HB6733

95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB6733

by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1	from Ch. 46, par. 2A-1
10 ILCS 5/16-12 new	
10 ILCS 5/19A-15	
10 ILCS 5/24A-23 new	
10 ILCS 5/24B-21 new	
10 ILCS 5/24C-20 new	
10 ILCS 5/25-9 new	

Amends the Election Code. Provides for special primaries and elections to fill vacancies following the 2008 general election and occurring on or before January 1, 2009 in the office of United States Senator. Makes implementing and conforming changes. These provisions are repealed on January 1, 2010. Effective immediately.

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 2A-1 and 19A-15 and by adding Sections 16-12, 24A-23,

6   24B-21, 24C-20, and 25-9 as follows:

7   (10 ILCS 5/2A-1) (from Ch. 46, par. 2A-1)

8   (Text of Section WITH the changes made by P.A. 89-719,

9   which has been held unconstitutional)

10   Sec. 2A-1. All Elections - Governed by this Code -

11   Construction of Article 2A.

12   (a) No public question may be submitted to any voters in

13   this State, nor may any person be nominated for public office

14   or elected to public or political party office in this State

15   except pursuant to this Code, notwithstanding the provisions of

16   any other statute or municipal charter. However, this Code

17   shall not apply to elections for officers or public questions

18   of local school councils established pursuant to Chapter 34 of

19   the School Code, soil and water conservation districts or

20   drainage districts, except as specifically made applicable by

21   another statute.

22   (b) All elections in this State shall be held in accordance

23   with the consolidated schedule of elections established in

1   Sections 2A-1.1 and 2A-1.2. No election may be held on any date

2   other than a date on which an election is scheduled under

3   Section 2A-1.1, except special primaries and special elections

4   pursuant to Section 25-9, special elections to fill

5   congressional vacancies held pursuant to writs of election

6   issued by the Governor, judicial elections to fill vacancies in

7   the office of Supreme Court Judge held pursuant to writs of

8   election issued by the Governor under subsection (a-5) of

9   Section 2A-9, township referenda and votes of the town electors

10   held at the annual town meeting, emergency referenda approved

11   pursuant to Section 2A-1.4, special elections held between

12   January 1, 1995 and July 1, 1995 under Section 34-53 of the

13   School Code, and city, village or incorporated town primary

14   elections in even-numbered years expressly authorized in this

15   Article to provide for annual partisan elections.

16   (c) At the respective elections established in Section

17   2A-1.1, candidates shall be elected to office, nominated for

18   election thereto or placed on the ballot as otherwise required

19   by this Code, and public questions may be submitted, as

20   specified in Section 2A-1.2.

21   (d) If the requirements of Section 2A-1.2 conflict with any

22   specific provision of Sections 2A-2 through 2A-54, as applied

23   to any office or election, the requirements of Section 2A-1.2

24   prevail, and shall be enforced by the State Board of Elections.

25   (e) In the event any court of competent jurisdiction

26   declares an election void, the court may order another election

1   without regard to the schedule of elections set forth in this

2   Article.

3   (Source: P.A. 89-719, eff. 3-7-97.)

4   (Text of Section WITHOUT the changes made by P.A. 89-719,

5   which has been held unconstitutional)

6   Sec. 2A-1. All Elections - Governed by this Code -

7   Construction of Article 2A.

8   (a) No public question may be submitted to any voters in

9   this State, nor may any person be nominated for public office

10   or elected to public or political party office in this State

11   except pursuant to this Code, notwithstanding the provisions of

12   any other statute or municipal charter. However, this Code

13   shall not apply to elections for officers or public questions

14   of local school councils established pursuant to Chapter 34 of

15   the School Code, soil and water conservation districts or

16   drainage districts, except as specifically made applicable by

17   another statute.

18   (b) All elections in this State shall be held in accordance

19   with the consolidated schedule of elections established in

20   Sections 2A-1.1 and 2A-1.2. No election may be held on any date

21   other than a date on which an election is scheduled under

22   Section 2A-1.1, except special primaries and special elections

23   pursuant to Section 25-9, special elections to fill

24   congressional vacancies held pursuant to writs of election

25   issued by the Governor, township referenda and votes of the

1   town electors held at the annual town meeting, emergency

2   referenda approved pursuant to Section 2A-1.4, special

3   elections held between January 1, 1995 and July 1, 1995 under

4   Section 34-53 of the School Code, and city, village or

5   incorporated town primary elections in even-numbered years

6   expressly authorized in this Article to provide for annual

7   partisan elections.

8   (c) At the respective elections established in Section

9   2A-1.1, candidates shall be elected to office, nominated for

10   election thereto or placed on the ballot as otherwise required

11   by this Code, and public questions may be submitted, as

12   specified in Section 2A-1.2.

13   (d) If the requirements of Section 2A-1.2 conflict with any

14   specific provision of Sections 2A-2 through 2A-54, as applied

15   to any office or election, the requirements of Section 2A-1.2

16   prevail, and shall be enforced by the State Board of Elections.

