



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1473

Introduced 2/9/2017, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/10-6.2	from Ch. 46, par. 10-6.2
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19A-15	

Amends the Election Code. Changes the date for when lotteries for determining the order certain petitions were received from within 9 days following the last day for petition filing to within 5 days following the last day for petition filing. Provides that 5 (rather than 7) days written notice of the time and place of the lottery shall be provided. Removes a requirement that the notice be sent to each organization of citizens entitled to have pollwatchers present. Provides that simultaneous filer candidate may be served with notice concerning the lottery. Makes similar changes in provisions concerning minor political parties. Provides that any campaign, party, or other organization or individual that engages in a vote by mail operation shall also provide the voter with a postage-paid, pre-addressed return envelope addressed only to appropriate local election authority. Provides that a permanent polling place for early voting must remain open through the end of the second day before election day (rather than through the end of the day before election day).

LRB100 07985 MLM 18065 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 7-12, 10-6.2, 19-3, and 19A-15 as follows:

6 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

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

9 (1) Where the nomination is to be made for a State,
10 congressional, or judicial office, or for any office a
11 nomination for which is made for a territorial division or
12 district which comprises more than one county or is partly
13 in one county and partly in another county or counties,
14 then, except as otherwise provided in this Section, such
15 petition for nomination shall be filed in the principal
16 office of the State Board of Elections not more than 113
17 and not less than 106 days prior to the date of the
18 primary, but, in the case of petitions for nomination to
19 fill a vacancy by special election in the office of
20 representative in Congress from this State, such petition
21 for nomination shall be filed in the principal office of
22 the State Board of Elections not more than 85 days and not
23 less than 82 days prior to the date of the primary.

1 Where a vacancy occurs in the office of Supreme,
2 Appellate or Circuit Court Judge within the 3-week period
3 preceding the 106th day before a general primary election,
4 petitions for nomination for the office in which the
5 vacancy has occurred shall be filed in the principal office
6 of the State Board of Elections not more than 92 nor less
7 than 85 days prior to the date of the general primary
8 election.

9 Where the nomination is to be made for delegates or
10 alternate delegates to a national nominating convention,
11 then such petition for nomination shall be filed in the
12 principal office of the State Board of Elections not more
13 than 113 and not less than 106 days prior to the date of
14 the primary; provided, however, that if the rules or
15 policies of a national political party conflict with such
16 requirements for filing petitions for nomination for
17 delegates or alternate delegates to a national nominating
18 convention, the chairman of the State central committee of
19 such national political party shall notify the Board in
20 writing, citing by reference the rules or policies of the
21 national political party in conflict, and in such case the
22 Board shall direct such petitions to be filed in accordance
23 with the delegate selection plan adopted by the state
24 central committee of such national political party.

25 (2) Where the nomination is to be made for a county
26 office or trustee of a sanitary district then such petition

1 shall be filed in the office of the county clerk not more
2 than 113 nor less than 106 days prior to the date of the
3 primary.

4 (3) Where the nomination is to be made for a municipal
5 or township office, such petitions for nomination shall be
6 filed in the office of the local election official, not
7 more than 99 nor less than 92 days prior to the date of the
8 primary; provided, where a municipality's or township's
9 boundaries are coextensive with or are entirely within the
10 jurisdiction of a municipal board of election
11 commissioners, the petitions shall be filed in the office
12 of such board; and provided, that petitions for the office
13 of multi-township assessor shall be filed with the election
14 authority.

15 (4) The petitions of candidates for State central
16 committeeman shall be filed in the principal office of the
17 State Board of Elections not more than 113 nor less than
18 106 days prior to the date of the primary.

19 (5) Petitions of candidates for precinct, township or
20 ward committeemen shall be filed in the office of the
21 county clerk not more than 113 nor less than 106 days prior
22 to the date of the primary.

