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1 AMENDMENT TO HOUSE BILL 5278

2 AMENDMENT NO. _____. Amend House Bill 5278 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Section 2A-1.2 as follows:

6 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

7 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
8 Designated.

9 (a) At the general election in the appropriate
10 even-numbered years, the following offices shall be filled or
11 shall be on the ballot as otherwise required by this Code:

12 (1) Elector of President and Vice President of the
13 United States;

14 (2) United States Senator and United States
15 Representative;

16 (3) State Executive Branch elected officers;

1 (4) State Senator and State Representative;

2 (5) County elected officers, including State's
3 Attorney, County Board member, County Commissioners, and
4 elected President of the County Board or County Chief
5 Executive;

6 (6) Circuit Court Clerk;

7 (7) Regional Superintendent of Schools, except in
8 counties or educational service regions in which that
9 office has been abolished;

10 (8) Judges of the Supreme, Appellate and Circuit
11 Courts, on the question of retention, to fill vacancies and
12 newly created judicial offices;

13 (9) (Blank);

14 (10) Trustee of the Metropolitan Sanitary District of
15 Chicago, and elected Trustee of other Sanitary Districts;

16 (11) Special District elected officers, not otherwise
17 designated in this Section, where the statute creating or
18 authorizing the creation of the district requires an annual
19 election and permits or requires election of candidates of
20 political parties.

21 (b) At the general primary election:

22 (1) in each even-numbered year candidates of political
23 parties shall be nominated for those offices to be filled
24 at the general election in that year, except where pursuant
25 to law nomination of candidates of political parties is
26 made by caucus.

1 (2) in the appropriate even-numbered years the
2 political party offices of State central committeeman,
3 township committeeman, ward committeeman, and precinct
4 committeeman shall be filled and delegates and alternate
5 delegates to the National nominating conventions shall be
6 elected as may be required pursuant to this Code. In the
7 even-numbered years in which a Presidential election is to
8 be held, candidates in the Presidential preference primary
9 shall also be on the ballot.

10 (3) in each even-numbered year, where the municipality
11 has provided for annual elections to elect municipal
12 officers pursuant to Section 6(f) or Section 7 of Article
13 VII of the Constitution, pursuant to the Illinois Municipal
14 Code or pursuant to the municipal charter, the offices of
15 such municipal officers shall be filled at an election held
16 on the date of the general primary election, provided that
17 the municipal election shall be a nonpartisan election
18 where required by the Illinois Municipal Code. For partisan
19 municipal elections in even-numbered years, a primary to
20 nominate candidates for municipal office to be elected at
21 the general primary election shall be held on the Tuesday 6
22 weeks preceding that election.

23 (4) in each school district which has adopted the
24 provisions of Article 33 of the School Code, successors to
25 the members of the board of education whose terms expire in
26 the year in which the general primary is held shall be

1 elected.

2 (c) At the consolidated election in the appropriate
3 odd-numbered years, the following offices shall be filled:

4 (1) Municipal officers, provided that in
5 municipalities in which candidates for alderman or other
6 municipal office are not permitted by law to be candidates
7 of political parties, the runoff election where required by
8 law, or the nonpartisan election where required by law,
9 shall be held on the date of the consolidated election; and
10 provided further, in the case of municipal officers
11 provided for by an ordinance providing the form of
12 government of the municipality pursuant to Section 7 of
13 Article VII of the Constitution, such offices shall be
14 filled by election or by runoff election as may be provided
15 by such ordinance;

16 (2) Village and incorporated town library directors;

17 (3) City boards of stadium commissioners;

18 (4) Commissioners of park districts;

19 (5) Trustees of public library districts;

20 (6) Special District elected officers, not otherwise
21 designated in this section, where the statute creating or
22 authorizing the creation of the district permits or
23 requires election of candidates of political parties;

24 (7) Township officers, including township park
25 commissioners, township library directors, and boards of
26 managers of community buildings, and Multi-Township

1 Assessors;

2 (8) Highway commissioners and road district clerks;

