



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0762

Introduced 2/1/2017, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

10 ILCS 5/21-1	from Ch. 46, par. 21-1
10 ILCS 5/21-4	from Ch. 46, par. 21-4
10 ILCS 5/21-6 new	
10 ILCS 5/21-7 new	

Amends the Election Code. Requires candidates for President of the United States to file with the State Board of Elections federal income tax returns for the 5 most recent tax years prior to the election by August 15 of every presidential election year. Requires the candidate to grant consent for the Board to publish the tax returns. Requires the Board to issue a certificate of compliance upon a timely filing to acknowledge receipt of the returns. Requires the Board to publish the returns for certain periods of time, with certain information redacted. Provides that any vote by an elector from the State Electoral College for a candidate that has not received a certificate of compliance is void. Allows a second vote by the Electoral College to be taken in certain circumstances, but provides that only one extra is allowed. Provides that any votes in the Electoral College for a candidate without a certificate of compliance on the second vote are forfeited. Provides that the name of a candidate for President, or his or her electors, shall not be printed on the ballot unless the candidate has received the certificate of compliance. Makes conforming changes. Effective immediately.

LRB100 07822 MLM 17889 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 21-1 and 21-4 and by adding Sections 21-6 and 21-7 as
6 follows:

7 (10 ILCS 5/21-1) (from Ch. 46, par. 21-1)

8 Sec. 21-1. Choosing and election of electors of President
9 and Vice-President of the United States shall be in the
10 following manner:

11 (a) In each year in which a President and Vice-President of
12 the United States are chosen, each political party or group in
13 this State shall choose by its State Convention or State
14 central committee electors of President and Vice-President of
15 the United States and such State Convention or State central
16 committee of such party or group shall also choose electors at
17 large, if any are to be appointed for this State and such State
18 Convention or State central committee of such party or group
19 shall by its chairman and secretary certify the total list of
20 such electors together with electors at large so chosen to the
21 State Board of Elections.

22 The filing of such certificate with the Board, of such
23 choosing of electors shall be deemed and taken to be the

1 choosing and selection of the electors of this State, if such
2 party or group is successful at the polls as herein provided in
3 choosing their candidates for President and Vice-President of
4 the United States.

5 (b) The names of the candidates of the several political
6 parties or groups for electors of President and Vice-President
7 shall not be printed on the official ballot to be voted in the
8 election to be held on the day in this Act above named. In lieu
9 of the names of the candidates for such electors of President
10 and Vice-President, immediately under the appellation of party
11 name of a party or group in the column of its candidates on the
12 official ballot, to be voted at said election first above named
13 in subsection (1) of Section 2A-1.2 and Section 2A-2, there
14 shall be printed within a bracket the name of the candidate for
15 President and the name of the candidate for Vice-President of
16 such party or group with a square to the left of such bracket.
17 Notwithstanding any other provision of law, the name of a
18 candidate for President of the United States or the names of
19 his or her electors, shall not be printed on the ballot unless
20 the candidate has been issued a certificate from the State
21 Board of Elections pursuant to subsection (b) of Section 21-7
22 of this Code. Each voter in this State from the several lists
23 or sets of electors so chosen and selected by the said
24 respective political parties or groups, may choose and elect
25 one of such lists or sets of electors by placing a cross in the
26 square to the left of the bracket aforesaid of one of such

1 parties or groups. Placing a cross within the square before the
2 bracket enclosing the names of President and Vice-President
3 shall not be deemed and taken as a direct vote for such
4 candidates for President and Vice-President, or either of them,
5 but shall only be deemed and taken to be a vote for the entire
6 list or set of electors chosen by that political party or group
7 so certified to the State Board of Elections as herein
8 provided. Voting by means of placing a cross in the appropriate
9 place preceding the appellation or title of the particular
10 political party or group, shall not be deemed or taken as a
11 direct vote for the candidates for President and
12 Vice-President, or either of them, but instead to the
13 Presidential vote, as a vote for the entire list or set of
14 electors chosen by that political party or group so certified
15 to the State Board of Elections as herein provided.

16 (c) Such certification by the respective political parties
17 or groups in this State of electors of President and
18 Vice-President shall be made to the State Board of Elections
19 within 2 days after such State convention or meeting of the
20 State central committee in which the electors were chosen.

21 (d) Should more than one certificate of choice and
22 selection of electors of the same political party or group be
23 filed by contesting conventions or contesting groups, it shall
24 be the duty of the State Board of Elections within 10 days
25 after the adjournment of the last of such conventions to meet
26 and determine which set of nominees for electors of such party

1 or group was chosen and selected by the authorized convention
2 of such party or group. The Board, after notice to the chairman
3 and secretaries or managers of the conventions or groups and
4 after a hearing shall determine which set of electors was so
5 chosen by the authorized convention and shall so announce and
6 publish the fact, and such decision shall be final and the set
7 of electors so determined upon by the electoral board to be so
8 chosen shall be the list or set of electors to be deemed
9 elected if that party shall be successful at the polls, as
10 herein provided.

