



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5497

Introduced 1/31/2022, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

10 ILCS 5/16-3

from Ch. 46, par. 16-3

Amends the Election Code. Provides that Ballots used in all elections held in the State must be contain a "Illinois State Board of Elections" watermark and the ballots prepared by each election authority responsible for having the official ballot prepared shall be numbered consecutively, beginning with the number "1". Provides that no linkage of the ballot number to the voter may be recorded.

LRB102 25447 AWJ 34733 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 Section 16-3 as follows:

6 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

7 Sec. 16-3. (a) Ballots used in all elections held in this
8 State must be contain a "Illinois State Board of Elections"
9 watermark and the ballots prepared by each election authority
10 responsible for having the official ballot prepared shall be
11 numbered consecutively, beginning with the number "1". No
12 linkage of the ballot number to the voter may be recorded. The
13 names of all candidates to be voted for in each election
14 district or precinct shall be printed on one ballot, except as
15 is provided in Sections 16-6.1 and 21-1.01 of this Act and
16 except as otherwise provided in this Act with respect to the
17 odd year regular elections and the emergency referenda; all
18 nominations of any political party being placed under the
19 party appellation or title of such party as designated in the
20 certificates of nomination or petitions. The names of all
21 independent candidates shall be printed upon the ballot in a
22 column or columns under the heading "independent" arranged
23 under the names or titles of the respective offices for which

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

1 election and a facsimile of the signature of the election
2 authority who has caused the ballots to be printed. The
3 ballots shall be of plain white paper, through which the
4 printing or writing cannot be read. However, ballots for use
5 at the nonpartisan and consolidated elections may be printed
6 on different color paper, except blue paper, whenever
7 necessary or desirable to facilitate distinguishing between
8 ballots for different political subdivisions. In the case of
9 nonpartisan elections for officers of a political subdivision,
10 unless the statute or an ordinance adopted pursuant to Article
11 VII of the Constitution providing the form of government
12 therefor requires otherwise, the column listing such
13 nonpartisan candidates shall be printed with no appellation or
14 circle at its head. The party appellation or title, or the word
15 "independent" at the head of any column provided for
16 independent candidates, shall be printed in letters not less
17 than one-fourth of an inch in height and a circle one-half inch
18 in diameter shall be printed at the beginning of the line in
19 which such appellation or title is printed, provided, however,
20 that no such circle shall be printed at the head of any column
21 or columns provided for such independent candidates. The names
22 of candidates shall be printed in letters not less than
23 one-eighth nor more than one-fourth of an inch in height, and
24 at the beginning of each line in which a name of a candidate is
25 printed a square shall be printed, the sides of which shall be
26 not less than one-fourth of an inch in length. However, the

1 names of the candidates for Governor and Lieutenant Governor
2 on the same ticket shall be printed within a bracket and a
3 single square shall be printed in front of the bracket. The
4 list of candidates of the several parties and any such list of
5 independent candidates shall be placed in separate columns on
6 the ballot in such order as the election authorities charged
7 with the printing of the ballots shall decide; provided, that
8 the names of the candidates of the several political parties,
9 certified by the State Board of Elections to the several
10 county clerks shall be printed by the county clerk of the
11 proper county on the official ballot in the order certified by
12 the State Board of Elections. Any county clerk refusing,
13 neglecting or failing to print on the official ballot the
14 names of candidates of the several political parties in the
15 order certified by the State Board of Elections, and any
16 county clerk who prints or causes to be printed upon the
17 official ballot the name of a candidate, for an office to be
18 filled by the Electors of the entire State, whose name has not
19 been duly certified to him upon a certificate signed by the
20 State Board of Elections shall be guilty of a Class C
21 misdemeanor.

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

26 WRITE-IN VOTES

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

3 _____
4 Title of Office

5 () _____
6 Name of Candidate

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

14 (c) When an electronic voting system is used which uses a
15 ballot sheet, the instructions to voters on the ballot sheet
16 shall refer the voter to the card of instructions for specific
17 information on write-in voting. Below each office appearing on
18 such ballot sheet there shall be a provision for the casting of
19 a write-in vote. Write-in lines equal to the number of
20 candidates for which a voter may vote shall be printed for an
21 office only if one or more persons filed declarations of
22 intent to be write-in candidates or qualify to file
23 declarations to be write-in candidates under Sections 17-16.1
24 and 18-9.1 when the certification of ballot contains the words
25 "OBJECTION PENDING".

26 (d) When such electronic system is used, there shall be

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

1 authority utilizes ballot card envelopes on which the election
2 date and precinct is not preprinted, a judge of election shall
3 mark such information for the particular precinct and election
4 on the envelope in ink before tallying and counting any
5 write-in vote written thereon. If some method of insuring
6 ballot secrecy other than an envelope is used, such
7 information must be provided on the ballot itself.

8 (e) In the designation of the name of a candidate on the
9 ballot, the candidate's given name or names, initial or
10 initials, a nickname by which the candidate is commonly known,
11 or a 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 for nomination, nomination
16 papers, or certificate of nomination for that office,
17 whichever is applicable, then (i) the candidate's name on the
18 ballot must be followed by "formerly known as (list all prior
19 names during the 3-year period) until name changed on (list
20 date of each such name change)" and (ii) the petition, papers,
21 or certificate must be accompanied by the candidate's
22 affidavit stating the candidate's previous names during the
23 period specified in (i) and the date or dates each of those
24 names was changed; failure to meet these requirements shall be
25 grounds for denying certification of the candidate's name for
26 the ballot or removing the candidate's name from the ballot,

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

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

1 subsection (e) of this Section.

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

7 Where voting machines or electronic voting systems are
8 used, the provisions of this Section may be modified as
9 required or authorized by Article 24 or Article 24A, whichever
10 is applicable.

11 Nothing in this Section shall prohibit election
12 authorities from using or reusing ballot card envelopes which
13 were printed before the effective date of this amendatory Act
14 of 1985.

15 (Source: P.A. 102-15, eff. 6-17-21.)