



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4808

by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-59	from Ch. 46, par. 7-59
10 ILCS 5/17-16.1	from Ch. 46, par. 17-16.1
10 ILCS 5/18-9.1	from Ch. 46, par. 18-9.1

Amends the Election Code. Provides that write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the proper election authority, authorities, or State Board of Elections no earlier than 120 days prior to the primary or general election, but no later than 70 (rather than 61) days prior to the primary or general election. Provides that declarations of intent to be a write-in candidate shall include specified information. Provides that declarations of intent to be a write-in candidate that do not include the specified information shall not be accepted. Provides that persons intending to become write-in candidates for the Offices of President and Vice President or Governor and Lieutenant Governor shall file one joint declaration of intent to be a write-in candidate with the State Board of Elections. Makes conforming changes. Effective immediately.

LRB100 17080 RJF 32231 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 7-59, 17-16.1, and 18-9.1 as follows:

6 (10 ILCS 5/7-59) (from Ch. 46, par. 7-59)

7 Sec. 7-59. (a) The person receiving the highest number of
8 votes at a primary as a candidate of a party for the nomination
9 for an office shall be the candidate of that party for such
10 office, and his name as such candidate shall be placed on the
11 official ballot at the election then next ensuing; provided,
12 that where there are two or more persons to be nominated for
13 the same office or board, the requisite number of persons
14 receiving the highest number of votes shall be nominated and
15 their names shall be placed on the official ballot at the
16 following election.

17 Except as otherwise provided by Section 7-8 of this Act,
18 the person receiving the highest number of votes of his party
19 for State central committeeman of his congressional district
20 shall be declared elected State central committeeman from said
21 congressional district.

22 Unless a national political party specifies that delegates
23 and alternate delegates to a National nominating convention be

1 allocated by proportional selection representation according
2 to the results of a Presidential preference primary, the
3 requisite number of persons receiving the highest number of
4 votes of their party for delegates and alternate delegates to
5 National nominating conventions from the State at large, and
6 the requisite number of persons receiving the highest number of
7 votes of their party for delegates and alternate delegates to
8 National nominating conventions in their respective
9 congressional districts shall be declared elected delegates
10 and alternate delegates to the National nominating conventions
11 of their party.

12 A political party which elects the members to its State
13 Central Committee by Alternative B under paragraph (a) of
14 Section 7-8 shall select its congressional district delegates
15 and alternate delegates to its national nominating convention
16 by proportional selection representation according to the
17 results of a Presidential preference primary in each
18 congressional district in the manner provided by the rules of
19 the national political party and the State Central Committee,
20 when the rules and policies of the national political party so
21 require.

22 A political party which elects the members to its State
23 Central Committee by Alternative B under paragraph (a) of
24 Section 7-8 shall select its at large delegates and alternate
25 delegates to its national nominating convention by
26 proportional selection representation according to the results

1 of a Presidential preference primary in the whole State in the
2 manner provided by the rules of the national political party
3 and the State Central Committee, when the rules and policies of
4 the national political party so require.

5 The person receiving the highest number of votes of his
6 party for precinct committeeman of his precinct shall be
7 declared elected precinct committeeman from said precinct.

8 The person receiving the highest number of votes of his
9 party for township committeeman of his township or part of a
10 township as the case may be, shall be declared elected township
11 committeeman from said township or part of a township as the
12 case may be. In cities where ward committeemen are elected, the
13 person receiving the highest number of votes of his party for
14 ward committeeman of his ward shall be declared elected ward
15 committeeman from said ward.

16 When two or more persons receive an equal and the highest
17 number of votes for the nomination for the same office or for
18 committeeman of the same political party, or where more than
19 one person of the same political party is to be nominated as a
20 candidate for office or committeeman, if it appears that more
21 than the number of persons to be nominated for an office or
22 elected committeeman have the highest and an equal number of
23 votes for the nomination for the same office or for election as
24 committeeman, the election authority by which the returns of
25 the primary are canvassed shall decide by lot which of said
26 persons shall be nominated or elected, as the case may be. In

1 such case the election authority shall issue notice in writing
2 to such persons of such tie vote stating therein the place, the
3 day (which shall not be more than 5 days thereafter) and the
4 hour when such nomination or election shall be so determined.

