



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0057

Introduced 1/14/2021, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-10.2	from Ch. 46, par. 7-10.2
10 ILCS 5/7-17	from Ch. 46, par. 7-17
10 ILCS 5/8-8.1	from Ch. 46, par. 8-8.1
10 ILCS 5/10-5.1	from Ch. 46, par. 10-5.1
10 ILCS 5/16-3	from Ch. 46, par. 16-3

Amends the Election Code. Provides that the requirements to change a candidate's name do not apply to name changes resulting from a civil union to assume a spouse's surname or dissolution of a civil union or declaration of invalidity of a civil union to assume a former surname or a name change that conforms the candidate's name to his or her gender identity. Makes conforming changes throughout the Code. Effective immediately.

LRB102 02669 SMS 12672 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 7-10.2, 7-17, 8-8.1, 10-5.1, and 16-3 as follows:

6 (10 ILCS 5/7-10.2) (from Ch. 46, par. 7-10.2)

7 Sec. 7-10.2. In the designation of the name of a candidate
8 on a petition for nomination or certificate of nomination the
9 candidate's given name or names, initial or initials, a
10 nickname by which the candidate is commonly known, or a
11 combination thereof, may be used in addition to the
12 candidate's surname. If a candidate has changed his or her
13 name, whether by a statutory or common law procedure in
14 Illinois or any other jurisdiction, within 3 years before the
15 last day for filing the petition or certificate for that
16 office, whichever is applicable, then (i) the candidate's name
17 on the petition or certificate must be followed by "formerly
18 known as (list all prior names during the 3-year period) until
19 name changed on (list date of each such name change)" and (ii)
20 the petition or certificate must be accompanied by the
21 candidate's affidavit stating the candidate's previous names
22 during the period specified in (i) and the date or dates each
23 of those names was changed; failure to meet these requirements

1 shall be grounds for denying certification of the candidate's
2 name for the ballot or removing the candidate's name from the
3 ballot, as appropriate, but these requirements do not apply to
4 name changes resulting from adoption to assume an adoptive
5 parent's or parents' surname, marriage or civil union to
6 assume a spouse's surname, or dissolution of marriage or civil
7 union or declaration of invalidity of marriage or civil union
8 to assume a former surname or a name change that conforms the
9 candidate's name to his or her gender identity. No other
10 designation such as a political slogan, as defined by Section
11 7-17, title or degree, or nickname suggesting or implying
12 possession of a title, degree or professional status, or
13 similar information may be used in connection with the
14 candidate's surname.

15 (Source: P.A. 93-574, eff. 8-21-03; 94-1090, eff. 6-1-07.)

16 (10 ILCS 5/7-17) (from Ch. 46, par. 7-17)

17 Sec. 7-17. Candidate ballot name procedures.

18 (a) Each election authority in each county shall cause to
19 be printed upon the general primary ballot of each party for
20 each precinct in his jurisdiction the name of each candidate
21 whose petition for nomination or for committeeperson has been
22 filed in the office of the county clerk, as herein provided;
23 and also the name of each candidate whose name has been
24 certified to his office by the State Board of Elections, and in
25 the order so certified, except as hereinafter provided.

1 It shall be the duty of the election authority to cause to
2 be printed upon the consolidated primary ballot of each
3 political party for each precinct in his jurisdiction the name
4 of each candidate whose name has been certified to him, as
5 herein provided and which is to be voted for in such precinct.

