



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

##### HB4964

Introduced 1/21/2010, by Rep. Elaine Nekritz

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.1	from Ch. 46, par. 2A-1.1
10 ILCS 5/7A-1	from Ch. 46, par. 7A-1
25 ILCS 115/4	from Ch. 63, par. 15.1
25 ILCS 130/9-2.5	

Amends the Election Code, the General Assembly Compensation Act, and the Legislative Commission Reorganization Act of 1984. Changes the general primary election from the first Tuesday in February of even-numbered years to the third Tuesday in March of even-numbered years. Makes conforming changes with respect to (i) filing of declarations of judicial retention and (ii) printing and mailing of legislators' newsletters and brochures.

LRB096 18364 JAM 33741 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  
5 Sections 2A-1.1 and 7A-1 as follows:

6 (10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

7 Sec. 2A-1.1. All Elections - Consolidated Schedule.

8 (a) In even-numbered years, the general election shall be  
9 held on the first Tuesday after the first Monday of November;  
10 and an election to be known as the general primary election  
11 shall be held on the third ~~first~~ Tuesday in March ~~February~~;

12 (b) In odd-numbered years, an election to be known as the  
13 consolidated election shall be held on the first Tuesday in  
14 April except as provided in Section 2A-1.1a of this Act; and an  
15 election to be known as the consolidated primary election shall  
16 be held on the last Tuesday in February.

17 (Source: P.A. 95-6, eff. 6-20-07.)

18 (10 ILCS 5/7A-1) (from Ch. 46, par. 7A-1)

19 Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has  
20 been elected to that office and who seeks to be retained in  
21 that office under subsection (d) of Section 12 of Article VI of  
22 the Constitution shall file a declaration of candidacy to

1 succeed himself in the office of the Secretary of State on or  
2 before the third ~~first~~ Monday in January ~~December~~ before the  
3 general election preceding the expiration of his term of  
4 office. Within 3 business days thereafter, the Secretary of  
5 State shall certify to the State Board of Elections the names  
6 of all incumbent judges who were eligible to stand for  
7 retention at the next general election but failed to timely  
8 file a declaration of candidacy to succeed themselves in office  
9 or, having timely filed such a declaration, withdrew it. The  
10 State Board of Elections may rely upon the certification from  
11 the Secretary of State (a) to determine when vacancies in  
12 judicial office exist and (b) to determine the judicial  
13 positions for which elections will be held. The Secretary of  
14 State, not less than 63 days before the election, shall certify  
15 the Judge's candidacy to the proper election officials. The  
16 names of Judges seeking retention shall be submitted to the  
17 electors, separately and without party designation, on the sole  
18 question whether each Judge shall be retained in office for  
19 another term. The retention elections shall be conducted at  
20 general elections in the appropriate Judicial District, for  
21 Supreme and Appellate Judges, and in the circuit for Circuit  
22 Judges. The affirmative vote of three-fifths of the electors  
23 voting on the question shall elect the Judge to the office for  
24 a term commencing on the first Monday in December following his  
25 election.

26 (Source: P.A. 86-1348.)

1           Section 10. The General Assembly Compensation Act is  
2 amended by changing Section 4 as follows:

3           (25 ILCS 115/4) (from Ch. 63, par. 15.1)

4           Sec. 4. Office allowance. Beginning July 1, 2001, each  
5 member of the House of Representatives is authorized to approve  
6 the expenditure of not more than \$61,000 per year and each  
7 member of the Senate is authorized to approve the expenditure  
8 of not more than \$73,000 per year to pay for "personal  
9 services", "contractual services", "commodities", "printing",  
10 "travel", "operation of automotive equipment",  
11 "telecommunications services", as defined in the State Finance  
12 Act, and the compensation of one or more legislative assistants  
13 authorized pursuant to this Section, in connection with his or  
14 her legislative duties and not in connection with any political  
15 campaign. On July 1, 2002 and on July 1 of each year  
16 thereafter, the amount authorized per year under this Section  
17 for each member of the Senate and each member of the House of  
18 Representatives shall be increased by a percentage increase  
19 equivalent to the lesser of (i) the increase in the designated  
20 cost of living index or (ii) 5%. The designated cost of living  
21 index is the index known as the "Employment Cost Index, Wages  
22 and Salaries, By Occupation and Industry Groups: State and  
23 Local Government Workers: Public Administration" as published  
24 by the Bureau of Labor Statistics of the U.S. Department of

