



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0723

Introduced 2/6/2009, by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-61

from Ch. 46, par. 7-61

Amends the Election Code. Provides that when a political party committee fills a vacancy in nomination occurring because no candidate's name appeared on the consolidated primary ballot and no write-in candidate was nominated, the committee must do so within 16 days after the primary. In the case of a vacancy in nomination that occurs because the name of a political party's candidate did not appear on the general primary ballot and no write-in candidate was nominated, provides that the vacancy may be filled only by a person selected by the party committee within 60 days after the primary who circulates and files petitions for that office in the same manner as an independent candidate (now, by a person nominated by the committee within 60 days after the general primary).

LRB096 07608 JAM 17704 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 7-61 as follows:

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

7 Sec. 7-61. Whenever a special election is necessary the
8 provisions of this Article are applicable to the nomination of
9 candidates to be voted for at such special election.

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

18 Any vacancy in nomination under the provisions of this
19 Article 7 occurring on or after the primary and prior to
20 certification of candidates by the certifying board or officer,
21 must be filled prior to the date of certification. Any vacancy
22 in nomination occurring after certification but prior to 15
23 days before the general election shall be filled within 8 days

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

22 The resolution to fill a vacancy in nomination shall be
23 duly acknowledged before an officer qualified to take
24 acknowledgements of deeds and shall include, upon its face, the
25 following information:

26 (a) the name of the original nominee and the office

1 vacated;

2 (b) the date on which the vacancy occurred;

3 (c) the name and address of the nominee selected to fill
4 the vacancy and the date of selection.

5 The resolution to fill a vacancy in nomination shall be
6 accompanied by a Statement of Candidacy, as prescribed in
7 Section 7-10, completed by the selected nominee and a receipt
8 indicating that such nominee has filed a statement of economic
9 interests as required by the Illinois Governmental Ethics Act.

10 The provisions of Section 10-8 through 10-10.1 relating to
11 objections to certificates of nomination and nomination
12 papers, hearings on objections, and judicial review, shall
13 apply to and govern objections to resolutions for filling a
14 vacancy in nomination.

15 Any vacancy in nomination occurring 15 days or less before
16 the consolidated election or the general election shall not be
17 filled. In this event, the certification of the original
18 candidate shall stand and his name shall appear on the official
19 ballot to be voted at the general election.

20 A vacancy in nomination occurs when a candidate who has
21 been nominated under the provisions of this Article 7 dies
22 before the election (whether death occurs prior to, on or after
23 the day of the primary), or declines the nomination; provided
24 that nominations may become vacant for other reasons.

25 If the name of no established political party candidate was
26 printed on the consolidated primary ballot for a particular

1 office and if no person was nominated as a write-in candidate
2 for such office, a vacancy in nomination shall be created which
3 may be filled in accordance with the requirements of this
4 Section within 16 days after the day of the consolidated
5 primary. If the name of no established political party
6 candidate was printed on the general primary ballot for a
7 particular office and if no person was nominated as a write-in
8 candidate for such office, a vacancy in nomination shall be
9 filled only by a person designated by the appropriate committee
10 of the political party (i) whose name is submitted by that
11 committee to the State Board of Elections within 60 days after
12 the day of the general primary and (ii) who files nominating
13 petitions with the number of signatures, and at the time,
14 required for an independent candidate for that office under
15 Article 10. The circulation period for those petitions begins
16 on the day the State Board of Elections receives from the
17 committee the notice of the person's name. The State Board of
18 Elections shall hear and pass upon all objections to nomination
19 petitions filed by candidates under this paragraph. created,
20 ~~but no candidate of the party for the office shall be listed on~~
21 ~~the ballot at the general election unless such vacancy is~~
22 ~~filled in accordance with the requirements of this Section~~
23 ~~within 60 days after the date of the general primary.~~

24 A candidate for whom a nomination paper has been filed as a
25 partisan candidate at a primary election, and who is defeated
26 for his or her nomination at such primary election, is

1 ineligible to be listed on the ballot at that general or
2 consolidated election as a candidate of another political
3 party.

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

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

19 For purposes of this Section, the words "certify" and
20 "certification" shall refer to the act of officially declaring
21 the names of candidates entitled to be printed upon the
22 official ballot at an election and directing election
23 authorities to place the names of such candidates upon the
24 official ballot. "Certifying officers or board" shall refer to
25 the local election official, election authority or the State
26 Board of Elections, as the case may be, with whom nomination

1 papers, including certificates of nomination and resolutions
2 to fill vacancies in nomination, are filed and whose duty it is
3 to "certify" candidates.

4 (Source: P.A. 94-645, eff. 8-22-05.)