



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2060

Introduced 2/7/2023, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

New Act

10 ILCS 5/10-3	from Ch. 46, par. 10-3
10 ILCS 5/21-1	from Ch. 46, par. 21-1
10 ILCS 5/21-2	from Ch. 46, par. 21-2
10 ILCS 5/21-3	from Ch. 46, par. 21-3
10 ILCS 5/21-4	from Ch. 46, par. 21-4
10 ILCS 5/21.6 new	
10 ILCS 5/21-5 rep.	

Creates the Uniform Faithful Presidential Electors Act. Concerning electors for the Electoral College, provides for an alternate elector to fill a vacant position (replacing the procedure currently in the Election Code), including if an elector has marked a ballot in violation of his or her pledge. Requires a political party or group or independent candidate to submit a Presidential and Vice Presidential elector nominee and an alternate elector nominee to the Secretary of State. Requires an elector nominee and an alternate elector nominee to pledge to vote for the President and Vice President nominees of the party that nominated the elector and alternate elector. Makes conforming changes in the Election Code. Effective immediately.

LRB103 04734 AWJ 49743 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 1. Short title. This Act may be cited as the
5 Uniform Faithful Presidential Electors Act.

6 Section 5. Definitions. As used in this Act:

7 "Cast" means accepted by the Secretary of State in
8 accordance with subsection (b) of Section 30.

9 "Elector" means an individual selected as a presidential
10 elector under Article 21 of the Election Code and this Act.

11 "President" means the President of the United States.

12 "Unaffiliated presidential candidate" means an independent
13 candidate for President who is nominated for the general
14 election ballot in this State under Section 10-3 of the
15 Election Code.

16 "Vice President" means the Vice President of the United
17 States.

18 Section 10. Designation of State elector nominees. For
19 each elector position in this State, a political party or
20 group or an unaffiliated presidential candidate shall submit
21 to the Secretary of State the names of 2 qualified individuals
22 under Article 21 of the Election Code. One of the individuals

1 must be designated "elector nominee" and the other "alternate
2 elector nominee". Except as otherwise provided in Sections 20
3 through 35 of this Act, this State's electors are the winning
4 elector nominees under Section 21-3 of the Election Code.

5 Section 15. Pledge. Each elector nominee and alternate
6 elector nominee of a political party or group shall execute
7 the following pledge: "If selected for the position of
8 elector, I agree to serve and to mark my ballots for President
9 and Vice President for the nominees for those offices of the
10 party or group that nominated me.". Each elector nominee and
11 alternate elector nominee of an unaffiliated presidential
12 candidate shall execute the following pledge: "If selected for
13 the position of elector as a nominee of an unaffiliated
14 presidential candidate, I agree to serve and to mark my
15 ballots for that candidate and for that candidate's
16 vice-presidential running mate.". The executed pledges must
17 accompany the submission of the corresponding names to the
18 Secretary of State.

19 Section 20. Certification of electors. In submitting this
20 State's certificate of ascertainment as required by 3 U.S.C.
21 6, the Governor shall certify this State's electors and state
22 in the certificate that:

23 (1) the electors will serve as electors unless a
24 vacancy occurs in the office of elector before the end of

1 the meeting at which elector votes are cast, in which case
2 an alternate elector will fill the vacancy; and

3 (2) if an alternate elector is appointed to fill a
4 vacancy, the Governor will submit an amended certificate
5 of ascertainment stating the names on the final list of
6 this State's electors.

7 Section 25. Presiding officer of the meeting of electors;
8 elector vacancy.

9 (a) The Secretary of State shall preside at the meeting of
10 electors described in Section 21-4 of the Election Code.