1 Labor for the calendar year immediately preceding the year of  
2 the respective July 1st increase date. The increase shall be  
3 added to the then current amount, and the adjusted amount so  
4 determined shall be the annual amount beginning July 1 of the  
5 increase year until July 1 of the next year. No increase under  
6 this provision shall be less than zero.

7 A member may purchase office equipment if the member  
8 certifies to the Secretary of the Senate or the Clerk of the  
9 House, as applicable, that the purchase price, whether paid in  
10 lump sum or installments, amounts to less than would be charged  
11 for renting or leasing the equipment over its anticipated  
12 useful life. All such equipment must be purchased through the  
13 Secretary of the Senate or the Clerk of the House, as  
14 applicable, for proper identification and verification of  
15 purchase.

16 Each member of the General Assembly is authorized to employ  
17 one or more legislative assistants, who shall be solely under  
18 the direction and control of that member, for the purpose of  
19 assisting the member in the performance of his or her official  
20 duties. A legislative assistant may be employed pursuant to  
21 this Section as a full-time employee, part-time employee, or  
22 contractual employee, at the discretion of the member. If  
23 employed as a State employee, a legislative assistant shall  
24 receive employment benefits on the same terms and conditions  
25 that apply to other employees of the General Assembly. Each  
26 member shall adopt and implement personnel policies for

1 legislative assistants under his or her direction and control  
2 relating to work time requirements, documentation for  
3 reimbursement for travel on official State business,  
4 compensation, and the earning and accrual of State benefits for  
5 those legislative assistants who may be eligible to receive  
6 those benefits. The policies shall also require legislative  
7 assistants to periodically submit time sheets documenting, in  
8 quarter-hour increments, the time spent each day on official  
9 State business. The policies shall require the time sheets to  
10 be submitted on paper, electronically, or both and to be  
11 maintained in either paper or electronic format by the  
12 applicable fiscal office for a period of at least 2 years.  
13 Contractual employees may satisfy the time sheets requirement  
14 by complying with the terms of their contract, which shall  
15 provide for a means of compliance with this requirement. A  
16 member may satisfy the requirements of this paragraph by  
17 adopting and implementing the personnel policies promulgated  
18 by that member's legislative leader under the State Officials  
19 and Employees Ethics Act with respect to that member's  
20 legislative assistants.

21 As used in this Section the term "personal services" shall  
22 include contributions of the State under the Federal Insurance  
23 Contribution Act and under Article 14 of the Illinois Pension  
24 Code. As used in this Section the term "contractual services"  
25 shall not include improvements to real property unless those  
26 improvements are the obligation of the lessee under the lease

1 agreement. Beginning July 1, 1989, as used in the Section, the  
2 term "travel" shall be limited to travel in connection with a  
3 member's legislative duties and not in connection with any  
4 political campaign. Beginning on the effective date of this  
5 amendatory Act of the 93rd General Assembly, as used in this  
6 Section, the term "printing" includes, but is not limited to,  
7 newsletters, brochures, certificates, congratulatory mailings,  
8 greeting or welcome messages, anniversary or birthday cards,  
9 and congratulations for prominent achievement cards. As used in  
10 this Section, the term "printing" includes fees for  
11 non-substantive resolutions charged by the Clerk of the House  
12 of Representatives under subsection (c-5) of Section 1 of the  
13 Legislative Materials Act. No newsletter or brochure that is  
14 paid for, in whole or in part, with funds provided under this  
15 Section may be printed or mailed during a period beginning  
16 February 1 ~~December 15~~ of the year of ~~preceding~~ a general  
17 primary election and ending the day after the general primary  
18 election and during a period beginning September 1 of the year  
19 of a general election and ending the day after the general  
20 election, except that such a newsletter or brochure may be  
21 mailed during those times if it is mailed to a constituent in  
22 response to that constituent's inquiry concerning the needs of  
23 that constituent or questions raised by that constituent.  
24 Nothing in this Section shall be construed to authorize  
25 expenditures for lodging and meals while a member is in  
26 attendance at sessions of the General Assembly.

