

# HB3828



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3828

by Rep. Allen Skillicorn

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-2  
10 ILCS 5/10-3

from Ch. 46, par. 10-2  
from Ch. 46, par. 10-3

Amends the Election Code. Changes signature requirements for new political parties and independent candidates so the amounts are equal to those required for established political parties, irrespective of party affiliation.

LRB101 11776 SMS 58545 b

A BILL FOR

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 and 10-3 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 least 5,000 but not more than 10,000  
15 qualified voters ~~1% of the number of voters who voted at the~~  
16 ~~next preceding Statewide general election or 25,000 qualified~~  
17 ~~voters, whichever is less.~~ If such new political party shall be  
18 formed for any district or political subdivision less than the  
19 entire State, such petition shall be signed by qualified voters  
20 equaling in number not less than 0.5% of the qualified voters  
21 ~~5% of the number of voters who voted at the next preceding~~  
22 ~~regular election~~ in such district or political subdivision ~~in~~  
23 ~~which such district or political subdivision voted as a unit~~  
24 ~~for the election of officers to serve its respective~~  
25 ~~territorial area. However, whenever the minimum signature~~  
26 ~~requirement for a district or political subdivision new~~

1 ~~political party petition shall exceed the minimum number of~~  
2 ~~signatures for State wide new political party petitions at the~~  
3 ~~next preceding State wide general election, such State wide~~  
4 ~~petition signature requirement shall be the minimum for such~~  
5 ~~district or political subdivision new political party~~  
6 ~~petition.~~

7 For the first election following a redistricting of  
8 congressional districts, a petition to form a new political  
9 party in a congressional district shall be signed by at least  
10 5,000 qualified voters of the congressional district. For the  
11 first election following a redistricting of legislative  
12 districts, a petition to form a new political party in a  
13 legislative district shall be signed by at least 600 ~~3,000~~  
14 qualified voters of the legislative district. For the first  
15 election following a redistricting of representative  
16 districts, a petition to form a new political party in a  
17 representative district shall be signed by at least 0.5% of the  
18 ~~1,500~~ qualified voters of the representative district.

19 For the first election following redistricting of county  
20 board districts, or of municipal wards or districts, or for the  
21 first election following the initial establishment of such  
22 districts or wards in a county or municipality, a petition to  
23 form a new political party in a county board district or in a  
24 municipal ward or district shall be signed by qualified voters  
25 of the district or ward equal to not less than 0.5% of the  
26 qualified voters of the district or ward ~~5% of the total number~~

1 ~~of votes cast at the preceding general or municipal election,~~  
2 ~~as the case may be, for the county or municipal office voted on~~  
3 ~~throughout the county or municipality for which the greatest~~  
4 ~~total number of votes were cast for all candidates, divided by~~  
5 ~~the number of districts or wards, but in any event not less~~  
6 ~~than 25 qualified voters of the district or ward.~~

7 In the case of a petition to form a new political party  
8 within a political subdivision in which officers are to be  
9 elected from districts and at-large, such petition shall  
10 consist of separate components for each district from which an  
11 officer is to be elected. Each component shall be circulated  
12 only within a district of the political subdivision and signed  
13 only by qualified electors who are residents of such district.  
14 Each sheet of such petition must contain a complete list of the  
15 names of the candidates of the party for all offices to be  
16 filled in the political subdivision at large, but the sheets  
17 comprising each component shall also contain the names of those  
18 candidates to be elected from the particular district. Each  
19 component of the petition for each district from which an  
20 officer is to be elected must be signed by qualified voters of  
21 the district equalling in number not less than 0.5% of the  
22 qualified voters that district ~~5% of the number of voters who~~  
23 ~~voted at the next preceding regular election in such district~~  
24 ~~at which an officer was elected to serve the district.~~ The  
25 entire petition, including all components, must be signed by a  
26 total of qualified voters of the entire political subdivision

1 equalling in number not less than 0.5% of the qualified voters  
2 of that entire political subdivision ~~5% of the number of voters~~  
3 ~~who voted at the next preceding regular election in such~~  
4 ~~political subdivision at which an officer was elected to serve~~  
5 ~~the political subdivision at large.~~

