



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### HB5245

Introduced 2/3/2010, by Rep. Harry Osterman

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.1	from Ch. 46, par. 2A-1.1
10 ILCS 5/7A-1	from Ch. 46, par. 7A-1
25 ILCS 115/4	from Ch. 63, par. 15.1
25 ILCS 130/9-2.5	

Amends the Election Code, the General Assembly Compensation Act, and the Legislative Commission Reorganization Act of 1984. Changes the general primary election in years when a Governor is elected from the first Tuesday in February to the last Tuesday in April. Makes conforming changes with respect to (i) filing of declarations of judicial retention and (ii) printing and mailing of legislators' newsletters and brochures.

LRB096 18367 JAM 33744 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-1.1 and 7A-1 as follows:

6 (10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

7 Sec. 2A-1.1. All Elections - Consolidated Schedule.

8 (a) In even-numbered years, the general election shall be  
9 held on the first Tuesday after the first Monday of November;  
10 and an election to be known as the general primary election  
11 shall be held (i) on the last Tuesday in April in even-numbered  
12 years in which the Governor is scheduled to be elected and (ii)  
13 on the first Tuesday in February in even-numbered years in  
14 which the Governor is not scheduled to be elected;

15 (b) In odd-numbered years, an election to be known as the  
16 consolidated election shall be held on the first Tuesday in  
17 April except as provided in Section 2A-1.1a of this Act; and an  
18 election to be known as the consolidated primary election shall  
19 be held on the last Tuesday in February.

20 (Source: P.A. 95-6, eff. 6-20-07.)

21 (10 ILCS 5/7A-1) (from Ch. 46, par. 7A-1)

22 Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has

1 been elected to that office and who seeks to be retained in  
2 that office under subsection (d) of Section 12 of Article VI of  
3 the Constitution shall file a declaration of candidacy to  
4 succeed himself in the office of the Secretary of State on or  
5 before the 60th day ~~first Monday in December~~ before the general  
6 election preceding the expiration of his term of office. Within  
7 3 business days thereafter, the Secretary of State shall  
8 certify to the State Board of Elections the names of all  
9 incumbent judges who were eligible to stand for retention at  
10 the next general election but failed to timely file a  
11 declaration of candidacy to succeed themselves in office or,  
12 having timely filed such a declaration, withdrew it. The State  
13 Board of Elections may rely upon the certification from the  
14 Secretary of State (a) to determine when vacancies in judicial  
15 office exist and (b) to determine the judicial positions for  
16 which elections will be held. The Secretary of State, not less  
17 than 63 days before the election, shall certify the Judge's  
18 candidacy to the proper election officials. The names of Judges  
19 seeking retention shall be submitted to the electors,  
20 separately and without party designation, on the sole question  
21 whether each Judge shall be retained in office for another  
22 term. The retention elections shall be conducted at general  
23 elections in the appropriate Judicial District, for Supreme and  
24 Appellate Judges, and in the circuit for Circuit Judges. The  
25 affirmative vote of three-fifths of the electors voting on the  
26 question shall elect the Judge to the office for a term

1 commencing on the first Monday in December following his  
2 election.

3 (Source: P.A. 86-1348.)

4 Section 10. The General Assembly Compensation Act is  
5 amended by changing Section 4 as follows:

6 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

7 Sec. 4. Office allowance. Beginning July 1, 2001, each  
8 member of the House of Representatives is authorized to approve  
9 the expenditure of not more than \$61,000 per year and each  
10 member of the Senate is authorized to approve the expenditure  
11 of not more than \$73,000 per year to pay for "personal  
12 services", "contractual services", "commodities", "printing",  
13 "travel", "operation of automotive equipment",  
14 "telecommunications services", as defined in the State Finance  
15 Act, and the compensation of one or more legislative assistants  
16 authorized pursuant to this Section, in connection with his or  
17 her legislative duties and not in connection with any political  
18 campaign. On July 1, 2002 and on July 1 of each year  
19 thereafter, the amount authorized per year under this Section  
20 for each member of the Senate and each member of the House of  
21 Representatives shall be increased by a percentage increase  
22 equivalent to the lesser of (i) the increase in the designated  
23 cost of living index or (ii) 5%. The designated cost of living  
24 index is the index known as the "Employment Cost Index, Wages