17   (e) In the event any court of competent jurisdiction

18   declares an election void, the court may order another election

19   without regard to the schedule of elections set forth in this

20   Article.

21   (Source: P.A. 88-511.)

22   (10 ILCS 5/16-12 new)

23   Sec. 16-12. Separate ballots for 2009 special primary and

24   special election. Notwithstanding any other provision of this

25   Code, an election authority may prepare and use ballots for the

1 special primary and special election conducted pursuant to

2 Section 25-9 that are separate from the 2009 consolidated

3 primary and consolidated election ballots. This Section is

4 repealed on January 1, 2010.

5   (10 ILCS 5/19A-15)

6   Sec. 19A-15. Period for early voting; hours.

7   (a) The period for early voting by personal appearance

8 begins the 22nd day preceding a general primary, consolidated

9 primary, consolidated, or general election, a special primary

10 conducted pursuant to Section 25-9, or a special election

11 conducted pursuant to Section 25-9 and extends through the 5th

12 day before election day.

13   (b) A permanent polling place for early voting must remain

14 open during the hours of 8:30 a.m. to 4:30 p.m., or 9:00 a.m.

15 to 5:00 p.m., on weekdays and 9:00 a.m. to 12:00 p.m. on

16 Saturdays, Sundays, and holidays.

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

18   (10 ILCS 5/24A-23 new)

19   Sec. 24A-23. Separate ballot cards for 2009 special primary

20 and special election. Notwithstanding any other provision of

21 this Code, an election authority may prepare and use ballot

22 cards for the special primary and special election conducted

23 pursuant to Section 25-9 that are separate from the 2009

24 consolidated primary and consolidated election ballot cards.

1   This Section is repealed on January 1, 2010.

2   (10 ILCS 5/24B-21 new)

3   Sec. 24B-21. Separate ballot sheets for 2009 special

4   primary and special election. Notwithstanding any other

5   provision of this Code, an election authority may prepare and

6   use ballot sheets for the special primary and special election

7   conducted pursuant to Section 25-9 that are separate from the

8   2009 consolidated primary and consolidated election ballot

9   sheets. This Section is repealed on January 1, 2010.

10   (10 ILCS 5/24C-20 new)

11   Sec. 24C-20. Separate ballot screens for 2009 special

12   primary and special election. Notwithstanding any other

13   provision of this Code, an election authority may prepare and

14   use ballot screens for the special primary and special election

15   conducted pursuant to Section 25-9 that are separate from the

16   2009 consolidated primary and consolidated election ballot

17   screens. This Section is repealed on January 1, 2010.

18   (10 ILCS 5/25-9 new)

19   Sec. 25-9. Special provisions for filling a vacancy in the

20   office of U. S. Senator.

21   (a) Notwithstanding any other provision of this Code, each

22   vacancy following the 2008 general election and occurring on or

23   before January 1, 2009 in the office of United States Senator

1   must be filled in accordance with the provisions of this

2   Section. Any temporary appointment made pursuant to Section

3   25-8 shall expire upon certification of the results of any

4   special election conducted pursuant to this Section.

5   (b) If and only if this amendatory Act of the 95th General

6   Assembly takes effect on or before January 1, 2009, each

7   vacancy in the office of United States Senator occurring on or

8   before January 1, 2009 shall be filled by the people at a

9   special election to be held on the same day as the next

10   consolidated election. Candidates of established political

11   parties shall be nominated for the office to be filled by

12   special election at a primary election to be held on the same

13   day as the next consolidated primary election.

14   (c) If and only if this amendatory Act of the 95th General

15   Assembly takes effect on or after January 2, 2009, each vacancy

16   in the office of United States Senator occurring on or before

17   January 1, 2009 shall be filled by the people at a special

18   election to be held on May 26, 2009. Candidates of established

19   political parties shall be nominated for the office to be

20   filled by special election at a special primary election to be

21   held on the same day as the consolidated election held on April

22   7, 2009.

23   (d) Within 5 days after the effective date of this

24   amendatory Act of the 95th General Assembly, the Governor must

25   issue all writs of election necessary to carry out the

26   provisions of this Section. If the Governor fails to issue all

1   such writs within the 5-day period, then the Lieutenant

2   Governor shall issue those writs within 3 days after the end of

3   that 5-day period.

4   (e) If this Section requires that a special primary be

5   conducted at the 2009 consolidated primary within a

6   municipality that by law is permitted to not conduct a

7   consolidated primary, then the special primary required by this

8   Section must nonetheless be conducted in that municipality on

9   the day specified by this Code for the consolidated primary.

10   (f) The State Board of Elections shall by emergency rule

11 establish the time periods with respect to special primaries

12 and special elections required under this Section for (i)

13 circulation and filing of nominating petitions, (ii) filing,

14 hearing, and determination of objections, (iii) certification

15 of candidates, (iv) notification to qualified electors, (v)

16 absentee voting, (vi) canvassing of votes, (vii) declaration of

17 results, and (viii) any other activity required for the conduct

18 of the special primary or special election.

19   (g) This Section is repealed on January 1, 2010.

20   Section 99. Effective date. This Act takes effect upon

21 becoming law.