

SB3209



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3209

Introduced 2/11/2020, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12

from Ch. 46, par. 7-12

Amends the Election Code. Provides that petitions for nomination shall be filed not more than 143 and not less than 127 days before the primary (rather than not more than 113 days and not less than 106 days before the primary) for the following offices: State, congressional, judicial, county officer, sanitary district, precinct committeeperson, township, committeeperson, ward committeeperson, or an office that comprises more than one county or that is partly in multiple counties. Effective immediately.

LRB101 18016 SMS 67454 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 Section
5 7-12 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 (including the Fox Metro Water Reclamation District),
15 then, except as otherwise provided in this Section, such
16 petition for nomination shall be filed in the principal
17 office of the State Board of Elections not more than 134
18 ~~113~~ and not less than 127 ~~106~~ days prior to the date of the
19 primary, but, in the case of petitions for nomination to
20 fill a vacancy by special election in the office of
21 representative in Congress from this State, such petition
22 for nomination shall be filed in the principal office of
23 the State Board of Elections not more than 85 days and not

1 less than 82 days prior to the date of the primary.

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

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

26 (2) Where the nomination is to be made for a county

1 office or trustee of a sanitary district then such petition
2 shall be filed in the office of the county clerk not more
3 than 134 ~~113~~ nor less than 127 ~~106~~ days prior to the date
4 of the primary.

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

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

20 (5) Petitions of candidates for precinct, township or
21 ward committeepersons shall be filed in the office of the
22 county clerk not more than 134 ~~113~~ nor less than 127 ~~106~~
23 days prior to the date of the primary.

24 (6) The State Board of Elections and the various
25 election authorities and local election officials with
26 whom such petitions for nominations are filed shall specify

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

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

18 (7) The State Board of Elections or the appropriate
19 election authority or local election official with whom
20 such a petition for nomination is filed shall notify the
21 person for whom a petition for nomination has been filed of
22 the obligation to file statements of organization, reports
23 of campaign contributions, and annual reports of campaign
24 contributions and expenditures under Article 9 of this Act.
25 Such notice shall be given in the manner prescribed by
26 paragraph (7) of Section 9-16 of this Code.

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

18 (9) Any person for whom a petition for nomination, or
19 for committeeperson or for delegate or alternate delegate
20 to a national nominating convention has been filed may
21 cause his name to be withdrawn by request in writing,
22 signed by him and duly acknowledged before an officer
23 qualified to take acknowledgments of deeds, and filed in
24 the principal or permanent branch office of the State Board
25 of Elections or with the appropriate election authority or
26 local election official, not later than the date of

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

26 (10)(a) Notwithstanding the provisions of any other

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

20 (b) Notwithstanding the provisions of any other
21 statute, no primary election shall be held for an
22 established political party for any special primary
23 election called for the purpose of filling a vacancy in the
24 office of representative in the United States Congress
25 where the nomination of such political party for said
26 office is uncontested. For the purposes of this Article,

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

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

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

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

26 (12) All nominating petitions shall be available for

1 public inspection and shall be preserved for a period of
2 not less than 6 months.

3 (Source: P.A. 100-1027, eff. 1-1-19; 101-523, eff. 8-23-19.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.