



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB7351

Introduced 11/09/04, by Rep. Jim Watson

SYNOPSIS AS INTRODUCED:

10 ILCS 5/21-1	from Ch. 46, par. 21-1
10 ILCS 5/21-2	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.

LRB093 23913 JAM 53996 b

FISCAL NOTE ACT
MAY APPLY

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 electors of
13 President and Vice-President of the United States and such
14 State Convention of such party or group shall also choose
15 electors at large, if any are to be appointed for this State
16 and such State Convention of such party or group shall by its
17 chairman and secretary certify the total list of such electors,
18 designating one elector for each congressional district in the
19 State, together with electors at large so chosen to the State
20 Board of Elections.

21 The filing of such certificate with the Board, of such
22 choosing of electors shall be deemed and taken to be the
23 choosing and selection of the electors of this State, if such
24 party or group is successful at the polls as herein provided in
25 choosing their candidates for President and Vice-President of
26 the United States.

27 (b) The names of the candidates of the several political
28 parties or groups for electors of President and Vice-President
29 shall not be printed on the official ballot to be voted in the
30 election to be held on the day in this Act above named. In lieu
31 of the names of the candidates for such electors of President
32 and Vice-President, immediately under the appellation of party

1 name of a party or group in the column of its candidates on the
2 official ballot, to be voted at said election first above named
3 in subsection (1) of Section 2A-1.2 and Section 2A-2, there
4 shall be printed within a bracket the name of the candidate for
5 President and the name of the candidate for Vice-President of
6 such party or group with a square to the left of such bracket.
7 Each voter in this State from the several lists or sets of
8 electors so chosen and selected by the said respective
9 political parties or groups for each congressional district and
10 at large, may choose and elect one of such lists or sets of
11 electors by placing a cross in the square to the left of the
12 bracket aforesaid of one of such parties or groups. Placing a
13 cross within the square before the bracket enclosing the names
14 of President and Vice-President shall not be deemed and taken
15 as a direct vote for such candidates for President and
16 Vice-President, or either of them, but shall only be deemed and
17 taken to be a vote for the entire list or set of electors
18 chosen for that congressional district and at large by that
19 political party or group so certified to the State Board of
20 Elections as herein provided. Voting by means of placing a
21 cross in the appropriate place preceding the appellation or
22 title of the particular political party or group, shall not be
23 deemed or taken as a direct vote for the candidates for
24 President and Vice-President, or either of them, but instead to
25 the Presidential vote, as a vote for the entire list or set of
26 electors chosen by that political party or group so certified
27 to the State Board of Elections as herein provided.

28 (c) Such certification by the respective political parties
29 or groups in this State of electors of President and
30 Vice-President shall be made to the State Board of Elections
31 within 2 days after such State convention.

32 (d) Should more than one certificate of choice and
33 selection of electors of the same political party or group be
34 filed by contesting conventions or contesting groups, it shall
35 be the duty of the State Board of Elections within 10 days
36 after the adjournment of the last of such conventions to meet

1 and determine which set of nominees for electors of such party
2 or group was chosen and selected by the authorized convention
3 of such party or group. The Board, after notice to the chairman
4 and secretaries or managers of the conventions or groups and
5 after a hearing shall determine which set of electors was so
6 chosen by the authorized convention and shall so announce and
7 publish the fact, and such decision shall be final and the set
8 of electors so determined upon by the electoral board to be so
9 chosen shall be the list or set of electors to be deemed
10 elected if that party shall be successful at the polls, as
11 herein provided.

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

20 (Source: P.A. 84-861.)

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

22 Sec. 21-2. Election of electors; votes of electors.

23 (a) The county clerks of the several counties shall, within
24 21 days next after holding the election named in subsection (1)
25 of Section 2A-1.2 and Section 2A-2 make 2 copies of the
26 abstract of the votes cast for electors by each political party
27 or group, as indicated by the voter, as aforesaid, by a cross
28 in the square to the left of the bracket aforesaid, or as
29 indicated by a cross in the appropriate place preceding the
30 appellation or title of the particular political party or
31 group, and transmit by mail one of the copies to the office of
32 the State Board of Elections and retain the other in his
33 office, to be sent for by the electoral board in case the other
34 should be mislaid. Within 31 days after the holding of such
35 election, and sooner if all the returns are received by the

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

24 (b) Notwithstanding any law to the contrary, the elector of
25 President and Vice President receiving the highest number of
26 votes in a congressional district shall be elected an elector
27 of President and Vice President and shall cast his or her vote
28 pursuant to this Article for the candidates for President and
29 Vice President of his or her political party or group. The
30 electors of President and Vice President at large who receive
31 the highest or second highest number of votes statewide shall
32 be electors of President and Vice President and shall cast
33 their votes pursuant to this Article for the candidates for
34 President and Vice President of those electors' political
35 parties or groups.

36 (Source: P.A. 93-847, eff. 7-30-04.)