



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3488

Introduced 2/22/2021, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-20-45

Amends the Illinois Municipal Code. Provides that when a person who intends to be a write-in candidate for an uncontested nonpartisan office has not timely filed nomination papers but has filed a written statement or notice of his or her intent, no primary ballot shall be printed (rather than requiring a primary ballot to be prepared and a primary election held if the write-in candidate is the fifth candidate filed). Provides that where no primary is held, a person intending to become a write-in candidate shall re-file a declaration of intent to be a write-in candidate for the general election with the appropriate election authority or authorities. Removes language: concerning requirements for the written statement or notice; and providing that an election authority has no duty to conduct a primary and prepare a ballot for a uncontested office, unless the written statement or notice is filed in a timely manner.

LRB102 10367 SMS 15694 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 3.1-20-45 as follows:

6 (65 ILCS 5/3.1-20-45)

7 Sec. 3.1-20-45. Nonpartisan primary elections; uncontested
8 office. A city incorporated under this Code that elects
9 municipal officers at nonpartisan primary and general
10 elections shall conduct the elections as provided in the
11 Election Code, except that no office for which nomination is
12 uncontested shall be included on the primary ballot and no
13 primary shall be held for that office. For the purposes of this
14 Section, an office is uncontested when not more than 4 persons
15 to be nominated for each office have timely filed valid
16 nominating papers seeking nomination for the election to that
17 office.

18 Notwithstanding any other provision of law ~~the preceding~~
19 ~~paragraph,~~ when a person (i) who has not timely filed valid
20 nomination papers and (ii) who intends to become a write-in
21 candidate for nomination for any office for which nomination
22 is uncontested files a written statement or notice of that
23 intent with the proper election official with whom the

1 nomination papers for that office are filed, no primary ballot
2 shall be printed. Where no primary is held, a person intending
3 to become a write-in candidate at the general primary election
4 shall re-file a declaration of intent to be a write-in
5 candidate for the general election with the appropriate
6 election authority or authorities ~~if the write in candidate~~
7 ~~becomes the fifth candidate filed, a primary ballot must be~~
8 ~~prepared and a primary must be held for the office. The~~
9 ~~statement or notice must be filed on or before the 61st day~~
10 ~~before the consolidated primary election. The statement must~~
11 ~~contain (i) the name and address of the person intending to~~
12 ~~become a write in candidate, (ii) a statement that the person~~
13 ~~intends to become a write in candidate, and (iii) the office~~
14 ~~the person is seeking as a write in candidate. An election~~
15 ~~authority has no duty to conduct a primary election or prepare~~
16 ~~a primary ballot unless a statement meeting the requirements~~
17 ~~of this paragraph is filed in a timely manner.~~

18 If there is a primary election, then candidates shall be
19 placed on the ballot for the next succeeding general municipal
20 election in the following manner:

21 (1) If one officer is to be elected, then the 2
22 candidates who receive the highest number of votes shall
23 be placed on the ballot for the next succeeding general
24 municipal election.

25 (2) If 2 aldermen are to be elected at large, then the
26 4 candidates who receive the highest number of votes shall

1 be placed on the ballot for the next succeeding general
2 municipal election.

3 (3) If 3 aldermen are to be elected at large, then the
4 6 candidates who receive the highest number of votes shall
5 be placed on the ballot for the next succeeding general
6 municipal election.

7 The name of a write-in candidate may not be placed on the
8 ballot for the next succeeding general municipal election
9 unless he or she receives a number of votes in the primary
10 election that equals or exceeds the number of signatures
11 required on a petition for nomination for that office or that
12 exceeds the number of votes received by at least one of the
13 candidates whose names were printed on the primary ballot for
14 nomination for or election to the same office.

15 (Source: P.A. 97-81, eff. 7-5-11.)