5 (b) Write-in votes shall be counted only for persons who
6 have filed notarized declarations of intent to be write-in
7 candidates with the proper election authority, ~~or~~ authorities, or
8 State Board of Elections no earlier than 120 days prior to
9 the primary, but no ~~not~~ later than 70 ~~61~~ days prior to the
10 primary. However, whenever an objection to a candidate's
11 nominating papers or petitions for any office is sustained
12 under Section 10-10 after the 70th ~~61st~~ day before the
13 election, then write-in votes shall be counted for that
14 candidate if he or she has filed a notarized declaration of
15 intent to be a write-in candidate for that office with the
16 proper election authority, ~~or~~ authorities, or State Board of
17 Elections not later than 7 days prior to the election.

18 Forms for the declaration of intent to be a write-in
19 candidate shall be supplied by the election authorities or the
20 State Board of Elections. Declarations of intent to be a
21 write-in candidate shall include: (A) the name and address of
22 the person intending to become a write-in candidate; (B) the
23 office sought; (C) the date of election; and (D) the notarized
24 signature of the candidate or candidates. Declarations of
25 intent to be a write-in candidate that do not include items (A)
26 through (D) shall not be accepted. ~~Such declaration shall~~

1 ~~specify the office for which the person seeks nomination or~~
2 ~~election as a write-in candidate.~~

3 Persons intending to become write-in candidates for the
4 Offices of Governor and Lieutenant Governor shall file one
5 joint declaration of intent to be a write-in candidate with the
6 State Board of Elections.

7 The election authority or authorities shall deliver a list
8 of all persons who have filed such declarations to the election
9 judges in the appropriate precincts prior to the primary.

10 (c) (1) Notwithstanding any other provisions of this
11 Section, where the number of candidates whose names have been
12 printed on a party's ballot for nomination for or election to
13 an office at a primary is less than the number of persons the
14 party is entitled to nominate for or elect to the office at the
15 primary, a person whose name was not printed on the party's
16 primary ballot as a candidate for nomination for or election to
17 the office, is not nominated for or elected to that office as a
18 result of a write-in vote at the primary unless the number of
19 votes he received equals or exceeds the number of signatures
20 required on a petition for nomination for that office; or
21 unless the number of votes he receives exceeds the number of
22 votes received by at least one of the candidates whose names
23 were printed on the primary ballot for nomination for or
24 election to the same office.

25 (2) Paragraph (1) of this subsection does not apply where
26 the number of candidates whose names have been printed on the

1 party's ballot for nomination for or election to the office at
2 the primary equals or exceeds the number of persons the party
3 is entitled to nominate for or elect to the office at the
4 primary.

5 (Source: P.A. 94-647, eff. 1-1-06; 95-699, eff. 11-9-07.)

6 (10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

7 Sec. 17-16.1. Write-in votes shall be counted only for
8 persons who have filed notarized declarations of intent to be
9 write-in candidates with the proper election authority, ~~or~~
10 authorities, or State Board of Elections no earlier than 120
11 days prior to the election, but no ~~not~~ later than 70 ~~61~~ days
12 prior to the election. However, whenever an objection to a
13 candidate's nominating papers or petitions for any office is
14 sustained under Section 10-10 after the 70th ~~61st~~ day before
15 the election, then write-in votes shall be counted for that
16 candidate if he or she has filed a notarized declaration of
17 intent to be a write-in candidate for that office with the
18 proper election authority, ~~or~~ authorities, or State Board of
19 Elections not later than 7 days prior to the election.

20 Forms for the declaration of intent to be a write-in
21 candidate shall be supplied by the election authorities or the
22 State Board of Elections. Declarations of intent to be a
23 write-in candidate shall include: (A) the name and address of
24 the person intending to become a write-in candidate; (B) the
25 office sought; (C) the date of election; and (D) the notarized

1 signature of the candidate or candidates. Declarations of
2 intent to be a write-in candidate that do not include items (A)
3 through (D) shall not be accepted. Such declaration shall
4 specify the office for which the person seeks election as a
5 write-in candidate.

