



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0733

Introduced 2/8/2007, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-2	from Ch. 46, par. 10-2
10 ILCS 5/10-3	from Ch. 46, par. 10-3
10 ILCS 5/10-6	from Ch. 46, par. 10-6

Amends the Election Code. Makes the minimum nomination petition signature requirements for independent candidates the same as those for candidates of an established political party for the same office (now, larger). Makes the period for filing all independent candidate petitions the same as that for new political party candidates (now, the same as that for established political party candidates). Makes the minimum petition signature requirement for a new State political party the same as that for a State office candidate of an established political party (now, the lesser of 25,000 or 1% of the number of voters voting in the most recent general election). Makes the minimum petition signature requirement for a new local political party the same as that for an established party candidate for the local office on the slate with the highest petition signature requirement (now, 5% of the number of voters in the relevant district or political subdivision who voted in the most recent election when district or subdivision officers were elected by the district or subdivision as a unit).

LRB095 10702 JAM 30935 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 10-2, 10-3, and 10-6 as follows:

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

7 Sec. 10-2. The term "political party", as hereinafter used
8 in this Article 10, shall mean any "established political
9 party", as hereinafter defined and shall also mean any
10 political group which shall hereafter undertake to form an
11 established political party in the manner provided for in this
12 Article 10: Provided, that no political organization or group
13 shall be qualified as a political party hereunder, or given a
14 place on a ballot, which organization or group is associated,
15 directly or indirectly, with Communist, Fascist, Nazi or other
16 un-American principles and engages in activities or propaganda
17 designed to teach subservience to the political principles and
18 ideals of foreign nations or the overthrow by violence of the
19 established constitutional form of government of the United
20 States and the State of Illinois.

21 A political party which, at the last general election for
22 State and county officers, polled for its candidate for
23 Governor more than 5% of the entire vote cast for Governor, is

1 hereby declared to be an "established political party" as to
2 the State and as to any district or political subdivision
3 thereof.

4 A political party which, at the last election in any
5 congressional district, legislative district, county,
6 township, municipality or other political subdivision or
7 district in the State, polled more than 5% of the entire vote
8 cast within such territorial area or political subdivision, as
9 the case may be, has voted as a unit for the election of
10 officers to serve the respective territorial area of such
11 district or political subdivision, is hereby declared to be an
12 "established political party" within the meaning of this
13 Article as to such district or political subdivision.

14 Any group of persons hereafter desiring to form a new
15 political party throughout the State, or in any congressional,
16 legislative or judicial district, or in any other district or
17 in any political subdivision (other than a municipality) not
18 entirely within a single county, shall file with the State
19 Board of Elections a petition, as hereinafter provided; and any
20 such group of persons hereafter desiring to form a new
21 political party within any county shall file such petition with
22 the county clerk; and any such group of persons hereafter
23 desiring to form a new political party within any municipality
24 or township or within any district of a unit of local
25 government other than a county shall file such petition with
26 the local election official or Board of Election Commissioners

1 of such municipality, township or other unit of local
2 government, as the case may be. Any such petition for the
3 formation of a new political party throughout the State, or in
4 any such district or political subdivision, as the case may be,
5 shall declare as concisely as may be the intention of the
6 signers thereof to form such new political party in the State,
7 or in such district or political subdivision; shall state in
8 not more than 5 words the name of such new political party;
9 shall at the time of filing contain a complete list of
10 candidates of such party for all offices to be filled in the
11 State, or such district or political subdivision as the case
12 may be, at the next ensuing election then to be held; and, if
13 such new political party shall be formed for the entire State,
14 shall be signed by qualified voters at least equal in number to
15 the minimum petition signature requirement of Section 7-10 for
16 a State office candidate of an established political party ~~1%~~
17 ~~of the number of voters who voted at the next preceding~~
18 ~~Statewide general election or 25,000 qualified voters,~~
19 ~~whichever is less.~~ If such new political party shall be formed
20 for any district or political subdivision less than the entire
21 State, such petition shall be signed by qualified voters of the
22 district or political subdivision equaling in number not less
23 than the minimum petition signature requirement for an
24 established party candidate for the office on the slate with
25 the highest minimum petition signature requirement. ~~5% of the~~
26 ~~number of voters who voted at the next preceding regular~~