1 and Salaries, By Occupation and Industry Groups: State and  
2 Local Government Workers: Public Administration" as published  
3 by the Bureau of Labor Statistics of the U.S. Department of  
4 Labor for the calendar year immediately preceding the year of  
5 the respective July 1st increase date. The increase shall be  
6 added to the then current amount, and the adjusted amount so  
7 determined shall be the annual amount beginning July 1 of the  
8 increase year until July 1 of the next year. No increase under  
9 this provision shall be less than zero.

10 A member may purchase office equipment if the member  
11 certifies to the Secretary of the Senate or the Clerk of the  
12 House, as applicable, that the purchase price, whether paid in  
13 lump sum or installments, amounts to less than would be charged  
14 for renting or leasing the equipment over its anticipated  
15 useful life. All such equipment must be purchased through the  
16 Secretary of the Senate or the Clerk of the House, as  
17 applicable, for proper identification and verification of  
18 purchase.

19 Each member of the General Assembly is authorized to employ  
20 one or more legislative assistants, who shall be solely under  
21 the direction and control of that member, for the purpose of  
22 assisting the member in the performance of his or her official  
23 duties. A legislative assistant may be employed pursuant to  
24 this Section as a full-time employee, part-time employee, or  
25 contractual employee, at the discretion of the member. If  
26 employed as a State employee, a legislative assistant shall

1 receive employment benefits on the same terms and conditions  
2 that apply to other employees of the General Assembly. Each  
3 member shall adopt and implement personnel policies for  
4 legislative assistants under his or her direction and control  
5 relating to work time requirements, documentation for  
6 reimbursement for travel on official State business,  
7 compensation, and the earning and accrual of State benefits for  
8 those legislative assistants who may be eligible to receive  
9 those benefits. The policies shall also require legislative  
10 assistants to periodically submit time sheets documenting, in  
11 quarter-hour increments, the time spent each day on official  
12 State business. The policies shall require the time sheets to  
13 be submitted on paper, electronically, or both and to be  
14 maintained in either paper or electronic format by the  
15 applicable fiscal office for a period of at least 2 years.  
16 Contractual employees may satisfy the time sheets requirement  
17 by complying with the terms of their contract, which shall  
18 provide for a means of compliance with this requirement. A  
19 member may satisfy the requirements of this paragraph by  
20 adopting and implementing the personnel policies promulgated  
21 by that member's legislative leader under the State Officials  
22 and Employees Ethics Act with respect to that member's  
23 legislative assistants.

24 As used in this Section the term "personal services" shall  
25 include contributions of the State under the Federal Insurance  
26 Contribution Act and under Article 14 of the Illinois Pension

1 Code. As used in this Section the term "contractual services"  
2 shall not include improvements to real property unless those  
3 improvements are the obligation of the lessee under the lease  
4 agreement. Beginning July 1, 1989, as used in the Section, the  
5 term "travel" shall be limited to travel in connection with a  
6 member's legislative duties and not in connection with any  
7 political campaign. Beginning on the effective date of this  
8 amendatory Act of the 93rd General Assembly, as used in this  
9 Section, the term "printing" includes, but is not limited to,  
10 newsletters, brochures, certificates, congratulatory mailings,  
11 greeting or welcome messages, anniversary or birthday cards,  
12 and congratulations for prominent achievement cards. As used in  
13 this Section, the term "printing" includes fees for  
14 non-substantive resolutions charged by the Clerk of the House  
15 of Representatives under subsection (c-5) of Section 1 of the  
16 Legislative Materials Act. No newsletter or brochure that is  
17 paid for, in whole or in part, with funds provided under this  
18 Section may be printed or mailed during a period beginning on  
19 the 45th day before ~~December 15 of the year preceding~~ a general  
20 primary election and ending the day after the general primary  
21 election and during a period beginning September 1 of the year  
22 of a general election and ending the day after the general  
23 election, except that such a newsletter or brochure may be  
24 mailed during those times if it is mailed to a constituent in  
25 response to that constituent's inquiry concerning the needs of  
26 that constituent or questions raised by that constituent.

