



THIRD SPECIAL SESSION

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-EIGHTH GENERAL ASSEMBLY

1ST LEGISLATIVE DAY

THURSDAY, JANUARY 8, 2015

11:44 O'CLOCK A.M.

SENATE
Daily Journal Index
1st Legislative Day

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The Senate met pursuant to proclamation of the President of the Senate and the Speaker of the House.

Senator John M. Sullivan, Rushville, Illinois, presiding.

MESSAGE FROM THE SECRETARY OF STATE

**OFFICE OF THE SECRETARY OF STATE
JESSE WHITE • Secretary of State**

January 7, 2015

Honorable Tim Anderson
Secretary of the Senate
Room 401
Capitol Building
Springfield, Illinois 62706

Dear Secretary Anderson:

Enclosed please find a copy of Proclamation No. 2015-001, filed in my office on January 7, 2015, by the Legislative Leaders, calling for a Special Session of the 98th General Assembly, to begin at 11:00 a.m. on January 8, 2015.

Enclosed with this letter is a copy of the notification letter and Proclamation for the Member's of the Illinois Senate. Due to the emergency nature of the Proclamation, this notice shall suffice as notice to your membership.

Sincerely,
s/Jesse White
JESSE WHITE
Secretary of State

**STATE OF ILLINOIS
98TH GENERAL ASSEMBLY
JOINT PROCLAMATION**

WHEREAS, Article IV, Section 5(b) of the Illinois Constitution empowers the President of the Senate and the Speaker of the House to convene special sessions of the General Assembly;

WHEREAS, Article V, Section 2 of the Illinois Constitution provides that elected officers of the Executive Branch hold office beginning on the second Monday in January after their election;

WHEREAS, in accordance with Article V, Section 7 of the Illinois Constitution, the General Assembly has the power to pass legislation calling for a special election in the case of a vacancy in or failure of an elected officer to qualify for the office of Attorney General, Comptroller, Secretary of State, or Treasurer;

WHEREAS, the person elected Comptroller will not assume the office on January 2, 2015;

WHEREAS, an emergency exists that requires immediate action by the General Assembly;

NOW, THEREFORE, pursuant to Article IV, Section 5(b) of the Illinois Constitution, and in conformity with the Special Session Act, 25 ILCS 15, A SPECIAL SESSION OF THE 98th GENERAL ASSEMBLY IS HEREBY PROCLAIMED AND CALLED AS FOLLOWS:

1. The Special Session shall convene at 11:00 a.m. on January 8, 2015, at the State Capitol in Springfield, Illinois.

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2. The purpose of the Special Session shall be to consider House Bill 4576 or any other legislation, pending or otherwise, that would provide for a special election in the event of a vacancy in or the failure of an elected office to qualify for the office of Attorney General, Comptroller, Secretary of State, or Treasurer.
3. The Secretary of State, the Secretary of the Senate, and the Clerk of the House shall take whatever reasonable steps necessary to notify the members of the purpose, date, and time set for convening this emergency Special Session.

ISSUED January 7, 2015

s/John J. Cullerton
John J. Cullerton
President of the Senate

s/M. Madigan
Michael J. Madigan
Speaker of the House

PRESENTATION OF RESOLUTIONS

Senator Harmon offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 1

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, AT THE THIRD SPECIAL SESSION THEREOF, that the Secretary inform the House of Representatives that a majority of the members of the Senate has assembled, pursuant to the proclamation of the President of the Senate and the Speaker of the House, convening a Third Special Session of the General Assembly, and are now ready for the transaction of business.

The motion prevailed.
And the resolution was adopted.

Senator Harmon offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 2

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, AT THE THIRD SPECIAL SESSION THEREOF, that the President appoint a committee of five to wait upon his Excellency, the Governor, and inform him that the Third Special Session of the Ninety-Eighth General Assembly is now duly in session in pursuance of the proclamation of the President of the Senate and the Speaker of the House, and is ready to receive any message he may desire to submit.

