointment  
3 to fill such vacancy until ~~the next election of representatives~~  
4 ~~in Congress, at which time~~ such vacancy shall be filled by  
5 election at that regularly scheduled election.

6 (b) When a vacancy occurs in the office of United States  
7 Senator from this State one year or more before the next  
8 regularly scheduled election to fill that office of United  
9 States Senator, the office shall remain vacant until it is  
10 filled by election at a special election. Within 5 days after  
11 the vacancy occurs, the Governor, in consultation with the  
12 State Board of Elections, shall issue writs of election to the  
13 State Board of Elections and to the election authorities  
14 throughout the State, designating the dates of the special  
15 primary and special election. The date of the special election  
16 shall be within 115 days after the vacancy occurs. Candidates  
17 for the office of United States Senator shall be nominated by  
18 established political parties at a special primary. The person  
19 elected at the special election shall serve the unexpired  
20 portion of the vacated term of office.

21 The Governor shall fill a vacancy subject to this  
22 subsection by temporary appointment. The person so appointed  
23 shall serve until the person elected at the special election  
24 takes office.

25 (c) The, ~~and the~~ senator ~~so~~ elected pursuant to this  
26 Section shall take office as soon ~~thereafter~~ as he or she shall

1 receive his or her certificate of election.

2 (d) The State shall reimburse each election authority for  
3 the costs associated with any special election held pursuant to  
4 this Section before January 1, 2011.

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

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.