3 (9) Members of school boards in school districts which
4 adopt Article 33 of the School Code;

5 (10) The directors and chairman of the Chain O Lakes -
6 Fox River Waterway Management Agency;

7 (11) Forest preserve district commissioners elected
8 under Section 3.5 of the Downstate Forest Preserve District
9 Act;

10 (12) Elected members of school boards, school
11 trustees, directors of boards of school directors,
12 trustees of county boards of school trustees (except in
13 counties or educational service regions having a
14 population of 2,000,000 or more inhabitants) and members of
15 boards of school inspectors, except school boards in school
16 districts that adopt Article 33 of the School Code;

17 (13) Members of Community College district boards;

18 (14) Trustees of Fire Protection Districts;

19 (15) Commissioners of the Springfield Metropolitan
20 Exposition and Auditorium Authority;

21 (16) Elected Trustees of Tuberculosis Sanitarium
22 Districts;

23 (17) Elected Officers of special districts not
24 otherwise designated in this Section for which the law
25 governing those districts does not permit candidates of
26 political parties.

1 (d) At the consolidated primary election in each
2 odd-numbered year, candidates of political parties shall be
3 nominated for those offices to be filled at the consolidated
4 election in that year, except where pursuant to law nomination
5 of candidates of political parties is made by caucus, and
6 except those offices listed in paragraphs (12) through (17) of
7 subsection (c).

8 At the consolidated primary election in the appropriate
9 odd-numbered years, the mayor, clerk, treasurer, and aldermen
10 shall be elected in municipalities in which candidates for
11 mayor, clerk, treasurer, or alderman are not permitted by law
12 to be candidates of political parties, subject to runoff
13 elections to be held at the consolidated election as may be
14 required by law, and municipal officers shall be nominated in a
15 nonpartisan election in municipalities in which pursuant to law
16 candidates for such office are not permitted to be candidates
17 of political parties.

18 At the consolidated primary election in the appropriate
19 odd-numbered years, municipal officers shall be nominated or
20 elected, or elected subject to a runoff, as may be provided by
21 an ordinance providing a form of government of the municipality
22 pursuant to Section 7 of Article VII of the Constitution.

23 (e) (Blank).

24 (f) At any election established in Section 2A-1.1, public
25 questions may be submitted to voters pursuant to this Code and
26 any special election otherwise required or authorized by law or

1 by court order may be conducted pursuant to this Code.

2 Notwithstanding the regular dates for election of officers
3 established in this Article, whenever a referendum is held for
4 the establishment of a political subdivision whose officers are
5 to be elected, the initial officers shall be elected at the
6 election at which such referendum is held if otherwise so
7 provided by law. In such cases, the election of the initial
8 officers shall be subject to the referendum.

9 Notwithstanding the regular dates for election of
10 officials established in this Article, any community college
11 district which becomes effective by operation of law pursuant
12 to Section 6-6.1 of the Public Community College Act, as now or
13 hereafter amended, shall elect the initial district board
14 members at the next regularly scheduled election following the
15 effective date of the new district.

16 (g) At any election established in Section 2A-1.1, if in
17 any precinct there are no offices or public questions required
18 to be on the ballot under this Code then no election shall be
19 held in the precinct on that date. At any election established
20 in subsection (b) of Section 2A-1.1, if in any precinct there
21 are no public questions required to be on the ballot under this
22 Code and if the offices to be nominated or elected are
23 uncontested, then no election shall be held in the precinct on
24 that date. Notwithstanding any other provisions of this Code or
25 other law of this State to the contrary, the name of any
26 unopposed candidate in any election established in subsection

1 (b) of Section 2A-1.1 shall not appear on the ballot at that
2 election and that unopposed candidate shall be deemed nominated
3 or elected, as the case may be.

4 (h) There may be conducted a referendum in accordance with
5 the provisions of Division 6-4 of the Counties Code.

6 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
7 eff. 8-9-96; 90-358, eff. 1-1-98.)

