



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1916

Introduced 2/23/2007, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/16-6.2 new	
10 ILCS 5/22-1	from Ch. 46, par. 22-1
10 ILCS 5/22-7	from Ch. 46, par. 22-7
220 ILCS 5/2-101	from Ch. 111 2/3, par. 2-101

Amends the Election Code. Requires that the proposition of retention of commissioners of the Illinois Commerce Commission be included on general election ballots. Requires abstracts to be made of votes and a canvassing of votes in an election for retention as commissioner of the Illinois Commerce Commission. Requires the State Board of Elections to transmit to the Illinois Commerce Commission and the Governor the names of commissioners of the Illinois Commerce Commission who fail to win retention in office. Sets forth the form that the proposition relating to the retention of a commissioner for the Illinois Commerce Commission must take on the ballot. Amends the Public Utilities Act. Requires the Secretary of State, prior to the next general election after a commissioner of the Illinois Commerce Commission is appointed, to certify the name of that commissioner to proper election officials to be submitted to the electors on the sole question of whether the commissioner should be retained as a member of the Illinois Commerce Commission for the remainder of his or her current term. Effective immediately.

LRB095 07722 JAM 27880 b

FISCAL NOTE ACT
MAY APPLY

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 2A-1.2, 22-1, and 22-7 and by adding Section 16-6.2 as
6 follows:

7 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

8 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
9 Designated.

10 (a) At the general election in the appropriate
11 even-numbered years, the following offices shall be filled or
12 shall be on the ballot as otherwise required by this Code:

13 (1) Elector of President and Vice President of the
14 United States;

15 (2) United States Senator and United States
16 Representative;

17 (3) State Executive Branch elected officers;

18 (4) State Senator and State Representative;

19 (5) County elected officers, including State's
20 Attorney, County Board member, County Commissioners, and
21 elected President of the County Board or County Chief
22 Executive;

23 (6) Circuit Court Clerk;

1 (7) Regional Superintendent of Schools, except in
2 counties or educational service regions in which that
3 office has been abolished;

4 (8) Judges of the Supreme, Appellate and Circuit
5 Courts, on the question of retention, to fill vacancies and
6 newly created judicial offices;

7 (9) (Blank);

8 (10) Trustee of the Metropolitan Sanitary District of
9 Chicago, and elected Trustee of other Sanitary Districts;

10 (11) Special District elected officers, not otherwise
11 designated in this Section, where the statute creating or
12 authorizing the creation of the district requires an annual
13 election and permits or requires election of candidates of
14 political parties; ~~and-~~

15 (12) Commissioners of the Illinois Commerce Commission
16 of the question of retention.

17 (b) At the general primary election:

18 (1) in each even-numbered year candidates of political
19 parties shall be nominated for those offices to be filled
20 at the general election in that year, except where pursuant
21 to law nomination of candidates of political parties is
22 made by caucus.

23 (2) in the appropriate even-numbered years the
24 political party offices of State central committeeman,
25 township committeeman, ward committeeman, and precinct
26 committeeman shall be filled and delegates and alternate

1 delegates to the National nominating conventions shall be
2 elected as may be required pursuant to this Code. In the
3 even-numbered years in which a Presidential election is to
4 be held, candidates in the Presidential preference primary
5 shall also be on the ballot.

6 (3) in each even-numbered year, where the municipality
7 has provided for annual elections to elect municipal
8 officers pursuant to Section 6(f) or Section 7 of Article
9 VII of the Constitution, pursuant to the Illinois Municipal
10 Code or pursuant to the municipal charter, the offices of
11 such municipal officers shall be filled at an election held
12 on the date of the general primary election, provided that
13 the municipal election shall be a nonpartisan election
14 where required by the Illinois Municipal Code. For partisan
15 municipal elections in even-numbered years, a primary to
16 nominate candidates for municipal office to be elected at
17 the general primary election shall be held on the Tuesday 6
18 weeks preceding that election.

19 (4) in each school district which has adopted the
20 provisions of Article 33 of the School Code, successors to
21 the members of the board of education whose terms expire in
22 the year in which the general primary is held shall be
23 elected.

