



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0290

Introduced 1/23/2009, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-61

from Ch. 46, par. 7-61

Amends the Election Code. Beginning June 1, 2010, provides that when a vacancy in nomination occurs on or after the general primary but more than 90 days before certification of candidates for the general election ballot, other than because no candidate's name appeared on the general primary ballot and no write-in candidate was nominated, the vacancy may be filled only at a special primary election on a date set by the State Board of Elections but at least 30 days before the date of certification. Beginning June 1, 2010, permits a vacancy in nomination occurring less than 91 days before certification of candidates for the general election ballot but more than 15 days before the general election to be filled by the political party's nominating committee only if the vacancy is due to the candidate's death or incapacitating illness. Beginning June 1, 2010, adds inability to fulfill the duties of the office sought due to illness as an event creating a vacancy in nomination. (Now, a vacancy in nomination occurring on or after the general primary and before the 15th day before the general election is filled by the party's nominating committee by certain deadlines based upon when the vacancy occurs).

LRB096 03255 JAM 13272 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. Vacancy in nomination.

8 (a) Whenever a special election is necessary the provisions
9 of this Article are applicable to the nomination of candidates
10 to be voted for at such special election.

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

19 (c) This subsection applies beginning June 1, 2010. Except
20 as provided in subsection (i), a vacancy in nomination
21 occurring on or after the general primary and more than 90 days
22 before certification of candidates for the general election
23 ballot may be filled only by a special primary on a date set by

1 the State Board of Elections but at least 30 days before
2 certification of candidates for the general election ballot.
3 The State Board shall establish the time periods with respect
4 to that special primary for (i) circulation and filing of
5 nominating petitions, (ii) filing, hearing, and determination
6 of objections, (iii) certification of candidates, (iv) early
7 and absentee voting, (v) canvassing of votes, (vi) declaration
8 of primary results, and (vii) any other activity required for
9 the conduct of the special primary.

10 A vacancy in nomination occurring less than 91 days before
11 certification of candidates for the general election ballot but
12 more than 15 days before the general election may be filled by
13 resolution of the appropriate political party nominating
14 committee (i) only if the vacancy was created by the nominee's
15 death or inability to fulfill the duties of the office sought
16 due to the nominee's illness and (ii) only if the vacancy is
17 filled within 8 days after the vacancy is created.

18 (d) When subsection (c) does not apply, any ~~Any~~ vacancy in
19 nomination under the provisions of this Article 7 occurring on
20 or after a ~~the~~ primary and prior to certification of candidates
21 by the certifying board or officer~~r~~ must be filled by
22 resolution of the appropriate political party's nominating
23 committee prior to the date of certification or as provided in
24 subsection (i) when that subsection applies. Any vacancy in
25 nomination occurring after certification but prior to 15 days
26 before the ~~general~~ election shall be filled within 8 days after

1 the event creating the vacancy.

2 (e) The resolution filling a ~~the~~ vacancy shall be sent by
3 U. S. mail or personal delivery to the certifying officer or
4 board within 3 days of the action by which the vacancy was
5 filled; provided, if such resolution is sent by mail and the U.
6 S. postmark on the envelope containing such resolution is dated
7 prior to the expiration of such 3 day limit, the resolution
8 shall be deemed filed within such 3 day limit. Failure to so
9 transmit the resolution within the time specified in this
10 Section shall authorize the certifying officer or board to
11 certify the original candidate.

12 (f) Vacancies to be filled by resolution shall be filled by
13 the officers of a local municipal or township political party
14 as specified in subsection (h) of Section 7-8, other than a
15 statewide political party, that is established only within a
16 municipality or township and the managing committee (or
17 legislative committee in case of a candidate for State Senator
18 or representative committee in the case of a candidate for
19 State Representative in the General Assembly or State central
20 committee in the case of a candidate for statewide office,
21 including but not limited to the office of United States
22 Senator) of the respective political party for the territorial
23 area in which such vacancy occurs.

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

1 following information:

2 (1) ~~(a)~~ the name of the original nominee and the office
3 vacated;

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

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

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

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

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

22 (h) A vacancy in nomination occurs when a candidate who has
23 been nominated under the provisions of this Article 7 dies
24 before the election (whether death occurs prior to, on, l or
25 after the day of the primary), ~~or~~ declines the nomination, or,
26 beginning June 1, 2010, is unable to fulfill the duties of the

1 office sought due to his or her own illness; provided that
2 nominations may become vacant for other reasons.

3 (i) If the name of no established political party candidate
4 was printed on the consolidated primary ballot for a particular
5 office and if no person was nominated as a write-in candidate
6 for such office, a vacancy in nomination shall be created which
7 may be filled in accordance with the requirements of this
8 Section. If the name of no established political party
9 candidate was printed on the general primary ballot for a
10 particular office and if no person was nominated as a write-in
11 candidate for such office, a vacancy in nomination shall be
12 created, but no candidate of the party for the office shall be
13 listed on the ballot at the general election unless such
14 vacancy is filled in accordance with the requirements of this
15 Section within 60 days after the date of the general primary.

16 (j) A candidate for whom a nomination paper has been filed
17 as a partisan candidate at a primary election, and who is
18 defeated for his or her nomination at such primary election, is
19 ineligible to be listed on the ballot at that general or
20 consolidated election as a candidate of another political
21 party.

22 A candidate seeking election to an office for which
23 candidates of political parties are nominated by caucus who is
24 a participant in the caucus and who is defeated for his or her
25 nomination at such caucus, is ineligible to be listed on the
26 ballot at that general or consolidated election as a candidate

1 of another political party.

2 (k) In the nominating committee's proceedings to nominate a
3 candidate to fill a vacancy or to fill a vacancy in the
4 nomination, each precinct, township, ward, county or
5 congressional district, as the case may be, shall through its
6 representative on such central or managing committee, be
7 entitled to one vote for each ballot voted in such precinct,
8 township, ward, county or congressional district, as the case
9 may be, by the primary electors of its party at the primary
10 election immediately preceding the meeting at which such
11 vacancy is to be filled.

12 (l) For purposes of this Section, the words "certify" and
13 "certification" shall refer to the act of officially declaring
14 the names of candidates entitled to be printed upon the
15 official ballot at an election and directing election
16 authorities to place the names of such candidates upon the
17 official ballot. "Certifying officers or board" shall refer to
18 the local election official, election authority or the State
19 Board of Elections, as the case may be, with whom nomination
20 papers, including certificates of nomination and resolutions
21 to fill vacancies in nomination, are filed and whose duty it is
22 to "certify" candidates.

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