6 (b) In the designation of the name of a candidate on the
7 primary ballot the candidate's given name or names, initial or
8 initials, a nickname by which the candidate is commonly known,
9 or a combination thereof, may be used in addition to the
10 candidate's surname. If a candidate has changed his or her
11 name, whether by a statutory or common law procedure in
12 Illinois or any other jurisdiction, within 3 years before the
13 last day for filing the petition for nomination, nomination
14 papers, or certificate of nomination for that office,
15 whichever is applicable, then (i) the candidate's name on the
16 primary ballot must be followed by "formerly known as (list
17 all prior names during the 3-year period) until name changed
18 on (list date of each such name change)" and (ii) the petition,
19 papers, or certificate must be accompanied by the candidate's
20 affidavit stating the candidate's previous names during the
21 period specified in (i) and the date or dates each of those
22 names was changed; failure to meet these requirements shall be
23 grounds for denying certification of the candidate's name for
24 the ballot or removing the candidate's name from the ballot,
25 as appropriate, but these requirements do not apply to name
26 changes resulting from adoption to assume an adoptive parent's

1 or parents' surname, marriage or civil union to assume a
2 spouse's surname, or dissolution of marriage or civil union or
3 declaration of invalidity of marriage or civil union to assume
4 a former surname or a name change that conforms the
5 candidate's name to his or her gender identity. No other
6 designation such as a political slogan, title, or degree, or
7 nickname suggesting or implying possession of a title, degree
8 or professional status, or similar information may be used in
9 connection with the candidate's surname. For purposes of this
10 Section, a "political slogan" is defined as any word or words
11 expressing or connoting a position, opinion, or belief that
12 the candidate may espouse, including but not limited to, any
13 word or words conveying any meaning other than that of the
14 personal identity of the candidate. A candidate may not use a
15 political slogan as part of his or her name on the ballot,
16 notwithstanding that the political slogan may be part of the
17 candidate's name.

18 (c) The State Board of Elections, a local election
19 official, or an election authority shall remove any
20 candidate's name designation from a ballot that is
21 inconsistent with subsection (b) of this Section. In addition,
22 the State Board of Elections, a local election official, or an
23 election authority shall not certify to any election authority
24 any candidate name designation that is inconsistent with
25 subsection (b) of this Section.

26 (d) If the State Board of Elections, a local election

1 official, or an election authority removes a candidate's name
2 designation from a ballot under subsection (c) of this
3 Section, then the aggrieved candidate may seek appropriate
4 relief in circuit court.

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

6 (10 ILCS 5/8-8.1) (from Ch. 46, par. 8-8.1)

7 Sec. 8-8.1. In the designation of the name of a candidate
8 on a petition for nomination, the candidate's given name or
9 names, initial or initials, a nickname by which the candidate
10 is commonly known, or a combination thereof, may be used in
11 addition to the candidate's surname. If a candidate has
12 changed his or her name, whether by a statutory or common law
13 procedure in Illinois or any other jurisdiction, within 3
14 years before the last day for filing the petition for that
15 office, then (i) the candidate's name on the petition must be
16 followed by "formerly known as (list all prior names during
17 the 3-year period) until name changed on (list date of each
18 such name change)" and (ii) the petition must be accompanied
19 by the candidate's affidavit stating the candidate's previous
20 names during the period specified in (i) and the date or dates
21 each of those names was changed; failure to meet these
22 requirements shall be grounds for denying certification of the
23 candidate's name for the ballot or removing the candidate's
24 name from the ballot, as appropriate, but these requirements
25 do not apply to name changes resulting from adoption to assume

1 an adoptive parent's or parents' surname, marriage or civil
2 union to assume a spouse's surname, or dissolution of marriage
3 or civil union or declaration of invalidity of marriage or
4 civil union to assume a former surname or a name change that
5 conforms the candidate's name to his or her gender identity.

6 No other designation such as a political slogan, title, or
7 degree, or nickname suggesting or implying possession of a
8 title, degree or professional status, or similar information
9 may be used in connection with the candidate's surname.

10 (Source: P.A. 93-574, eff. 8-21-03; 94-1090, eff. 6-1-07.)

