



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3828

Introduced 2/22/2021, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

10 ILCS 5/25-6

from Ch. 46, par. 25-6

Amends the Election Code. Provides the procedure for filling a vacancy of a Senator or Representative in the General Assembly. Provides that within 3 days after a vacancy, the committee for that legislative or representative district shall create a uniform application for candidates seeking appointment and determine the date, time, and location at which the committee shall make the appointment (allowing for at least 7 days of public notice). Provides that applications received within 2 days before the appointment shall be made publicly available. Provides that candidates shall be granted an opportunity to present their credentials publicly and take questions from the committeepersons. Provides for a proxy for a committeeperson that is ineligible to vote for an appointment. Effective immediately.

LRB102 17062 SMS 22490 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 Section 25-6 as follows:

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

7 Sec. 25-6. (a) When a vacancy occurs in the office of State
8 Senator or Representative in the General Assembly, the vacancy
9 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, as
13 provided in subsection (a-5). The appointee shall be a member
14 of the same political party as the person he succeeds was at
15 the time of his election, and shall be otherwise eligible to
16 serve as a member of the General Assembly.

17 (a-5) Within 3 days after a vacancy occurring in the
18 office of State Senator or Representative in the General
19 Assembly, the legislative or representative committee of that
20 legislative or representative district shall convene to: (i)
21 create a uniform application for all candidates seeking
22 appointment to the vacated office; and (ii) determine the
23 date, time, and location at which the committee shall make its

1 appointment, provided the date selected allows for at least 7
2 days of public notice before the appointment will occur. The
3 uniform application shall be made publicly available by all
4 committeepersons of the legislative or representative
5 district. Applications received within 2 days before the
6 appointment shall be made publicly available on the website of
7 the committeeperson holding the majority of the votes pursuant
8 to subsection (d). If 2 or more committeepersons hold the
9 majority of votes or in making appointments in legislative or
10 representative districts comprising only one county or part of
11 a county other than a county containing 2,000,000 or more
12 inhabitants, all such committeepersons shall be responsible
13 for making applications received within 2 days before the
14 appointment publicly available. On the day selected by the
15 committee for appointment, all candidates seeking appointment
16 shall be granted an opportunity to present their credentials
17 publicly to all in attendance and take questions from
18 committeepersons.

19 (a-10) If a committeeperson is ineligible to cast his or
20 her vote pursuant to subsection (d-5), because he or she is
21 also the former holder of the office now vacant, the
22 legislative or representative committee on which the former
23 officeholder serves as a committeeperson shall meet to elect a
24 proxy member to vote for the ineligible committeeperson. The
25 proxy shall be entitled to the same number of votes to which
26 the ineligible committeeperson would have otherwise been

1 entitled.

2 (b) When a vacancy occurs in the office of a legislator
3 elected other than as a candidate of a political party, the
4 vacancy shall be filled within 30 days of such occurrence by
5 appointment of the Governor. The appointee shall not be a
6 member of a political party, and shall be otherwise eligible
7 to serve as a member of the General Assembly. Provided,
8 however, the appropriate body of the General Assembly may, by
9 resolution, allow a legislator elected other than as a
10 candidate of a political party to affiliate with a political
11 party for his term of office in the General Assembly. A vacancy
12 occurring in the office of any such legislator who affiliates
13 with a political party pursuant to resolution shall be filled
14 within 30 days of such occurrence by appointment of the
15 appropriate legislative or representative committee of that
16 legislative or representative district of the political party
17 with which the legislator so affiliates. The appointee shall
18 be a member of the political party with which the incumbent
19 affiliated.

20 (c) For purposes of this Section, a person is a member of a
21 political party for 23 months after (i) signing a candidate
22 petition, as to the political party whose nomination is
23 sought; (ii) signing a statement of candidacy, as to the
24 political party where nomination or election is sought; (iii)
25 signing a Petition of Political Party Formation, as to the
26 proposed political party; (iv) applying for and receiving a

1 primary ballot, as to the political party whose ballot is
2 received; or (v) becoming a candidate for election to or
3 accepting appointment to the office of ward, township,
4 precinct or state central committeeperson.

5 (d) In making appointments under this Section, except as
6 provided in subsection (d-5), each committeeperson of the
7 appropriate legislative or representative committee shall be
8 entitled to one vote for each vote that was received, in that
9 portion of the legislative or representative district which he
10 represents on the committee, by the Senator or Representative
11 whose seat is vacant at the general election at which that
12 legislator was elected to the seat which has been vacated and a
13 majority of the total number of votes received in such
14 election by the Senator or Representative whose seat is vacant
15 is required for the appointment of his successor; provided,
16 however, that in making appointments in legislative or
17 representative districts comprising only one county or part of
18 a county other than a county containing 2,000,000 or more
19 inhabitants, each committeeperson shall be entitled to cast
20 only one vote.

21 (d-5) A State Senator or Representative who is also a
22 committeeperson, elected pursuant to subsection (b) of Section
23 7-8, is prohibited from participating in the appointment of
24 his or her successor. If the vacancy in the office of State
25 Senator or Representative is to be filled by the legislative
26 or representative committee on which the former officeholder

1 serves as a committeeperson, he or she shall not participate
2 in the selection process or cast any votes for a candidate. Any
3 votes he or she would have voted pursuant to subsection (d)
4 shall be voted by the proxy member elected by the other
5 committeepersons of the legislative or representative
6 committee, pursuant to subsection (a-10).

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

14 (f) An appointment made under this Section shall be for
15 the remainder of the term, except that, if the appointment is
16 to fill a vacancy in the office of State Senator and the
17 vacancy occurs with more than 28 months remaining in the term,
18 the term of the appointment shall expire at the time of the
19 next general election at which time a Senator shall be elected
20 for a new term commencing on the determination of the results
21 of the election and ending on the second Wednesday of January
22 in the second odd-numbered year next occurring. Whenever a
23 Senator has been appointed to fill a vacancy and was
24 thereafter elected to that office, the term of service under
25 the authority of the election shall be considered a new term of
26 service, separate from the term of service rendered under the

1 authority of the appointment.

2 (Source: P.A. 100-1027, eff. 1-1-19.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.