11 (b) The position of an elector not present to vote at the
12 meeting of electors is vacant. The Secretary of State shall
13 appoint an individual as an alternate elector to fill a
14 vacancy as follows:

15 (1) if the alternate elector is present to vote, by
16 appointing the alternate elector for the vacant position;

17 (2) if the alternate elector for the vacant position
18 is not present to vote, by appointing an elector chosen by
19 lot from among the alternate electors present to vote who
20 were nominated by the same political party or group or
21 unaffiliated presidential candidate;

22 (3) if the number of alternate electors present to
23 vote is insufficient to fill any vacant position pursuant
24 to paragraphs (1) and (2), by appointing any immediately
25 available individual who is qualified to serve as an

1 elector and chosen through nomination by and plurality
2 vote of the remaining electors, including nomination and
3 vote by a single elector if only one remains;

4 (4) if there is a tie between at least 2 nominees for
5 alternate elector in a vote conducted under paragraph (3),
6 by appointing an elector chosen by lot from among those
7 nominees; or

8 (5) if all elector positions are vacant and cannot be
9 filled pursuant to paragraphs (1) through (4), by
10 appointing a single presidential elector, with remaining
11 vacant positions to be filled under paragraph (3) and, if
12 necessary, paragraph (4).

13 (c) To qualify as an alternate elector under subsection
14 (b) of this Section, an individual who has not executed the
15 pledge required under Section 15 shall execute the following
16 pledge: "I agree to serve and to mark my ballots for President
17 and Vice President consistent with the pledge of the
18 individual to whose elector position I have succeeded."

19 Section 30. Meeting of electors; elector voting.

20 (a) At the time designated for elector voting at the
21 meeting of electors and after all vacant positions have been
22 filled under Section 25, the Secretary of State shall provide
23 each elector with a presidential and a vice-presidential
24 ballot. The elector shall mark the elector's presidential and
25 vice-presidential ballots with the elector's votes for the

1 offices of President and Vice President, respectively, along
2 with the elector's signature and the elector's legibly printed
3 name.

4 (b) Each elector shall present both completed ballots to
5 the Secretary of State, who shall examine the ballots and
6 accept as cast all ballots of electors whose votes are
7 consistent with their pledges executed under Section 15 or
8 subsection (c) of Section 25. The Secretary of State may not
9 accept and may not count either an elector's presidential or
10 vice-presidential ballot if the elector has not marked both
11 ballots or has marked a ballot in violation of the elector's
12 pledge.

13 (c) An elector who refuses to present a ballot, presents
14 an unmarked ballot, or presents a ballot marked in violation
15 of the elector's pledge executed under Section 15 or
16 subsection (c) of Section 25 vacates the office of elector,
17 creating a vacant position to be filled under Section 25.

18 Section 35. Elector replacement; associated certificates.

19 (a) After the vote of this State's electors is completed,
20 if the final list of electors differs from any list that the
21 Governor previously included on a certificate of ascertainment
22 prepared and transmitted under 3 U.S.C. 6, the Secretary of
23 State immediately shall prepare an amended certificate of
24 ascertainment and transmit it to the Governor for the
25 Governor's signature.

1 (b) The Governor immediately shall deliver the signed
2 amended certificate of ascertainment to the Secretary of State
3 and a signed duplicate original of the amended certificate of
4 ascertainment to all individuals entitled to receive this
5 State's certificate of ascertainment, indicating that the
6 amended certificate of ascertainment is to be substituted for
7 the certificate of ascertainment previously submitted.

8 (c) The Secretary of State shall prepare a certificate of
9 vote. The electors on the final list shall sign the
10 certificate of vote. The Secretary of State shall process and
11 transmit the signed certificate of vote with the amended
12 certificate of ascertainment under 3 U.S.C. Sections 9, 10,
13 and 11.

14 Section 40. Uniformity of application and construction. In
15 applying and construing this uniform Act, consideration must
16 be given to the need to promote uniformity of the law with
17 respect to its subject matter among states that enact it.