24 (c) At the consolidated election in the appropriate
25 odd-numbered years, the following offices shall be filled:

26 (1) Municipal officers, provided that in

1 municipalities in which candidates for alderman or other
2 municipal office are not permitted by law to be candidates
3 of political parties, the runoff election where required by
4 law, or the nonpartisan election where required by law,
5 shall be held on the date of the consolidated election; and
6 provided further, in the case of municipal officers
7 provided for by an ordinance providing the form of
8 government of the municipality pursuant to Section 7 of
9 Article VII of the Constitution, such offices shall be
10 filled by election or by runoff election as may be provided
11 by such ordinance;

12 (2) Village and incorporated town library directors;

13 (3) City boards of stadium commissioners;

14 (4) Commissioners of park districts;

15 (5) Trustees of public library districts;

16 (6) Special District elected officers, not otherwise
17 designated in this section, where the statute creating or
18 authorizing the creation of the district permits or
19 requires election of candidates of political parties;

20 (7) Township officers, including township park
21 commissioners, township library directors, and boards of
22 managers of community buildings, and Multi-Township
23 Assessors;

24 (8) Highway commissioners and road district clerks;

25 (9) Members of school boards in school districts which
26 adopt Article 33 of the School Code;

1 (10) The directors and chairman of the Chain O Lakes -
2 Fox River Waterway Management Agency;

3 (11) Forest preserve district commissioners elected
4 under Section 3.5 of the Downstate Forest Preserve District
5 Act;

6 (12) Elected members of school boards, school
7 trustees, directors of boards of school directors,
8 trustees of county boards of school trustees (except in
9 counties or educational service regions having a
10 population of 2,000,000 or more inhabitants) and members of
11 boards of school inspectors, except school boards in school
12 districts that adopt Article 33 of the School Code;

13 (13) Members of Community College district boards;

14 (14) Trustees of Fire Protection Districts;

15 (15) Commissioners of the Springfield Metropolitan
16 Exposition and Auditorium Authority;

17 (16) Elected Trustees of Tuberculosis Sanitarium
18 Districts;

19 (17) Elected Officers of special districts not
20 otherwise designated in this Section for which the law
21 governing those districts does not permit candidates of
22 political parties.

23 (d) At the consolidated primary election in each
24 odd-numbered year, candidates of political parties shall be
25 nominated for those offices to be filled at the consolidated
26 election in that year, except where pursuant to law nomination

1 of candidates of political parties is made by caucus, and
2 except those offices listed in paragraphs (12) through (17) of
3 subsection (c).

4 At the consolidated primary election in the appropriate
5 odd-numbered years, the mayor, clerk, treasurer, and aldermen
6 shall be elected in municipalities in which candidates for
7 mayor, clerk, treasurer, or alderman are not permitted by law
8 to be candidates of political parties, subject to runoff
9 elections to be held at the consolidated election as may be
10 required by law, and municipal officers shall be nominated in a
11 nonpartisan election in municipalities in which pursuant to law
12 candidates for such office are not permitted to be candidates
13 of political parties.

14 At the consolidated primary election in the appropriate
15 odd-numbered years, municipal officers shall be nominated or
16 elected, or elected subject to a runoff, as may be provided by
17 an ordinance providing a form of government of the municipality
18 pursuant to Section 7 of Article VII of the Constitution.

19 (e) (Blank).

20 (f) At any election established in Section 2A-1.1, public
21 questions may be submitted to voters pursuant to this Code and
22 any special election otherwise required or authorized by law or
23 by court order may be conducted pursuant to this Code.

24 Notwithstanding the regular dates for election of officers
25 established in this Article, whenever a referendum is held for
26 the establishment of a political subdivision whose officers are

1 to be elected, the initial officers shall be elected at the
2 election at which such referendum is held if otherwise so
3 provided by law. In such cases, the election of the initial
4 officers shall be subject to the referendum.

