



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2764

Introduced 1/13/2026, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-61	from Ch. 46, par. 7-61
10 ILCS 5/9-30	
10 ILCS 5/10-11	from Ch. 46, par. 10-11
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19A-35	

Amends the Election Code. In provisions concerning ballot forfeiture, provides that any civil penalty paid after the State Board of Elections transmits the list of all candidates whose political committees have not paid an assessed civil penalty shall not result in the election authority placing the candidate who paid the civil penalty on the ballot. Provides that, if a candidate forfeits his or her ballot under the provision, then that candidate may not be appointed to fulfill the resulting vacancy. In provisions concerning the making of nominations, provides that any vacancy in nomination occurring after certification shall be filled at least 45 days before the election for which there is a vacancy (rather than within 8 days after the event creating the vacancy). Provides that, unless a candidate has appealed a civil penalty assessment and the Board has not disposed of the appeal by the certification date, the election authority shall not place upon the ballot the name of any candidate appearing on this list for any office in any election. Provides that any civil penalty paid after the Board certifies the ballot (rather than transmits the list of all candidates whose political committees have not paid any civil penalty) shall not result in the election authority placing the candidate who paid the civil penalty on the ballot. In provisions concerning the delivery of ballots, provides that, if a consolidated primary election is required, vote by mail ballots for the consolidated election shall be mailed no later than 5 business days after the completion of the canvass of the consolidated primary election. Makes other changes.

LRB104 16267 SPS 29651 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 7-61, 9-30, 10-11, 19-4, and 19A-35 as follows:

6 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

7 Sec. 7-61. Whenever a special election is necessary, the
8 provisions of this Article are applicable to the nomination of
9 candidates to be voted for at such special election.

10 In cases where a primary election is required, the officer
11 or board or commission whose duty it is under the provisions of
12 this Code relating to general elections to call an election
13 shall fix a date for the primary for the nomination of
14 candidates to be voted for at such special election. Notice of
15 such primary shall be given at least 15 days prior to the
16 maximum time provided for the filing of petitions for such a
17 primary as provided in Section 7-12.

18 Any vacancy in nomination under the provisions of this
19 Article 7 occurring on or after the primary and prior to
20 certification of candidates by the certifying board or officer
21 must be filled prior to the date of certification. Any vacancy
22 in nomination occurring after certification ~~but prior to 15~~
23 ~~days before the general election~~ shall be filled at least 45

1 ~~within 8~~ days before the election for which there is a ~~after~~
2 ~~the event creating the~~ vacancy. The resolution filling the
3 vacancy shall be sent by U. S. mail or personal delivery to the
4 certifying officer or board within 3 days of the action by
5 which the vacancy was filled; provided, if such resolution is
6 sent by mail and the U. S. postmark on the envelope containing
7 such resolution is dated prior to the expiration of such 3-day
8 limit, the resolution shall be deemed filed within such 3-day
9 limit. Failure to so transmit the resolution within the time
10 specified in this Section shall authorize the certifying
11 officer or board to certify the original candidate. Vacancies
12 shall be filled by the officers of a local municipal or
13 township political party as specified in subsection (h) of
14 Section 7-8, other than a statewide political party, that is
15 established only within a municipality or township and the
16 managing committee (or legislative committee in case of a
17 candidate for State Senator or representative committee in the
18 case of a candidate for State Representative in the General
19 Assembly or State central committee in the case of a candidate
20 for statewide office, including, but not limited to, the
21 office of United States Senator) of the respective political
22 party for the territorial area in which such vacancy occurs.

23 The resolution to fill a vacancy in nomination shall be
24 duly acknowledged before an officer qualified to take
25 acknowledgments of deeds and shall include, upon its face, the
26 following information:

1 (a) the name of the original nominee and the office
2 vacated;

3 (b) the date on which the vacancy occurred;

4 (c) the name and address of the nominee selected to
5 fill the vacancy and the date of selection.

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

11 The provisions of Section 10-8 through 10-10.1 relating to
12 objections to certificates of nomination and nomination
13 papers, hearings on objections, and judicial review, shall
14 apply to and govern objections to resolutions for filling a
15 vacancy in nomination.

16 Any vacancy in nomination occurring ~~15 days or less than~~
17 45 days before the consolidated election or the general
18 election shall not be filled. In this event, the certification
19 of the original candidate shall stand and his name shall
20 appear on the official ballot to be voted at the general
21 election.

