



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4790

by Rep. Lindsey LaPointe

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/7-12.5 new	
10 ILCS 5/10-8	from Ch. 46, par. 10-8

Provides that the amendatory Act may be referred to as the Voter Choice and Fair Access Act. Amends the Election Code. Provides that, if a candidate who is the current holder of the elective office for which nomination papers have been filed withdraws his or her candidacy anytime up until 10 business days before the ballot is finalized, the State Board of Elections or the appropriate election authority shall reopen the filing period for that office. Sets forth additional requirements for the filing of petitions for nomination by incumbent office holders. Makes other changes.

LRB104 20061 SPS 33512 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 1. Short title. This Act may be referred to as the  
5 Voter Choice and Fair Access Act.

6 Section 5. The Election Code is amended by changing  
7 Sections 7-12 and 10-8 and by adding Section 7-12.5 as  
8 follows:

9 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

10 Sec. 7-12. All petitions for nomination shall be filed by  
11 mail or in person as follows:

12 (1) Except as otherwise provided in this Code, where  
13 the nomination is to be made for a State, congressional,  
14 or judicial office, or for any office a nomination for  
15 which is made for a territorial division or district which  
16 comprises more than one county or is partly in one county  
17 and partly in another county or counties (including the  
18 Fox Metro Water Reclamation District), then, except as  
19 otherwise provided in this Section, such petition for  
20 nomination shall be filed in the principal office of the  
21 State Board of Elections not more than 141 and not less  
22 than 134 days prior to the date of the primary, but, in the

1 case of petitions for nomination to fill a vacancy by  
2 special election in the office of representative in  
3 Congress from this State, such petition for nomination  
4 shall be filed in the principal office of the State Board  
5 of Elections not more than 85 days and not less than 82  
6 days prior to the date of the primary.

7 Where a vacancy occurs in the office of Supreme,  
8 Appellate or Circuit Court Judge within the 3-week period  
9 preceding the 134th day before a general primary election,  
10 petitions for nomination for the office in which the  
11 vacancy has occurred shall be filed in the principal  
12 office of the State Board of Elections not more than 120  
13 nor less than 113 days prior to the date of the general  
14 primary election.

15 Where the nomination is to be made for delegates or  
16 alternate delegates to a national nominating convention,  
17 then such petition for nomination shall be filed in the  
18 principal office of the State Board of Elections not more  
19 than 141 and not less than 134 days prior to the date of  
20 the primary; provided, however, that if the rules or  
21 policies of a national political party conflict with such  
22 requirements for filing petitions for nomination for  
23 delegates or alternate delegates to a national nominating  
24 convention, the chair of the State central committee of  
25 such national political party shall notify the Board in  
26 writing, citing by reference the rules or policies of the

1 national political party in conflict, and in such case the  
2 Board shall direct such petitions to be filed in  
3 accordance with the delegate selection plan adopted by the  
4 state central committee of such national political party.

5 (1.1) Where the nomination is to be made for a State,  
6 congressional, or judicial office, or for any office a  
7 nomination for which is made for a territorial division or  
8 district which comprises more than one county or is partly  
9 in one county and partly in another county or counties  
10 (including the Fox Metro Water Reclamation District), and  
11 a candidate is the current holder of the elective office  
12 for which nomination papers are to be filed, then, except  
13 as otherwise provided in this Section, such petition for  
14 nomination shall be filed in the principal office of the  
15 State Board of Elections not more than 148 and not less  
16 than 141 days prior to the date of the primary.

17 (2) Except as otherwise provided in paragraph (2.1),  
18 where ~~where~~ the nomination is to be made for a county  
19 office or trustee of a sanitary district then such  
20 petition shall be filed in the office of the county clerk  
21 not more than 141 nor less than 134 days prior to the date  
22 of the primary.

23 (2.1) Where the nomination is to be made for a county  
24 office or trustee of a sanitary district and a candidate  
25 is the current holder of the elective office for which  
26 nomination papers are to be filed, then such petition

1       shall be filed in the office of the county clerk not more  
2       than 148 nor less than 141 days prior to the date of the  
3       primary.