11 (e) Should a vacancy occur in the choice of an elector in a
12 congressional district, such vacancy may be filled by the
13 executive committee of the party or group for such
14 congressional district, to be certified by such committee to
15 the State Board of Elections. Should a vacancy occur in the
16 office of elector at large, such vacancy shall be filled by the
17 State committee of such political party or group, and certified
18 by it to the State Board of Elections.

19 (Source: P.A. 99-522, eff. 6-30-16.)

20 (10 ILCS 5/21-4) (from Ch. 46, par. 21-4)

21 Sec. 21-4. Presidential electors; meeting; allowance. The
22 electors, elected under this Article, shall meet at the office
23 of the Secretary of State in a room to be designated by the
24 Secretary in the Capitol at Springfield in this State, at the
25 time appointed by the laws of the United States at the hour of

1 ten o'clock in the forenoon of that day, and give their votes
2 for President and for Vice-President of the United States, in
3 the manner provided in this Article, including Section 21-6,
4 and perform such duties as are or may be required by law. Each
5 elector shall receive an allowance for food and lodging equal
6 to the amount per day permitted to be deducted for such
7 expenses under the Internal Revenue Code, plus a mileage
8 allowance at the rate in effect under regulations promulgated
9 pursuant to 5 U.S.C. 5707(b)(2) for the number of highway miles
10 necessarily and conveniently traveled, for going to the seat of
11 government to give his or her vote and returning to his or her
12 residence and otherwise performing the official duties of an
13 elector, to be paid on the warrant of the State Comptroller,
14 out of any money in the treasury not otherwise appropriated,
15 and any person appointed by the electors assembled to fill a
16 vacancy shall also receive the allowances provided for electors
17 appointed.

18 (Source: P.A. 92-359, eff. 1-1-02.)

19 (10 ILCS 5/21-6 new)

20 Sec. 21-6. Presidential electors; votes; validity;
21 procedure.

22 (a) At the meeting described in Section 21-4 of this Code
23 where electors for President and Vice-President of the United
24 States meet to give their votes, any vote given by an elector
25 for a candidate for President of the United States that has not

1 been issued a certificate from the Board of Elections required
2 by subsection (b) of Section 21-7 of this Code shall be void,
3 and that vote shall not be counted when canvassing the votes
4 given by the electors.

5 (b) If the total votes cast by the electors for President
6 of the United States minus any votes that are void pursuant to
7 the provisions of subsection (a) of this Section, is equal to
8 the total number of electors allotted to this State, then the
9 electors shall certify the result.

10 (c) If the total votes cast by the electors for President
11 of the United States minus any votes that are void pursuant to
12 the provisions of subsection (a) of this Section, amounts to
13 less than the total number of electors allotted to this State,
14 then the first vote for President of the United States shall be
15 declared void and a second vote for President of the United
16 States shall commence immediately. If the total votes cast by
17 the electors during a second vote for President of the United
18 States minus any votes that are void pursuant to the provisions
19 of subsection (a) of this Section, amounts to less than the
20 total number of electors allotted to this State, then the
21 electors shall certify the result. Any electoral votes for
22 President of the United States that are void pursuant to the
23 provisions of subsection (a) of this Section after a second
24 vote for President of the United States shall be forfeited.

1 Sec. 21-7. Disclosure of tax returns by candidates for
2 President of the United States.

3 (a) By August 15 of each year in which a President and
4 Vice-President of the United States are chosen, a candidate for
5 the office of President of the United States shall:

6 (1) file with the State Board of Elections copies of
7 that candidate's federal income tax returns for the 5 most
8 recent tax years in which such a return was filed with the
9 Internal Revenue Service; and

10 (2) provide written consent to the State Board of
11 Elections for the public disclosure of those returns; the
12 State Board of Elections shall provide a form for the
13 purposes of this paragraph (2).

14 (b) Upon the timely receipt of the documents required to be
15 filed by subsection (a) of this Section, the State Board of
16 Elections shall issue a certificate to the candidate for
17 President of the United States acknowledging receipt of those
18 documents. A copy of the certificate shall be kept by the State
19 Board of Elections and shall be a public record.

20 (c) From September 1 until December 31 of each year in
21 which a President and Vice-President of the United States are
22 chosen, the State Board of Elections shall make publicly
23 available on its website the federal income tax returns for
24 each candidate for President of the United States that has been
25 issued a certificate pursuant to subsection (b) of this
26 Section. The federal income tax returns made publicly available

1 on the State Board of Elections' website shall have all social
2 security numbers, taxpayer identification numbers, addresses,
3 and other identifying information redacted, except for the name
4 of the candidate for President of the United States.

5 (d) For purposes of this Section, the term "federal income
6 tax return" shall have the same meaning as "return" as that
7 term is defined in 26 U.S.C. 6103(b) (1).

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.