



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0459

Introduced 1/26/2005, by Rep. Suzanne Bassi

SYNOPSIS AS INTRODUCED:

10 ILCS 5/21-2

from Ch. 46, par. 21-2

Amends the Election Code. Provides that the State's presidential and vice presidential electoral votes shall be allocated (i) 2 to the presidential ticket that won the highest number of votes statewide and (ii) the remainder to each ticket on the ballot in proportion to that ticket's share of the statewide vote for all tickets.

LRB094 03729 JAM 33734 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 Section
5 21-2 as follows:

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

7 Sec. 21-2. Election of electors; voting of electors;
8 proportional allocation of electoral votes.

9 (a) As used in this Section:

10 "Presidential ticket" means candidates for President and
11 Vice President of the United States who run for their
12 respective offices jointly in Illinois.

13 "Rounded to the nearest whole number" means:

14 (1) Increased to the next whole number if the
15 fractional proportion of an electoral vote allocated is
16 equal to or greater than .5.

17 (2) Decreased to the preceding whole number if the
18 fractional proportion of an electoral vote allocated is
19 less than .5.

20 "Whole number" means positive integer, including zero.

21 (b) The county clerks of the several counties shall, within
22 21 days next after holding the election named in subsection (1)
23 of Section 2A-1.2 and Section 2A-2 make 2 copies of the
24 abstract of the votes cast for electors by each political party
25 or group, as indicated by the voter, as aforesaid, by a cross
26 in the square to the left of the bracket aforesaid, or as
27 indicated by a cross in the appropriate place preceding the
28 appellation or title of the particular political party or
29 group, and transmit by mail one of the copies to the office of
30 the State Board of Elections and retain the other in his
31 office, to be sent for by the electoral board in case the other
32 should be mislaid.

1 (c) Within 31 days after the holding of such election, and
2 sooner if all the returns are received by the State Board of
3 Elections, the State Board of Election, shall proceed to open
4 and canvass said election returns to declare which set of
5 candidates for President and Vice President received which
6 percentage of the popular vote and determine the number of
7 electoral votes assigned to each presidential ticket in the
8 manner described in subsection (d).

9 (d) The presidential ticket receiving the highest number of
10 votes cast at the election shall receive 2 electoral votes, and
11 the electors of the party whose candidates for President and
12 Vice President received the highest number of votes cast shall
13 be taken and deemed to be elected as electors of the President
14 and Vice President.

15 The remaining electoral votes shall be divided among the
16 presidential tickets on the general election ballot, based upon
17 the popular proportional share of the total ballots cast
18 statewide for each presidential ticket. The allocation of a
19 presidential ticket's popular proportion of this State's
20 electoral votes shall be in whole numbers and shall be made in
21 the following manner subject to paragraphs (1) through (3) of
22 this subsection.

23 (1) The total number of ballots cast in this State for
24 each presidential ticket at a general election shall be
25 divided by the total number of ballots cast for all
26 presidential tickets that receive votes at that general
27 election.

28 (2) The proportion of a presidential ticket's popular
29 vote, as determined in paragraph (1), shall be multiplied
30 by the number of electoral votes to which Illinois is
31 entitled minus 2 which have already been designated as
32 provided in this subsection.

33 (3) The number of electoral votes that is attributable
34 to the ballots cast for any presidential ticket, as
35 determined in paragraphs (1) and (2), shall be rounded to
36 the nearest whole number subject to the following

1 limitations:

2 (i) No presidential ticket shall receive any
3 electoral votes from this State if its proportion of
4 the total ballots cast for all presidential tickets
5 would reflect less than a full electoral vote after
6 rounding to the nearest whole number.

7 (ii) If the sum of the electoral votes allocated
8 pursuant to subparagraph (i) of this paragraph (3) is
9 greater than the number of electoral votes to which
10 Illinois is entitled:

11 (A) The allocation of electoral votes to the
12 presidential ticket receiving at least one
13 electoral vote and the fewest number of ballots
14 cast shall be reduced by whole electoral votes
15 until only that number of electoral votes to which
16 Illinois is entitled has been allocated.

17 (B) The process set forth in item (A) of this
18 subparagraph shall be repeated if, after reduction
19 of electoral votes as set forth in item (A), the
20 total number of electoral votes allocated to all
21 presidential tickets remains greater than the
22 total number of electoral votes to which this State
23 is entitled, and that process shall be applied to
24 the presidential ticket receiving at least one
25 electoral vote and the fewest number of ballots
26 cast until the total number of electoral votes
27 allocated to all presidential tickets is equal to
28 the total number of electoral votes to which this
29 State is entitled.

30 (e) If the sum of all electoral votes allocated would be
31 less than the number of electoral votes to which Illinois is
32 entitled, the presidential ticket receiving the greatest
33 number of ballots cast shall receive any unallocated electoral
34 votes until all of the electoral votes to which Illinois is
35 entitled have been allocated.

36 (f) If 2 or more presidential tickets receive the identical

1 total number of ballots cast for all presidential tickets and
2 the allocation of electoral votes to which Illinois is entitled
3 cannot be proportionally allocated in the whole electoral votes
4 to these presidential tickets, the State Board of Elections
5 shall determine by lot which of these presidential tickets
6 shall have their number of electoral votes increased or
7 decreased by whole electoral vote until all of the electoral
8 votes to which Illinois is entitled have been allocated. ~~and to~~
9 ~~declare which set of candidates for President and~~
10 ~~Vice President received, as aforesaid, the highest number of~~
11 ~~votes cast at such election as aforesaid; and the electors of~~
12 ~~that party whose candidates for President and Vice President~~
13 ~~received the highest number of votes so cast shall be taken and~~
14 ~~deemed to be elected as electors of President and~~
15 ~~Vice President, but should 2 or more sets of candidates for~~
16 ~~President and Vice President be returned with an equal and the~~
17 ~~highest vote, the State Board of Elections shall cause a notice~~
18 ~~of the same to be published, which notice shall name some day~~
19 ~~and place, not less than 5 days from the time of such~~
20 ~~publication of such notice, upon which the State Board of~~
21 ~~Elections will decide by lot which of the sets of candidates~~
22 ~~for President and Vice President so equal and highest shall be~~
23 ~~declared to be highest. And upon the day and at the place so~~
24 ~~appointed in the notice, the board shall so decide by lot and~~
25 ~~declare which is deemed highest of the sets of candidates for~~
26 ~~President and Vice President so equal and highest, thereby~~
27 ~~determining only that the electors chosen as aforesaid by such~~
28 ~~candidates' party or group are thereby elected by general~~
29 ~~ticket to be such electors.~~

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