5 Notwithstanding the regular dates for election of
6 officials established in this Article, any community college
7 district which becomes effective by operation of law pursuant
8 to Section 6-6.1 of the Public Community College Act, as now or
9 hereafter amended, shall elect the initial district board
10 members at the next regularly scheduled election following the
11 effective date of the new district.

12 (g) At any election established in Section 2A-1.1, if in
13 any precinct there are no offices or public questions required
14 to be on the ballot under this Code then no election shall be
15 held in the precinct on that date.

16 (h) There may be conducted a referendum in accordance with
17 the provisions of Division 6-4 of the Counties Code.

18 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
19 eff. 8-9-96; 90-358, eff. 1-1-98.)

20 (10 ILCS 5/16-6.2 new)

21 Sec. 16-6.2. Retention of commissioners of the Illinois
22 Commerce Commission; form of proposition. In elections held
23 pursuant to Section 2-101 of the Public Utilities Act relating
24 to the retention of commissioners of the Illinois Commerce
25 Commission in office, the form of the proposition to be

1 submitted for each candidate shall be as provided in paragraph
2 (1) or (2) of this Section, as the election authority may
3 choose:

4 (1) The names of all commissioners subject to retention
5 shall be listed with one proposition that reads
6 substantially as follows: "Shall (insert names of
7 commissioners) be retained in office as commissioners of
8 the Illinois Commerce Commission?". To the right of each
9 commissioner's name must be places for the voter to mark
10 "Yes" or "No".

11 (2) The name of each commissioner subject to retention
12 shall appear with a proposition that reads substantially as
13 follows: "Shall (insert name of commissioner) be retained
14 in office as a commissioner of the Illinois Commerce
15 Commission?". To the right of the proposition must be
16 places for the voter to mark "Yes" or "No".

17 The names of the commissioners subject to retention shall
18 appear on a ballot that shall be separate from all other
19 ballots voted on at the general election.

20 At the top of the ballot on the same side as the
21 propositions on the commissioners are listed shall be printed
22 an explanation to read substantially as follows: "Vote on the
23 proposition with respect to all or any of the commissioners
24 listed on this ballot. No commissioner listed is running
25 against any other commissioner. The sole question is whether
26 each such commissioner shall be retained in his or her present

1 office.".

2 The separate ballot shall be printed on paper of sufficient
3 size so that when folded once it shall be large enough to
4 contain the following words, which shall be printed on the
5 back, "Ballot for commissioner of the Illinois Commerce
6 Commission seeking retention in office". The ballot shall be
7 handed to the elector at the same time as the ballot containing
8 the names of other candidates for the general election and
9 shall be returned therewith by the elector to the proper
10 officer in the manner designated by this Act. All provisions of
11 this Code relating to ballots shall apply to the separate
12 ballot, except as otherwise specifically provided in this
13 Section. The separate ballot shall be printed upon paper of a
14 red color. No other ballot at the same election shall be red in
15 color.

16 In precincts in which voting machines are used, the special
17 ballots containing the proposition on the retention of
18 commissioners of the Illinois Commerce Commission may be placed
19 on the voting machines if the voting machines permit the
20 casting of votes on such propositions.

21 An electronic voting system authorized by Article 24A may
22 be used in voting and tabulating the commissioner retention
23 ballots. When an electronic voting system is used that uses a
24 ballot label booklet and ballot card, there shall be used in
25 the label booklet a separate ballot label page or other pages
26 as required for the propositions, which page or pages for the

1 proposition shall be of a red color separate and distinct from
2 the ballot label page or pages used for any other proposition
3 or candidates.

4 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

5 Sec. 22-1. Abstracts of votes. Within 21 days after the
6 close of the election at which candidates for offices
7 hereinafter named in this Section are voted upon, the election
8 authorities of the respective counties shall open the returns
9 and make abstracts of the votes on a separate sheet for each of
10 the following:

11 A. For Governor and Lieutenant Governor;

12 B. For State officers;

13 C. For presidential electors;

14 D. For United States Senators and Representatives to
15 Congress;

16 E. For judges of the Supreme Court;

17 F. For judges of the Appellate Court;

18 G. For judges of the circuit court;

19 H. For Senators and Representatives to the General
20 Assembly;

21 I. For State's Attorneys elected from 2 or more counties;

22 J. For amendments to the Constitution, and for other
23 propositions submitted to the electors of the entire State;

24 K. For county officers and for propositions submitted to
25 the electors of the county only;

1 L. For Regional Superintendent of Schools;
2 M. For trustees of Sanitary Districts; and
3 N. For Trustee of a Regional Board of School Trustees; ~~and~~
4 O. For retention as commissioner of the Illinois Commerce
5 Commission.

