



Sen. Mike Simmons

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10200SB0828sam001

LRB102 04626 SMS 25479 a

1 AMENDMENT TO SENATE BILL 828

2 AMENDMENT NO. _____. Amend Senate Bill 828 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Section 25-6 as follows:

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

7 Sec. 25-6. (a) When a vacancy occurs in the office of State
8 Senator or Representative in the General Assembly, the vacancy
9 shall be filled within 30 days by appointment of the
10 legislative or representative committee of that legislative or
11 representative district of the political party of which the
12 incumbent was a candidate at the time of his election. The
13 appointee shall be a member of the same political party as the
14 person he succeeds was at the time of his election, and shall
15 be otherwise eligible to serve as a member of the General
16 Assembly.

1 (b) When a vacancy occurs in the office of a legislator
2 elected other than as a candidate of a political party, the
3 vacancy shall be filled within 30 days of such occurrence by
4 appointment of the Governor. The appointee shall not be a
5 member of a political party, and shall be otherwise eligible
6 to serve as a member of the General Assembly. Provided,
7 however, the appropriate body of the General Assembly may, by
8 resolution, allow a legislator elected other than as a
9 candidate of a political party to affiliate with a political
10 party for his term of office in the General Assembly. A vacancy
11 occurring in the office of any such legislator who affiliates
12 with a political party pursuant to resolution shall be filled
13 within 30 days of such occurrence by appointment of the
14 appropriate legislative or representative committee of that
15 legislative or representative district of the political party
16 with which the legislator so affiliates. The appointee shall
17 be a member of the political party with which the incumbent
18 affiliated.

19 (c) For purposes of this Section, a person is a member of a
20 political party for 23 months after (i) signing a candidate
21 petition, as to the political party whose nomination is
22 sought; (ii) signing a statement of candidacy, as to the
23 political party where nomination or election is sought; (iii)
24 signing a Petition of Political Party Formation, as to the
25 proposed political party; (iv) applying for and receiving a
26 primary ballot, as to the political party whose ballot is

1 received; or (v) becoming a candidate for election to or
2 accepting appointment to the office of ward, township,
3 precinct or state central committeeperson.

4 (d) In making appointments under this Section, each
5 committeeperson of the appropriate legislative or
6 representative committee shall be entitled to one vote for
7 each vote that was received, in that portion of the
8 legislative or representative district which he represents on
9 the committee, by the Senator or Representative whose seat is
10 vacant at the general election at which that legislator was
11 elected to the seat which has been vacated and a majority of
12 the total number of votes received in such election by the
13 Senator or Representative whose seat is vacant is required for
14 the appointment of his successor; provided, however, that in
15 making appointments in legislative or representative districts
16 comprising only one county or part of a county other than a
17 county containing 2,000,000 or more inhabitants, each
18 committeeperson shall be entitled to cast only one vote.

19 (e) Appointments made under this Section shall be in
20 writing and shall be signed by members of the legislative or
21 representative committee whose total votes are sufficient to
22 make the appointments or by the Governor, as the case may be.
23 Such appointments shall be filed with the Secretary of State
24 and with the Clerk of the House of Representatives or the
25 Secretary of the Senate, whichever is appropriate.

26 (f) An appointment made under this Section shall be for

1 the remainder of the term, except that, if the appointment is
2 to fill a vacancy in the office of State Senator and the
3 vacancy occurs with more than 28 months remaining in the term,
4 the term of the appointment shall expire at the time of the
5 next general election at which time a Senator shall be elected
6 for a new term commencing on the determination of the results
7 of the election and ending on the second Wednesday of January
8 in the second odd-numbered year next occurring. Whenever a
9 Senator has been appointed to fill a vacancy and was
10 thereafter elected to that office, the term of service under
11 the authority of the election shall be considered a new term of
12 service, separate from the term of service rendered under the
13 authority of the appointment.

14 (g) When a vacancy occurs in the office of State Senator or
15 State Representative in the General Assembly, the legislative
16 or representative committee of that legislative or
17 representative district that fills the vacancy shall provide
18 members of the public within the district with notice of the
19 vacancy and the replacement process, including providing such
20 notice on any website or social media account associated with
21 the committee and contact information for the committee with
22 which interested members of the public may apply for
23 appointment. The committee shall also provide members of the
24 public with notice of an impending vote to fill the vacancy
25 within at least 6 days prior to such vote.

26 (h) Any meeting held by a legislative or representative

1 committee for purposes of filling a vacancy in the General
2 Assembly shall be open to the public and subject to the
3 requirements of the Open Meetings Act and shall also be
4 recorded and broadcast by electronic means for public
5 consumption.

6 (i) For any vacancy in the office of State Senator or State
7 Representative that may be filled through appointment by the
8 Governor, the Governor shall comply with the requirements of
9 subsection (g) and (h) to the extent practicable in his or her
10 appointment of such person.

11 (Source: P.A. 100-1027, eff. 1-1-19.)".