4           (3) Except as otherwise provided in paragraph (3.1),  
5       where ~~where~~ the nomination is to be made for a municipal or  
6       township office, such petitions for nomination shall be  
7       filed in the office of the local election official, not  
8       more than 127 nor less than 120 days prior to the date of  
9       the primary; provided, where a municipality's or  
10      township's boundaries are coextensive with or are entirely  
11      within the jurisdiction of a municipal board of election  
12      commissioners, the petitions shall be filed in the office  
13      of such board; and provided, that petitions for the office  
14      of multi-township assessor shall be filed with the  
15      election authority.

16           (3.1) Where the nomination is to be made for a  
17      municipal or township office and a candidate is the  
18      current holder of the elective office for which nomination  
19      papers are to be filed, such petitions for nomination  
20      shall be filed in the office of the local election  
21      official, not more than 134 nor less than 127 days prior to  
22      the date of the primary; provided, where a municipality's  
23      or township's boundaries are coextensive with or are  
24      entirely within the jurisdiction of a municipal board of  
25      election commissioners, the petitions shall be filed in  
26      the office of such board; and provided, that petitions for

1 the office of multi-township assessor shall be filed with  
2 the election authority.

3 (4) Except as otherwise provided in paragraph (4.1),  
4 the ~~The~~ petitions of candidates for State central  
5 committeeperson shall be filed in the principal office of  
6 the State Board of Elections not more than 141 nor less  
7 than 134 days prior to the date of the primary.

8 (4.1) Where a candidate is the current central  
9 committeeperson for which nomination papers are to be  
10 filed, the petitions of candidates for State central  
11 committeeperson shall be filed in the principal office of  
12 the State Board of Elections not more than 148 nor less  
13 than 141 days prior to the date of the primary.

14 (5) Except as otherwise provided in paragraph (5.1),  
15 petitions ~~Petitions~~ of candidates for precinct, township  
16 or ward committeepersons shall be filed in the office of  
17 the county clerk not more than 141 nor less than 134 days  
18 prior to the date of the primary.

19 (5.1) Where a candidate is the current committeeperson  
20 for which nomination papers are to be filed, petitions of  
21 candidates for precinct, township or ward committeepersons  
22 shall be filed in the office of the county clerk not more  
23 than 148 nor less than 141 days prior to the date of the  
24 primary.

25 (6) The State Board of Elections and the various  
26 election authorities and local election officials with

1       whom such petitions for nominations are filed shall  
2       specify the place where filings shall be made and upon  
3       receipt shall endorse thereon the day and hour on which  
4       each petition was filed. All petitions filed by persons  
5       waiting in line as of 8:00 a.m. on the first day for  
6       filing, or as of the normal opening hour of the office  
7       involved on such day, shall be deemed filed as of 8:00 a.m.  
8       or the normal opening hour, as the case may be. Petitions  
9       filed by mail and received after midnight of the first day  
10      for filing and in the first mail delivery or pickup of that  
11      day shall be deemed as filed as of 8:00 a.m. of that day or  
12      as of the normal opening hour of such day, as the case may  
13      be. All petitions received thereafter shall be deemed as  
14      filed in the order of actual receipt. However, 2 or more  
15      petitions filed within the last hour of the filing  
16      deadline shall be deemed filed simultaneously. Where 2 or  
17      more petitions are received simultaneously, the State  
18      Board of Elections or the various election authorities or  
19      local election officials with whom such petitions are  
20      filed shall break ties and determine the order of filing,  
21      by means of a lottery or other fair and impartial method of  
22      random selection approved by the State Board of Elections.  
23      Such lottery shall be conducted within 9 days following  
24      the last day for petition filing and shall be open to the  
25      public. Seven days written notice of the time and place of  
26      conducting such random selection shall be given by the

1 State Board of Elections to the chair of the State central  
2 committee of each established political party, and by each  
3 election authority or local election official, to the  
4 County Chair of each established political party, and to  
5 each organization of citizens within the election  
6 jurisdiction which was entitled, under this Article, at  
7 the next preceding election, to have pollwatchers present  
8 on the day of election. The State Board of Elections,  
9 election authority or local election official shall post  
10 in a conspicuous, open and public place, at the entrance  
11 of the office, notice of the time and place of such  
12 lottery. The State Board of Elections shall adopt rules  
13 and regulations governing the procedures for the conduct  
14 of such lottery. All candidates shall be certified in the  
15 order in which their petitions have been filed. Where  
16 candidates have filed simultaneously, they shall be  
17 certified in the order determined by lot and prior to  
18 candidates who filed for the same office at a later time.

