



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3420

by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

10 ILCS 5/25-6

from Ch. 46, par. 25-6

10 ILCS 5/25-6.5 new

Amends the Election Code. Provides that a vacancy in the office of State Senator or Representative in the General Assembly shall be filled at a special election if more than 6 months remain of the term of office and if the annual compensation for that office exceeds \$21,000. Requires that the election be held 2 months after the vacancy occurs and that candidate petitions be filed within 30 days after the vacancy occurs.

LRB100 10482 MLM 20695 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 Section
5 25-6 and by adding Section 25-6.5 as follows:

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

7 Sec. 25-6. (a) (Blank). ~~When a vacancy occurs in the office~~
8 ~~of 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.~~

17 (b) When a vacancy occurs in the office of a legislator
18 elected other than as a candidate of a political party, the
19 vacancy shall be filled within 30 days of such occurrence by
20 appointment of the Governor. The appointee shall not be a
21 member of a political party, and shall be otherwise eligible to
22 serve as a member of the General Assembly. Provided, however,
23 the appropriate body of the General Assembly may, by

1 resolution, allow a legislator elected other than as a
2 candidate of a political party to affiliate with a political
3 party for his term of office in the General Assembly. A vacancy
4 occurring in the office of any such legislator who affiliates
5 with a political party pursuant to resolution shall be filled
6 within 30 days of such occurrence by appointment of the
7 appropriate legislative or representative committee of that
8 legislative or representative district of the political party
9 with which the legislator so affiliates. The appointee shall be
10 a member of the political party with which the incumbent
11 affiliated.

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

23 (d) In making appointments under this Section, each
24 committeeman of the appropriate legislative or representative
25 committee shall be entitled to one vote for each vote that was
26 received, in that portion of the legislative or representative

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

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

19 (f) An appointment made under this Section shall be for the
20 remainder of the term, except that, if the appointment is to
21 fill a vacancy in the office of State Senator and the vacancy
22 occurs with more than 28 months remaining in the term, the term
23 of the appointment shall expire at the time of the next general
24 election at which time a Senator shall be elected for a new
25 term commencing on the determination of the results of the
26 election and ending on the second Wednesday of January in the

1 second odd-numbered year next occurring. Whenever a Senator has
2 been appointed to fill a vacancy and was thereafter elected to
3 that office, the term of service under the authority of the
4 election shall be considered a new term of service, separate
5 from the term of service rendered under the authority of the
6 appointment.

7 (Source: P.A. 97-81, eff. 7-5-11.)

8 (10 ILCS 5/25-6.5 new)

9 Sec. 25-6.5. Special elections. Notwithstanding any
10 provision of law to the contrary, a vacancy in the office of
11 State Senator or Representative in the General Assembly that
12 occurs more than 6 months before expiration of the term of that
13 office shall be filled at a special election if the annual
14 compensation for that office is more than \$21,000. The special
15 election shall be held 2 months after the date the vacancy
16 occurred. Candidates for the office must file nominating
17 petitions within 30 days after the date the vacancy occurred.
18 The office shall be filled by the candidate who receives the
19 greatest number of votes at the special election. That
20 candidate shall take office as soon as he or she receives
21 certification of the election results and shall serve the
22 remainder of the vacated term.