

# HB3233



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3233

by Rep. Reginald Phillips

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/21-1  
10 ILCS 5/21-2

from Ch. 46, par. 21-1  
from Ch. 46, par. 21-2

Amends the Election Code. Provides that the presidential elector with the highest number of votes in a congressional district casts an electoral vote for the presidential and vice presidential candidates of his or her political party. Provides that an at-large presidential elector who receives the highest or second highest number of votes statewide casts an electoral vote for the candidates of his or her party.

LRB100 06809 MLM 16858 b

A BILL FOR

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 21-1 and 21-2 as follows:

6 (10 ILCS 5/21-1) (from Ch. 46, par. 21-1)

7 Sec. 21-1. Choosing and election of electors of President  
8 and Vice-President of the United States shall be in the  
9 following manner:

10 (a) In each year in which a President and Vice-President of  
11 the United States are chosen, each political party or group in  
12 this State shall choose by its State Convention or State  
13 central committee electors of President and Vice-President of  
14 the United States and such State Convention or State central  
15 committee of such party or group shall also choose electors at  
16 large, if any are to be appointed for this State and such State  
17 Convention or State central committee of such party or group  
18 shall by its chairman and secretary certify the total list of  
19 such electors, designating one elector for each congressional  
20 district in the State, together with electors at large so  
21 chosen to the State Board of Elections.

22 The filing of such certificate with the Board, of such  
23 choosing of electors shall be deemed and taken to be the

1 choosing and selection of the electors of this State, if such  
2 party or group is successful at the polls as herein provided in  
3 choosing their candidates for President and Vice-President of  
4 the United States.

5 (b) The names of the candidates of the several political  
6 parties or groups for electors of President and Vice-President  
7 shall not be printed on the official ballot to be voted in the  
8 election to be held on the day in this Act above named. In lieu  
9 of the names of the candidates for such electors of President  
10 and Vice-President, immediately under the appellation of party  
11 name of a party or group in the column of its candidates on the  
12 official ballot, to be voted at said election first above named  
13 in subsection (1) of Section 2A-1.2 and Section 2A-2, there  
14 shall be printed within a bracket the name of the candidate for  
15 President and the name of the candidate for Vice-President of  
16 such party or group with a square to the left of such bracket.  
17 Each voter in this State from the several lists or sets of  
18 electors so chosen and selected by the said respective  
19 political parties or groups for each congressional district and  
20 at large, may choose and elect one of such lists or sets of  
21 electors by placing a cross in the square to the left of the  
22 bracket aforesaid of one of such parties or groups. Placing a  
23 cross within the square before the bracket enclosing the names  
24 of President and Vice-President shall not be deemed and taken  
25 as a direct vote for such candidates for President and  
26 Vice-President, or either of them, but shall only be deemed and

1 taken to be a vote for the entire list or set of electors  
2 chosen for that congressional district and at large by that  
3 political party or group so certified to the State Board of  
4 Elections as herein provided. Voting by means of placing a  
5 cross in the appropriate place preceding the appellation or  
6 title of the particular political party or group, shall not be  
7 deemed or taken as a direct vote for the candidates for  
8 President and Vice-President, or either of them, but instead to  
9 the Presidential vote, as a vote for the entire list or set of  
10 electors chosen by that political party or group so certified  
11 to the State Board of Elections as herein provided.

12 (c) Such certification by the respective political parties  
13 or groups in this State of electors of President and  
14 Vice-President shall be made to the State Board of Elections  
15 within 2 days after such State convention or meeting of the  
16 State central committee in which the electors were chosen.

17 (d) Should more than one certificate of choice and  
18 selection of electors of the same political party or group be  
19 filed by contesting conventions or contesting groups, it shall  
20 be the duty of the State Board of Elections within 10 days  
21 after the adjournment of the last of such conventions to meet  
22 and determine which set of nominees for electors of such party  
23 or group was chosen and selected by the authorized convention  
24 of such party or group. The Board, after notice to the chairman  
25 and secretaries or managers of the conventions or groups and  
26 after a hearing shall determine which set of electors was so

1 chosen by the authorized convention and shall so announce and  
2 publish the fact, and such decision shall be final and the set  
3 of electors so determined upon by the electoral board to be so  
4 chosen shall be the list or set of electors to be deemed  
5 elected if that party shall be successful at the polls, as  
6 herein provided.

7 (e) Should a vacancy occur in the choice of an elector in a  
8 congressional district, such vacancy may be filled by the  
9 executive committee of the party or group for such  
10 congressional district, to be certified by such committee to  
11 the State Board of Elections. Should a vacancy occur in the  
12 office of elector at large, such vacancy shall be filled by the  
13 State committee of such political party or group, and certified  
14 by it to the State Board of Elections.

15 (Source: P.A. 99-522, eff. 6-30-16.)

16 (10 ILCS 5/21-2) (from Ch. 46, par. 21-2)

17 Sec. 21-2. Election of electors; votes of electors.

18 (a) The county clerks of the several counties shall, within  
19 21 days next after holding the election named in subsection (1)  
20 of Section 2A-1.2 and Section 2A-2 make 2 copies of the  
21 abstract of the votes cast for electors by each political party  
22 or group, as indicated by the voter, as aforesaid, by a cross  
23 in the square to the left of the bracket aforesaid, or as  
24 indicated by a cross in the appropriate place preceding the  
25 appellation or title of the particular political party or

1 group, and transmit by mail one of the copies to the office of  
2 the State Board of Elections and retain the other in his  
3 office, to be sent for by the electoral board in case the other  
4 should be mislaid. Within 31 days after the holding of such  
5 election, and sooner if all the returns are received by the  
6 State Board of Elections, the State Board of Election, shall  
7 proceed to open and canvass said election returns and to  
8 declare which set of candidates for President and  
9 Vice-President received, as aforesaid, the highest number of  
10 votes cast at such election as aforesaid; and the electors of  
11 that party whose candidates for President and Vice-President  
12 received the highest number of votes so cast shall be taken and  
13 deemed to be elected as electors of President and  
14 Vice-President, but should 2 or more sets of candidates for  
15 President and Vice-President be returned with an equal and the  
16 highest vote, the State Board of Elections shall cause a notice  
17 of the same to be published, which notice shall name some day  
18 and place, not less than 5 days from the time of such  
19 publication of such notice, upon which the State Board of  
20 Elections will decide by lot which of the sets of candidates  
21 for President and Vice-President so equal and highest shall be  
22 declared to be highest. And upon the day and at the place so  
23 appointed in the notice, the board shall so decide by lot and  
24 declare which is deemed highest of the sets of candidates for  
25 President and Vice-President so equal and highest, thereby  
26 determining only that the electors chosen as aforesaid by such

1 candidates' party or group are thereby elected by general  
2 ticket to be such electors.

3 (b) Notwithstanding any law to the contrary, the elector of  
4 President and Vice President receiving the highest number of  
5 votes in a congressional district shall be elected an elector  
6 of President and Vice President and shall cast his or her vote  
7 pursuant to this Article for the candidates for President and  
8 Vice President of his or her political party or group. The  
9 electors of President and Vice President at-large who receive  
10 the highest or second highest number of votes statewide shall  
11 be electors of President and Vice President and shall cast  
12 their votes pursuant to this Article for the candidates for  
13 President and Vice President of those electors' political  
14 parties or groups.

15 (Source: P.A. 93-847, eff. 7-30-04.)