



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2543

Introduced 2/20/2009, by Rep. Jack D. Franks - Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1
10 ILCS 5/25-8

from Ch. 46, par. 2A-1
from Ch. 46, par. 25-8

Amends the Election Code. When a vacancy occurs in the office of U.S. Senator, requires that: (i) the Governor make a temporary appointment and the office be filled at the next general election at which that office is scheduled to be filled, if the vacancy occurs fewer than 180 days before that election, and (ii) the vacancy be filled by the Governor by temporary appointment and at a special election, designated by the Governor, if the vacancy occurs 180 or more days before the next general election at which that office is scheduled to be filled. Effective immediately.

LRB096 11587 JAM 22073 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
5 Sections 2A-1 and 25-8 as follows:

6 (10 ILCS 5/2A-1) (from Ch. 46, par. 2A-1)

7 (Text of Section WITH the changes made by P.A. 89-719,
8 which has been held unconstitutional)

9 Sec. 2A-1. All Elections - Governed by this Code -
10 Construction of Article 2A.

11 (a) No public question may be submitted to any voters in
12 this State, nor may any person be nominated for public office
13 or elected to public or political party office in this State
14 except pursuant to this Code, notwithstanding the provisions of
15 any other statute or municipal charter. However, this Code
16 shall not apply to elections for officers or public questions
17 of local school councils established pursuant to Chapter 34 of
18 the School Code, soil and water conservation districts or
19 drainage districts, except as specifically made applicable by
20 another statute.

21 (b) All elections in this State shall be held in accordance
22 with the consolidated schedule of elections established in
23 Sections 2A-1.1 and 2A-1.2. No election may be held on any date

1 other than a date on which an election is scheduled under
2 Section 2A-1.1, except special elections to fill congressional
3 vacancies held pursuant to writs of election issued by the
4 Governor, special elections to fill vacancies in the office of
5 United States Senator from this State held pursuant to Section
6 25-8, judicial elections to fill vacancies in the office of
7 Supreme Court Judge held pursuant to writs of election issued
8 by the Governor under subsection (a-5) of Section 2A-9,
9 township referenda and votes of the town electors held at the
10 annual town meeting, emergency referenda approved pursuant to
11 Section 2A-1.4, special elections held between January 1, 1995
12 and July 1, 1995 under Section 34-53 of the School Code, and
13 city, village or incorporated town primary elections in
14 even-numbered years expressly authorized in this Article to
15 provide for annual partisan elections.

16 (c) At the respective elections established in Section
17 2A-1.1, candidates shall be elected to office, nominated for
18 election thereto or placed on the ballot as otherwise required
19 by this Code, and public questions may be submitted, as
20 specified in Section 2A-1.2.

21 (d) If the requirements of Section 2A-1.2 conflict with any
22 specific provision of Sections 2A-2 through 2A-54, as applied
23 to any office or election, the requirements of Section 2A-1.2
24 prevail, and shall be enforced by the State Board of Elections.

25 (e) In the event any court of competent jurisdiction
26 declares an election void, the court may order another election

1 without regard to the schedule of elections set forth in this
2 Article.

3 (Source: P.A. 89-719, eff. 3-7-97.)

4 (Text of Section WITHOUT the changes made by P.A. 89-719,
5 which has been held unconstitutional)

6 Sec. 2A-1. All Elections - Governed by this Code -
7 Construction of Article 2A.

8 (a) No public question may be submitted to any voters in
9 this State, nor may any person be nominated for public office
10 or elected to public or political party office in this State
11 except pursuant to this Code, notwithstanding the provisions of
12 any other statute or municipal charter. However, this Code
13 shall not apply to elections for officers or public questions
14 of local school councils established pursuant to Chapter 34 of
15 the School Code, soil and water conservation districts or
16 drainage districts, except as specifically made applicable by
17 another statute.

18 (b) All elections in this State shall be held in accordance
19 with the consolidated schedule of elections established in
20 Sections 2A-1.1 and 2A-1.2. No election may be held on any date
21 other than a date on which an election is scheduled under
22 Section 2A-1.1, except special elections to fill congressional
23 vacancies held pursuant to writs of election issued by the
24 Governor, special elections to fill vacancies in the office of
25 United States Senator from this State held pursuant to Section

1 25-8, township referenda and votes of the town electors held at
2 the annual town meeting, emergency referenda approved pursuant
3 to Section 2A-1.4, special elections held between January 1,
4 1995 and July 1, 1995 under Section 34-53 of the School Code,
5 and city, village or incorporated town primary elections in
6 even-numbered years expressly authorized in this Article to
7 provide for annual partisan elections.

8 (c) At the respective elections established in Section
9 2A-1.1, candidates shall be elected to office, nominated for
10 election thereto or placed on the ballot as otherwise required
11 by this Code, and public questions may be submitted, as
12 specified in Section 2A-1.2.

13 (d) If the requirements of Section 2A-1.2 conflict with any
14 specific provision of Sections 2A-2 through 2A-54, as applied
15 to any office or election, the requirements of Section 2A-1.2
16 prevail, and shall be enforced by the State Board of Elections.

17 (e) In the event any court of competent jurisdiction
18 declares an election void, the court may order another election
19 without regard to the schedule of elections set forth in this
20 Article.

21 (Source: P.A. 88-511.)

22 (10 ILCS 5/25-8) (from Ch. 46, par. 25-8)

23 Sec. 25-8. Vacancy in office of U.S. Senator.

24 (a) When a vacancy shall occur in the office of United
25 States Senator from this state fewer than 180 days before the

1 next regularly scheduled election to fill that office of United
2 States Senator, the Governor shall make temporary appointment
3 to fill such vacancy until ~~the next election of representatives~~
4 ~~in Congress, at which time~~ such vacancy shall be filled by
5 election at that regularly scheduled election.

6 (b) When a vacancy occurs in the office of United States
7 Senator from this State 180 or more days before the next
8 regularly scheduled election to fill that office of United
9 States Senator, the office shall remain vacant until it is
10 filled by election at a special election. Candidates for the
11 office of United States Senator shall be nominated by
12 established political parties at a special primary. Within 5
13 days after the vacancy occurs, the Governor, in consultation
14 with the State Board of Elections, shall issue writs of
15 election to the State Board of Elections and to the election
16 authorities throughout the State, designating the dates of the
17 special primary and special election. The date of the special
18 election shall be within 115 days after the vacancy occurs. The
19 person elected at the special election shall serve the
20 unexpired portion of the vacated term of office.

21 The Governor shall fill a vacancy subject to this
22 subsection by temporary appointment. The person so appointed
23 shall serve until the person elected at the special election
24 takes office.

25 (c) The, and the senator so elected pursuant to this
26 Section shall take office as soon thereafter as he or she shall

1 receive his or her certificate of election.

2 (Source: Laws 1943, vol. 2, p. 1.)

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