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

14 If, at such ensuing election, the new political party's  
15 candidate for Governor shall receive more than 5% of the entire  
16 votes cast for Governor, then such new political party shall  
17 become an "established political party" as to the State and as  
18 to every district or political subdivision thereof. If, at such  
19 ensuing election, the other candidates of the new political  
20 party, or any other candidate or candidates of the new  
21 political party shall receive more than 5% of all the votes  
22 cast for the office or offices for which they were candidates  
23 at such election, in the State, or in any district or political  
24 subdivision, as the case may be, then and in that event, such  
25 new political party shall become an "established political  
26 party" within the State or within such district or political

1 subdivision less than the State, as the case may be, in which  
2 such candidate or candidates received more than 5% of the votes  
3 cast for the office or offices for which they were candidates.  
4 It shall thereafter nominate its candidates for public offices  
5 to be filled in the State, or such district or political  
6 subdivision, as the case may be, under the provisions of the  
7 laws regulating the nomination of candidates of established  
8 political parties at primary elections and political party  
9 conventions, as now or hereafter in force.

10 A political party which continues to receive for its  
11 candidate for Governor more than 5% of the entire vote cast for  
12 Governor, shall remain an "established political party" as to  
13 the State and as to every district or political subdivision  
14 thereof. But if the political party's candidate for Governor  
15 fails to receive more than 5% of the entire vote cast for  
16 Governor, or if the political party does not nominate a  
17 candidate for Governor, the political party shall remain an  
18 "established political party" within the State or within such  
19 district or political subdivision less than the State, as the  
20 case may be, only so long as, and only in those districts or  
21 political subdivisions in which, the candidates of that  
22 political party, or any candidate or candidates of that  
23 political party, continue to receive more than 5% of all the  
24 votes cast for the office or offices for which they were  
25 candidates at succeeding general or consolidated elections  
26 within the State or within any district or political



1 subdivision, as the case may be.

2 Any such petition shall be filed at the same time and shall  
3 be subject to the same requirements and to the same provisions  
4 in respect to objections thereto and to any hearing or hearings  
5 upon such objections that are hereinafter in this Article 10  
6 contained in regard to the nomination of any other candidate or  
7 candidates by petition. If any such new political party shall  
8 become an "established political party" in the manner herein  
9 provided, the candidate or candidates of such new political  
10 party nominated by the petition hereinabove referred to for  
11 such initial election, shall have power to select any such  
12 party committeeperson or committeepersons as shall be  
13 necessary for the creation of a provisional party organization  
14 and provisional managing committee or committees for such party  
15 within the State, or in any district or political subdivision  
16 in which the new political party has become established; and  
17 the party committeeperson or committeepersons so selected  
18 shall constitute a provisional party organization for the new  
19 political party and shall have and exercise the powers  
20 conferred by law upon any party committeeperson or  
21 committeepersons to manage and control the affairs of such new  
22 political party until the next ensuing primary election at  
23 which the new political party shall be entitled to nominate and  
24 elect any party committeeperson or committeepersons in the  
25 State, or in such district or political subdivision under any  
26 parts of this Act relating to the organization of political

1 parties.

2 A candidate for whom a nomination paper has been filed as a  
3 partisan candidate at a primary election, and who is defeated  
4 for his or her nomination at the primary election, is  
5 ineligible for nomination as a candidate of a new political  
6 party for election in that general election.

7 Notwithstanding any other provision of law, on and after  
8 the effective date of this amendatory Act of the 101st General  
9 Assembly, signature requirements for new parties shall be the  
10 same as those for established political parties, irrespective  
11 of party affiliation.

12 (Source: P.A. 100-1027, eff. 1-1-19.)

13 (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

14 Sec. 10-3. Nomination of independent candidates (not  
15 candidates of any political party), for any office to be filled  
16 by the voters of the State at large may also be made by  
17 nomination papers signed in the aggregate for each candidate by  
18 at least 5,000 but not more than 10,000 qualified voters ~~1% of~~  
19 ~~the number of voters who voted in the next preceding Statewide~~  
20 ~~general election or 25,000 qualified voters of the State,~~  
21 ~~whichever is less.~~ Nominations of independent candidates for  
22 public office within any district or political subdivision less  
23 than the State, may be made by nomination papers signed in the  
24 aggregate for each candidate by qualified voters of such  
25 district, or political subdivision, equaling not less than 0.5%