1 ~~election in such district or political subdivision in which~~
2 ~~such district or political subdivision voted as a unit for the~~
3 ~~election of officers to serve its respective territorial area.~~
4 ~~However, whenever the minimum signature requirement for a~~
5 ~~district or political subdivision new political party petition~~
6 ~~shall exceed the minimum number of signatures for State wide~~
7 ~~new political party petitions at the next preceding State wide~~
8 ~~general election, such State wide petition signature~~
9 ~~requirement shall be the minimum for such district or political~~
10 ~~subdivision new political party petition.~~

11 ~~For the first election following a redistricting of~~
12 ~~congressional districts, a petition to form a new political~~
13 ~~party in a congressional district shall be signed by at least~~
14 ~~5,000 qualified voters of the congressional district. For the~~
15 ~~first election following a redistricting of legislative~~
16 ~~districts, a petition to form a new political party in a~~
17 ~~legislative district shall be signed by at least 3,000~~
18 ~~qualified voters of the legislative district. For the first~~
19 ~~election following a redistricting of representative~~
20 ~~districts, a petition to form a new political party in a~~
21 ~~representative district shall be signed by at least 1,500~~
22 ~~qualified voters of the representative district.~~

23 ~~For the first election following redistricting of county~~
24 ~~board districts, or of municipal wards or districts, or for the~~
25 ~~first election following the initial establishment of such~~
26 ~~districts or wards in a county or municipality, a petition to~~

1 ~~form a new political party in a county board district or in a~~
2 ~~municipal ward or district shall be signed by qualified voters~~
3 ~~of the district or ward equal to not less than 5% of the total~~
4 ~~number of votes cast at the preceding general or municipal~~
5 ~~election, as the case may be, for the county or municipal~~
6 ~~office voted on throughout the county or municipality for which~~
7 ~~the greatest total number of votes were cast for all~~
8 ~~candidates, divided by the number of districts or wards, but in~~
9 ~~any event not less than 25 qualified voters of the district or~~
10 ~~ward.~~

11 In the case of a petition to form a new political party
12 within a political subdivision in which officers are to be
13 elected from districts and at-large, such petition shall
14 consist of separate components for each district from which an
15 officer is to be elected. Each component shall be circulated
16 only within a district of the political subdivision and signed
17 only by qualified electors who are residents of such district.
18 Each sheet of such petition must contain a complete list of the
19 names of the candidates of the party for all offices to be
20 filled in the political subdivision at large, but the sheets
21 comprising each component shall also contain the names of those
22 candidates to be elected from the particular district. Each
23 component of the petition for each district from which an
24 officer is to be elected must be signed by qualified voters of
25 the district equalling in number not less than the minimum
26 petition signature requirement for an established party

1 ~~candidate for that office. 5% of the number of voters who voted~~
2 ~~at the next preceding regular election in such district at~~
3 ~~which an officer was elected to serve the district.~~ The entire
4 petition, including all components, must be signed by a total
5 of qualified voters of the entire political subdivision
6 equalling in number not less than the minimum petition
7 signature requirement for an established party candidate for
8 the office on the slate with the highest minimum petition
9 signature requirement. ~~5% of the number of voters who voted at~~
10 ~~the next preceding regular election in such political~~
11 ~~subdivision at which an officer was elected to serve the~~
12 ~~political subdivision at large.~~

13 The filing of such petition shall constitute the political
14 group a new political party, for the purpose only of placing
15 upon the ballot at such next ensuing election such list or an
16 adjusted list in accordance with Section 10-11, of party
17 candidates for offices to be voted for throughout the State, or
18 for offices to be voted for in such district or political
19 subdivision less than the State, as the case may be, under the
20 name of and as the candidates of such new political party.

