



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5204

Introduced 2/8/2012, by Rep. Mike Fortner

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-61  
10 ILCS 5/8-17

from Ch. 46, par. 7-61  
from Ch. 46, par. 8-17

Amends the Election Code. Provides that, if a vacancy in nomination occurs as a result of a failure to nominate a candidate at the general primary election, the vacancy shall be filled only by a person nominated (now, designated) by the appropriate committee of the political party. Provides that the person nominated to fill the vacancy shall file his or her nominating petitions and other required documents, including the committee's resolution to fill a vacancy in nomination (now, notice of appointment), on or before the 75th day following the date of the general primary election (now, there is no time limit on filing the petitions and other documents). Effective July 1, 2012.

LRB097 18253 PJG 63479 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 7-61 and 8-17 as follows:

6 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)  
7 Sec. 7-61.

8 (a) Whenever a special election is necessary the provisions  
9 of this Article are applicable to the nomination of candidates  
10 to be voted for at such special election.

11 (b) In cases where a primary election is required the  
12 officer or board or commission whose duty it is under the  
13 provisions of this Act relating to general elections to call an  
14 election, shall fix a date for the primary for the nomination  
15 of candidates to be voted for at such special election. Notice  
16 of such primary shall be given at least 15 days prior to the  
17 maximum time provided for the filing of petitions for such a  
18 primary as provided in Section 7-12.

19 (c) The provisions of this subsection (c) and subsections  
20 (d) through (i) shall not apply to a situation where a vacancy  
21 in nomination occurred as a result of a failure to nominate a  
22 candidate at the general primary election. A ~~Any~~ vacancy in  
23 nomination under the provisions of this Article 7 occurring on

1 or after the primary and prior to certification of candidates  
2 by the certifying board or officer, must be filled prior to the  
3 date of certification. Any vacancy in nomination occurring  
4 after certification but prior to 15 days before the general  
5 election shall be filled within 8 days after the event creating  
6 the vacancy. The resolution filling the vacancy shall be sent  
7 by U. S. mail or personal delivery to the certifying officer or  
8 board within 3 days of the action by which the vacancy was  
9 filled; provided, if such resolution is sent by mail and the U.  
10 S. postmark on the envelope containing such resolution is dated  
11 prior to the expiration of such 3 day limit, the resolution  
12 shall be deemed filed within such 3 day limit. Failure to so  
13 transmit the resolution within the time specified in this  
14 Section shall authorize the certifying officer or board to  
15 certify the original candidate. Vacancies shall be filled by  
16 the officers of a local municipal or township political party  
17 as specified in subsection (h) of Section 7-8, other than a  
18 statewide political party, that is established only within a  
19 municipality or township and the managing committee (or  
20 legislative committee in case of a candidate for State Senator  
21 or representative committee in the case of a candidate for  
22 State Representative in the General Assembly or State central  
23 committee in the case of a candidate for statewide office,  
24 including but not limited to the office of United States  
25 Senator) of the respective political party for the territorial  
26 area in which such vacancy occurs.

1       (d) The resolution to fill a vacancy in nomination shall be  
2 duly acknowledged before an officer qualified to take  
3 acknowledgements of deeds and shall include, upon its face, the  
4 following information:

5           (i) ~~(a)~~ the name of the original nominee and the office  
6 vacated;

7           (ii) ~~(b)~~ the date on which the vacancy occurred;

8           (iii) ~~(c)~~ the name and address of the nominee selected  
9 to fill the vacancy and the date of selection.

10       (e) The resolution to fill a vacancy in nomination shall be  
11 accompanied by a Statement of Candidacy, as prescribed in  
12 Section 7-10, completed by the selected nominee and a receipt  
13 indicating that such nominee has filed a statement of economic  
14 interests as required by the Illinois Governmental Ethics Act.

15       (f) The provisions of Section 10-8 through 10-10.1 relating  
16 to objections to certificates of nomination and nomination  
17 papers, hearings on objections, and judicial review, shall  
18 apply to and govern objections to resolutions for filling a  
19 vacancy in nomination.

20       (g) Any vacancy in nomination occurring 15 days or less  
21 before the consolidated election or the general election shall  
22 not be filled. In this event, the certification of the original  
23 candidate shall stand and his name shall appear on the official  
24 ballot to be voted at the general election.

25       (h) A vacancy in nomination occurs when a candidate who has  
26 been nominated under the provisions of this Article 7 dies

1 before the election (whether death occurs prior to, on or after  
2 the day of the primary), or declines the nomination; provided  
3 that nominations may become vacant for other reasons.

4 (i) If the name of no established political party candidate  
5 was printed on the consolidated primary ballot for a particular  
6 office and if no person was nominated as a write-in candidate  
7 for such office, a vacancy in nomination shall be created which  
8 may be filled in accordance with the requirements of this  
9 Section prior to the date of certification for the consolidated  
10 election as provided in Section 7-60.1.

