



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0365

Introduced 1/30/2009, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

10 ILCS 5/25-8

from Ch. 46, par. 25-8

Amends the Election Code. Requires that a special election be held to fill a vacancy in the office of United States Senator occurring 90 or more days before the general primary immediately preceding the general election at which the office is regularly scheduled to be filled. Requires a temporary gubernatorial appointment for any vacancy in the office of United States Senator until the vacancy is filled at the special election or the general election at which the office is regularly scheduled to be filled. (Now, the vacancy is filled by a temporary gubernatorial appointment until filled by election at the next general election.)

LRB096 05682 JAM 15748 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 25-8 as follows:

6 (10 ILCS 5/25-8) (from Ch. 46, par. 25-8)

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

8 (a) If a vacancy in the office of United States Senator
9 from Illinois occurs fewer than 90 days before the date of the
10 general primary immediately preceding the general election at
11 which that office is scheduled to be filled by election, then
12 the Governor by temporary appointment shall fill the vacancy.
13 The person so appointed shall serve the unexpired portion of
14 the vacated term of office.

15 (b) If a vacancy in the office of United States Senator
16 from Illinois occurs 90 or more days before the date of the
17 general primary immediately preceding the general election at
18 which that office is scheduled to be filled by election, then
19 the vacancy shall be filled at a special election to be held
20 within 60 days after the vacancy occurs. Candidates of
21 established political parties shall be nominated at a special
22 primary to be held no fewer than 30 days before the special
23 election. Within 5 days after the vacancy occurs, the Governor

1 shall issue the necessary writs of election to the State Board
2 of Elections and the election authorities throughout the State,
3 designating the dates of the special primary and special
4 election. Whenever a vacancy subject to this subsection occurs
5 at least 60 but no more than 90 days before a regularly
6 scheduled primary or election, the special election shall be
7 held on the date of that regular primary or election. The
8 person elected at a special election conducted pursuant to this
9 subsection shall take office when that person receives
10 certification of the election results and shall serve the
11 unexpired portion of the vacated term of office.

12 The Governor shall fill a vacancy subject to this
13 subsection by temporary appointment. The person so appointed
14 shall serve until the person elected at the special election
15 takes office. ~~When a vacancy shall occur in the office of~~
16 ~~United States Senator from this state, the Governor shall make~~
17 ~~temporary appointment to fill such vacancy until the next~~
18 ~~election of representatives in Congress, at which time such~~
19 ~~vacancy shall be filled by election, and the senator so elected~~
20 ~~shall take office as soon thereafter as he shall receive his~~
21 ~~certificate of election.~~

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