19 (7) The State Board of Elections or the appropriate  
20 election authority or local election official with whom  
21 such a petition for nomination is filed shall notify the  
22 person for whom a petition for nomination has been filed  
23 of the obligation to file statements of organization,  
24 reports of campaign contributions, and quarterly reports  
25 of campaign contributions and expenditures under Article 9  
26 of this Code. Such notice shall be given in the manner

1           prescribed by paragraph (7) of Section 9-16 of this Code.

2           (8) Nomination papers filed under this Section are not  
3           valid if the candidate named therein fails to file a  
4           statement of economic interests as required by the  
5           Illinois Governmental Ethics Act in relation to his  
6           candidacy with the appropriate officer by the end of the  
7           period for the filing of nomination papers unless he has  
8           filed a statement of economic interests in relation to the  
9           same governmental unit with that officer within a year  
10          preceding the date on which such nomination papers were  
11          filed. If the nomination papers of any candidate and the  
12          statement of economic interests of that candidate are not  
13          required to be filed with the same officer, the candidate  
14          must file with the officer with whom the nomination papers  
15          are filed a receipt from the officer with whom the  
16          statement of economic interests is filed showing the date  
17          on which such statement was filed. Such receipt shall be  
18          so filed not later than the last day on which nomination  
19          papers may be filed.

20          (9) Except as otherwise provided in this Code, any  
21          person for whom a petition for nomination, or for  
22          committeeperson or for delegate or alternate delegate to a  
23          national nominating convention has been filed may cause  
24          his name to be withdrawn by request in writing, signed by  
25          him and duly acknowledged before an officer qualified to  
26          take acknowledgments of deeds, and filed in the principal

1 or permanent branch office of the State Board of Elections  
2 or with the appropriate election authority or local  
3 election official, not later than the date of  
4 certification of candidates for the consolidated primary  
5 or general primary ballot. No names so withdrawn shall be  
6 certified or printed on the primary ballot. If petitions  
7 for nomination have been filed for the same person with  
8 respect to more than one political party, his name shall  
9 not be certified nor printed on the primary ballot of any  
10 party. If petitions for nomination have been filed for the  
11 same person for 2 or more offices which are incompatible  
12 so that the same person could not serve in more than one of  
13 such offices if elected, that person must withdraw as a  
14 candidate for all but one of such offices within the 5  
15 business days following the last day for petition filing.  
16 A candidate in a judicial election may file petitions for  
17 nomination for only one vacancy in a subcircuit and only  
18 one vacancy in a circuit in any one filing period, and if  
19 petitions for nomination have been filed for the same  
20 person for 2 or more vacancies in the same circuit or  
21 subcircuit in the same filing period, his or her name  
22 shall be certified only for the first vacancy for which  
23 the petitions for nomination were filed. If he fails to  
24 withdraw as a candidate for all but one of such offices  
25 within such time his name shall not be certified, nor  
26 printed on the primary ballot, for any office. For the

1           purpose of the foregoing provisions, an office in a  
2           political party is not incompatible with any other office.

3           (10)(a) Notwithstanding the provisions of any other  
4           statute, no primary shall be held for an established  
5           political party in any township, municipality, or ward  
6           thereof, where the nomination of such party for every  
7           office to be voted upon by the electors of such township,  
8           municipality, or ward thereof, is uncontested. Whenever a  
9           political party's nomination of candidates is uncontested  
10          as to one or more, but not all, of the offices to be voted  
11          upon by the electors of a township, municipality, or ward  
12          thereof, then a primary shall be held for that party in  
13          such township, municipality, or ward thereof; provided  
14          that the primary ballot shall not include those offices  
15          within such township, municipality, or ward thereof, for  
16          which the nomination is uncontested. For purposes of this  
17          Article, the nomination of an established political party  
18          of a candidate for election to an office shall be deemed to  
19          be uncontested where not more than the number of persons  
20          to be nominated have timely filed valid nomination papers  
21          seeking the nomination of such party for election to such  
22          office.

