



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5182

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

10 ILCS 5/25-6

from Ch. 46, par. 25-6

Amends the Election Code. Provides the procedure for filling a vacancy of a Senator or Representative in the General Assembly. Provide that within 3 days after a vacancy, the committee for that legislative or representative district shall create a uniform application for candidates seeking appointment and determine the date, time, and location at which the committee shall make the appointment (allowing for at least 7 days of public notice). Provides that applications received within 2 days before the appointment shall be made publicly available. Provides that candidates shall be granted an opportunity to present their credentials publicly and take questions from the committeepersons. Provides for a proxy for a committeeperson that is ineligible to vote for an appointment. Effective immediately.

LRB101 18734 SMS 68189 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 Section
5 25-6 as follows:

6 (10 ILCS 5/25-6) (from Ch. 46, par. 25-6)

7 Sec. 25-6. (a) When a vacancy occurs in the office of State
8 Senator or Representative in the General Assembly, the vacancy
9 shall be filled within 30 days by appointment of the
10 legislative or representative committee of that legislative or
11 representative district of the political party of which the
12 incumbent was a candidate at the time of his election, as
13 provided in subsection (a-5). The appointee shall be a member
14 of the same political party as the person he succeeds was at
15 the time of his election, and shall be otherwise eligible to
16 serve as a member of the General Assembly.

17 (a-5) Within 3 days after a vacancy occurring in the office
18 of State Senator or Representative in the General Assembly, the
19 legislative or representative committee of that legislative or
20 representative district shall convene to: (i) create a uniform
21 application for all candidates seeking appointment to the
22 vacated office; and (ii) determine the date, time, and location
23 at which the committee shall make its appointment, provided the

1 date selected allows for at least 7 days of public notice
2 before the appointment will occur. The uniform application
3 shall be made publicly available by all committeepersons of the
4 legislative or representative district. Applications received
5 within 2 days before the appointment shall be made publicly
6 available on the website of the committeeperson holding the
7 majority of the votes pursuant to subsection (d). If 2 or more
8 committeepersons hold the majority of votes or in making
9 appointments in legislative or representative districts
10 comprising only one county or part of a county other than a
11 county containing 2,000,000 or more inhabitants, all such
12 committeepersons shall be responsible for making applications
13 received within 2 days before the appointment publicly
14 available. On the day selected by the committee for
15 appointment, all candidates seeking appointment shall be
16 granted an opportunity to present their credentials publicly to
17 all in attendance and take questions from committeepersons.

18 (a-10) If a committeeperson is ineligible to cast his or
19 her vote pursuant to subsection (d-5), because he or she is
20 also the former holder of the office now vacant, the
21 legislative or representative committee on which the former
22 officeholder serves as a committeeperson shall meet to elect a
23 proxy member to vote for the ineligible committeeperson. The
24 proxy shall be entitled to the same number of votes to which
25 the ineligible committeeperson would have otherwise been
26 entitled.

1 (b) When a vacancy occurs in the office of a legislator
2 elected other than as a candidate of a political party, the
3 vacancy shall be filled within 30 days of such occurrence by
4 appointment of the Governor. The appointee shall not be a
5 member of a political party, and shall be otherwise eligible to
6 serve as a member of the General Assembly. Provided, however,
7 the appropriate body of the General Assembly may, by
8 resolution, allow a legislator elected other than as a
9 candidate of a political party to affiliate with a political
10 party for his term of office in the General Assembly. A vacancy
11 occurring in the office of any such legislator who affiliates
12 with a political party pursuant to resolution shall be filled
13 within 30 days of such occurrence by appointment of the
14 appropriate legislative or representative committee of that
15 legislative or representative district of the political party
16 with which the legislator so affiliates. The appointee shall be
17 a member of the political party with which the incumbent
18 affiliated.

19 (c) For purposes of this Section, a person is a member of a
20 political party for 23 months after (i) signing a candidate
21 petition, as to the political party whose nomination is sought;
22 (ii) signing a statement of candidacy, as to the political
23 party where nomination or election is sought; (iii) signing a
24 Petition of Political Party Formation, as to the proposed
25 political party; (iv) applying for and receiving a primary
26 ballot, as to the political party whose ballot is received; or

1 (v) becoming a candidate for election to or accepting
2 appointment to the office of ward, township, precinct or state
3 central committeeperson.

4 (d) In making appointments under this Section, except as
5 provided in subsection (d-5), each committeeperson of the
6 appropriate legislative or representative committee shall be
7 entitled to one vote for each vote that was received, in that
8 portion of the legislative or representative district which he
9 represents on the committee, by the Senator or Representative
10 whose seat is vacant at the general election at which that
11 legislator was elected to the seat which has been vacated and a
12 majority of the total number of votes received in such election
13 by the Senator or Representative whose seat is vacant is
14 required for the appointment of his successor; provided,
15 however, that in making appointments in legislative or
16 representative districts comprising only one county or part of
17 a county other than a county containing 2,000,000 or more
18 inhabitants, each committeeperson shall be entitled to cast
19 only one vote.

20 (d-5) A State Senator or Representative who is also a
21 committeeperson, elected pursuant to subsection (b) of Section
22 7-8, is prohibited from participating in the appointment of his
23 or her successor. If the vacancy in the office of State Senator
24 or Representative is to be filled by the legislative or
25 representative committee on which the former officeholder
26 serves as a committeeperson, he or she shall not participate in

1 the selection process or cast any votes for a candidate. Any
2 votes he or she would have voted pursuant to subsection (d)
3 shall be voted by the proxy member elected by the other
4 committeepersons of the legislative or representative
5 committee, pursuant to subsection (a-10).

6 (e) Appointments made under this Section shall be in
7 writing and shall be signed by members of the legislative or
8 representative committee whose total votes are sufficient to
9 make the appointments or by the Governor, as the case may be.
10 Such appointments shall be filed with the Secretary of State
11 and with the Clerk of the House of Representatives or the
12 Secretary of the Senate, whichever is appropriate.

13 (f) An appointment made under this Section shall be for the
14 remainder of the term, except that, if the appointment is to
15 fill a vacancy in the office of State Senator and the vacancy
16 occurs with more than 28 months remaining in the term, the term
17 of the appointment shall expire at the time of the next general
18 election at which time a Senator shall be elected for a new
19 term commencing on the determination of the results of the
20 election and ending on the second Wednesday of January in the
21 second odd-numbered year next occurring. Whenever a Senator has
22 been appointed to fill a vacancy and was thereafter elected to
23 that office, the term of service under the authority of the
24 election shall be considered a new term of service, separate
25 from the term of service rendered under the authority of the
26 appointment.

1 (Source: P.A. 100-1027, eff. 1-1-19.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.