



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4651

by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-61

from Ch. 46, par. 7-61

If and only if House Bill 723 of the 96th General Assembly becomes law, amends the Election Code. In the event a person is designated by a party nominating committee to fill a vacancy in nomination for a general election, requires that the person file the required candidate documents at the location otherwise required for filing documents with respect to the office sought (now, with the State Board of Elections), and requires that objections to the person's nominating petitions be heard by the electoral board that otherwise has jurisdiction with respect to objections to nominating petitions for the office sought (now, heard by the State Board of Elections). Effective January 1, 2010.

LRB096 15042 JAM 30013 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. If and only if House Bill 723 of the 96th
5 General Assembly becomes law, the Election Code is amended by
6 changing Section 7-61 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

26 If the name of no established political party candidate was

1 printed on the consolidated primary ballot for a particular
2 office and if no person was nominated as a write-in candidate
3 for such office, a vacancy in nomination shall be created which
4 may be filled in accordance with the requirements of this
5 Section. 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 and only if that designated person files
11 nominating petitions with the number of signatures required for
12 an established party candidate for that office within 75 days
13 after the day of the general primary. The circulation period
14 for those petitions begins on the day the appropriate committee
15 designates that person. The person shall file his or her
16 nominating petitions, statements of candidacy, notice of
17 appointment by the appropriate committee, and receipt of filing
18 his or her statement of economic interests together. These
19 documents shall be filed at the same location as provided in
20 Section 7-12. The electoral boards having jurisdiction under
21 Section 10-9 to hear and pass upon objections to nominating
22 petitions also ~~State Board of Elections~~ shall hear and pass
23 upon ~~all~~ objections to nomination petitions filed by candidates
24 under this paragraph.

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

1 for his or her nomination at such primary election, is
2 ineligible to be listed on the ballot at that general or
3 consolidated election as a candidate of another political
4 party.

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

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

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

1 Board of Elections, as the case may be, with whom nomination
2 papers, including certificates of nomination and resolutions
3 to fill vacancies in nomination, are filed and whose duty it is
4 to "certify" candidates.

5 (Source: P.A. 94-645, eff. 8-22-05; 96HB0723enr.)

6 Section 99. Effective date. This Act takes effect January
7 1, 2010.