



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5263

by Rep. Mike Fortner

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-61

from Ch. 46, par. 7-61

Amends the Election Code. When the name of a candidate does not appear on the primary ballot and a write-in candidate is not nominated for that office, the vacancy in nomination may be filled by a person designated by the appropriate committee of the political party who files petitions at the same time and with the same number of required signatures as an independent candidate (now, the vacancy is filled by a nominating resolution of the appropriate political party committee).

LRB095 16980 JAM 43026 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 7-61 as follows:

6 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

7 Sec. 7-61. Whenever a special election is necessary the  
8 provisions of this Article are applicable to the nomination of  
9 candidates to be voted for at such special election.

10 In cases where a primary election is required the officer  
11 or board or commission whose duty it is under the provisions of  
12 this Act relating to general elections to call an election,  
13 shall fix a date for the primary for the nomination of  
14 candidates to be voted for at such special election. Notice of  
15 such primary shall be given at least 15 days prior to the  
16 maximum time provided for the filing of petitions for such a  
17 primary as provided in Section 7-12.

18 Any vacancy in nomination under the provisions of this  
19 Article 7 occurring on or after the primary and prior to  
20 certification of candidates by the certifying board or officer,  
21 must be filled prior to the date of certification. Any vacancy  
22 in nomination occurring after certification but prior to 15  
23 days before the general election shall be filled within 8 days

1 after the event creating the vacancy. The resolution filling  
2 the vacancy shall be sent by U. S. mail or personal delivery to  
3 the certifying officer or board within 3 days of the action by  
4 which the vacancy was filled; provided, if such resolution is  
5 sent by mail and the U. S. postmark on the envelope containing  
6 such resolution is dated prior to the expiration of such 3 day  
7 limit, the resolution shall be deemed filed within such 3 day  
8 limit. Failure to so transmit the resolution within the time  
9 specified in this Section shall authorize the certifying  
10 officer or board to certify the original candidate. Vacancies  
11 shall be filled by the officers of a local municipal or  
12 township political party as specified in subsection (h) of  
13 Section 7-8, other than a statewide political party, that is  
14 established only within a municipality or township and the  
15 managing committee (or legislative committee in case of a  
16 candidate for State Senator or representative committee in the  
17 case of a candidate for State Representative in the General  
18 Assembly or State central committee in the case of a candidate  
19 for statewide office, including but not limited to the office  
20 of United States Senator) of the respective political party for  
21 the territorial area in which such vacancy occurs.

22 The resolution to fill a vacancy in nomination shall be  
23 duly acknowledged before an officer qualified to take  
24 acknowledgements of deeds and shall include, upon its face, the  
25 following information:

26 (a) the name of the original nominee and the office

1 vacated;

2 (b) the date on which the vacancy occurred;

3 (c) the name and address of the nominee selected to fill  
4 the vacancy and the date of selection.

5 The resolution to fill a vacancy in nomination shall be  
6 accompanied by a Statement of Candidacy, as prescribed in  
7 Section 7-10, completed by the selected nominee and a receipt  
8 indicating that such nominee has filed a statement of economic  
9 interests as required by the Illinois Governmental Ethics Act.

10 The provisions of Section 10-8 through 10-10.1 relating to  
11 objections to certificates of nomination and nomination  
12 papers, hearings on objections, and judicial review, shall  
13 apply to and govern objections to resolutions for filling a  
14 vacancy in nomination.

15 Any vacancy in nomination occurring 15 days or less before  
16 the consolidated election or the general election shall not be  
17 filled. In this event, the certification of the original  
18 candidate shall stand and his name shall appear on the official  
19 ballot to be voted at the general election.

20 A vacancy in nomination occurs when a candidate who has  
21 been nominated under the provisions of this Article 7 dies  
22 before the election (whether death occurs prior to, on or after  
23 the day of the primary), or declines the nomination; provided  
24 that nominations may become vacant for other reasons.

25 If the name of no established political party candidate was  
26 printed on the consolidated or general primary ballot for a

1 particular office and if no person was nominated as a write-in  
2 candidate for such office, a vacancy in nomination shall be  
3 created which may be filled only by a person designated by the  
4 appropriate committee of the political party who files  
5 nominating petitions with the number of signatures, and at the  
6 time, required for an independent candidate for that office  
7 under Article 10. Before the deadline for filing nominating  
8 petitions by independent candidates, the party committee shall  
9 notify the election authority responsible for certifying  
10 nominations for that office of the name of the person so  
11 designated. ~~in accordance with the requirements of this~~  
12 ~~Section. If the name of no established political party~~  
13 ~~candidate was printed on the general primary ballot for a~~  
14 ~~particular office and if no person was nominated as a write-in~~  
15 ~~candidate for such office, a vacancy in nomination shall be~~  
16 ~~created, but no candidate of the party for the office shall be~~  
17 ~~listed on the ballot at the general election unless such~~  
18 ~~vacancy is filled in accordance with the requirements of this~~  
19 ~~Section within 60 days after the date of the general primary.~~

20 A candidate for whom a nomination paper has been filed as a  
21 partisan candidate at a primary election, and who is defeated  
22 for his or her nomination at such primary election, is  
23 ineligible to be listed on the ballot at that general or  
24 consolidated election as a candidate of another political  
25 party.

26 A candidate seeking election to an office for which

1 candidates of political parties are nominated by caucus who is  
2 a participant in the caucus and who is defeated for his or her  
3 nomination at such caucus, is ineligible to be listed on the  
4 ballot at that general or consolidated election as a candidate  
5 of another political party.

6 In the proceedings to nominate a candidate to fill a  
7 vacancy or to fill a vacancy in the nomination, each precinct,  
8 township, ward, county or congressional district, as the case  
9 may be, shall through its representative on such central or  
10 managing committee, be entitled to one vote for each ballot  
11 voted in such precinct, township, ward, county or congressional  
12 district, as the case may be, by the primary electors of its  
13 party at the primary election immediately preceding the meeting  
14 at which such vacancy is to be filled.

15 For purposes of this Section, the words "certify" and  
16 "certification" shall refer to the act of officially declaring  
17 the names of candidates entitled to be printed upon the  
18 official ballot at an election and directing election  
19 authorities to place the names of such candidates upon the  
20 official ballot. "Certifying officers or board" shall refer to  
21 the local election official, election authority or the State  
22 Board of Elections, as the case may be, with whom nomination  
23 papers, including certificates of nomination and resolutions  
24 to fill vacancies in nomination, are filed and whose duty it is  
25 to "certify" candidates.

26 (Source: P.A. 94-645, eff. 8-22-05.)