



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0459**

Introduced 1/26/2005, by Rep. Suzanne Bassi

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/21-2

from Ch. 46, par. 21-2

Amends the Election Code. Provides that the State's presidential and vice presidential electoral votes shall be allocated (i) 2 to the presidential ticket that won the highest number of votes statewide and (ii) the remainder to each ticket on the ballot in proportion to that ticket's share of the statewide vote for all tickets.

LRB094 03729 JAM 33734 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 21-2 as follows:

6 (10 ILCS 5/21-2) (from Ch. 46, par. 21-2)

7 Sec. 21-2. Election of electors; voting of electors;  
8 proportional allocation of electoral votes.

9 (a) As used in this Section:

10 "Presidential ticket" means candidates for President and  
11 Vice President of the United States who run for their  
12 respective offices jointly in Illinois.

13 "Rounded to the nearest whole number" means:

14 (1) Increased to the next whole number if the  
15 fractional proportion of an electoral vote allocated is  
16 equal to or greater than .5.

17 (2) Decreased to the preceding whole number if the  
18 fractional proportion of an electoral vote allocated is  
19 less than .5.

20 "Whole number" means positive integer, including zero.

21 (b) The county clerks of the several counties shall, within  
22 21 days next after holding the election named in subsection (1)  
23 of Section 2A-1.2 and Section 2A-2 make 2 copies of the  
24 abstract of the votes cast for electors by each political party  
25 or group, as indicated by the voter, as aforesaid, by a cross  
26 in the square to the left of the bracket aforesaid, or as  
27 indicated by a cross in the appropriate place preceding the  
28 appellation or title of the particular political party or  
29 group, and transmit by mail one of the copies to the office of  
30 the State Board of Elections and retain the other in his  
31 office, to be sent for by the electoral board in case the other  
32 should be mislaid.

1       (c) Within 31 days after the holding of such election, and  
2       sooner if all the returns are received by the State Board of  
3       Elections, the State Board of Election, shall proceed to open  
4       and canvass said election returns to declare which set of  
5       candidates for President and Vice President received which  
6       percentage of the popular vote and determine the number of  
7       electoral votes assigned to each presidential ticket in the  
8       manner described in subsection (d).

9       (d) The presidential ticket receiving the highest number of  
10       votes cast at the election shall receive 2 electoral votes, and  
11       the electors of the party whose candidates for President and  
12       Vice President received the highest number of votes cast shall  
13       be taken and deemed to be elected as electors of the President  
14       and Vice President.

15       The remaining electoral votes shall be divided among the  
16       presidential tickets on the general election ballot, based upon  
17       the popular proportional share of the total ballots cast  
18       statewide for each presidential ticket. The allocation of a  
19       presidential ticket's popular proportion of this State's  
20       electoral votes shall be in whole numbers and shall be made in  
21       the following manner subject to paragraphs (1) through (3) of  
22       this subsection.

23       (1) The total number of ballots cast in this State for  
24       each presidential ticket at a general election shall be  
25       divided by the total number of ballots cast for all  
26       presidential tickets that receive votes at that general  
27       election.

28       (2) The proportion of a presidential ticket's popular  
29       vote, as determined in paragraph (1), shall be multiplied  
30       by the number of electoral votes to which Illinois is  
31       entitled minus 2 which have already been designated as  
32       provided in this subsection.

33       (3) The number of electoral votes that is attributable  
34       to the ballots cast for any presidential ticket, as  
35       determined in paragraphs (1) and (2), shall be rounded to  
36       the nearest whole number subject to the following

1       limitations:

2               (i) No presidential ticket shall receive any  
3       electoral votes from this State if its proportion of  
4       the total ballots cast for all presidential tickets  
5       would reflect less than a full electoral vote after  
6       rounding to the nearest whole number.

7               (ii) If the sum of the electoral votes allocated  
8       pursuant to subparagraph (i) of this paragraph (3) is  
9       greater than the number of electoral votes to which  
10       Illinois is entitled:

11               (A) The allocation of electoral votes to the  
12       presidential ticket receiving at least one  
13       electoral vote and the fewest number of ballots  
14       cast shall be reduced by whole electoral votes  
15       until only that number of electoral votes to which  
16       Illinois is entitled has been allocated.

17               (B) The process set forth in item (A) of this  
18       subparagraph shall be repeated if, after reduction  
19       of electoral votes as set forth in item (A), the  
20       total number of electoral votes allocated to all  
21       presidential tickets remains greater than the  
22       total number of electoral votes to which this State  
23       is entitled, and that process shall be applied to  
24       the presidential ticket receiving at least one  
25       electoral vote and the fewest number of ballots  
26       cast until the total number of electoral votes  
27       allocated to all presidential tickets is equal to  
28       the total number of electoral votes to which this  
29       State is entitled.

30               (e) If the sum of all electoral votes allocated would be  
31       less than the number of electoral votes to which Illinois is  
32       entitled, the presidential ticket receiving the greatest  
33       number of ballots cast shall receive any unallocated electoral  
34       votes until all of the electoral votes to which Illinois is  
35       entitled have been allocated.

36               (f) If 2 or more presidential tickets receive the identical

1 total number of ballots cast for all presidential tickets and  
2 the allocation of electoral votes to which Illinois is entitled  
3 cannot be proportionally allocated in the whole electoral votes  
4 to these presidential tickets, the State Board of Elections  
5 shall determine by lot which of these presidential tickets  
6 shall have their number of electoral votes increased or  
7 decreased by whole electoral vote until all of the electoral  
8 votes to which Illinois is entitled have been allocated. ~~and to~~  
9 ~~declare which set of candidates for President and~~  
10 ~~Vice President received, as aforesaid, the highest number of~~  
11 ~~votes cast at such election as aforesaid; and the electors of~~  
12 ~~that party whose candidates for President and Vice President~~  
13 ~~received the highest number of votes so cast shall be taken and~~  
14 ~~deemed to be elected as electors of President and~~  
15 ~~Vice President, but should 2 or more sets of candidates for~~  
16 ~~President and Vice President be returned with an equal and the~~  
17 ~~highest vote, the State Board of Elections shall cause a notice~~  
18 ~~of the same to be published, which notice shall name some day~~  
19 ~~and place, not less than 5 days from the time of such~~  
20 ~~publication of such notice, upon which the State Board of~~  
21 ~~Elections will decide by lot which of the sets of candidates~~  
22 ~~for President and Vice President so equal and highest shall be~~  
23 ~~declared to be highest. And upon the day and at the place so~~  
24 ~~appointed in the notice, the board shall so decide by lot and~~  
25 ~~declare which is deemed highest of the sets of candidates for~~  
26 ~~President and Vice President so equal and highest, thereby~~  
27 ~~determining only that the electors chosen as aforesaid by such~~  
28 ~~candidates' party or group are thereby elected by general~~  
29 ~~ticket to be such electors.~~

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