6 Persons intending to become write-in candidates for the
7 Offices of President and Vice President or Governor and
8 Lieutenant Governor shall file one joint declaration of intent
9 to be a write-in candidate with the State Board of Elections.
10 Votes cast for either candidate shall constitute a valid
11 write-in vote for the slate of candidates.

12 The election authority or authorities shall deliver a list
13 of all persons who have filed such declarations to the election
14 judges in the appropriate precincts prior to the election.

15 A candidate for whom a nomination paper has been filed as a
16 partisan candidate at a primary election, and who is defeated
17 for his or her nomination at the primary election is ineligible
18 to file a declaration of intent to be a write-in candidate for
19 election in that general or consolidated election.

20 A candidate seeking election to an office for which
21 candidates of political parties are nominated by caucus who is
22 a participant in the caucus and who is defeated for his or her
23 nomination at such caucus is ineligible to file a declaration
24 of intent to be a write-in candidate for election in that
25 general or consolidated election.

26 A candidate seeking election to an office for which

1 candidates are nominated at a primary election on a nonpartisan
2 basis and who is defeated for his or her nomination at the
3 primary election is ineligible to file a declaration of intent
4 to be a write-in candidate for election in that general or
5 consolidated election.

6 Nothing in this Section shall be construed to apply to
7 votes cast under the provisions of subsection (b) of Section
8 16-5.01.

9 (Source: P.A. 95-699, eff. 11-9-07.)

10 (10 ILCS 5/18-9.1) (from Ch. 46, par. 18-9.1)

11 Sec. 18-9.1. Write-in votes shall be counted only for
12 persons who have filed notarized declarations of intent to be
13 write-in candidates with the proper election authority, ~~or~~
14 authorities, or State Board of Elections no earlier than 120
15 days prior to the election, but no ~~not~~ later than 70 ~~61~~ days
16 prior to the election. However, whenever an objection to a
17 candidate's nominating papers or petitions is sustained under
18 Section 10-10 after the 70th ~~61st~~ day before the election, then
19 write-in votes shall be counted for that candidate if he or she
20 has filed a notarized declaration of intent to be a write-in
21 candidate for that office with the proper election authority, ~~or~~
22 authorities, or State Board of Elections not later than 7
23 days prior to the election.

24 Forms for the declaration of intent to be a write-in
25 candidate shall be supplied by the election authorities or the

1 State Board of Elections. Declarations of intent to be a
2 write-in candidate shall include: (A) the name and address of
3 the person intending to become a write-in candidate; (B) the
4 office sought; (C) the date of election; and (D) the notarized
5 signature of the candidate or candidates. Declarations of
6 intent to be a write-in candidate that do not include items (A)
7 through (D) shall not be accepted. ~~Such declaration shall~~
8 ~~specify the office for which the person seeks election as a~~
9 ~~write in candidate.~~

10 Persons intending to become write-in candidates for the
11 Offices of President and Vice President or Governor and
12 Lieutenant Governor shall file one joint declaration of intent
13 to be a write-in candidate with the State Board of Elections.
14 Votes cast for either candidate shall constitute a valid
15 write-in vote for the slate of candidates.

16 The election authority or authorities shall deliver a list
17 of all persons who have filed such declarations to the election
18 judges in the appropriate precincts prior to the election.

19 A candidate for whom a nomination paper has been filed as a
20 partisan candidate at a primary election, and who is defeated
21 for his or her nomination at the primary election, is
22 ineligible to file a declaration of intent to be a write-in
23 candidate for election in that general or consolidated
24 election.

25 A candidate seeking election to an office for which
26 candidates of political parties are nominated by caucus who is

1 a participant in the caucus and who is defeated for his or her
2 nomination at such caucus is ineligible to file a declaration
3 of intent to be a write-in candidate for election in that
4 general or consolidated election.

5 A candidate seeking election to an office for which
6 candidates are nominated at a primary election on a nonpartisan
7 basis and who is defeated for his or her nomination at the
8 primary election is ineligible to file a declaration of intent
9 to be a write-in candidate for election in that general or
10 consolidated election.

11 Nothing in this Section shall be construed to apply to
12 votes cast under the provisions of subsection (b) of Section
13 16-5.01.

14 (Source: P.A. 95-699, eff. 11-9-07.)

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