18 Section 100. The Election Code is amended by changing
19 Sections 10-3, 21-1, 21-2, 21-3, 21-4, and 21.6 as follows:

20 (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

21 Sec. 10-3. Nomination of independent candidates (not
22 candidates of any political party), for any office to be
23 filled by the voters of the State at large may also be made by

1 nomination papers signed in the aggregate for each candidate
2 by 1% of the number of voters who voted in the next preceding
3 Statewide general election or 25,000 qualified voters of the
4 State, whichever is less. Nominations of independent
5 candidates for public office within any district or political
6 subdivision less than the State, may be made by nomination
7 papers signed in the aggregate for each candidate by qualified
8 voters of such district, or political subdivision, equaling
9 not less than 5%, nor more than 8% (or 50 more than the
10 minimum, whichever is greater) of the number of persons, who
11 voted at the next preceding regular election in such district
12 or political subdivision in which such district or political
13 subdivision voted as a unit for the election of officers to
14 serve its respective territorial area. However, whenever the
15 minimum signature requirement for an independent candidate
16 petition for a district or political subdivision office shall
17 exceed the minimum number of signatures for an independent
18 candidate petition for an office to be filled by the voters of
19 the State at large at the next preceding State-wide general
20 election, such State-wide petition signature requirement shall
21 be the minimum for an independent candidate petition for such
22 district or political subdivision office. For the first
23 election following a redistricting of congressional districts,
24 nomination papers for an independent candidate for
25 congressperson shall be signed by at least 5,000 qualified
26 voters of the congressional district. For the first election

1 following a redistricting of legislative districts, nomination
2 papers for an independent candidate for State Senator in the
3 General Assembly shall be signed by at least 3,000 qualified
4 voters of the legislative district. For the first election
5 following a redistricting of representative districts,
6 nomination papers for an independent candidate for State
7 Representative in the General Assembly shall be signed by at
8 least 1,500 qualified voters of the representative district.
9 For the first election following redistricting of county board
10 districts, or of municipal wards or districts, or for the
11 first election following the initial establishment of such
12 districts or wards in a county or municipality, nomination
13 papers for an independent candidate for county board member,
14 or for alderperson or trustee of such municipality, shall be
15 signed by qualified voters of the district or ward equal to not
16 less than 5% nor more than 8% (or 50 more than the minimum,
17 whichever is greater) of the total number of votes cast at the
18 preceding general or general municipal election, as the case
19 may be, for the county or municipal office voted on throughout
20 such county or municipality for which the greatest total
21 number of votes were cast for all candidates, divided by the
22 number of districts or wards, but in any event not less than 25
23 qualified voters of the district or ward. Each voter signing a
24 nomination paper shall add to his signature his place of
25 residence, and each voter may subscribe to one nomination for
26 such office to be filled, and no more: Provided that the name

1 of any candidate whose name may appear in any other place upon
2 the ballot shall not be so added by petition for the same
3 office.

4 The person circulating the petition, or the candidate on
5 whose behalf the petition is circulated, may strike any
6 signature from the petition, provided that;

7 (1) the person striking the signature shall initial
8 the petition at the place where the signature is struck;
9 and

10 (2) the person striking the signature shall sign a
11 certification listing the page number and line number of
12 each signature struck from the petition. Such
13 certification shall be filed as a part of the petition.

14 (3) the persons striking signatures from the petition
15 shall each sign an additional certificate specifying the
16 number of certification pages listing stricken signatures
17 which are attached to the petition and the page numbers
18 indicated on such certifications. The certificate shall be
19 filed as a part of the petition, shall be numbered, and
20 shall be attached immediately following the last page of
21 voters' signatures and before the certifications of
22 stricken signatures.

23 (4) all of the foregoing requirements shall be
24 necessary to effect a valid striking of any signature. The
25 provisions of this Section authorizing the striking of
26 signatures shall not impose any criminal liability on any

1 person so authorized for signatures which may be
2 fraudulent.

3 In the case of the offices of Governor and Lieutenant
4 Governor a joint petition, including one candidate for each of
5 those offices, must be filed. In the case of the offices of
6 President of the United States and Vice President of the
7 United States, a joint petition, including one candidate for
8 each of those offices, must be filed.

9 A candidate for whom a nomination paper has been filed as a
10 partisan candidate at a primary election, and who is defeated
11 for his or her nomination at the primary election, is
12 ineligible to be placed on the ballot as an independent
13 candidate for election in that general or consolidated
14 election.

15 A candidate seeking election to an office for which
16 candidates of political parties are nominated by caucus who is
17 a participant in the caucus and who is defeated for his or her
18 nomination at such caucus, is ineligible to be listed on the
19 ballot at that general or consolidated election as an
20 independent candidate.