23 (6) The State Board of Elections and the various
24 election authorities and local election officials with
25 whom such petitions for nominations are filed shall specify
26 the place where filings shall be made and upon receipt

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

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

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

1 Such notice shall be given in the manner prescribed by
2 paragraph (7) of Section 9-16 of this Code.

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

20 (9) Any person for whom a petition for nomination, or
21 for committeeman or for delegate or alternate delegate to a
22 national nominating convention has been filed may cause his
23 name to be withdrawn by request in writing, signed by him
24 and duly acknowledged before an officer qualified to take
25 acknowledgments of deeds, and filed in the principal or
26 permanent branch office of the State Board of Elections or

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

1 incompatible with any other office.

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

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

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

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

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

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

1 void.

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

5 (Source: P.A. 99-221, eff. 7-31-15.)

6 (10 ILCS 5/10-6.2) (from Ch. 46, par. 10-6.2)

7 Sec. 10-6.2. The State Board of Elections, the election
8 authority or the local election official with whom petitions
9 for nomination are filed pursuant to this Article 10 shall
10 specify the place where filings shall be made and upon receipt
11 shall endorse thereon the day and the hour at which each
12 petition was filed. Except as provided by Article 9 of The
13 School Code, all petitions filed by persons waiting in line as
14 of 8:00 a.m. on the first day for filing, or as of the normal
15 opening hour of the office involved on such day, shall be
16 deemed filed as of 8:00 a.m. or the normal opening hour, as the
17 case may be. Petitions filed by mail and received after
18 midnight of the first day for filing and in the first mail
19 delivery or pickup of that day shall be deemed filed as of 8:00
20 a.m. of that day or as of the normal opening hour of such day,
21 as the case may be. All petitions received thereafter shall be
22 deemed filed in the order of actual receipt. However, 2 or more
23 petitions filed within the last hour of the filing deadline
24 shall be deemed filed simultaneously. Where 2 or more petitions
25 are received simultaneously, the State Board of Elections, the

1 election authority or the local election official with whom
2 such petitions are filed shall break ties and determine the
3 order of filing by means of a lottery or other fair and
4 impartial method of random selection approved by the State
5 Board of Elections. Such lottery shall be conducted within 5 ~~9~~
6 days following the last day for petition filing and shall be
7 open to the public. Five ~~Seven~~ days written notice of the time
8 and place of conducting such random selection shall be given,
9 by the State Board of Elections, the election authority, or
10 local election official, to the Chairman of each political
11 party, ~~and to each organization of citizens within the election~~
12 ~~jurisdiction which was entitled, under this Code, at the next~~
13 ~~preceding election, to have pollwatchers present on the day of~~
14 ~~election.~~ Each simultaneous filer candidate may be served with
15 written notice of the time and place of the lottery at the time
16 of filing the nominating petition. The State Board of
17 Elections, the election authority or local election official
18 shall post in a conspicuous, open and public place, at the
19 entrance of the office, notice of the time and place of such
20 lottery. The State Board of Elections shall adopt rules and
21 regulations governing the procedures for the conduct of such
22 lottery. All candidates shall be certified in the order in
23 which their petitions have been filed and in the manner
24 prescribed by Section 10-14 and 10-15 of this Article. Where
25 candidates have filed simultaneously, they shall be certified
26 in the order determined by lot and prior to candidates who

1 filed for the same office or offices at a later time.
2 Certificates of nomination filed within the period prescribed
3 in Section 10-6(2) for candidates nominated by caucus for
4 township or municipal offices shall be subject to the ballot
5 placement lottery for established political parties prescribed
6 in Section 7-60 of this Code.

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

24 (Source: P.A. 98-115, eff. 7-29-13.)

25 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

1 Sec. 19-3. The application for vote by mail ballot shall be
2 substantially in the following form:

3 APPLICATION FOR VOTE BY MAIL BALLOT

4 To be voted at the election in the County of and
5 State of Illinois, in the precinct of the (1) *township of
6 (2) *City of or (3) *.... ward in the City of

7 I state that I am a resident of the precinct of the
8 (1) *township of (2) *City of or (3) *.... ward in
9 the city of residing at in such city or town in the
10 county of and State of Illinois; that I have lived at such
11 address for month(s) last past; that I am lawfully
12 entitled to vote in such precinct at the election to be
13 held therein on; and that I wish to vote by vote by mail
14 ballot.