23          (b) Notwithstanding the provisions of any other  
24          statute, no primary election shall be held for an  
25          established political party for any special primary  
26          election called for the purpose of filling a vacancy in

1 the office of representative in the United States Congress  
2 where the nomination of such political party for said  
3 office is uncontested. For the purposes of this Article,  
4 the nomination of an established political party of a  
5 candidate for election to said office shall be deemed to  
6 be uncontested where not more than the number of persons  
7 to be nominated have timely filed valid nomination papers  
8 seeking the nomination of such established party for  
9 election to said office. This subsection (b) shall not  
10 apply if such primary election is conducted on a regularly  
11 scheduled election day.

12 (c) Notwithstanding the provisions in subparagraph (a)  
13 and (b) of this paragraph (10), whenever a person who has  
14 not timely filed valid nomination papers and who intends  
15 to become a write-in candidate for a political party's  
16 nomination for any office for which the nomination is  
17 uncontested files a written statement or notice of that  
18 intent with the local election official where the  
19 candidate is seeking to appear on the ballot, a primary  
20 ballot shall be prepared and a primary shall be held for  
21 that office. Such statement or notice shall be filed on or  
22 before the date established in this Article for certifying  
23 candidates for the primary ballot. Such statement or  
24 notice shall contain (i) the name and address of the  
25 person intending to become a write-in candidate, (ii) a  
26 statement that the person is a qualified primary elector

1 of the political party from whom the nomination is sought,  
2 (iii) a statement that the person intends to become a  
3 write-in candidate for the party's nomination, and (iv)  
4 the office the person is seeking as a write-in candidate.  
5 An election authority shall have no duty to conduct a  
6 primary and prepare a primary ballot for any office for  
7 which the nomination is uncontested unless a statement or  
8 notice meeting the requirements of this Section is filed  
9 in a timely manner.

10 (11) If multiple sets of nomination papers are filed  
11 for a candidate to the same office, the State Board of  
12 Elections, appropriate election authority or local  
13 election official where the petitions are filed shall  
14 within 2 business days notify the candidate of his or her  
15 multiple petition filings and that the candidate has 3  
16 business days after receipt of the notice to notify the  
17 State Board of Elections, appropriate election authority  
18 or local election official that he or she may cancel prior  
19 sets of petitions. If the candidate notifies the State  
20 Board of Elections, appropriate election authority or  
21 local election official, the last set of petitions filed  
22 shall be the only petitions to be considered valid by the  
23 State Board of Elections, election authority or local  
24 election official. If the candidate fails to notify the  
25 State Board of Elections, election authority or local  
26 election official then only the first set of petitions

1 filed shall be valid and all subsequent petitions shall be  
2 void.

3 (12) All nominating petitions shall be available for  
4 public inspection and shall be preserved for a period of  
5 not less than 6 months.

6 (Source: P.A. 102-15, eff. 6-17-21; 102-687, eff. 12-17-21;  
7 103-586, eff. 5-3-24; 103-600, eff. 7-1-24.)

8 (10 ILCS 5/7-12.5 new)

9 Sec. 7-12.5. Reopened filing period following withdrawal  
10 by an incumbent.

11 (a) Notwithstanding any other provision of this Code, if a  
12 candidate who is the current holder of the elective office for  
13 which nomination papers have been filed withdraws his or her  
14 candidacy anytime up until 10 business days before the ballot  
15 is finalized, the State Board of Elections or the appropriate  
16 election authority shall reopen the filing period for that  
17 office.

18 (b) The reopened filing period shall begin no later than 5  
19 business days after the withdrawal is certified and shall  
20 remain open for 10 business days. During the reopened filing  
21 period, any qualified person eligible for the office may file  
22 nomination papers. Nomination papers filed during the reopened  
23 filing period shall be subject to the same requirements,  
24 objections, and certification procedures as nomination papers  
25 filed during the original filing period.

1       (c) This Section applies only to withdrawals by a  
2 candidate who is the incumbent officeholder at the time of  
3 withdrawal. The reopened filing period shall apply regardless  
4 of whether any candidates for the office remain on the ballot  
5 at the time of withdrawal.

