



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3607

Introduced 2/24/2011, by Rep. Sidney H. Mathias - Sandra M. Pihos - Renée Kosel - David Harris - Jil Tracy, et al.

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1	from Ch. 46, par. 2A-1
10 ILCS 5/2A-3	from Ch. 46, par. 2A-3
10 ILCS 5/25-8	from Ch. 46, par. 25-8

Amends the Election Code. With respect to vacancies in the office of United States Senator from Illinois, provides that: (i) a vacancy occurring more than 180 days before the next regularly scheduled election to fill that seat shall remain vacant until filled at a special election; and (ii) a vacancy occurring 180 or fewer days before the next regularly scheduled election to fill that seat shall be filled by temporary appointment by the Governor until the conclusion of the vacant term (now, whenever a vacancy occurs it is filled by temporary appointment by the Governor until the next election of United States Representatives).

LRB097 08945 HLH 49078 b

FISCAL NOTE ACT
MAY APPLY

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, 2A-3, and 25-8 as follows:

6 (10 ILCS 5/2A-1) (from Ch. 46, par. 2A-1)

7 (Text of Section WITH the changes made by P.A. 89-719,
8 which has been held unconstitutional)

9 Sec. 2A-1. All Elections - Governed by this Code -
10 Construction of Article 2A.

11 (a) No public question may be submitted to any voters in
12 this State, nor may any person be nominated for public office
13 or elected to public or political party office in this State
14 except pursuant to this Code, notwithstanding the provisions of
15 any other statute or municipal charter. However, this Code
16 shall not apply to elections for officers or public questions
17 of local school councils established pursuant to Chapter 34 of
18 the School Code, soil and water conservation districts or
19 drainage districts, except as specifically made applicable by
20 another statute.

21 (b) All elections in this State shall be held in accordance
22 with the consolidated schedule of elections established in
23 Sections 2A-1.1 and 2A-1.2. No election may be held on any date

1 other than a date on which an election is scheduled under
2 Section 2A-1.1, except special elections pursuant to Section
3 25-8, special elections to fill congressional vacancies held
4 pursuant to writs of election issued by the Governor, judicial
5 elections to fill vacancies in the office of Supreme Court
6 Judge held pursuant to writs of election issued by the Governor
7 under subsection (a-5) of Section 2A-9, township referenda and
8 votes of the town electors held at the annual town meeting,
9 emergency referenda approved pursuant to Section 2A-1.4,
10 special elections held between January 1, 1995 and July 1, 1995
11 under Section 34-53 of the School Code, and city, village or
12 incorporated town primary elections in even-numbered years
13 expressly authorized in this Article to provide for annual
14 partisan elections.

15 (c) At the respective elections established in Section
16 2A-1.1, candidates shall be elected to office, nominated for
17 election thereto or placed on the ballot as otherwise required
18 by this Code, and public questions may be submitted, as
19 specified in Section 2A-1.2.

20 (d) If the requirements of Section 2A-1.2 conflict with any
21 specific provision of Sections 2A-2 through 2A-54, as applied
22 to any office or election, the requirements of Section 2A-1.2
23 prevail, and shall be enforced by the State Board of Elections.

24 (e) In the event any court of competent jurisdiction
25 declares an election void, the court may order another election
26 without regard to the schedule of elections set forth in this

1 Article.

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

3 (Text of Section WITHOUT the changes made by P.A. 89-719,
4 which has been held unconstitutional)

5 Sec. 2A-1. All Elections - Governed by this Code -
6 Construction of Article 2A.

7 (a) No public question may be submitted to any voters in
8 this State, nor may any person be nominated for public office
9 or elected to public or political party office in this State
10 except pursuant to this Code, notwithstanding the provisions of
11 any other statute or municipal charter. However, this Code
12 shall not apply to elections for officers or public questions
13 of local school councils established pursuant to Chapter 34 of
14 the School Code, soil and water conservation districts or
15 drainage districts, except as specifically made applicable by
16 another statute.

17 (b) All elections in this State shall be held in accordance
18 with the consolidated schedule of elections established in
19 Sections 2A-1.1 and 2A-1.2. No election may be held on any date
20 other than a date on which an election is scheduled under
21 Section 2A-1.1, except special elections pursuant to Section
22 25-8, special elections to fill congressional vacancies held
23 pursuant to writs of election issued by the Governor, township
24 referenda and votes of the town electors held at the annual
25 town meeting, emergency referenda approved pursuant to Section

1 2A-1.4, special elections held between January 1, 1995 and July
2 1, 1995 under Section 34-53 of the School Code, and city,
3 village or incorporated town primary elections in
4 even-numbered years expressly authorized in this Article to
5 provide for annual partisan elections.

6 (c) At the respective elections established in Section
7 2A-1.1, candidates shall be elected to office, nominated for
8 election thereto or placed on the ballot as otherwise required
9 by this Code, and public questions may be submitted, as
10 specified in Section 2A-1.2.

11 (d) If the requirements of Section 2A-1.2 conflict with any
12 specific provision of Sections 2A-2 through 2A-54, as applied
13 to any office or election, the requirements of Section 2A-1.2
14 prevail, and shall be enforced by the State Board of Elections.

15 (e) In the event any court of competent jurisdiction
16 declares an election void, the court may order another election
17 without regard to the schedule of elections set forth in this
18 Article.

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

20 (10 ILCS 5/2A-3) (from Ch. 46, par. 2A-3)

21 Sec. 2A-3. United States Senator - Time of Election. A
22 United States Senator shall be elected at the general election
23 immediately preceding the expiration of the term of an
24 incumbent United States Senator from this State. A vacancy in
25 the office of United States Senator shall be filled as provided

1 in Section 25-8.

2 (Source: P.A. 80-936.)

3 (10 ILCS 5/25-8) (from Ch. 46, par. 25-8)

4 Sec. 25-8. Vacancy in the office of United States Senator.

5 (a) When a vacancy shall occur in the office of United
6 States Senator from this state 180 or fewer days before the
7 next regularly scheduled election at which that United States
8 Senate seat is scheduled to be filled by election, the Governor
9 shall make temporary appointment to fill such vacancy ~~until the~~
10 ~~next election of representatives in Congress, at which time~~
11 ~~such vacancy shall be filled by election, and the senator so~~
12 ~~elected shall take office as soon thereafter as he shall~~
13 ~~receive his certificate of election.~~ The temporary appointment
14 shall expire upon conclusion of the term of the vacant office
15 of United States Senator.

16 (b) When a vacancy in the office of United States Senator
17 from this State occurs more than 180 days before the next
18 regularly scheduled election at which that United States Senate
19 seat is scheduled to be filled by election, the office shall
20 remain vacant until it is filled by election at a special
21 election. The Governor, in consultation with the State Board of
22 Elections, shall issue writs of election within 5 days after
23 the occurrence of that vacancy, appointing (i) a day within 115
24 days to hold a special election to fill the vacancy and (ii) a
25 day to hold a special primary election for the nomination of

1 candidates by established political parties to fill the
2 vacancy.

3 (c) The Senator elected pursuant to this Section shall take
4 office as soon as he or she shall receive his or her
5 certificate of election.

6 (Source: Laws 1943, vol. 2, p. 1.)