15 I hereby make application for an official ballot or ballots
16 to be voted by me at such election, and I agree that I shall
17 return such ballot or ballots to the official issuing the same
18 prior to the closing of the polls on the date of the election
19 or, if returned by mail, postmarked no later than election day,
20 for counting no later than during the period for counting
21 provisional ballots, the last day of which is the 14th day
22 following election day.

23 I understand that this application is made for an official
24 vote by mail ballot or ballots to be voted by me at the
25 election specified in this application and that I must submit a
26 separate application for an official vote by mail ballot or

1 ballots to be voted by me at any subsequent election.

2 Under penalties as provided by law pursuant to Section
3 29-10 of the Election Code, the undersigned certifies that the
4 statements set forth in this application are true and correct.

5

6 *fill in either (1), (2) or (3).

7 Post office address to which ballot is mailed:

8

9 However, if application is made for a primary election
10 ballot, such application shall require the applicant to
11 designate the name of the political party with which the
12 applicant is affiliated.

13 If application is made electronically, the applicant shall
14 mark the box associated with the above described statement
15 included as part of the online application certifying that the
16 statements set forth in this application are true and correct,
17 and a signature is not required.

18 Any person may produce, reproduce, distribute, or return to
19 an election authority the application for vote by mail ballot.
20 Any campaign, party, or other organization or individual that
21 engages in a vote by mail operation where voters are sent
22 applications for vote by mail ballots shall also provide the
23 voter with a postage-paid, pre-addressed return envelope
24 addressed only to the local election authority whose
25 jurisdiction is appropriate for that registered voter. Upon
26 receipt, the appropriate election authority shall accept and

1 promptly process any application for vote by mail ballot
2 submitted in a form substantially similar to that required by
3 this Section, including any substantially similar production
4 or reproduction generated by the applicant.

5 (Source: P.A. 98-115, eff. 7-29-13; 98-1171, eff. 6-1-15;
6 99-522, eff. 6-30-16.)

7 (10 ILCS 5/19A-15)

8 Sec. 19A-15. Period for early voting; hours.

9 (a) The period for early voting by personal appearance
10 begins the 40th day preceding a general primary, consolidated
11 primary, consolidated, or general election and extends through
12 the end of the day before election day.

13 (b) Except as otherwise provided by this Section, a
14 permanent polling place for early voting must remain open
15 beginning the 15th day before an election through the end of
16 the second day before election day during the hours of 8:30
17 a.m. to 4:30 p.m., or 9:00 a.m. to 5:00 p.m., on weekdays,
18 except that beginning 8 days before election day, a permanent
19 polling place for early voting must remain open during the
20 hours of 8:30 a.m. to 7:00 p.m., or 9:00 a.m. to 7:00 p.m., and
21 9:00 a.m. to 12:00 p.m. on Saturdays and holidays, and 10:00
22 a.m. to 4 p.m. on Sundays; except that, in addition to the
23 hours required by this subsection, a permanent polling place
24 designated by an election authority under subsections (c), (d),
25 and (e) of Section 19A-10 must remain open for a total of at

1 least 8 hours on any holiday during the early voting period and
2 a total of at least 14 hours on the final weekend during the
3 early voting period.

4 (c) Notwithstanding subsection (b), an election authority
5 may close an early voting polling place if the building in
6 which the polling place is located has been closed by the State
7 or unit of local government in response to a severe weather
8 emergency or other force majeure. The election authority shall
9 notify the State Board of Elections of any closure and shall
10 make reasonable efforts to provide notice to the public of an
11 alternative location for early voting.

12 (d) (Blank).

13 (Source: P.A. 97-81, eff. 7-5-11; 97-766, eff. 7-6-12; 98-4,
14 eff. 3-12-13; 98-115, eff. 7-29-13; 98-691, eff. 7-1-14;
15 98-1171, eff. 6-1-15.)