



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5977

Introduced 2/10/2010, by Rep. Julie Hamos

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 in years when a President is elected to the second Tuesday in March and in other even-numbered years to the second Tuesday in August (now, the first Tuesday in February in 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 18466 JAM 33845 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 (i) on the second Tuesday in March in
12 even-numbered years in which the United States President is
13 scheduled to be elected and (ii) on the second ~~first~~ Tuesday in
14 August ~~February~~ in even-numbered years in which the United
15 States President is not scheduled to be elected;

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

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

22 (10 ILCS 5/7A-1) (from Ch. 46, par. 7A-1)

1 Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has
2 been elected to that office and who seeks to be retained in
3 that office under subsection (d) of Section 12 of Article VI of
4 the Constitution shall file a declaration of candidacy to
5 succeed himself in the office of the Secretary of State on or
6 before the 60th day ~~first Monday in December~~ before the general
7 election preceding the expiration of his term of office. Within
8 3 business days thereafter, the Secretary of State shall
9 certify to the State Board of Elections the names of all
10 incumbent judges who were eligible to stand for retention at
11 the next general election but failed to timely file a
12 declaration of candidacy to succeed themselves in office or,
13 having timely filed such a declaration, withdrew it. The State
14 Board of Elections may rely upon the certification from the
15 Secretary of State (a) to determine when vacancies in judicial
16 office exist and (b) to determine the judicial positions for
17 which elections will be held. The Secretary of State, not less
18 than 63 days before the election, shall certify the Judge's
19 candidacy to the proper election officials. The names of Judges
20 seeking retention shall be submitted to the electors,
21 separately and without party designation, on the sole question
22 whether each Judge shall be retained in office for another
23 term. The retention elections shall be conducted at general
24 elections in the appropriate Judicial District, for Supreme and
25 Appellate Judges, and in the circuit for Circuit Judges. The
26 affirmative vote of three-fifths of the electors voting on the

1 question shall elect the Judge to the office for a term
2 commencing on the first Monday in December following his
3 election.

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

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

7 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

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

1 index is the index known as the "Employment Cost Index, Wages
2 and Salaries, By Occupation and Industry Groups: State and
3 Local Government Workers: Public Administration" as published
4 by the Bureau of Labor Statistics of the U.S. Department of
5 Labor for the calendar year immediately preceding the year of
6 the respective July 1st increase date. The increase shall be
7 added to the then current amount, and the adjusted amount so
8 determined shall be the annual amount beginning July 1 of the
9 increase year until July 1 of the next year. No increase under
10 this provision shall be less than zero.

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

20 Each member of the General Assembly is authorized to employ
21 one or more legislative assistants, who shall be solely under
22 the direction and control of that member, for the purpose of
23 assisting the member in the performance of his or her official
24 duties. A legislative assistant may be employed pursuant to
25 this Section as a full-time employee, part-time employee, or
26 contractual employee, at the discretion of the member. If

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

25 As used in this Section the term "personal services" shall
26 include contributions of the State under the Federal Insurance

1 Contribution Act and under Article 14 of the Illinois Pension
2 Code. As used in this Section the term "contractual services"
3 shall not include improvements to real property unless those
4 improvements are the obligation of the lessee under the lease
5 agreement. Beginning July 1, 1989, as used in the Section, the
6 term "travel" shall be limited to travel in connection with a
7 member's legislative duties and not in connection with any
8 political campaign. Beginning on the effective date of this
9 amendatory Act of the 93rd General Assembly, as used in this
10 Section, the term "printing" includes, but is not limited to,
11 newsletters, brochures, certificates, congratulatory mailings,
12 greeting or welcome messages, anniversary or birthday cards,
13 and congratulations for prominent achievement cards. As used in
14 this Section, the term "printing" includes fees for
15 non-substantive resolutions charged by the Clerk of the House
16 of Representatives under subsection (c-5) of Section 1 of the
17 Legislative Materials Act. No newsletter or brochure that is
18 paid for, in whole or in part, with funds provided under this
19 Section may be printed or mailed during a period beginning on
20 the 45th day before ~~December 15 of the year preceding~~ a general
21 primary election and ending the day after the general primary
22 election and during a period beginning September 1 of the year
23 of a general election and ending the day after the general
24 election, except that such a newsletter or brochure may be
25 mailed during those times if it is mailed to a constituent in
26 response to that constituent's inquiry concerning the needs of

1 that constituent or questions raised by that constituent.
2 Nothing in this Section shall be construed to authorize
3 expenditures for lodging and meals while a member is in
4 attendance at sessions of the General Assembly.

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

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

25 In the event that a member leaves office during his or her
26 term, any unexpended or unobligated portion of the allowance

1 granted under this Section shall lapse. The vacating member's
2 successor shall be granted an allowance in an amount, rounded
3 to the nearest dollar, computed by dividing the annual
4 allowance by 365 and multiplying the quotient by the number of
5 days remaining in the fiscal year.

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

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

23 Nothing in this Section prohibits the expenditure of
24 personal funds or the funds of a political committee controlled
25 by an officeholder to defray the customary and reasonable
26 expenses of an officeholder in connection with the performance

1 of governmental and public service functions.

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

3 Section 15. The Legislative Commission Reorganization Act
4 of 1984 is amended by changing Section 9-2.5 as follows:

5 (25 ILCS 130/9-2.5)

6 Sec. 9-2.5. Newsletters and brochures. The Legislative
7 Printing Unit may not print for any member of the General
8 Assembly any newsletters or brochures during the period
9 beginning on the 45th day before ~~December 15 of the year~~
10 ~~preceding~~ a general primary election and ending the day after
11 the general primary election and during a period beginning
12 September 1 of the year of a general election and ending the
13 day after the general election. A member of the General
14 Assembly may not mail, during a period beginning on the 45th
15 day before ~~December 15 of the year preceding~~ a general primary
16 election and ending the day after the general primary election
17 and during a period beginning September 1 of the year of a
18 general election and ending the day after the general election,
19 any newsletters or brochures that were printed, at any time, by
20 the Legislative Printing Unit, except that such a newsletter or
21 brochure may be mailed during those times if it is mailed to a
22 constituent in response to that constituent's inquiry
23 concerning the needs of that constituent or questions raised by
24 that constituent.

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