11 (j) The provisions of this subsection (j) shall only apply  
12 in situations where a vacancy in nomination has occurred as a  
13 result of a failure to nominate a candidate at the general  
14 primary election due to the fact that ~~if~~ the name of no  
15 established political party candidate was printed on the  
16 general primary ballot for a particular office and that ~~if~~ no  
17 person was nominated as a write-in candidate for such office.  
18 In such situations, a vacancy in nomination shall be filled  
19 only by a person nominated ~~designated~~ by the appropriate  
20 committee of the political party and only if that ~~designated~~  
21 person files nominating petitions with the number of signatures  
22 required for an established party candidate for that office  
23 within 75 days after the day of the general primary. The  
24 circulation period for those petitions begins on the day the  
25 appropriate committee nominates ~~designates~~ that person. The  
26 person shall file his or her nominating petitions, statements

1 of candidacy, resolution to fill a vacancy in nomination ~~notice~~  
2 ~~of appointment~~ by the appropriate committee, and receipt of  
3 filing his or her statement of economic interests together on  
4 or before the 75th day following the date of the general  
5 primary election. These documents shall be filed at the same  
6 location as provided in Section 7-12. The electoral boards  
7 having jurisdiction under Section 10-9 to hear and pass upon  
8 objections to nominating petitions also shall hear and pass  
9 upon objections to nomination petitions filed by candidates  
10 under this paragraph. For purposes of this Section, the  
11 appropriate committees of the political parties shall be those  
12 committees listed in Section 7-7 of this Code and the  
13 legislative committee for the office of State senator and the  
14 representative committee for the office of State  
15 representative, established by Section 8-5 of this Code.  
16 Nominations to fill vacancies by the appropriate committees  
17 shall be in accordance with the provisions of Sections 7-8,  
18 7-8.01, and 7-8.02 and, for vacancies in the office of State  
19 senator or State representative, shall be in accordance with  
20 Sections 8-6 and 8-17.1.

21 (k) A candidate for whom a nomination paper has been filed  
22 as a partisan candidate at a primary election, and who is  
23 defeated for his or her nomination at such primary election, is  
24 ineligible to be listed on the ballot at that general or  
25 consolidated election as a candidate of another political  
26 party.

1       (l) A candidate seeking election to an office for which  
2 candidates of political parties are nominated by caucus who is  
3 a participant in the caucus and who is defeated for his or her  
4 nomination at such caucus, is ineligible to be listed on the  
5 ballot at that general or consolidated election as a candidate  
6 of another political party.

7       (m) In the proceedings to nominate a candidate to fill a  
8 vacancy or to fill a vacancy in the nomination, each precinct,  
9 township, ward, county or congressional district, as the case  
10 may be, shall through its representative on such central or  
11 managing committee, be entitled to one vote for each ballot  
12 voted in such precinct, township, ward, county or congressional  
13 district, as the case may be, by the primary electors of its  
14 party at the primary election immediately preceding the meeting  
15 at which such vacancy is to be filled.

16       (n) For purposes of this Section, the words "certify" and  
17 "certification" shall refer to the act of officially declaring  
18 the names of candidates entitled to be printed upon the  
19 official ballot at an election and directing election  
20 authorities to place the names of such candidates upon the  
21 official ballot. "Certifying officers or board" shall refer to  
22 the local election official, election authority or the State  
23 Board of Elections, as the case may be, with whom nomination  
24 papers, including certificates of nomination and resolutions  
25 to fill vacancies in nomination, are filed and whose duty it is  
26 to "certify" candidates.

1 (Source: P.A. 96-809, eff. 1-1-10; 96-848, eff. 1-1-10.)

2 (10 ILCS 5/8-17) (from Ch. 46, par. 8-17)

3 Sec. 8-17. The death of any candidate prior to, or on, the  
4 date of the primary shall not affect the canvass of the  
5 ballots. If the result of such canvass discloses that such  
6 candidate, if he had lived, would have been nominated, such  
7 candidate shall be declared nominated.

8 In the event that a candidate of a party who has been  
9 nominated under the provisions of this Article shall die before  
10 election (whether death occurs prior to, or on, or after, the  
11 date of the primary) or decline the nomination or should the  
12 nomination for any other reason become vacant, the legislative  
13 or representative committee of such party for such district  
14 shall nominate a candidate of such party to fill such vacancy.  
15 However, if there was no candidate for the nomination of the  
16 party in the primary, no candidate of that party for that  
17 office may be listed on the ballot at the general election,  
18 unless the legislative or representative committee of the party  
19 nominates a candidate to fill the vacancy in nomination and  
20 such candidate complies with the provisions of subsection (j)  
21 of Section 7-61 of this Code within 75 days after the date of  
22 the general primary election. All other vacancies ~~Vacancies~~ in  
23 nomination occurring under this Article shall be filled by the  
24 appropriate legislative or representative committee in  
25 accordance with the provisions of Section 7-61 of this Code. In



1 proceedings to fill the vacancy in nomination, including  
2 vacancies occurring for failure to nominate at the primary, the  
3 voting strength of the members of the legislative or  
4 representative committee shall be as provided in Section 8-6.  
5 (Source: P.A. 96-1008, eff. 7-6-10.)

6 Section 99. Effective date. This Act takes effect July 1,  
7 2012.