



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1762

Introduced 2/26/2021, by Sen. Neil Anderson

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/21-1  
10 ILCS 5/21-2

from Ch. 46, par. 21-1  
from Ch. 46, par. 21-2

Amends the Election Code. Provides that the presidential elector with the highest number of votes in a congressional district casts an electoral vote for the presidential and vice presidential candidates of his or her political party. Provides that an at large presidential elector who receives the highest or second highest number of votes statewide casts an electoral vote for the candidates of his or her party.

LRB102 14436 SMS 19788 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 21-1 and 21-2 as follows:

6 (10 ILCS 5/21-1) (from Ch. 46, par. 21-1)

7 Sec. 21-1. Choosing and election of electors of President  
8 and Vice-President of the United States shall be in the  
9 following manner:

10 (a) In each year in which a President and Vice-President  
11 of the United States are chosen, each political party or group  
12 in this State shall choose by its State Convention or State  
13 central committee electors of President and Vice-President of  
14 the United States and such State Convention or State central  
15 committee of such party or group shall also choose electors at  
16 large, if any are to be appointed for this State and such State  
17 Convention or State central committee of such party or group  
18 shall by its chair and secretary certify the total list of such  
19 electors, designating one elector for each congressional  
20 district in the State, together with electors at large so  
21 chosen to the State Board of Elections.

22 The filing of such certificate with the Board, of such  
23 choosing of electors shall be deemed and taken to be the

1 choosing and selection of the electors of this State, if such  
2 party or group is successful at the polls as herein provided in  
3 choosing their candidates for President and Vice-President of  
4 the United States.

5 (b) The names of the candidates of the several political  
6 parties or groups for electors of President and Vice-President  
7 shall not be printed on the official ballot to be voted in the  
8 election to be held on the day in this Act above named. In lieu  
9 of the names of the candidates for such electors of President  
10 and Vice-President, immediately under the appellation of party  
11 name of a party or group in the column of its candidates on the  
12 official ballot, to be voted at said election first above  
13 named in subsection (1) of Section 2A-1.2 and Section 2A-2,  
14 there shall be printed within a bracket the name of the  
15 candidate for President and the name of the candidate for  
16 Vice-President of such party or group with a square to the left  
17 of such bracket. Each voter in this State from the several  
18 lists or sets of electors so chosen and selected by the said  
19 respective political parties or groups for each congressional  
20 district and at large, may choose and elect one of such lists  
21 or sets of electors by placing a cross in the square to the  
22 left of the bracket aforesaid of one of such parties or groups.  
23 Placing a cross within the square before the bracket enclosing  
24 the names of President and Vice-President shall not be deemed  
25 and taken as a direct vote for such candidates for President  
26 and Vice-President, or either of them, but shall only be

1 deemed and taken to be a vote for the entire list or set of  
2 electors chosen for that congressional district and at large  
3 by that political party or group so certified to the State  
4 Board of Elections as herein provided. Voting by means of  
5 placing a cross in the appropriate place preceding the  
6 appellation or title of the particular political party or  
7 group, shall not be deemed or taken as a direct vote for the  
8 candidates for President and Vice-President, or either of  
9 them, but instead to the Presidential vote, as a vote for the  
10 entire list or set of electors chosen by that political party  
11 or group so certified to the State Board of Elections as herein  
12 provided.

13 (c) Such certification by the respective political parties  
14 or groups in this State of electors of President and  
15 Vice-President shall be made to the State Board of Elections  
16 within 2 days after such State convention or meeting of the  
17 State central committee in which the electors were chosen.

18 (d) Should more than one certificate of choice and  
19 selection of electors of the same political party or group be  
20 filed by contesting conventions or contesting groups, it shall  
21 be the duty of the State Board of Elections within 10 days  
22 after the adjournment of the last of such conventions to meet  
23 and determine which set of nominees for electors of such party  
24 or group was chosen and selected by the authorized convention  
25 of such party or group. The Board, after notice to the chair  
26 and secretaries or managers of the conventions or groups and

1 after a hearing shall determine which set of electors was so  
2 chosen by the authorized convention and shall so announce and  
3 publish the fact, and such decision shall be final and the set  
4 of electors so determined upon by the electoral board to be so  
5 chosen shall be the list or set of electors to be deemed  
6 elected if that party shall be successful at the polls, as  
7 herein provided.

8 (e) Should a vacancy occur in the choice of an elector in a  
9 congressional district, such vacancy may be filled by the  
10 executive committee of the party or group for such  
11 congressional district, to be certified by such committee to  
12 the State Board of Elections. Should a vacancy occur in the  
13 office of elector at large, such vacancy shall be filled by the  
14 State committee of such political party or group, and  
15 certified by it to the State Board of Elections.

16 (Source: P.A. 99-522, eff. 6-30-16; 100-1027, eff. 1-1-19.)

17 (10 ILCS 5/21-2) (from Ch. 46, par. 21-2)

18 Sec. 21-2. Election of electors; votes of electors.

19 (a) The county clerks of the several counties shall, within 21  
20 days next after holding the election named in subsection (1)  
21 of Section 2A-1.2 and Section 2A-2, make 2 copies of the  
22 abstract of the votes cast for electors by each political  
23 party or group, as indicated by the voter, as aforesaid, by a  
24 cross in the square to the left of the bracket aforesaid, or as  
25 indicated by a cross in the appropriate place preceding the

1 appellation or title of the particular political party or  
2 group, and transmit by mail one of the copies to the office of  
3 the State Board of Elections and retain the other in his  
4 office, to be sent for by the electoral board in case the other  
5 should be mislaid. Within 31 days after the holding of such  
6 election, and sooner if all the returns are received by the  
7 State Board of Elections, the State Board of Elections shall  
8 proceed to open and canvass said election returns 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  
18 notice of the same to be published, which notice shall name  
19 some day 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

1 determining only that the electors chosen as aforesaid by such  
2 candidates' party or group are thereby elected by general  
3 ticket to be such electors.

4 (b) Notwithstanding any law to the contrary, the elector  
5 of President and Vice President receiving the highest number  
6 of votes in a congressional district shall be elected an  
7 elector of President and Vice President and shall cast his or  
8 her vote pursuant to this Article for the candidates for  
9 President and Vice President of his or her political party or  
10 group. The electors of President and Vice President at large  
11 who receive the highest or second highest number of votes  
12 statewide shall be electors of President and Vice President  
13 and shall cast their votes pursuant to this Article for the  
14 candidates for President and Vice President of those electors'  
15 political parties or groups.

16 (Source: P.A. 100-863, eff. 8-14-18.)