11 (10 ILCS 5/10-5.1) (from Ch. 46, par. 10-5.1)

12 Sec. 10-5.1. In the designation of the name of a candidate
13 on a certificate of nomination or nomination papers the
14 candidate's given name or names, initial or initials, a
15 nickname by which the candidate is commonly known, or a
16 combination thereof, may be used in addition to the
17 candidate's surname. If a candidate has changed his or her
18 name, whether by a statutory or common law procedure in
19 Illinois or any other jurisdiction, within 3 years before the
20 last day for filing the certificate of nomination or
21 nomination papers for that office, whichever is applicable,
22 then (i) the candidate's name on the certificate or papers
23 must be followed by "formerly known as (list all prior names
24 during the 3-year period) until name changed on (list date of
25 each such name change)" and (ii) the certificate or paper must

1 be accompanied by the candidate's affidavit stating the
2 candidate's previous names during the period specified in (i)
3 and the date or dates each of those names was changed; failure
4 to meet these requirements shall be grounds for denying
5 certification of the candidate's name for the ballot or
6 removing the candidate's name from the ballot, as appropriate,
7 but these requirements do not apply to name changes resulting
8 from adoption to assume an adoptive parent's or parents'
9 surname, marriage or civil union to assume a spouse's surname,
10 or dissolution of marriage or civil union or declaration of
11 invalidity of marriage or civil union to assume a former
12 surname or a name change that conforms the candidate's name to
13 his or her gender identity. No other designation such as a
14 political slogan, title, or degree, or nickname suggesting or
15 implying possession of a title, degree or professional status,
16 or similar information may be used in connection with the
17 candidate's surname.

18 (Source: P.A. 93-574, eff. 8-21-03; 94-1090, eff. 6-1-07.)

19 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

20 Sec. 16-3. (a) The names of all candidates to be voted for
21 in each election district or precinct shall be printed on one
22 ballot, except as is provided in Sections 16-6.1 and 21-1.01
23 of this Act and except as otherwise provided in this Act with
24 respect to the odd year regular elections and the emergency
25 referenda; all nominations of any political party being placed

1 under the party appellation or title of such party as
2 designated in the certificates of nomination or petitions. The
3 names of all independent candidates shall be printed upon the
4 ballot in a column or columns under the heading "independent"
5 arranged under the names or titles of the respective offices
6 for which such independent candidates shall have been
7 nominated and so far as practicable, the name or names of any
8 independent candidate or candidates for any office shall be
9 printed upon the ballot opposite the name or names of any
10 candidate or candidates for the same office contained in any
11 party column or columns upon said ballot. The ballot shall
12 contain no other names, except that in cases of electors for
13 President and Vice-President of the United States, the names
14 of the candidates for President and Vice-President may be
15 added to the party designation and words calculated to aid the
16 voter in his choice of candidates may be added, such as "Vote
17 for one," "Vote for not more than three." If no candidate or
18 candidates file for an office and if no person or persons file
19 a declaration as a write-in candidate for that office, then
20 below the title of that office the election authority instead
21 shall print "No Candidate". When an electronic voting system
22 is used which utilizes a ballot label booklet, the candidates
23 and questions shall appear on the pages of such booklet in the
24 order provided by this Code; and, in any case where candidates
25 for an office appear on a page which does not contain the name
26 of any candidate for another office, and where less than 50% of

1 the page is utilized, the name of no candidate shall be printed
2 on the lowest 25% of such page. On the back or outside of the
3 ballot, so as to appear when folded, shall be printed the words
4 "Official Ballot", followed by the designation of the polling
5 place for which the ballot is prepared, the date of the
6 election and a facsimile of the signature of the election
7 authority who has caused the ballots to be printed. The
8 ballots shall be of plain white paper, through which the
9 printing or writing cannot be read. However, ballots for use
10 at the nonpartisan and consolidated elections may be printed
11 on different color paper, except blue paper, whenever
12 necessary or desirable to facilitate distinguishing between
13 ballots for different political subdivisions. In the case of
14 nonpartisan elections for officers of a political subdivision,
15 unless the statute or an ordinance adopted pursuant to Article
16 VII of the Constitution providing the form of government
17 therefor requires otherwise, the column listing such
18 nonpartisan candidates shall be printed with no appellation or
19 circle at its head. The party appellation or title, or the word
20 "independent" at the head of any column provided for
21 independent candidates, shall be printed in letters not less
22 than one-fourth of an inch in height and a circle one-half inch
23 in diameter shall be printed at the beginning of the line in
24 which such appellation or title is printed, provided, however,
25 that no such circle shall be printed at the head of any column
26 or columns provided for such independent candidates. The names

