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LRB095 16980 JAM 47876 a

1 AMENDMENT TO HOUSE BILL 5263

2 AMENDMENT NO. _____. Amend House Bill 5263 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Section 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

1 primary as provided in Section 7-12.

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

1 of United States Senator) of the respective political party for
2 the territorial area in which such vacancy occurs.

3 The resolution to fill a vacancy in nomination shall be
4 duly acknowledged before an officer qualified to take
5 acknowledgements of deeds and shall include, upon its face, the
6 following information:

7 (a) the name of the original nominee and the office
8 vacated;

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

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

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

17 The provisions of Section 10-8 through 10-10.1 relating to
18 objections to certificates of nomination and nomination
19 papers, hearings on objections, and judicial review, shall
20 apply to and govern objections to resolutions for filling a
21 vacancy in nomination.

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

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

6 If the name of no established political party candidate was
7 printed on the consolidated primary ballot for a particular
8 office and if no person was nominated as a write-in candidate
9 for such office, a vacancy in nomination shall be created which
10 may be filled in accordance with the requirements of this
11 Section within 16 days after the day of the consolidated
12 primary. 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 filled only by a person designated by the appropriate committee
17 of the political party (i) whose name is submitted by that
18 committee to the State Board of Elections within 60 days after
19 the day of the general primary and (ii) who files nominating
20 petitions with the number of signatures, and at the time,
21 required for an independent candidate for that office under
22 Article 10. The circulation period for those petitions begins
23 on the day the State Board of Elections receives from the
24 committee the notice of the person's name. The State Board of
25 Elections shall hear and pass upon all objections to nomination
26 petitions filed by candidates under this paragraph. ~~created,~~

1 ~~but no candidate of the party for the office shall be listed on~~
2 ~~the ballot at the general election unless such vacancy is~~
3 ~~filled in accordance with the requirements of this Section~~
4 ~~within 60 days after the date of the general primary.~~

5 A candidate for whom a nomination paper has been filed as a
6 partisan candidate at a primary election, and who is defeated
7 for his or her nomination at such primary election, is
8 ineligible to be listed on the ballot at that general or
9 consolidated election as a candidate of another political
10 party.

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

17 In the proceedings to nominate a candidate to fill a
18 vacancy or to fill a vacancy in the nomination, each precinct,
19 township, ward, county or congressional district, as the case
20 may be, shall through its representative on such central or
21 managing committee, be entitled to one vote for each ballot
22 voted in such precinct, township, ward, county or congressional
23 district, as the case may be, by the primary electors of its
24 party at the primary election immediately preceding the meeting
25 at which such vacancy is to be filled.

26 For purposes of this Section, the words "certify" and

1 "certification" shall refer to the act of officially declaring
2 the names of candidates entitled to be printed upon the
3 official ballot at an election and directing election
4 authorities to place the names of such candidates upon the
5 official ballot. "Certifying officers or board" shall refer to
6 the local election official, election authority or the State
7 Board of Elections, as the case may be, with whom nomination
8 papers, including certificates of nomination and resolutions
9 to fill vacancies in nomination, are filed and whose duty it is
10 to "certify" candidates.

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