21 If, at such ensuing election, the new political party's
22 candidate for Governor shall receive more than 5% of the entire
23 votes cast for Governor, then such new political party shall
24 become an "established political party" as to the State and as
25 to every district or political subdivision thereof. If, at such
26 ensuing election, the other candidates of the new political

1 party, or any other candidate or candidates of the new
2 political party shall receive more than 5% of all the votes
3 cast for the office or offices for which they were candidates
4 at such election, in the State, or in any district or political
5 subdivision, as the case may be, then and in that event, such
6 new political party shall become an "established political
7 party" within the State or within such district or political
8 subdivision less than the State, as the case may be, in which
9 such candidate or candidates received more than 5% of the votes
10 cast for the office or offices for which they were candidates.
11 It shall thereafter nominate its candidates for public offices
12 to be filled in the State, or such district or political
13 subdivision, as the case may be, under the provisions of the
14 laws regulating the nomination of candidates of established
15 political parties at primary elections and political party
16 conventions, as now or hereafter in force.

17 A political party which continues to receive for its
18 candidate for Governor more than 5% of the entire vote cast for
19 Governor, shall remain an "established political party" as to
20 the State and as to every district or political subdivision
21 thereof. But if the political party's candidate for Governor
22 fails to receive more than 5% of the entire vote cast for
23 Governor, or if the political party does not nominate a
24 candidate for Governor, the political party shall remain an
25 "established political party" within the State or within such
26 district or political subdivision less than the State, as the

1 case may be, only so long as, and only in those districts or
2 political subdivisions in which, the candidates of that
3 political party, or any candidate or candidates of that
4 political party, continue to receive more than 5% of all the
5 votes cast for the office or offices for which they were
6 candidates at succeeding general or consolidated elections
7 within the State or within any district or political
8 subdivision, as the case may be.

9 Any such petition shall be filed at the same time and shall
10 be subject to the same requirements and to the same provisions
11 in respect to objections thereto and to any hearing or hearings
12 upon such objections that are hereinafter in this Article 10
13 contained in regard to the nomination of any other candidate or
14 candidates by petition. If any such new political party shall
15 become an "established political party" in the manner herein
16 provided, the candidate or candidates of such new political
17 party nominated by the petition hereinabove referred to for
18 such initial election, shall have power to select any such
19 party committeeman or committeemen as shall be necessary for
20 the creation of a provisional party organization and
21 provisional managing committee or committees for such party
22 within the State, or in any district or political subdivision
23 in which the new political party has become established; and
24 the party committeeman or committeemen so selected shall
25 constitute a provisional party organization for the new
26 political party and shall have and exercise the powers

1 conferred by law upon any party committeeman or committeemen to
2 manage and control the affairs of such new political party
3 until the next ensuing primary election at which the new
4 political party shall be entitled to nominate and elect any
5 party committeeman or committeemen in the State, or in such
6 district or political subdivision under any parts of this Act
7 relating to the organization of political parties.

8 A candidate for whom a nomination paper has been filed as a
9 partisan candidate at a primary election, and who is defeated
10 for his or her nomination at the primary election, is
11 ineligible for nomination as a candidate of a new political
12 party for election in that general election.

13 (Source: P.A. 86-875.)