6           (10 ILCS 5/10-8) (from Ch. 46, par. 10-8)

7       Sec. 10-8. Except as otherwise provided in this Code,  
8 certificates of nomination and nomination papers, and  
9 petitions to submit public questions to a referendum, being  
10 filed as required by this Code, and being in apparent  
11 conformity with the provisions of this Code Act, shall be  
12 deemed to be valid unless objection thereto is duly made in  
13 writing within 5 business days after the last day for filing  
14 the certificate of nomination or nomination papers or petition  
15 for a public question, with the following exceptions:

16           A. In the case of petitions to amend Article IV of the  
17 Constitution of the State of Illinois, there shall be a  
18 period of 35 business days after the last day for the  
19 filing of such petitions in which objections can be filed.

20           B. In the case of petitions for advisory questions of  
21 public policy to be submitted to the voters of the entire  
22 State, there shall be a period of 35 business days after  
23 the last day for the filing of such petitions in which  
24 objections can be filed.

25       Any legal voter of the political subdivision or district

1 in which the candidate or public question is to be voted on, or  
2 any legal voter in the State in the case of a proposed  
3 amendment to Article IV of the Constitution or an advisory  
4 public question to be submitted to the voters of the entire  
5 State, having objections to any certificate of nomination or  
6 nomination papers or petitions filed, shall file an objector's  
7 petition together with 2 copies thereof in the principal  
8 office or the permanent branch office of the State Board of  
9 Elections, or in the office of the election authority or local  
10 election official with whom the certificate of nomination,  
11 nomination papers or petitions are on file. Objection  
12 petitions that do not include 2 copies thereof, shall not be  
13 accepted. In the case of nomination papers or certificates of  
14 nomination, the State Board of Elections, election authority  
15 or local election official shall note the day and hour upon  
16 which such objector's petition is filed, and shall, not later  
17 than 12:00 p.m. ~~noon~~ on the second business day after receipt  
18 of the petition, transmit by registered mail or receipted  
19 personal delivery the certificate of nomination or nomination  
20 papers and the original objector's petition to the chair of  
21 the proper electoral board designated in Section 10-9 of this  
22 Code ~~hereof~~, or his authorized agent, and shall transmit a  
23 copy by registered mail or receipted personal delivery of the  
24 objector's petition, to the candidate whose certificate of  
25 nomination or nomination papers are objected to, addressed to  
26 the place of residence designated in said certificate of

1 nomination or nomination papers. In the case of objections to  
2 a petition for a proposed amendment to Article IV of the  
3 Constitution or for an advisory public question to be  
4 submitted to the voters of the entire State, the State Board of  
5 Elections shall note the day and hour upon which such  
6 objector's petition is filed and shall transmit a copy of the  
7 objector's petition by registered mail or receipted personal  
8 delivery to the person designated on a certificate attached to  
9 the petition as the principal proponent of such proposed  
10 amendment or public question, or as the proponents' attorney,  
11 for the purpose of receiving notice of objections. In the case  
12 of objections to a petition for a public question, to be  
13 submitted to the voters of a political subdivision, or  
14 district thereof, the election authority or local election  
15 official with whom such petition is filed shall note the day  
16 and hour upon which such objector's petition was filed, and  
17 shall, not later than 12:00 p.m. ~~noon~~ on the second business  
18 day after receipt of the petition, transmit by registered mail  
19 or receipted personal delivery the petition for the public  
20 question and the original objector's petition to the chair of  
21 the proper electoral board designated in Section 10-9 of this  
22 Code ~~hereof~~, or his authorized agent, and shall transmit a  
23 copy by registered mail or receipted personal delivery, of the  
24 objector's petition to the person designated on a certificate  
25 attached to the petition as the principal proponent of the  
26 public question, or as the proponent's attorney, for the

1 purposes of receiving notice of objections.

2 The objector's petition shall give the objector's name and  
3 residence address, and shall state fully the nature of the  
4 objections to the certificate of nomination or nomination  
5 papers or petitions in question, and shall state the interest  
6 of the objector and shall state what relief is requested of the  
7 electoral board.

8 The provisions of this Section and of Sections 10-9,  
9 10-10, and 10-10.1 shall also apply to and govern objections  
10 to petitions for nomination filed under Article 7 or Article  
11 8, except as otherwise provided in Section 7-13 for cases to  
12 which it is applicable, and also apply to and govern petitions  
13 for the submission of public questions under Article 28.

14 For the purposes of this Section, a vacancy includes a  
15 withdrawal described in Section 7-12.5.

16 (Source: P.A. 102-15, eff. 6-17-21; revised 6-24-25.)