22 A vacancy in nomination occurs when a candidate who has
23 been nominated under the provisions of this Article 7 dies
24 before the election (whether death occurs prior to, on or
25 after the day of the primary), or declines the nomination;
26 provided that nominations may become vacant for other reasons.

1 If the name of no established political party candidate
2 was printed on the consolidated primary ballot for a
3 particular office and if no person was nominated as a write-in
4 candidate for such office, a vacancy in nomination shall be
5 created which may be filled in accordance with the
6 requirements of this Section. Except as otherwise provided in
7 this Code, if the name of no established political party
8 candidate was printed on the general primary ballot for an
9 office nominated under this Article and if no person was
10 nominated as a write-in candidate for such office, a vacancy
11 in nomination shall be filled only by a person designated by
12 the appropriate committee of the political party and only if
13 that designated person files nominating petitions with the
14 number of signatures required for an established party
15 candidate for that office within 75 days after the day of the
16 general primary. The circulation period for those petitions
17 begins on the day the appropriate committee designates that
18 person. The person shall file his or her nominating petitions,
19 statements of candidacy, notice of appointment by the
20 appropriate committee, and receipt of filing his or her
21 statement of economic interests together. These documents
22 shall be filed at the same location as provided in Section
23 7-12. The electoral boards having jurisdiction under Section
24 10-9 to hear and pass upon objections to nominating petitions
25 also shall hear and pass upon objections to nomination
26 petitions filed by candidates under this paragraph.

1 A candidate for whom a nomination paper has been filed as a
2 partisan candidate at a primary election, and who is defeated
3 for his or her nomination at such primary election, is
4 ineligible to be listed on the ballot at that general or
5 consolidated election as a candidate of another political
6 party.

7 A candidate seeking election to an office for which
8 candidates of political parties are nominated by caucus who is
9 a participant in the caucus and who is defeated for his or her
10 nomination at such caucus is ineligible to be listed on the
11 ballot at that general or consolidated election as a candidate
12 of another political party.

13 In the proceedings to nominate a candidate to fill a
14 vacancy or to fill a vacancy in the nomination, each precinct,
15 township, ward, county, or congressional district, as the case
16 may be, shall, through its representative on such central or
17 managing committee, be entitled to one vote for each ballot
18 voted in such precinct, township, ward, county, or
19 congressional district, as the case may be, by the primary
20 electors of its party at the primary election immediately
21 preceding the meeting at which such vacancy is to be filled.

22 For purposes of this Section, the words "certify" and
23 "certification" shall refer to the act of officially declaring
24 the names of candidates entitled to be printed upon the
25 official ballot at an election and directing election
26 authorities to place the names of such candidates upon the

1 official ballot. "Certifying officers or board" shall refer to
2 the local election official, the election authority, or the
3 State Board of Elections, as the case may be, with whom
4 nomination papers, including certificates of nomination and
5 resolutions to fill vacancies in nomination, are filed and
6 whose duty it is to certify candidates.

7 (Source: P.A. 102-15, eff. 6-17-21; 103-154, eff. 6-30-23;
8 103-586, eff. 5-3-24.)

9 (10 ILCS 5/9-30)

10 Sec. 9-30. Ballot forfeiture. The State Board of
11 Elections shall not certify the name of any person who has not
12 paid a civil penalty imposed against his or her political
13 committee under this Article to appear upon any ballot for any
14 office in any election if the penalty is unpaid by the date
15 required for certification.

16 The State Board of Elections shall generate a list of all
17 candidates whose political committees have not paid any civil
18 penalty assessed against them under this Article. The list
19 shall note which candidates have civil assessment appeals
20 pending before the Board. Such list shall be transmitted to
21 any election authority whose duty it is to place the name of
22 any such candidate on the ballot. Unless the candidate has
23 appealed the civil penalty assessment and the Board has not
24 disposed of the appeal by the certification date, the ~~The~~
25 election authority shall not place upon the ballot the name of

1 any candidate appearing on this list for any office in any
2 election. Any civil penalty paid after the Board certifies the
3 ballot shall not result in the election authority placing the
4 candidate who paid the civil penalty on the ballot. If a
5 candidate forfeits placement on the ballot under this Section,
6 then that candidate may not be appointed to fulfill the
7 resulting vacancy ~~while the penalty is unpaid, unless the~~
8 ~~candidate has requested a hearing and the Board has not~~
9 ~~disposed of the matter by the date of certification.~~

10 Any person who has an unpaid civil penalty imposed against
11 his or her political committee may appeal the civil penalty
12 assessment with the State Board of Elections in accordance
13 with this Article.