14 (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

15 Sec. 10-3. Nomination of independent candidates (not
16 candidates of any political party), for any office to be filled
17 by the voters of the State at large may also be made by
18 nomination papers signed in the aggregate for each candidate by
19 qualified voters at least equal in number to the minimum
20 petition signature requirement of Section 7-10 for a State
21 office candidate of an established political party ~~1% of the~~
22 ~~number of voters who voted in the next preceding Statewide~~
23 ~~general election or 25,000 qualified voters of the State,~~
24 ~~whichever is less.~~ Nominations of independent candidates for
25 public office within any district or political subdivision less

1 than the State, may be made by nomination papers signed in the
2 aggregate for each candidate by qualified voters of such
3 district, or political subdivision, equaling not less than the
4 minimum petition signature requirement for an established
5 party candidate for that office. ~~5%, nor more than 8% (or 50~~
6 ~~more than the minimum, whichever is greater) of the number of~~
7 ~~persons, who voted at the next preceding regular election in~~
8 ~~such district or political subdivision in which such district~~
9 ~~or political subdivision voted as a unit for the election of~~
10 ~~officers to serve its respective territorial area, except that~~
11 ~~independent candidates for the General Assembly shall require~~
12 ~~not less than 10%, nor more than 16% of the number of persons~~
13 ~~who voted at the next preceding general election in such~~
14 ~~district or political subdivision in which such district or~~
15 ~~political subdivision voted as a unit for the election of~~
16 ~~officers to serve its respective territorial area. However,~~
17 ~~whenever the minimum signature requirement for an independent~~
18 ~~candidate petition for a district or political subdivision~~
19 ~~office shall exceed the minimum number of signatures for an~~
20 ~~independent candidate petition for an office to be filled by~~
21 ~~the voters of the State at large at the next preceding~~
22 ~~State wide general election, such State wide petition~~
23 ~~signature requirement shall be the minimum for an independent~~
24 ~~candidate petition for such district or political subdivision~~
25 ~~office. For the first election following a redistricting of~~
26 ~~congressional districts, nomination papers for an independent~~

1 ~~candidate for congressman shall be signed by at least 5,000~~
2 ~~qualified voters of the congressional district. For the first~~
3 ~~election following a redistricting of legislative districts,~~
4 ~~nomination papers for an independent candidate for State~~
5 ~~Senator in the General Assembly shall be signed by at least~~
6 ~~3,000 qualified voters of the legislative district. For the~~
7 ~~first election following a redistricting of representative~~
8 ~~districts, nomination papers for an independent candidate for~~
9 ~~State Representative in the General Assembly shall be signed by~~
10 ~~at least 1,500 qualified voters of the representative district.~~
11 ~~For the first election following redistricting of county board~~
12 ~~districts, or of municipal wards or districts, or for the first~~
13 ~~election following the initial establishment of such districts~~
14 ~~or wards in a county or municipality, nomination papers for an~~
15 ~~independent candidate for county board member, or for alderman~~
16 ~~or trustee of such municipality, shall be signed by qualified~~
17 ~~voters of the district or ward equal to not less than 5% nor~~
18 ~~more than 8% (or 50 more than the minimum, whichever is~~
19 ~~greater) of the total number of votes cast at the preceding~~
20 ~~general or general municipal election, as the case may be, for~~
21 ~~the county or municipal office voted on throughout such county~~
22 ~~or municipality for which the greatest total number of votes~~
23 ~~were cast for all candidates, divided by the number of~~
24 ~~districts or wards, but in any event not less than 25 qualified~~
25 ~~voters of the district or ward. Each voter signing a nomination~~
26 ~~paper shall add to his signature his place of residence, and~~

1 each voter may subscribe to one nomination for such office to
2 be filled, and no more: Provided that the name of any candidate
3 whose name may appear in any other place upon the ballot shall
4 not be so added by petition for the same office.

5 The person circulating the petition, or the candidate on
6 whose behalf the petition is circulated, may strike any
7 signature from the petition, provided that;

8 (1) the person striking the signature shall initial the
9 petition at the place where the signature is struck; and

10 (2) the person striking the signature shall sign a
11 certification listing the page number and line number of
12 each signature struck from the petition. Such
13 certification shall be filed as a part of the petition.