1 Any utility bill for service provided to a member's  
2 district office for a period including portions of 2  
3 consecutive fiscal years may be paid from funds appropriated  
4 for such expenditure in either fiscal year.

5 If a vacancy occurs in the office of Senator or  
6 Representative in the General Assembly, any office equipment in  
7 the possession of the vacating member shall transfer to the  
8 member's successor; if the successor does not want such  
9 equipment, it shall be transferred to the Secretary of the  
10 Senate or Clerk of the House of Representatives, as the case  
11 may be, and if not wanted by other members of the General  
12 Assembly then to the Department of Central Management Services  
13 for treatment as surplus property under the State Property  
14 Control Act. Each member, on or before June 30th of each year,  
15 shall conduct an inventory of all equipment purchased pursuant  
16 to this Act. Such inventory shall be filed with the Secretary  
17 of the Senate or the Clerk of the House, as the case may be.  
18 Whenever a vacancy occurs, the Secretary of the Senate or the  
19 Clerk of the House, as the case may be, shall conduct an  
20 inventory of equipment purchased.

21 In the event that a member leaves office during his or her  
22 term, any unexpended or unobligated portion of the allowance  
23 granted under this Section shall lapse. The vacating member's  
24 successor shall be granted an allowance in an amount, rounded  
25 to the nearest dollar, computed by dividing the annual  
26 allowance by 365 and multiplying the quotient by the number of



1 days remaining in the fiscal year.

2 From any appropriation for the purposes of this Section for  
3 a fiscal year which overlaps 2 General Assemblies, no more than  
4 1/2 of the annual allowance per member may be spent or  
5 encumbered by any member of either the outgoing or incoming  
6 General Assembly, except that any member of the incoming  
7 General Assembly who was a member of the outgoing General  
8 Assembly may encumber or spend any portion of his annual  
9 allowance within the fiscal year.

10 The appropriation for the annual allowances permitted by  
11 this Section shall be included in an appropriation to the  
12 President of the Senate and to the Speaker of the House of  
13 Representatives for their respective members. The President of  
14 the Senate and the Speaker of the House shall voucher for  
15 payment individual members' expenditures from their annual  
16 office allowances to the State Comptroller, subject to the  
17 authority of the Comptroller under Section 9 of the State  
18 Comptroller Act.

19 Nothing in this Section prohibits the expenditure of  
20 personal funds or the funds of a political committee controlled  
21 by an officeholder to defray the customary and reasonable  
22 expenses of an officeholder in connection with the performance  
23 of governmental and public service functions.

24 (Source: P.A. 95-6, eff. 6-20-07; 96-555, eff. 8-18-09.)

25 Section 15. The Legislative Commission Reorganization Act

1 of 1984 is amended by changing Section 9-2.5 as follows:

2 (25 ILCS 130/9-2.5)

3 Sec. 9-2.5. Newsletters and brochures. The Legislative  
4 Printing Unit may not print for any member of the General  
5 Assembly any newsletters or brochures during the period  
6 beginning February 1 ~~December 15~~ of the year of ~~preceding~~  
7 general primary election and ending the day after the general  
8 primary election and during a period beginning September 1 of  
9 the year of a general election and ending the day after the  
10 general election. A member of the General Assembly may not  
11 mail, during a period beginning February 1 ~~December 15~~ of the  
12 year of ~~preceding~~ a general primary election and ending the day  
13 after the general primary election and during a period  
14 beginning September 1 of the year of a general election and  
15 ending the day after the general election, any newsletters or  
16 brochures that were printed, at any time, by the Legislative  
17 Printing Unit, except that such a newsletter or brochure may be  
18 mailed during those times if it is mailed to a constituent in  
19 response to that constituent's inquiry concerning the needs of  
20 that constituent or questions raised by that constituent.

21 (Source: P.A. 95-6, eff. 6-20-07.)