14 (Source: P.A. 96-832, eff. 1-1-11.)

15 (10 ILCS 5/10-11) (from Ch. 46, par. 10-11)

16 Sec. 10-11. Any vacancy in the nomination of a new
17 political party candidate occurring prior to the date of
18 certification of candidates for the ballot by the certifying
19 board or officer must be filled prior to the date of
20 certification. The resolution to fill such vacancy shall be
21 sent by U.S. mail or personal delivery to the certifying
22 officer or board within 3 days of the action by which the
23 vacancy was filled; provided, if such resolution is sent by
24 mail and the U.S. postmark on the envelope containing such
25 resolution is dated prior to the expiration of such 3 day

1 limit, the notice or resolution shall be deemed filed within
2 such 3 day limit. Failure to so transmit the notice or
3 resolution within the time specified in this Section shall
4 authorize the certifying officer or board to certify the
5 original candidate. Vacancies shall be filled by the new
6 political party officers.

7 Any vacancy in nomination occurring after certification
8 ~~but prior to 15 days before a regular election~~ shall be filled
9 by the new political party officers at least 45 ~~within 8~~ days
10 before the election for which there is a ~~after the event~~
11 ~~creating the~~ vacancy in the manner heretofore prescribed.

12 The resolution to fill a vacancy in nomination shall be
13 duly acknowledged before an officer qualified to take
14 acknowledgements of deeds and shall include, upon its face,
15 the following information:

16 (a) the name of the original nominee and the office
17 vacated;

18 (b) the date on which the vacancy occurred;

19 (c) the name and address of the nominee selected to fill
20 the vacancy and the date of selection.

21 The resolution to fill a vacancy in nomination shall be
22 accompanied by a Statement of Candidacy, as prescribed in
23 Section 10-5, completed by the selected nominee and a receipt
24 indicating that such nominee has filed a statement of economic
25 interests as required by the Illinois Governmental Ethics Act.

26 The provisions of Sections 10-8 through 10-10.1 relating

1 to objections to certificates of nomination and nomination
2 papers, hearings on objections, and judicial review, shall
3 apply to and govern objections to resolutions for filling a
4 vacancy in nomination.

5 Any vacancy in nomination occurring ~~15 days or~~ less than
6 45 days before a regular election shall not be filled. In this
7 event the certification of the original candidate shall stand
8 and his name shall appear on the official ballot to be voted at
9 the election.

10 A vacancy in nomination occurs when a candidate who has
11 been nominated under the provisions of Section 10-2 dies
12 before the election, or declines the nomination; provided that
13 nomination may become vacant for other reasons.

14 However, the provisions of this Section shall not apply to
15 any vacancy in nomination for a municipal office for which the
16 Municipal Code, as now or hereafter amended, provides a
17 different method for filling such vacancy, and the applicable
18 provision of the Municipal Code shall govern in such cases.

19 Any vacancy in a nomination by caucus of an established
20 political party for a township or municipal office shall be
21 filled in accordance with Section 7-61 of this Code.

22 For purposes of this Section, the words "certify" and
23 "certification" shall refer to the act of officially declaring
24 the names of candidates entitled to be printed upon the
25 official ballot at an election and directing election
26 authorities to place the names of such candidates upon the

1 official ballot. "Certifying officers or board" shall refer to
2 the local election official, election authority or the State
3 Board of Elections, as the case may be, with whom nomination
4 papers, certificates of nomination papers and resolutions to
5 fill vacancies in nomination are filed and whose duty it is to
6 "certify" candidates.

7 (Source: P.A. 84-757.)

8 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

9 Sec. 19-4. Mailing or delivery of ballots; time.
10 Immediately upon the receipt of such application either by
11 mail or electronic means, not more than 90 days nor less than 5
12 days prior to such election, or by personal delivery not more
13 than 90 days nor less than one day prior to such election, at
14 the office of such election authority, it shall be the duty of
15 such election authority to examine the records to ascertain
16 whether or not such applicant is lawfully entitled to vote as
17 requested, including a verification of the applicant's
18 signature on file with the office of the election authority,
19 and if found so to be entitled to vote, to post within one
20 business day thereafter the name, street address, ward and
21 precinct number or township and district number, as the case
22 may be, of such applicant given on a list, the pages of which
23 are to be numbered consecutively to be kept by such election
24 authority for such purpose in a conspicuous, open and public
25 place accessible to the public at the entrance of the office of

