



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1038

Introduced 2/8/2007, by Rep. Mike Boland

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-3  
10 ILCS 5/10-6

from Ch. 46, par. 10-3  
from Ch. 46, par. 10-6

Amends the Election Code. Makes the minimum nomination petition signature requirements for independent candidates for offices of a district or political subdivision, including legislative offices, the same as those for new political party candidates (now, larger). Makes the period for filing independent candidate nomination petitions the same as that for new political party candidates (now, the same as that for established political party candidates).

LRB095 05041 JAM 25109 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 10-3 and 10-6 as follows:

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

7 Sec. 10-3. Nomination of independent candidates (not  
8 candidates of any political party), for any office to be filled  
9 by the voters of the State at large may also be made by  
10 nomination papers signed in the aggregate for each candidate by  
11 1% of the number of voters who voted in the next preceding  
12 Statewide general election or 25,000 qualified voters of the  
13 State, whichever is less. Nominations of independent  
14 candidates for public office within any district or political  
15 subdivision less than the State, may be made by nomination  
16 papers signed in the aggregate for each candidate by qualified  
17 voters of such district, or political subdivision, equaling not  
18 less than 5%, nor more than 5% ~~8%~~ (or 50 more than the minimum,  
19 whichever is greater) of the number of persons, who voted at  
20 the next preceding regular election in such district or  
21 political subdivision in which such district or political  
22 subdivision voted as a unit for the election of officers to  
23 serve its respective territorial area, ~~except that independent~~

1 ~~candidates for the General Assembly shall require not less than~~  
2 ~~10%, nor more than 16% of the number of persons who voted at~~  
3 ~~the next preceding general election in such district or~~  
4 ~~political subdivision in which such district or political~~  
5 ~~subdivision voted as a unit for the election of officers to~~  
6 ~~serve its respective territorial area.~~ However, whenever the  
7 minimum signature requirement for an independent candidate  
8 petition for a district or political subdivision office shall  
9 exceed the minimum number of signatures for an independent  
10 candidate petition for an office to be filled by the voters of  
11 the State at large at the next preceding State-wide general  
12 election, such State-wide petition signature requirement shall  
13 be the minimum for an independent candidate petition for such  
14 district or political subdivision office. For the first  
15 election following a redistricting of congressional districts,  
16 nomination papers for an independent candidate for congressman  
17 shall be signed by at least 5,000 qualified voters of the  
18 congressional district. For the first election following a  
19 redistricting of legislative districts, nomination papers for  
20 an independent candidate for State Senator in the General  
21 Assembly shall be signed by at least 3,000 qualified voters of  
22 the legislative district. For the first election following a  
23 redistricting of representative districts, nomination papers  
24 for an independent candidate for State Representative in the  
25 General Assembly shall be signed by at least 1,500 qualified  
26 voters of the representative district. For the first election

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

21 The person circulating the petition, or the candidate on  
22 whose behalf the petition is circulated, may strike any  
23 signature from the petition, provided that;

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

26 (2) the person striking the signature shall sign a

1 certification listing the page number and line number of  
2 each signature struck from the petition. Such  
3 certification shall be filed as a part of the petition.

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

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

19 In the case of the offices of Governor and Lieutenant  
20 Governor a joint petition including one candidate for each of  
21 those offices must be filed.

22 ~~Every petition for nomination of an independent candidate~~  
23 ~~for any office for which candidates of established political~~  
24 ~~parties are nominated at the general primary shall be filed~~  
25 ~~within the time designated in Section 7-12 of this Act in~~  
26 ~~regard to nomination at the general primary of any other~~

1 ~~candidate for such office.~~

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 to be placed on the ballot as an independent  
6 candidate for election in that general or consolidated  
7 election.

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

14 (Source: P.A. 86-867; 86-875; 86-1028; 86-1348.)

15 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

16 Sec. 10-6. Time and manner of filing. Certificates ~~Except~~  
17 ~~as provided in Section 10-3, certificates~~ of nomination and  
18 nomination papers for the nomination of candidates for offices  
19 to be filled by electors of the entire State, or any district  
20 not entirely within a county, or for congressional, state  
21 legislative or judicial offices, shall be presented to the  
22 principal office of the State Board of Elections not more than  
23 141 nor less than 134 days previous to the day of election for  
24 which the candidates are nominated. The State Board of  
25 Elections shall endorse the certificates of nomination or

1 nomination papers, as the case may be, and the date and hour of  
2 presentment to it. Except as otherwise provided in this  
3 section, all other certificates for the nomination of  
4 candidates shall be filed with the county clerk of the  
5 respective counties not more than 141 but at least 134 days  
6 previous to the day of such election. Certificates of  
7 nomination and nomination papers for the nomination of  
8 candidates for the offices of political subdivisions to be  
9 filled at regular elections other than the general election  
10 shall be filed with the local election official of such  
11 subdivision:

12 (1) (Blank);

13 (2) not more than 78 nor less than 71 days prior to the  
14 consolidated election; or

15 (3) not more than 78 nor less than 71 days prior to the  
16 general primary in the case of municipal offices to be  
17 filled at the general primary election; or

18 (4) not more than 78 nor less than 71 days before the  
19 consolidated primary in the case of municipal offices to be  
20 elected on a nonpartisan basis pursuant to law (including  
21 without limitation, those municipal offices subject to  
22 Articles 4 and 5 of the Municipal Code); or

23 (5) not more than 78 nor less than 71 days before the  
24 municipal primary in even numbered years for such  
25 nonpartisan municipal offices where annual elections are  
26 provided; or

1           (6) in the case of petitions for the office of  
2           multi-township assessor, such petitions shall be filed  
3           with the election authority not more than 78 nor less than  
4           71 days before the consolidated election.

5           However, where a political subdivision's boundaries are  
6           co-extensive with or are entirely within the jurisdiction of a  
7           municipal board of election commissioners, the certificates of  
8           nomination and nomination papers for candidates for such  
9           political subdivision offices shall be filed in the office of  
10          such Board.

11          (Source: P.A. 90-358, eff. 1-1-98; 91-317, eff. 7-29-99.)