21 (Source: P.A. 102-15, eff. 6-17-21.)

22 (10 ILCS 5/21-1) (from Ch. 46, par. 21-1)

23 Sec. 21-1. Choosing and election of electors of President
24 and Vice-President of the United States shall be in the
25 following manner:

1 (a) In each year in which a President and Vice-President
2 of the United States are chosen, each political party or group
3 in this State shall choose by its State Convention or State
4 central committee electors and alternate electors of President
5 and Vice-President of the United States and such State
6 Convention or State central committee of such party or group
7 shall also choose electors at large and alternate electors at
8 large, if any are to be appointed for this State and such State
9 Convention or State central committee of such party or group
10 shall by its chair and secretary certify the total list of such
11 electors and alternate electors together with electors at
12 large and alternate electors at large so chosen to the State
13 Board of Elections.

14 In each year in which a President and Vice-President of
15 the United States are chosen, an unaffiliated presidential
16 candidate shall choose the candidate's choice of electors and
17 alternate electors of President and Vice-President of the
18 United States and the candidate shall also choose electors at
19 large and alternate electors at large, if any are to be
20 appointed for this State, and the candidate shall certify the
21 total list of these electors and alternate electors, together
22 with electors at large and alternate electors at large, so
23 chosen to the State Board of Elections.

24 The filing of such certificate with the Board, of such
25 choosing of electors and alternate electors shall be deemed
26 and taken to be the choosing and selection of the electors and

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

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

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

20 (c) Such certification by the respective political parties
21 or groups in this State of electors and alternate electors of
22 President and Vice-President shall be made to the State Board
23 of Elections within 2 days after such State convention or
24 meeting of the State central committee in which the electors
25 and alternate electors were chosen. Certification of electors
26 by an unaffiliated presidential candidate under subsection (a)

1 for President and Vice President shall be made to the State
2 Board of Elections no later than the 31st day after the general
3 primary election in the year of the presidential election.

4 (d) Should more than one certificate of choice and
5 selection of electors and alternate electors of the same
6 political party or group be filed by contesting conventions or
7 contesting groups, it shall be the duty of the State Board of
8 Elections within 10 days after the adjournment of the last of
9 such conventions to meet and determine which set of nominees
10 for electors and alternate electors of such party or group was
11 chosen and selected by the authorized convention of such party
12 or group. The Board, after notice to the chair and secretaries
13 or managers of the conventions or groups and after a hearing
14 shall determine which set of electors and alternate electors
15 was so chosen by the authorized convention and shall so
16 announce and publish the fact, and such decision shall be
17 final and the set of electors and alternate electors so
18 determined upon by the electoral board to be so chosen shall be
19 the list or set of electors and alternate electors to be deemed
20 elected if that party shall be successful at the polls, as
21 herein provided.

22 ~~(e) Should a vacancy occur in the choice of an elector in a~~
23 ~~congressional district, such vacancy may be filled by the~~
24 ~~executive committee of the party or group for such~~
25 ~~congressional district, to be certified by such committee to~~
26 ~~the State Board of Elections.~~ Should a vacancy occur in the

1 office of elector ~~at large~~, such vacancy shall be filled under
2 Section 25 of the Uniform Faithful Presidential Electors Act.
3 ~~by the State committee of such political party or group, and~~
4 ~~certified by it to the State Board of Elections.~~

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

6 (10 ILCS 5/21-2) (from Ch. 46, par. 21-2)

7 Sec. 21-2. The county clerks of the several counties
8 shall, within 21 days next after holding the election named in
9 subsection (1) of Section 2A-1.2 and Section 2A-2, make 2
10 copies of the abstract of the votes cast for electors and
11 alternate electors by each political party or group and
12 unaffiliated presidential candidate, as indicated by the
13 voter, as aforesaid, by a cross in the square to the left of
14 the bracket aforesaid, or as indicated by a cross in the
15 appropriate place preceding the appellation or title of the
16 particular political party or group or unaffiliated
17 presidential candidate, and transmit by mail one of the copies
18 to the office of the State Board of Elections and retain the
19 other in his office, to be sent for by the electoral board in
20 case the other should be mislaid. Within 31 days after the
21 holding of such election, and sooner if all the returns are
22 received by the State Board of Elections, the State Board of
23 Elections shall proceed to open and canvass said election
24 returns and to declare which set of candidates for President
25 and Vice-President received, as aforesaid, the highest number