1 of the qualified voters of that district or political  
2 subdivision ~~5%, nor more than 8% (or 50 more than the minimum,~~  
3 ~~whichever is greater) of the number of persons, who voted at~~  
4 ~~the next preceding regular election in such district or~~  
5 ~~political subdivision in which such district or political~~  
6 ~~subdivision voted as a unit for the election of officers to~~  
7 ~~serve its respective territorial area. However, whenever the~~  
8 ~~minimum signature requirement for an independent candidate~~  
9 ~~petition for a district or political subdivision office shall~~  
10 ~~exceed the minimum number of signatures for an independent~~  
11 ~~candidate petition for an office to be filled by the voters of~~  
12 ~~the State at large at the next preceding State wide general~~  
13 ~~election, such State wide petition signature requirement shall~~  
14 ~~be the minimum for an independent candidate petition for such~~  
15 ~~district or political subdivision office. For the first~~  
16 election following a redistricting of congressional districts,  
17 nomination papers for an independent candidate for congressman  
18 shall be signed by at least 600 ~~5,000~~ qualified voters of the  
19 congressional district. For the first election following a  
20 redistricting of legislative districts, nomination papers for  
21 an independent candidate for State Senator in the General  
22 Assembly shall be signed by at least 0.5% of the ~~3,000~~  
23 qualified voters of the legislative district or 25 signatures,  
24 whichever is greater. For the first election following a  
25 redistricting of representative districts, nomination papers  
26 for an independent candidate for State Representative in the

1 General Assembly shall be signed by at least 0.5% of the 1,500  
2 qualified voters of the representative district. For the first  
3 election following redistricting of county board districts, or  
4 of municipal wards or districts, or for the first election  
5 following the initial establishment of such districts or wards  
6 in a county or municipality, nomination papers for an  
7 independent candidate for county board member, or for alderman  
8 or trustee of such municipality, shall be signed by qualified  
9 voters of the district or ward equal to not less than 0.5% of  
10 the qualified voters of that district or ward ~~5% nor more than~~  
11 ~~8% (or 50 more than the minimum, whichever is greater) of the~~  
12 ~~total number of votes cast at the preceding general or general~~  
13 ~~municipal election, as the case may be, for the county or~~  
14 ~~municipal office voted on throughout such county or~~  
15 ~~municipality for which the greatest total number of votes were~~  
16 ~~cast for all candidates, divided by the number of districts or~~  
17 ~~wards, but in any event not less than 25 qualified voters of~~  
18 ~~the district or ward.~~ Each voter signing a nomination paper  
19 shall add to his signature his place of residence, and each  
20 voter may subscribe to one nomination for such office to be  
21 filled, and no more: Provided that the name of any candidate  
22 whose name may appear in any other place upon the ballot shall  
23 not be so added by petition for the same office.

24 The person circulating the petition, or the candidate on  
25 whose behalf the petition is circulated, may strike any  
26 signature from the petition, provided that;

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

3           (2) the person striking the signature shall sign a  
4 certification listing the page number and line number of  
5 each signature struck from the petition. Such  
6 certification shall be filed as a part of the petition.

7           (3) the persons striking signatures from the petition  
8 shall each sign an additional certificate specifying the  
9 number of certification pages listing stricken signatures  
10 which are attached to the petition and the page numbers  
11 indicated on such certifications. The certificate shall be  
12 filed as a part of the petition, shall be numbered, and  
13 shall be attached immediately following the last page of  
14 voters' signatures and before the certifications of  
15 stricken signatures.

16           (4) all of the foregoing requirements shall be  
17 necessary to effect a valid striking of any signature. The  
18 provisions of this Section authorizing the striking of  
19 signatures shall not impose any criminal liability on any  
20 person so authorized for signatures which may be  
21 fraudulent.

22           In the case of the offices of Governor and Lieutenant  
23 Governor a joint petition including one candidate for each of  
24 those offices must be filed.

25           A candidate for whom a nomination paper has been filed as a  
26 partisan candidate at a primary election, and who is defeated

1 for his or her nomination at the primary election, is  
2 ineligible to be placed on the ballot as an independent  
3 candidate for election in that general or consolidated  
4 election.

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

11 Notwithstanding any other provision of law, on and after  
12 the effective date of this amendatory Act of the 101st General  
13 Assembly, signature requirements for independent candidates  
14 shall be the same as those for established political parties,  
15 irrespective of party affiliation.

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