

HB1774



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1774

Introduced 2/17/2021, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-61

from Ch. 46, par. 7-61

Amends the Election Code. Provides that a vacancy in nomination occurring on or after a caucus held under the Township Code but before the certification of candidates must be filled before the date of certification.

LRB102 14124 SMS 19476 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
5 Section 7-61 as follows:

6 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

7 Sec. 7-61. Whenever a special election is necessary the
8 provisions of this Article are applicable to the nomination of
9 candidates to be voted for at such special election.

10 In cases where a primary election is required the officer
11 or board or commission whose duty it is under the provisions of
12 this Act relating to general elections to call an election,
13 shall fix a date for the primary for the nomination of
14 candidates to be voted for at such special election. Notice of
15 such primary shall be given at least 15 days prior to the
16 maximum time provided for the filing of petitions for such a
17 primary as provided in Section 7-12.

18 Any vacancy in nomination under the provisions of this
19 Article 7, including a vacancy in nomination occurring on or
20 after a caucus held pursuant to Article 45 of the Township
21 Code, occurring on or after the primary or caucus and prior to
22 certification of candidates by the certifying board or
23 officer, must be filled prior to the date of certification.

1 Any vacancy in nomination occurring after certification but
2 prior to 15 days before the general election shall be filled
3 within 8 days after the event creating the vacancy. The
4 resolution filling the vacancy shall be sent by U. S. mail or
5 personal delivery to the certifying officer or board within 3
6 days of the action by which the vacancy was filled; provided,
7 if such resolution is sent by mail and the U. S. postmark on
8 the envelope containing such resolution is dated prior to the
9 expiration of such 3 day limit, the resolution shall be deemed
10 filed within such 3 day limit. Failure to so transmit the
11 resolution within the time specified in this Section shall
12 authorize the certifying officer or board to certify the
13 original candidate. Vacancies shall be filled by the officers
14 of a local municipal or township political party as specified
15 in subsection (h) of Section 7-8, other than a statewide
16 political party, that is established only within a
17 municipality or township and the managing committee (or
18 legislative committee in case of a candidate for State Senator
19 or representative committee in the case of a candidate for
20 State Representative in the General Assembly or State central
21 committee in the case of a candidate for statewide office,
22 including but not limited to the office of United States
23 Senator) of the respective political party for the territorial
24 area in which such vacancy occurs.

25 The resolution to fill a vacancy in nomination shall be
26 duly acknowledged before an officer qualified to take

1 acknowledgements of deeds and shall include, upon its face,
2 the following information:

3 (a) the name of the original nominee and the office
4 vacated;

5 (b) the date on which the vacancy occurred;

6 (c) the name and address of the nominee selected to fill
7 the vacancy and the date of selection.

8 The resolution to fill a vacancy in nomination shall be
9 accompanied by a Statement of Candidacy, as prescribed in
10 Section 7-10, completed by the selected nominee and a receipt
11 indicating that such nominee has filed a statement of economic
12 interests as required by the Illinois Governmental Ethics Act.

13 The provisions of Section 10-8 through 10-10.1 relating to
14 objections to certificates of nomination and nomination
15 papers, hearings on objections, and judicial review, shall
16 apply to and govern objections to resolutions for filling a
17 vacancy in nomination.

18 Any vacancy in nomination occurring 15 days or less before
19 the consolidated election or the general election shall not be
20 filled. In this event, the certification of the original
21 candidate shall stand and his or her name shall appear on the
22 official ballot to be voted at the general election.

23 A vacancy in nomination occurs when a candidate who has
24 been nominated under the provisions of this Article 7 dies
25 before the election (whether death occurs prior to, on or
26 after the day of the primary), or declines the nomination;

1 provided that nominations may become vacant for other reasons.

2 If the name of no established political party candidate
3 was printed on the consolidated primary ballot for a
4 particular office and if no person was nominated as a write-in
5 candidate for such office, a vacancy in nomination shall be
6 created which may be filled in accordance with the
7 requirements of this Section. If the name of no established
8 political party candidate was printed on the general primary
9 ballot for a particular office and if no person was nominated
10 as a write-in candidate for such office, a vacancy in
11 nomination shall be filled only by a person designated by the
12 appropriate committee of the political party and only if that
13 designated person files nominating petitions with the number
14 of signatures required for an established party candidate for
15 that office within 75 days after the day of the general
16 primary. The circulation period for those petitions begins on
17 the day the appropriate committee designates that person. The
18 person shall file his or her nominating petitions, statements
19 of candidacy, notice of appointment by the appropriate
20 committee, and receipt of filing his or her statement of
21 economic interests together. These documents shall be filed at
22 the same location as provided in Section 7-12. The electoral
23 boards having jurisdiction under Section 10-9 to hear and pass
24 upon objections to nominating petitions also shall hear and
25 pass upon objections to nomination petitions filed by
26 candidates under this paragraph.

1 A candidate for whom a nomination paper has been filed as a
2 partisan candidate at a primary election, and who is defeated
3 for his or her nomination at such primary election, is
4 ineligible to be listed on the ballot at that general or
5 consolidated election as a candidate of another political
6 party.

7 A candidate seeking election to an office for which
8 candidates of political parties are nominated by caucus who is
9 a participant in the caucus and who is defeated for his or her
10 nomination at such caucus, is ineligible to be listed on the
11 ballot at that general or consolidated election as a candidate
12 of another political party.

13 In the proceedings to nominate a candidate to fill a
14 vacancy or to fill a vacancy in the nomination, each precinct,
15 township, ward, county or congressional district, as the case
16 may be, shall through its representative on such central or
17 managing committee, be entitled to one vote for each ballot
18 voted in such precinct, township, ward, county or
19 congressional district, as the case may be, by the primary
20 electors of its party at the primary election immediately
21 preceding the meeting at which such vacancy is to be filled.

22 For purposes of this Section, the words "certify" and
23 "certification" shall refer to the act of officially declaring
24 the names of candidates entitled to be printed upon the
25 official ballot at an election and directing election
26 authorities to place the names of such candidates upon the

1 official ballot. "Certifying officers or board" shall refer to
2 the local election official, election authority or the State
3 Board of Elections, as the case may be, with whom nomination
4 papers, including certificates of nomination and resolutions
5 to fill vacancies in nomination, are filed and whose duty it is
6 to "certify" candidates.

7 (Source: P.A. 96-809, eff. 1-1-10; 96-848, eff. 1-1-10.)