

1 AN ACT concerning State government.

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 adding Section  
5 7-68 and changing Section 25-5 as follows:

6 (10 ILCS 5/7-68 new)

7 Sec. 7-68. Nominations for special election for Attorney  
8 General, Secretary of State, Comptroller, or Treasurer.

9 (a) Whenever a special election for the office of Attorney  
10 General, Secretary of State, Comptroller, or Treasurer is to be  
11 held pursuant to Section 25-5 of this Code, nominations shall  
12 be made and any vacancy in nomination shall be filled pursuant  
13 to this Section.

14 (1) If the vacancy in office or failure to qualify for  
15 the office occurs before the first date provided in Section  
16 7-12 for filing nomination papers for the primary in the  
17 next even-numbered year following the commencement of the  
18 term, the nominations for the special election shall be  
19 made as otherwise provided in this Article 7. The  
20 nomination for the office to be filled by special election  
21 shall appear on the regular ballot at the primary election,  
22 and shall not require the use of a separate ballot.

23 (2) If the vacancy in office or failure to qualify

1 occurs on or after the first day provided in Section 7-12  
2 for filing nomination papers for the primary in the next  
3 even-numbered year following the commencement of the term,  
4 a vacancy in nomination shall be deemed to have occurred  
5 and the State central committee of each established  
6 political party shall nominate, by resolution, a candidate  
7 to fill such vacancy in nomination for the election to such  
8 office at such general election.

9 The resolution to fill the vacancy in nomination shall  
10 include the following information:

11 (A) the names of the original office holder and the  
12 office;

13 (B) the date on which the vacancy in nomination  
14 occurred;

15 (C) the name and address of the nominee selected to  
16 fill the vacancy in nomination and the date of  
17 selection.

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

24 (b) Any vacancy in nomination occurring on or after the  
25 primary and prior to certification must be filled prior to the  
26 date of certification. Any vacancy in nomination occurring

1 after certification but prior to 15 days before the general  
2 election shall be filled within 8 days after the event creating  
3 the vacancy in nomination.

4 (c) The provisions of Sections 10-8 through 10-10.1  
5 relating to objections to nomination papers, hearings on  
6 objections and judicial review, shall also apply to and govern  
7 objections to nomination papers and resolutions for filling  
8 vacancies in nomination filed pursuant to this Section.

9 (d) Unless otherwise specified herein, the nomination and  
10 special election provided for in this Section shall be governed  
11 by this Code.

12 (10 ILCS 5/25-5) (from Ch. 46, par. 25-5)

13 Sec. 25-5. In accordance with Section 7 of Article V of the  
14 Illinois Constitution of 1970, if the Attorney General,  
15 Secretary of State, Comptroller, or Treasurer fails to qualify,  
16 or if his or her office becomes vacant, the Governor shall fill  
17 the office by appointment. If there are 28 months or less  
18 remaining in the term at the time of the vacancy or failure to  
19 qualify, the appointed officer shall serve for the remainder of  
20 the term. If there are more than 28 months remaining in the  
21 term at the time of the vacancy or failure to qualify, the  
22 office shall be filled by a special election to be held at the  
23 next general election. In the case of a special election  
24 pursuant to this Section, the appointed officer shall serve  
25 until the election results are certified and the person elected

1 at the special election is qualified. Nominations shall be made  
2 in accordance with Section 7-68 of this Code. For purposes of  
3 this Section, a special election shall not be held if the  
4 person elected to the office failed to qualify for a period of  
5 less than 30 calendar days. The office to be filled by special  
6 election shall appear on the regular ballot at the general  
7 election, and shall not require the use of a separate ballot.  
8 ~~When a vacancy shall occur in the office of Secretary of State,~~  
9 ~~State Comptroller, Treasurer or Attorney General, the Governor~~  
10 ~~shall fill the same by appointment, and the appointee shall~~  
11 ~~hold his office during the remainder of the term, and until his~~  
12 ~~successor is elected and qualified.~~

13 (Source: P.A. 78-592.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.