6 Each sheet shall report the returns by precinct or ward.

7 Multiple originals of each of the sheets shall be prepared
8 and one of each shall be turned over to the chairman of the
9 county central committee of each of the then existing
10 established political parties, as defined in Section 10-2, or
11 his duly authorized representative immediately after the
12 completion of the entries on the sheets and before the totals
13 have been compiled.

14 The foregoing abstracts shall be preserved by the election
15 authority in its office.

16 Whenever any county clerk is unable to canvass the vote,
17 the deputy county clerk or a designee of the county clerk shall
18 serve in his or her place.

19 The powers and duties of the election authority canvassing
20 the votes are limited to those specified in this Section.

21 No person who is shown by the election authority's
22 ~~canvassing board's~~ proclamation to have been elected at the
23 consolidated election or general election as a write-in
24 candidate shall take office unless that person has first filed
25 with the certifying office or board a statement of candidacy
26 pursuant to Section 7-10 or Section 10-5, a statement pursuant

1 to Section 7-10.1, and a receipt for filing a statement of
2 economic interests in relation to the unit of government to
3 which he or she has been elected. For officers elected at the
4 consolidated election, the certifying officer shall notify the
5 election authority of the receipt of those documents, and the
6 county clerk shall issue the certification of election under
7 the provisions of Section 22-18.

8 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;
9 94-647, eff. 1-1-06; revised 10-4-05.)

10 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

11 Sec. 22-7. Canvass of votes; declaration and proclamation
12 of result. The State Board of Elections, shall proceed within
13 31 days after the election, and sooner if all the returns are
14 received, to canvass the votes given for United States Senators
15 and Representatives to Congress, State executive officers,
16 judges of the Supreme Court, judges of the Appellate Court,
17 judges of the Circuit Court, Senators, Representatives to the
18 General Assembly, State's Attorneys and Regional
19 Superintendents of Schools elected from 2 or more counties,
20 respectively, and the persons having the highest number of
21 votes for the respective offices shall be declared duly
22 elected, but if it appears that more than the number of persons
23 to be elected have the highest and an equal number of votes for
24 the same office, the electoral board shall decide by lot which
25 of such persons shall be elected; and to each person duly

1 elected, the Governor shall give a certificate of election or
2 commission, as the case may require, and shall cause
3 proclamation to be made of the result of the canvass, and they
4 shall at the same time and in the same manner, canvass the vote
5 cast upon amendments to the Constitution, and upon other
6 propositions submitted to the electors of the entire State,
7 including propositions for the retention of commissioners of
8 the Illinois Commerce Commission; and the Governor shall cause
9 to be made such proclamation of the result of the canvass as
10 the statutes elsewhere provide. The State Board of Elections
11 shall transmit to the State Comptroller a list of the persons
12 elected to the various offices. The State Board of Elections
13 shall also transmit to the Supreme Court the names of persons
14 elected to judgeships in adversary elections and the names of
15 judges who fail to win retention in office, and shall transmit
16 to the Illinois Commerce Commission and the Governor the names
17 of commissioners of the Illinois Commerce Commission who fail
18 to win retention in office.

19 No person who is shown by the canvassing board's
20 proclamation to have been elected at the consolidated election
21 or general election as a write-in candidate shall take office
22 unless that person has first filed with the certifying office
23 or board a statement of candidacy pursuant to Section 7-10 or
24 Section 10-5, a statement pursuant to Section 7-10.1, and a
25 receipt for filing a statement of economic interests in
26 relation to the unit of government to which he or she has been

1 elected. For officers elected at the consolidated election, the
2 certifying officer shall notify the election authority of the
3 receipt of those documents, and the county clerk shall issue
4 the certification of election under the provisions of Section
5 22-18.