1 such election authority, and in such a manner that such list
2 may be viewed without necessity of requesting permission
3 therefor. Within one day after posting the name and other
4 information of an applicant for a vote by mail ballot, the
5 election authority shall transmit by electronic means pursuant
6 to a process established by the State Board of Elections that
7 name and other posted information to the State Board of
8 Elections, which shall maintain those names and other
9 information in an electronic format on its website, arranged
10 by county and accessible to State and local political
11 committees. Within 2 business days after posting a name and
12 other information on the list within its office, but no sooner
13 than 40 days before an election, the election authority shall
14 mail, postage prepaid, or deliver in person in such office, or
15 deliver via electronic transmission pursuant to Section
16 19-2.6, an official ballot or ballots if more than one are to
17 be voted at said election. Mail delivery of Temporarily Absent
18 Student ballot applications pursuant to Section 19-12.3 shall
19 be by nonforwardable mail. However, if a consolidated primary
20 election is required ~~for the consolidated election~~, vote by
21 mail ballots for the consolidated election shall be mailed no
22 later than 5 business days after the completion of the canvass
23 of the consolidated primary election to accommodate the
24 preparation of ~~certain precincts may be delivered to~~
25 ~~applicants not less than 25 days before the election if so much~~
26 ~~time is required to have prepared and printed the ballots~~

1 containing the names of persons nominated for offices at the
2 consolidated primary. The election authority shall enclose
3 with each vote by mail ballot or application written
4 instructions on how voting assistance shall be provided
5 pursuant to Section 17-14 and a document, written and approved
6 by the State Board of Elections, informing the vote by mail
7 voter of the required postage for returning the application
8 and ballot, and enumerating the circumstances under which a
9 person is authorized to vote by vote by mail ballot pursuant to
10 this Article; such document shall also include a statement
11 informing the applicant that if he or she falsifies or is
12 solicited by another to falsify his or her eligibility to cast
13 a vote by mail ballot, such applicant or other is subject to
14 penalties pursuant to Section 29-10 and Section 29-20 of the
15 Election Code. Each election authority shall maintain a list
16 of the name, street address, ward and precinct, or township
17 and district number, as the case may be, of all applicants who
18 have returned vote by mail ballots to such authority, and the
19 name of such vote by mail voter shall be added to such list
20 within one business day from receipt of such ballot. If the
21 vote by mail ballot envelope indicates that the voter was
22 assisted in casting the ballot, the name of the person so
23 assisting shall be included on the list. The list, the pages of
24 which are to be numbered consecutively, shall be kept by each
25 election authority in a conspicuous, open, and public place
26 accessible to the public at the entrance of the office of the

1 election authority and in a manner that the list may be viewed
2 without necessity of requesting permission for viewing.

3 Each election authority shall maintain a list for each
4 election of the voters to whom it has issued vote by mail
5 ballots. The list shall be maintained for each precinct within
6 the jurisdiction of the election authority. Prior to the
7 opening of the polls on election day, the election authority
8 shall deliver to the judges of election in each precinct the
9 list of registered voters in that precinct to whom vote by mail
10 ballots have been issued by mail.

11 Each election authority shall maintain a list for each
12 election of voters to whom it has issued temporarily absent
13 student ballots. The list shall be maintained for each
14 election jurisdiction within which such voters temporarily
15 abide. Immediately after the close of the period during which
16 application may be made by mail or electronic means for vote by
17 mail ballots, each election authority shall mail to each other
18 election authority within the State a certified list of all
19 such voters temporarily abiding within the jurisdiction of the
20 other election authority.

21 In the event that the return address of an application for
22 ballot by a physically incapacitated elector is that of a
23 facility licensed or certified under the Nursing Home Care
24 Act, the Specialized Mental Health Rehabilitation Act of 2013,
25 the ID/DD Community Care Act, or the MC/DD Act, within the
26 jurisdiction of the election authority, and the applicant is a

1 registered voter in the precinct in which such facility is
2 located, the ballots shall be prepared and transmitted to a
3 responsible judge of election no later than 9 a.m. on the
4 Friday, Saturday, Sunday, or Monday immediately preceding the
5 election as designated by the election authority under Section
6 19-12.2. Such judge shall deliver in person on the designated
7 day the ballot to the applicant on the premises of the facility
8 from which application was made. The election authority shall
9 by mail notify the applicant in such facility that the ballot
10 will be delivered by a judge of election on the designated day.