1 of candidates shall be printed in letters not less than
2 one-eighth nor more than one-fourth of an inch in height, and
3 at the beginning of each line in which a name of a candidate is
4 printed a square shall be printed, the sides of which shall be
5 not less than one-fourth of an inch in length. However, the
6 names of the candidates for Governor and Lieutenant Governor
7 on the same ticket shall be printed within a bracket and a
8 single square shall be printed in front of the bracket. The
9 list of candidates of the several parties and any such list of
10 independent candidates shall be placed in separate columns on
11 the ballot in such order as the election authorities charged
12 with the printing of the ballots shall decide; provided, that
13 the names of the candidates of the several political parties,
14 certified by the State Board of Elections to the several
15 county clerks shall be printed by the county clerk of the
16 proper county on the official ballot in the order certified by
17 the State Board of Elections. Any county clerk refusing,
18 neglecting or failing to print on the official ballot the
19 names of candidates of the several political parties in the
20 order certified by the State Board of Elections, and any
21 county clerk who prints or causes to be printed upon the
22 official ballot the name of a candidate, for an office to be
23 filled by the Electors of the entire State, whose name has not
24 been duly certified to him upon a certificate signed by the
25 State Board of Elections shall be guilty of a Class C
26 misdemeanor.

1 (b) When an electronic voting system is used which
2 utilizes a ballot card, on the inside flap of each ballot card
3 envelope there shall be printed a form for write-in voting
4 which shall be substantially as follows:

5 WRITE-IN VOTES

6 (See card of instructions for specific information.
7 Duplicate form below by hand for additional write-in votes.)

8 _____

9 Title of Office

10 () _____

11 Name of Candidate

12 Write-in lines equal to the number of candidates for which
13 a voter may vote shall be printed for an office only if one or
14 more persons filed declarations of intent to be write-in
15 candidates or qualify to file declarations to be write-in
16 candidates under Sections 17-16.1 and 18-9.1 when the
17 certification of ballot contains the words "OBJECTION
18 PENDING".

19 (c) When an electronic voting system is used which uses a
20 ballot sheet, the instructions to voters on the ballot sheet
21 shall refer the voter to the card of instructions for specific
22 information on write-in voting. Below each office appearing on
23 such ballot sheet there shall be a provision for the casting of
24 a write-in vote. Write-in lines equal to the number of
25 candidates for which a voter may vote shall be printed for an
26 office only if one or more persons filed declarations of

1 intent to be write-in candidates or qualify to file
2 declarations to be write-in candidates under Sections 17-16.1
3 and 18-9.1 when the certification of ballot contains the words
4 "OBJECTION PENDING".

5 (d) When such electronic system is used, there shall be
6 printed on the back of each ballot card, each ballot card
7 envelope, and the first page of the ballot label when a ballot
8 label is used, the words "Official Ballot," followed by the
9 number of the precinct or other precinct identification, which
10 may be stamped, in lieu thereof and, as applicable, the number
11 and name of the township, ward or other election district for
12 which the ballot card, ballot card envelope, and ballot label
13 are prepared, the date of the election and a facsimile of the
14 signature of the election authority who has caused the ballots
15 to be printed. The back of the ballot card shall also include a
16 method of identifying the ballot configuration such as a
17 listing of the political subdivisions and districts for which
18 votes may be cast on that ballot, or a number code identifying
19 the ballot configuration or color coded ballots, except that
20 where there is only one ballot configuration in a precinct,
21 the precinct identification, and any applicable ward
22 identification, shall be sufficient. Ballot card envelopes
23 used in punch card systems shall be of paper through which no
24 writing or punches may be discerned and shall be of sufficient
25 length to enclose all voting positions. However, the election
26 authority may provide ballot card envelopes on which no

