



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2131

Introduced 2/26/2021, by Sen. Mike Simmons

SYNOPSIS AS INTRODUCED:

10 ILCS 5/25-6

from Ch. 46, par. 25-6

Amends the Election Code. Provides that when a vacancy occurs in the office of State Senator or State Representative in the General Assembly, the legislative or representative committee of that legislative or representative district that fills the vacancy shall provide members of the public within the district with notice of the vacancy and the replacement process. Provides that the committee shall also provide members of the public with notice of an impending vote to fill the vacancy within at least 6 days prior to such vote. Provides that any meeting held by a legislative or representative committee for purposes of filling a vacancy in the General Assembly shall be open to the public and subject to the requirements of the Open Meetings Act and shall also be recorded and broadcast by electronic means for public consumption. Provides requirements for appointments that may be filled by the Governor.

LRB102 17291 SMS 22771 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. 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
22 to serve as a member of the General Assembly. Provided,
23 however, 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
10 be 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
15 sought; (ii) signing a statement of candidacy, as to the
16 political party where nomination or election is sought; (iii)
17 signing a Petition of Political Party Formation, as to the
18 proposed political party; (iv) applying for and receiving a
19 primary ballot, as to the political party whose ballot is
20 received; or (v) becoming a candidate for election to or
21 accepting appointment to the office of ward, township,
22 precinct or state central committeeperson.

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

1 legislative or representative district which he represents on
2 the committee, by the Senator or Representative whose seat is
3 vacant at the general election at which that legislator was
4 elected to the seat which has been vacated and a majority of
5 the total number of votes received in such election by the
6 Senator or Representative whose seat is vacant is required for
7 the appointment of his successor; provided, however, that in
8 making appointments in legislative or representative districts
9 comprising only one county or part of a county other than a
10 county containing 2,000,000 or more inhabitants, each
11 committeeperson shall be entitled to cast only 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
20 the remainder of the term, except that, if the appointment is
21 to fill a vacancy in the office of State Senator and the
22 vacancy occurs with more than 28 months remaining in the term,
23 the term of the appointment shall expire at the time of the
24 next general election at which time a Senator shall be elected
25 for a new term commencing on the determination of the results
26 of the election and ending on the second Wednesday of January

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

7 (g) When a vacancy occurs in the office of State Senator or
8 State Representative in the General Assembly, the legislative
9 or representative committee of that legislative or
10 representative district that fills the vacancy shall provide
11 members of the public within the district with notice of the
12 vacancy and the replacement process, including providing such
13 notice on any website or social media account associated with
14 the committee and contact information for the committee with
15 which interested members of the public may apply for
16 appointment. The committee shall also provide members of the
17 public with notice of an impending vote to fill the vacancy
18 within at least 6 days prior to such vote.

19 (h) Any meeting held by a legislative or representative
20 committee for purposes of filling a vacancy in the General
21 Assembly shall be open to the public and subject to the
22 requirements of the Open Meetings Act and shall also be
23 recorded and broadcast by electronic means for public
24 consumption.

25 (i) For any vacancy in the office of State Senator or State
26 Representative that may be filled through appointment by the

1 Governor, the Governor shall comply with the requirements of
2 subsection (g) and (h) to the extent practicable in his or her
3 appointment of such person.

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