8 Section 10. The Illinois Municipal Code is amended by
9 changing Sections 3.1-20-45, 3.1-25-20, 3.1-25-40, 4-3-16,
10 4-3-16.1, and 5-2-13 as follows:

11 (65 ILCS 5/3.1-20-45)

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

23 For the purposes of preparing a primary ballot and holding
24 a primary election under this Section, a write-in candidate

1 shall not be construed as having timely filed valid nominating
2 papers.

3 ~~Notwithstanding the preceding paragraph, when a person (i)~~
4 ~~who has not timely filed valid nomination papers and (ii) who~~
5 ~~intends to become a write in candidate for nomination for any~~
6 ~~office for which nomination is uncontested files a written~~
7 ~~statement or notice of that intent with the proper election~~
8 ~~official with whom the nomination papers for that office are~~
9 ~~filed, if the write in candidate becomes the fifth candidate~~
10 ~~filed, a primary ballot must be prepared and a primary must be~~
11 ~~held for the office. The statement or notice must be filed on~~
12 ~~or before the 61st day before the consolidated primary~~
13 ~~election. The statement must contain (i) the name and address~~
14 ~~of the person intending to become a write in candidate, (ii) a~~
15 ~~statement that the person intends to become a write in~~
16 ~~candidate, and (iii) the office the person is seeking as a~~
17 ~~write in candidate. An election authority has no duty to~~
18 ~~conduct a primary election or prepare a primary ballot unless a~~
19 ~~statement meeting the requirements of this paragraph is filed~~
20 ~~in a timely manner.~~

21 (Source: P.A. 95-699, eff. 11-9-07.)

22 (65 ILCS 5/3.1-25-20) (from Ch. 24, par. 3.1-25-20)

23 Sec. 3.1-25-20. Primary election. A village incorporated
24 under this Code shall nominate and elect candidates for
25 president and trustees in nonpartisan primary and general

1 elections as provided in Sections 3.1-25-20 through 3.1-25-55
2 until the electors of the village vote to require the partisan
3 election of the president and trustees at a referendum in the
4 manner provided in Section 3.1-25-65 after January 1, 1992. The
5 provisions of Sections 3.1-25-20 through 3.1-25-55 shall apply
6 to all villages incorporated under this Code that have operated
7 under those Sections without the adoption of those provisions
8 by the referendum provided in Section 3.1-25-60 as well as
9 those villages that have adopted those provisions by the
10 referendum provided in Section 3.1-25-60 until the electors of
11 those villages vote to require the partisan election of the
12 president and trustees in the manner provided in Section
13 3.1-25-65. Villages that have nominated and elected candidates
14 for president and trustees in partisan elections prior to
15 January 1, 1992, may continue to hold partisan elections
16 without conducting a referendum in the manner provided in
17 Section 3.1-25-65. All candidates for nomination to be voted
18 for at all general municipal elections at which a president or
19 trustees, or both, are to be elected under this Article shall
20 be nominated from the village at large by a primary election.

21 Notwithstanding any other provision of law, no primary
22 shall be held in any village when the nomination for every
23 office to be voted upon by the electors of the village is
24 uncontested. If the nomination of candidates is uncontested as
25 to one or more, but not all, of the offices to be voted upon by
26 the electors of the village, then a primary must be held in the

1 village, provided that the primary ballot shall not include
2 those offices in the village for which the nomination is
3 uncontested. For the purposes of this Section, an office is
4 uncontested when not more than the number of persons to be
5 nominated to the office have timely filed valid nominating
6 papers seeking nomination for election to that office.

7 For the purposes of preparing a primary ballot and holding
8 a primary election under this Section, a write-in candidate
9 shall not be construed as having timely filed valid nominating
10 papers.