14 (3) the persons striking signatures from the petition
15 shall each sign an additional certificate specifying the
16 number of certification pages listing stricken signatures
17 which are attached to the petition and the page numbers
18 indicated on such certifications. The certificate shall be
19 filed as a part of the petition, shall be numbered, and
20 shall be attached immediately following the last page of
21 voters' signatures and before the certifications of
22 stricken signatures.

23 (4) all of the foregoing requirements shall be
24 necessary to effect a valid striking of any signature. The
25 provisions of this Section authorizing the striking of
26 signatures shall not impose any criminal liability on any

1 person so authorized for signatures which may be
2 fraudulent.

3 In the case of the offices of Governor and Lieutenant
4 Governor a joint petition including one candidate for each of
5 those offices must be filed.

6 ~~Every petition for nomination of an independent candidate~~
7 ~~for any office for which candidates of established political~~
8 ~~parties are nominated at the general primary shall be filed~~
9 ~~within the time designated in Section 7-12 of this Act in~~
10 ~~regard to nomination at the general primary of any other~~
11 ~~candidate for such office.~~

12 A candidate for whom a nomination paper has been filed as a
13 partisan candidate at a primary election, and who is defeated
14 for his or her nomination at the primary election, is
15 ineligible to be placed on the ballot as an independent
16 candidate for election in that general or consolidated
17 election.

18 A candidate seeking election to an office for which
19 candidates of political parties are nominated by caucus who is
20 a participant in the caucus and who is defeated for his or her
21 nomination at such caucus, is ineligible to be listed on the
22 ballot at that general or consolidated election as an
23 independent candidate.

24 (Source: P.A. 86-867; 86-875; 86-1028; 86-1348.)

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

1 Sec. 10-6. Time and manner of filing. Certificates ~~Except~~
2 ~~as provided in Section 10-3,~~ certificates of nomination and
3 nomination papers for the nomination of candidates for offices
4 to be filled by electors of the entire State, or any district
5 not entirely within a county, or for congressional, state
6 legislative or judicial offices, shall be presented to the
7 principal office of the State Board of Elections not more than
8 141 nor less than 134 days previous to the day of election for
9 which the candidates are nominated. The State Board of
10 Elections shall endorse the certificates of nomination or
11 nomination papers, as the case may be, and the date and hour of
12 presentment to it. Except as otherwise provided in this
13 section, all other certificates for the nomination of
14 candidates shall be filed with the county clerk of the
15 respective counties not more than 141 but at least 134 days
16 previous to the day of such election. Certificates of
17 nomination and nomination papers for the nomination of
18 candidates for the offices of political subdivisions to be
19 filled at regular elections other than the general election
20 shall be filed with the local election official of such
21 subdivision:

22 (1) (Blank);

23 (2) not more than 78 nor less than 71 days prior to the
24 consolidated election; or

25 (3) not more than 78 nor less than 71 days prior to the
26 general primary in the case of municipal offices to be

1 filled at the general primary election; or

2 (4) not more than 78 nor less than 71 days before the
3 consolidated primary in the case of municipal offices to be
4 elected on a nonpartisan basis pursuant to law (including
5 without limitation, those municipal offices subject to
6 Articles 4 and 5 of the Municipal Code); or

7 (5) not more than 78 nor less than 71 days before the
8 municipal primary in even numbered years for such
9 nonpartisan municipal offices where annual elections are
10 provided; or

11 (6) in the case of petitions for the office of
12 multi-township assessor, such petitions shall be filed
13 with the election authority not more than 78 nor less than
14 71 days before the consolidated election.

15 However, where a political subdivision's boundaries are
16 co-extensive with or are entirely within the jurisdiction of a
17 municipal board of election commissioners, the certificates of
18 nomination and nomination papers for candidates for such
19 political subdivision offices shall be filed in the office of
20 such Board.

21 (Source: P.A. 90-358, eff. 1-1-98; 91-317, eff. 7-29-99.)