6 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05.)

7 Section 10. The Public Utilities Act is amended by changing
8 Section 2-101 as follows:

9 (220 ILCS 5/2-101) (from Ch. 111 2/3, par. 2-101)

10 Sec. 2-101. Commerce Commission created.

11 (a) There is created an Illinois Commerce Commission
12 consisting of 5 members not more than 3 of whom shall be
13 members of the same political party at the time of appointment.
14 The Governor shall appoint the members of such Commission by
15 and with the advice and consent of the Senate. In case of a
16 vacancy in such office during the recess of the Senate the
17 Governor shall make a temporary appointment until the next
18 meeting of the Senate, when he shall nominate some person to
19 fill such office; and any person so nominated who is confirmed
20 by the Senate, shall hold his office during the remainder of
21 the term and until his successor shall be appointed and
22 qualified, subject to the provisions of subsection (b). Each
23 member of the Commission shall hold office for a term of 5
24 years from the third Monday in January of the year in which his

1 predecessor's term expires, subject to the provisions of
2 subsection (b).

3 Notwithstanding any provision of this Section to the
4 contrary, the term of office of each member of the Commission
5 is terminated on the effective date of this amendatory Act of
6 1995, but the incumbent members shall continue to exercise all
7 of the powers and be subject to all of the duties of members of
8 the Commission until their respective successors are appointed
9 and qualified. Of the members initially appointed under the
10 provisions of this amendatory Act of 1995, one member shall be
11 appointed for a term of office which shall expire on the third
12 Monday of January, 1997; 2 members shall be appointed for terms
13 of office which shall expire on the third Monday of January,
14 1998; one member shall be appointed for a term of office which
15 shall expire on the third Monday of January, 1999; and one
16 member shall be appointed for a term of office which shall
17 expire on the third Monday of January, 2000. Each respective
18 successor shall be appointed for a term of 5 years from the
19 third Monday of January of the year in which his predecessor's
20 term expires in accordance with the provisions of the first
21 paragraph of this Section, subject to the provisions of
22 subsection (b).

23 Each member shall serve until his successor is appointed
24 and qualified, subject to the provisions of subsection (b),
25 except that if the Senate refuses to consent to the appointment
26 of any member, such office shall be deemed vacant, and within 2

1 weeks of the date the Senate refuses to consent to the
2 reappointment of any member, such member shall vacate such
3 office. The Governor shall from time to time designate the
4 member of the Commission who shall be its chairman. Consistent
5 with the provisions of this Act, the Chairman shall be the
6 chief executive officer of the Commission for the purpose of
7 ensuring that the Commission's policies are properly executed.

8 If there is no vacancy on the Commission, 4 members of the
9 Commission shall constitute a quorum to transact business;
10 otherwise, a majority of the Commission shall constitute a
11 quorum to transact business, and no vacancy shall impair the
12 right of the remaining commissioners to exercise all of the
13 powers of the Commission. Every finding, order, or decision
14 approved by a majority of the members of the Commission shall
15 be deemed to be the finding, order, or decision of the
16 Commission.

17 (b) Not less than 63 days before the next general election
18 following the confirmation of the appointment of a commissioner
19 to the Commission, the Secretary of State shall certify the
20 name of that commissioner to the proper election officials. The
21 name of such commissioner shall be submitted to the electors of
22 the State of Illinois separately and without party designation
23 on the sole question of whether that commissioner shall be
24 retained as a member of the Commission for the remainder of his
25 or her current term. The affirmative vote of a majority of the
26 electors voting on the question shall retain the commissioner

1 on the Commission for the remainder of his or her current term.
2 If a commissioner does not receive the necessary majority vote
3 required by this subsection, the term of that commissioner
4 shall be deemed expired and a vacancy created on the
5 Commission.

6 (Source: P.A. 92-22, eff. 6-30-01.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.