1 precinct number or township, ward or other election district
2 designation, or election date are preprinted, if space and a
3 preprinted form are provided below the space provided for the
4 names of write-in candidates where such information may be
5 entered by the judges of election. Whenever an election
6 authority utilizes ballot card envelopes on which the election
7 date and precinct is not preprinted, a judge of election shall
8 mark such information for the particular precinct and election
9 on the envelope in ink before tallying and counting any
10 write-in vote written thereon. If some method of insuring
11 ballot secrecy other than an envelope is used, such
12 information must be provided on the ballot itself.

13 (e) In the designation of the name of a candidate on the
14 ballot, the candidate's given name or names, initial or
15 initials, a nickname by which the candidate is commonly known,
16 or a combination thereof, may be used in addition to the
17 candidate's surname. If a candidate has changed his or her
18 name, whether by a statutory or common law procedure in
19 Illinois or any other jurisdiction, within 3 years before the
20 last day for filing the petition for nomination, nomination
21 papers, or certificate of nomination for that office,
22 whichever is applicable, then (i) the candidate's name on the
23 ballot must be followed by "formerly known as (list all prior
24 names during the 3-year period) until name changed on (list
25 date of each such name change)" and (ii) the petition, papers,
26 or certificate must be accompanied by the candidate's

1 affidavit stating the candidate's previous names during the
2 period specified in (i) and the date or dates each of those
3 names was changed; failure to meet these requirements shall be
4 grounds for denying certification of the candidate's name for
5 the ballot or removing the candidate's name from the ballot,
6 as appropriate, but these requirements do not apply to name
7 changes resulting from adoption to assume an adoptive parent's
8 or parents' surname, marriage or civil union to assume a
9 spouse's surname, or dissolution of marriage or civil union or
10 declaration of invalidity of marriage or civil union to assume
11 a former surname or a name change that conforms the
12 candidate's name to his or her gender identity. No other
13 designation such as a political slogan, title, or degree or
14 nickname suggesting or implying possession of a title, degree
15 or professional status, or similar information may be used in
16 connection with the candidate's surname. For purposes of this
17 Section, a "political slogan" is defined as any word or words
18 expressing or connoting a position, opinion, or belief that
19 the candidate may espouse, including but not limited to, any
20 word or words conveying any meaning other than that of the
21 personal identity of the candidate. A candidate may not use a
22 political slogan as part of his or her name on the ballot,
23 notwithstanding that the political slogan may be part of the
24 candidate's name.

25 (f) The State Board of Elections, a local election
26 official, or an election authority shall remove any

1 candidate's name designation from a ballot that is
2 inconsistent with subsection (e) of this Section. In addition,
3 the State Board of Elections, a local election official, or an
4 election authority shall not certify to any election authority
5 any candidate name designation that is inconsistent with
6 subsection (e) of this Section.

7 (g) If the State Board of Elections, a local election
8 official, or an election authority removes a candidate's name
9 designation from a ballot under subsection (f) of this
10 Section, then the aggrieved candidate may seek appropriate
11 relief in circuit court.

12 Where voting machines or electronic voting systems are
13 used, the provisions of this Section may be modified as
14 required or authorized by Article 24 or Article 24A, whichever
15 is applicable.

16 Nothing in this Section shall prohibit election
17 authorities from using or reusing ballot card envelopes which
18 were printed before the effective date of this amendatory Act
19 of 1985.

20 (Source: P.A. 94-1090, eff. 6-1-07; 95-699, eff. 11-9-07;
21 95-862, eff. 8-19-08.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.