11 All applications for vote by mail ballots shall be
12 available at the office of the election authority for public
13 inspection upon request from the time of receipt thereof by
14 the election authority until 30 days after the election,
15 except during the time such applications are kept in the
16 office of the election authority pursuant to Section 19-7, and
17 except during the time such applications are in the possession
18 of the judges of election.

19 Notwithstanding any provision of this Section to the
20 contrary, pursuant to subsection (a) of Section 30 of the
21 Address Confidentiality for Victims of Domestic Violence,
22 Sexual Assault, Human Trafficking, or Stalking Act, neither
23 the name nor the address of a program participant under that
24 Act shall be included in any list of registered voters
25 available to the public, including the lists referenced in
26 this Section.

1 (Source: P.A. 102-292, eff. 1-1-22; 102-819, eff. 5-13-22;
2 102-1126, eff. 2-10-23.)

3 (10 ILCS 5/19A-35)

4 Sec. 19A-35. Procedure for voting.

5 (a) Not more than 23 days before the start of the election,
6 the county clerk shall make available to the election official
7 conducting early voting by personal appearance a sufficient
8 number of early ballots, envelopes, and printed voting
9 instruction slips for the use of early voters. However, in
10 odd-numbered years when a consolidated primary election is
11 required, not more than 5 business days after the completion
12 of the canvass of the consolidated primary election, the
13 county clerk shall make available to the election official
14 conducting early voting by personal appearance a sufficient
15 number of early ballots, envelopes, and printed voting
16 instruction slips for the use of early voters. The election
17 official shall receipt for all ballots received and shall
18 return unused or spoiled ballots at the close of the early
19 voting period to the county clerk and must strictly account
20 for all ballots received. The ballots delivered to the
21 election official must include early ballots for each precinct
22 in the election authority's jurisdiction and must include
23 separate ballots for each political subdivision conducting an
24 election of officers or a referendum at that election.

25 (b) In conducting early voting under this Article, the

1 election judge or official is required to verify the signature
2 of the early voter by comparison with the signature on the
3 official registration card, and the judge or official must
4 verify (i) that the applicant is a registered voter, (ii) the
5 precinct in which the applicant is registered, and (iii) the
6 proper ballots of the political subdivision in which the
7 applicant resides and is entitled to vote before providing an
8 early ballot to the applicant. The election judge or official
9 must verify the applicant's registration from the most recent
10 poll list provided by the election authority, and if the
11 applicant is not listed on that poll list, by telephoning the
12 office of the election authority.

13 (b-5) A person requesting an early voting ballot to whom a
14 vote by mail ballot was issued may vote early if the person
15 submits that vote by mail ballot to the judges of election or
16 official conducting early voting for cancellation. If the
17 voter is unable to submit the vote by mail ballot, it shall be
18 sufficient for the voter to submit to the judges or official
19 (i) a portion of the vote by mail ballot if the vote by mail
20 ballot was torn or mutilated or (ii) an affidavit executed
21 before the judges or official specifying that (A) the voter
22 never received a vote by mail ballot or (B) the voter completed
23 and returned a vote by mail ballot and was informed that the
24 election authority did not receive that vote by mail ballot.

25 (b-10) Within one day after a voter casts an early voting
26 ballot, the election authority shall transmit the voter's

1 name, street address, and precinct, ward, township, and
2 district numbers, as the case may be, to the State Board of
3 Elections, which shall maintain those names and that
4 information in an electronic format on its website, arranged
5 by county and accessible to State and local political
6 committees.

7 (b-15) Immediately after voting an early ballot, the voter
8 shall be instructed whether the voting equipment accepted or
9 rejected the ballot or identified that ballot as under-voted
10 for a statewide constitutional office. A voter whose ballot is
11 identified as under-voted may return to the voting booth and
12 complete the voting of that ballot. A voter whose early voting
13 ballot is not accepted by the voting equipment may, upon
14 surrendering the ballot, request and vote another early voting
15 ballot. The voter's surrendered ballot shall be initialed by
16 the election judge or official conducting the early voting and
17 handled as provided in the appropriate Article governing the
18 voting equipment used.

19 (c) The sealed early ballots in their carrier envelope
20 shall be delivered by the election authority to the central
21 ballot counting location before the close of the polls on the
22 day of the election.

23 (Source: P.A. 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)