

SB1435



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1435

Introduced 2/13/2019, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

10 ILCS 5/21-1
10 ILCS 5/21-2

from Ch. 46, par. 21-1
from Ch. 46, par. 21-2

Amends the Election Code. Provides that the presidential elector with the highest number of votes in a congressional district casts an electoral vote for the presidential and vice presidential candidates of his or her political party. Provides that an at large presidential elector who receives the highest or second highest number of votes statewide casts an electoral vote for the candidates of his or her party.

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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
5 Sections 21-1 and 21-2 as follows:

6 (10 ILCS 5/21-1) (from Ch. 46, par. 21-1)

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

10 (a) In each year in which a President and Vice-President of
11 the United States are chosen, each political party or group in
12 this State shall choose by its State Convention or State
13 central committee electors of President and Vice-President of
14 the United States and such State Convention or State central
15 committee of such party or group shall also choose electors at
16 large, if any are to be appointed for this State and such State
17 Convention or State central committee of such party or group
18 shall by its chair and secretary certify the total list of such
19 electors, designating one elector for each congressional
20 district in the State, together with electors at large so
21 chosen to the 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 Each voter in this State from the several lists or sets of
18 electors so chosen and selected by the said respective
19 political parties or groups for each congressional district and
20 at large, may choose and elect one of such lists or sets of
21 electors by placing a cross in the square to the left of the
22 bracket aforesaid of one of such parties or groups. Placing a
23 cross within the square before the bracket enclosing the names
24 of President and Vice-President shall not be deemed and taken
25 as a direct vote for such candidates for President and
26 Vice-President, or either of them, but shall only be deemed and

1 taken to be a vote for the entire list or set of electors
2 chosen for that congressional district and at large by that
3 political party or group so certified to the State Board of
4 Elections as herein provided. Voting by means of placing a
5 cross in the appropriate place preceding the appellation or
6 title of the particular political party or group, shall not be
7 deemed or taken as a direct vote for the candidates for
8 President and Vice-President, or either of them, but instead to
9 the Presidential vote, as a vote for the entire list or set of
10 electors chosen by that political party or group so certified
11 to the State Board of Elections as herein provided.

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

17 (d) Should more than one certificate of choice and
18 selection of electors of the same political party or group be
19 filed by contesting conventions or contesting groups, it shall
20 be the duty of the State Board of Elections within 10 days
21 after the adjournment of the last of such conventions to meet
22 and determine which set of nominees for electors of such party
23 or group was chosen and selected by the authorized convention
24 of such party or group. The Board, after notice to the chair
25 and secretaries or managers of the conventions or groups and
26 after a hearing shall determine which set of electors was so

1 chosen by the authorized convention and shall so announce and
2 publish the fact, and such decision shall be final and the set
3 of electors so determined upon by the electoral board to be so
4 chosen shall be the list or set of electors to be deemed
5 elected if that party shall be successful at the polls, as
6 herein provided.

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

15 (Source: P.A. 99-522, eff. 6-30-16; 100-1027, eff. 1-1-19.)

16 (10 ILCS 5/21-2) (from Ch. 46, par. 21-2)

17 Sec. 21-2. Election of electors; votes of electors. (a)

18 The county clerks of the several counties shall, within 21 days
19 next after holding the election named in subsection (1) of
20 Section 2A-1.2 and Section 2A-2, make 2 copies of the abstract
21 of the votes cast for electors by each political party or
22 group, as indicated by the voter, as aforesaid, by a cross in
23 the square to the left of the bracket aforesaid, or as
24 indicated by a cross in the appropriate place preceding the
25 appellation or title of the particular political party or

1 group, and transmit by mail one of the copies to the office of
2 the State Board of Elections and retain the other in his
3 office, to be sent for by the electoral board in case the other
4 should be mislaid. Within 31 days after the holding of such
5 election, and sooner if all the returns are received by the
6 State Board of Elections, the State Board of Elections shall
7 proceed to open and canvass said election returns and to
8 declare which set of candidates for President and
9 Vice-President received, as aforesaid, the highest number of
10 votes cast at such election as aforesaid; and the electors of
11 that party whose candidates for President and Vice-President
12 received the highest number of votes so cast shall be taken and
13 deemed to be elected as electors of President and
14 Vice-President, but should 2 or more sets of candidates for
15 President and Vice-President be returned with an equal and the
16 highest vote, the State Board of Elections shall cause a notice
17 of the same to be published, which notice shall name some day
18 and place, not less than 5 days from the time of such
19 publication of such notice, upon which the State Board of
20 Elections will decide by lot which of the sets of candidates
21 for President and Vice-President so equal and highest shall be
22 declared to be highest. And upon the day and at the place so
23 appointed in the notice, the board shall so decide by lot and
24 declare which is deemed highest of the sets of candidates for
25 President and Vice-President so equal and highest, thereby
26 determining only that the electors chosen as aforesaid by such

1 candidates' party or group are thereby elected by general
2 ticket to be such electors.

3 (b) Notwithstanding any law to the contrary, the elector of
4 President and Vice President receiving the highest number of
5 votes in a congressional district shall be elected an elector
6 of President and Vice President and shall cast his or her vote
7 pursuant to this Article for the candidates for President and
8 Vice President of his or her political party or group. The
9 electors of President and Vice President at large who receive
10 the highest or second highest number of votes statewide shall
11 be electors of President and Vice President and shall cast
12 their votes pursuant to this Article for the candidates for
13 President and Vice President of those electors' political
14 parties or groups.

15 (Source: P.A. 100-863, eff. 8-14-18.)