1 Nothing in this Section shall be construed to authorize  
2 expenditures for lodging and meals while a member is in  
3 attendance at sessions of the General Assembly.

4 Any utility bill for service provided to a member's  
5 district office for a period including portions of 2  
6 consecutive fiscal years may be paid from funds appropriated  
7 for such expenditure in either fiscal year.

8 If a vacancy occurs in the office of Senator or  
9 Representative in the General Assembly, any office equipment in  
10 the possession of the vacating member shall transfer to the  
11 member's successor; if the successor does not want such  
12 equipment, it shall be transferred to the Secretary of the  
13 Senate or Clerk of the House of Representatives, as the case  
14 may be, and if not wanted by other members of the General  
15 Assembly then to the Department of Central Management Services  
16 for treatment as surplus property under the State Property  
17 Control Act. Each member, on or before June 30th of each year,  
18 shall conduct an inventory of all equipment purchased pursuant  
19 to this Act. Such inventory shall be filed with the Secretary  
20 of the Senate or the Clerk of the House, as the case may be.  
21 Whenever a vacancy occurs, the Secretary of the Senate or the  
22 Clerk of the House, as the case may be, shall conduct an  
23 inventory of equipment purchased.

24 In the event that a member leaves office during his or her  
25 term, any unexpended or unobligated portion of the allowance  
26 granted under this Section shall lapse. The vacating member's



1 successor shall be granted an allowance in an amount, rounded  
2 to the nearest dollar, computed by dividing the annual  
3 allowance by 365 and multiplying the quotient by the number of  
4 days remaining in the fiscal year.

5 From any appropriation for the purposes of this Section for  
6 a fiscal year which overlaps 2 General Assemblies, no more than  
7 1/2 of the annual allowance per member may be spent or  
8 encumbered by any member of either the outgoing or incoming  
9 General Assembly, except that any member of the incoming  
10 General Assembly who was a member of the outgoing General  
11 Assembly may encumber or spend any portion of his annual  
12 allowance within the fiscal year.

13 The appropriation for the annual allowances permitted by  
14 this Section shall be included in an appropriation to the  
15 President of the Senate and to the Speaker of the House of  
16 Representatives for their respective members. The President of  
17 the Senate and the Speaker of the House shall voucher for  
18 payment individual members' expenditures from their annual  
19 office allowances to the State Comptroller, subject to the  
20 authority of the Comptroller under Section 9 of the State  
21 Comptroller Act.

22 Nothing in this Section prohibits the expenditure of  
23 personal funds or the funds of a political committee controlled  
24 by an officeholder to defray the customary and reasonable  
25 expenses of an officeholder in connection with the performance  
26 of governmental and public service functions.

1 (Source: P.A. 95-6, eff. 6-20-07; 96-555, eff. 8-18-09.)

2 Section 15. The Legislative Commission Reorganization Act  
3 of 1984 is amended by changing Section 9-2.5 as follows:

4 (25 ILCS 130/9-2.5)

5 Sec. 9-2.5. Newsletters and brochures. The Legislative  
6 Printing Unit may not print for any member of the General  
7 Assembly any newsletters or brochures during the period  
8 beginning on the 45th day before ~~December 15 of the year~~  
9 ~~preceding~~ a general primary election and ending the day after  
10 the general primary election and during a period beginning  
11 September 1 of the year of a general election and ending the  
12 day after the general election. A member of the General  
13 Assembly may not mail, during a period beginning on the 45th  
14 day before ~~December 15 of the year preceding~~ a general primary  
15 election and ending the day after the general primary election  
16 and during a period beginning September 1 of the year of a  
17 general election and ending the day after the general election,  
18 any newsletters or brochures that were printed, at any time, by  
19 the Legislative Printing Unit, except that such a newsletter or  
20 brochure may be mailed during those times if it is mailed to a  
21 constituent in response to that constituent's inquiry  
22 concerning the needs of that constituent or questions raised by  
23 that constituent.

24 (Source: P.A. 95-6, eff. 6-20-07.)