The motion prevailed.
And the resolution was adopted.

Senator Harmon offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 3

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, AT THE THIRD SPECIAL SESSION THEREOF, that a Committee of three

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(3) members of the Senate be appointed, two (2) members to be appointed by the President and one (1) member to be appointed by the Minority Leader, to approve any and all Journals of the Senate for all days of the Third Special Session of the Ninety-Eighth General Assembly where such Journals, prior to adjournment SINE DIE, have not been approved by the body as a whole.

The motion prevailed.
And the resolution was adopted.

REPORT FROM STANDING COMMITTEE

Senator Harmon, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 4576

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Silverstein asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator Syverson asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 11:51 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 1:06 o'clock p.m., the Senate resumed consideration of business.
Senator Sullivan, presiding.

HOUSE BILL RECALLED

On motion of Senator J. Cullerton, **House Bill No. 4576** was recalled from the order of third reading to the order of second reading.

Senator J. Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 4576

AMENDMENT NO. 2. Amend House Bill 4576, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by adding Section 7-68 and changing Section 25-5 as follows:
(10 ILCS 5/7-68 new)

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

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

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

(2) If the vacancy in office or failure to qualify occurs on or after the first day provided in Section 7-12 for filing nomination papers for the primary in the next even-numbered year following the

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commencement of the term, a vacancy in nomination shall be deemed to have occurred and the State central committee of each established political party shall nominate, by resolution, a candidate to fill such vacancy in nomination for the election to such office at such general election.

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

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

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

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

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

(b) Any vacancy in nomination occurring on or after the primary and prior to certification must be filled prior to the date of certification. Any vacancy in nomination occurring after certification but prior to 15 days before the general election shall be filled within 8 days after the event creating the vacancy in nomination.

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

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

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

Sec. 25-5. In accordance with Section 7 of Article V of the Illinois Constitution of 1970, if the Attorney General, Secretary of State, Comptroller, or Treasurer fails to qualify, or if his or her office becomes vacant, the Governor shall fill the office by appointment. If there are 28 months or less remaining in the term at the time of the vacancy or failure to qualify, the appointed officer shall serve for the remainder of the term. If there are more than 28 months remaining in the term at the time of the vacancy or failure to qualify, the office shall be filled by a special election to be held at the next general election. In the case of a special election pursuant to this Section, the appointed officer shall serve until the election results are certified and the person elected at the special election is qualified. Nominations shall be made in accordance with Section 7-68 of this Code. For purposes of this Section, a special election shall not be held if the person elected to the office failed to qualify for a period of less than 30 calendar days. The office to be filled by special election shall appear on the regular ballot at the general election, and shall not require the use of a separate ballot. When a vacancy shall occur in the office of Secretary of State, State Comptroller, Treasurer or Attorney General, the Governor shall fill the same by appointment, and the appointee shall hold his office during the remainder of the term, and until his successor is elected and qualified.

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator J. Cullerton, **House Bill No. 4576** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 37; NAYS 15.

The following voted in the affirmative:

Bertino-Tarrant
Biss

Harris
Hastings

Link
Manar

Silverstein
Stadelman

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Bush	Holmes	Martinez	Steans
Clayborne	Hunter	McGuire	Sullivan
Collins	Hutchinson	Morrison	Trotter
Cullerton, T.	Jacobs	Mulroe	Van Pelt
Cunningham	Jones, E.	Muñoz	Mr. President
Forby	Koehler	Noland	
Haine	Kotowski	Raoul	
Harmon	Lightford	Sandoval	

The following voted in the negative:

Barickman	Duffy	McCann	Righter
Bivins	LaHood	McConaughay	Rose
Brady	Landek	Murphy	Syverson
Connelly	Luechtefeld	Radogno	

This bill, having received the vote of constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 1:29 o'clock p.m., on motion of Senator Clayborne, the Third Special Session stood adjourned SINE DIE.