1 of votes cast at such election as aforesaid; and the electors
2 and alternate electors of that party or group or unaffiliated
3 presidential candidate whose candidates for President and
4 Vice-President received the highest number of votes so cast
5 shall be taken and deemed to be elected as electors and
6 alternate electors of President and Vice-President, but should
7 2 or more sets of candidates for President and Vice-President
8 be returned with an equal and the highest vote, the State Board
9 of Elections shall cause a notice of the same to be published,
10 which notice shall name some day and place, not less than 5
11 days from the time of such publication of such notice, upon
12 which the State Board of Elections will decide by lot which of
13 the sets of candidates for President and Vice-President so
14 equal and highest shall be declared to be highest. And upon the
15 day and at the place so appointed in the notice, the board
16 shall so decide by lot and declare which is deemed highest of
17 the sets of candidates for President and Vice-President so
18 equal and highest, thereby determining only that the electors
19 and alternate electors chosen as aforesaid by such candidates'
20 party or group or unaffiliated presidential candidate are
21 thereby elected by general ticket to be such electors and
22 alternate electors.

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

24 (10 ILCS 5/21-3) (from Ch. 46, par. 21-3)

25 Sec. 21-3. Within five days after the votes shall have

1 been canvassed and the results declared or the result declared
2 by lot as provided for in Section 21-2 above, the Governor
3 shall cause the result of said election to be published, and
4 shall proclaim the persons electors and alternate electors of
5 President and Vice-President so chosen composing the list so
6 elected, by transmitting by mail to the several persons so
7 chosen and composing the list or set elected, electors of
8 President and Vice-President certificates in triplicate, under
9 the Seal of State of their appointment, and shall also
10 transmit under the Seal of State to the Secretary of State of
11 the United States the certificate of the election of said
12 electors and alternate electors as required by the laws of
13 Congress.

14 (Source: Laws 1943, vol. 2, p. 1.)

15 (10 ILCS 5/21-4) (from Ch. 46, par. 21-4)

16 Sec. 21-4. Presidential electors; meeting; allowance. The
17 electors and alternate electors, elected under this Article,
18 shall meet at the office of the Secretary of State in a room to
19 be designated by the Secretary in the Capitol at Springfield
20 in this State, at the time appointed by the laws of the United
21 States at the hour of ten o'clock in the forenoon of that day,
22 and the electors give their votes for President and for
23 Vice-President of the United States, in the manner provided by
24 the Uniform Faithful Presidential Electors Act ~~in this~~
25 ~~Article~~, and perform such duties as are or may be required by

1 law. Each elector and alternate elector shall receive an
2 allowance for food and lodging equal to the amount per day
3 permitted to be deducted for such expenses under the Internal
4 Revenue Code, plus a mileage allowance at the rate in effect
5 under regulations promulgated pursuant to 5 U.S.C. 5707(b) (2)
6 for the number of highway miles necessarily and conveniently
7 traveled, for going to the seat of government to give his or
8 her vote and returning to his or her residence and otherwise
9 performing the official duties of an elector and alternate
10 elector, to be paid on the warrant of the State Comptroller,
11 out of any money in the treasury not otherwise appropriated,
12 and any person appointed ~~by the electors assembled~~ to fill a
13 vacancy shall also receive the allowances provided for
14 electors appointed.

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

16 (10 ILCS 5/21.6 new)

17 Sec. 21.6. Unaffiliated presidential candidate. As used in
18 this Division, "unaffiliated presidential candidate" has the
19 meaning ascribed to that term in Section 5 of the Uniform
20 Faithful Presidential Electors Act.

21 (10 ILCS 5/21-5 rep.)

22 Section 105. The Election Code is amended by repealing
23 Section 21-5.

24 Section 999. Effective date. This Act takes effect upon

1 becoming law.