Rep. David Reis

Filed: 1/12/2009

1   AMENDMENT TO SENATE BILL 761

2   AMENDMENT NO. _____. Amend Senate Bill 761, AS AMENDED,

3   with reference to the page and line numbers of House Amendment

4   No. 1, as follows:

5   on page 1, by replacing line 5 with the following:

6   "Sections 2A-1, 9-35, and 19A-15 and by adding Sections 16-12,

7   24A-23, 24B-21, 24C-20, and 25-9 as follows:

8   (10 ILCS 5/2A-1) (from Ch. 46, par. 2A-1)

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

10   which has been held unconstitutional)

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

12   Construction of Article 2A.

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

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

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

1   except pursuant to this Code, notwithstanding the provisions of

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

3   shall not apply to elections for officers or public questions

4   of local school councils established pursuant to Chapter 34 of

5   the School Code, soil and water conservation districts or

6   drainage districts, except as specifically made applicable by

7   another statute.

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

9   with the consolidated schedule of elections established in

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

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

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

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

14   congressional vacancies held pursuant to writs of election

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

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

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

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

19   held at the annual town meeting, emergency referenda approved

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

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

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

23   elections in even-numbered years expressly authorized in this

24   Article to provide for annual partisan elections.

25   (c) At the respective elections established in Section

26   2A-1.1, candidates shall be elected to office, nominated for

1   election thereto or placed on the ballot as otherwise required

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

3   specified in Section 2A-1.2.

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

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

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

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

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

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

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

11   Article.

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

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

14   which has been held unconstitutional)

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

16   Construction of Article 2A.

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

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

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

20   except pursuant to this Code, notwithstanding the provisions of

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

22   shall not apply to elections for officers or public questions

23   of local school councils established pursuant to Chapter 34 of

24   the School Code, soil and water conservation districts or

25   drainage districts, except as specifically made applicable by

1   another statute.

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

3   with the consolidated schedule of elections established in

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

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

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

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

8   congressional vacancies held pursuant to writs of election

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

10   town electors held at the annual town meeting, emergency

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

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

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

14   incorporated town primary elections in even-numbered years

15   expressly authorized in this Article to provide for annual

16   partisan elections.

17   (c) At the respective elections established in Section

18   2A-1.1, candidates shall be elected to office, nominated for

19   election thereto or placed on the ballot as otherwise required

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

21   specified in Section 2A-1.2.

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

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

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

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

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

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

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

3   Article.

4   (Source: P.A. 88-511.)"; and

5   on page 5, by inserting after line 2 the following:

6   "(10 ILCS 5/16-12 new)

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

8   special election. Notwithstanding any other provision of this

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

10   special primary and special election conducted pursuant to

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

12   primary and consolidated election ballots. This Section is

13   repealed on January 1, 2010.

14   (10 ILCS 5/19A-15)

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

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

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

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

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

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

21   day before election day.

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

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

1   to 5:00 p.m., on weekdays and 9:00 a.m. to 12:00 p.m. on
2   Saturdays, Sundays, and holidays.
3   (Source: P.A. 94-645, eff. 8-22-05.)

4   (10 ILCS 5/24A-23 new)
5   Sec. 24A-23. Separate ballot cards for 2009 special primary
6   and special election. Notwithstanding any other provision of
7   this Code, an election authority may prepare and use ballot
8   cards for the special primary and special election conducted
9   pursuant to Section 25-9 that are separate from the 2009
10   consolidated primary and consolidated election ballot cards.
11   This Section is repealed on January 1, 2010.

12   (10 ILCS 5/24B-21 new)
13   Sec. 24B-21. Separate ballot sheets for 2009 special
14   primary and special election. Notwithstanding any other
15   provision of this Code, an election authority may prepare and
16   use ballot sheets for the special primary and special election
17   conducted pursuant to Section 25-9 that are separate from the
18   2009 consolidated primary and consolidated election ballot
19   sheets. This Section is repealed on January 1, 2010.

20   (10 ILCS 5/24C-20 new)
21   Sec. 24C-20. Separate ballot screens for 2009 special
22   primary and special election. Notwithstanding any other
23   provision of this Code, an election authority may prepare and

1   use ballot screens for the special primary and special election

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

3   2009 consolidated primary and consolidated election ballot

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

5   (10 ILCS 5/25-9 new)

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

7   office of U. S. Senator.

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

9   vacancy following the 2008 general election and occurring on or

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

11   must be filled in accordance with the provisions of this

12   Section. Any temporary appointment made pursuant to Section

13   25-8 shall expire upon certification of the results of any

14   special election conducted pursuant to this Section.

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

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

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

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

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

20   consolidated election. Candidates of established political

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

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

23   day as the next consolidated primary election.

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

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

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

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

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

4   political parties shall be nominated for the office to be

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

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

7   7, 2009.

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

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

10 issue all writs of election necessary to carry out the

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

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

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

14 that 5-day period.

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

16 conducted at the 2009 consolidated primary within a

17 municipality that by law is permitted to not conduct a

18 consolidated primary, then the special primary required by this

19 Section must nonetheless be conducted in that municipality on

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

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

22 establish the time periods with respect to special primaries

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

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

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

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

1   absentee voting, (vi) canvassing of votes, (vii) declaration of
2   results, and (viii) any other activity required for the conduct
3   of the special primary or special election.
4   (g) This Section is repealed on January 1, 2010.".