11 ~~Notwithstanding the preceding paragraph, when a person (i)~~
12 ~~who has not timely filed valid nomination papers and (ii) who~~
13 ~~intends to become a write-in candidate for nomination for any~~
14 ~~office for which nomination is uncontested files a written~~
15 ~~statement or notice of that intent with the proper election~~
16 ~~official with whom the nomination papers for that office are~~
17 ~~filed, a primary ballot must be prepared and a primary must be~~
18 ~~held for the office. The statement or notice must be filed on~~
19 ~~or before the 61st day before the consolidated primary~~
20 ~~election. The statement must contain (i) the name and address~~
21 ~~of the person intending to become a write-in candidate, (ii) a~~
22 ~~statement that the person intends to become a write-in~~
23 ~~candidate, and (iii) the office the person is seeking as a~~
24 ~~write-in candidate. An election authority has no duty to~~
25 ~~conduct a primary election or prepare a primary ballot unless a~~
26 ~~statement meeting the requirements of this paragraph is filed~~

1 ~~in a timely manner.~~

2 Only the names of those persons nominated in the manner
3 prescribed in Sections 3.1-25-20 through 3.1-25-65 shall be
4 placed on the ballot at the general municipal election. The
5 village clerk shall certify the offices to be filled and the
6 candidates for those offices to the proper election authority
7 as provided in the general election law. A primary for those
8 offices, if required, shall be held in accordance with the
9 general election law.

10 (Source: P.A. 91-57, eff. 6-30-99.)

11 (65 ILCS 5/3.1-25-40) (from Ch. 24, par. 3.1-25-40)
12 Sec. 3.1-25-40. Ballots.

13 (a) If the office of president is to be filled, only the
14 names of the 4 candidates receiving the highest number of votes
15 for president shall be placed on the ballot for president at
16 the next succeeding general municipal election. The names of
17 candidates in a number equal to 4 times the number of trustee
18 positions to be filled receiving the highest number of votes
19 for trustee, or the names of all candidates if less than 4
20 times the number of trustee positions to be filled, shall be
21 placed on the ballot for that office at the municipal election.

22 (b) An elector, however, at either a primary election or a
23 general municipal election held under Sections 3.1-25-20
24 through 3.1-25-55, may write in the names of the candidates of
25 that elector's choice in accordance with the general election

1 law. ~~If, however, the name of only one candidate for a~~
2 ~~particular office appeared on the primary ballot, the name of~~
3 ~~the person having the largest number of write in votes shall~~
4 ~~not be placed upon the ballot at the general municipal election~~
5 ~~unless the number of votes received in the primary election by~~
6 ~~that person was at least 10% of the number of votes received by~~
7 ~~the candidate for the same office whose name appeared on the~~
8 ~~primary ballot.~~

9 (c) If a nominee at a general primary election dies or
10 withdraws before the general municipal election, there shall be
11 placed on the ballot the name of the candidate receiving the
12 next highest number of votes, and so on in case of the death or
13 withdrawal of more than one nominee.

14 (d) If in the application of this Section there occurs the
15 condition provided for in Section 3.1-25-45, there shall be
16 placed on the ballot the name of the candidate who was not
17 chosen by lot under that Section where one of 2 tied candidates
18 had been placed on the ballot before the death or withdrawal
19 occurred. If, however, in the application of this Section, the
20 candidate with the next highest number of votes cannot be
21 determined because of a tie among 2 or more candidates, the
22 successor nominee whose name shall be placed on the ballot
23 shall be determined by lot as provided in Section 3.1-25-45.

24 (Source: P.A. 95-699, eff. 11-9-07.)

1 NOMINEES FOR MAYOR AND COMMISSIONERS
 2 OF THE CITY (OR VILLAGE) OF....
 3 AT THE GENERAL MUNICIPAL ELECTION.

4 FOR MAYOR
 5 (VOTE FOR ONE)

- 6 () JOHN JONES.
- 7 () JAMES SMITH.

8 FOR COMMISSIONERS

9 (VOTE FOR NOT MORE THAN FOUR)

- 10 () HARRY BROWN.
- 11 () ROBERT BUCK.
- 12 () WILLIAM BURKE.
- 13 () GEORGE MILLER.
- 14 () ARTHUR ROBBINS.
- 15 () EDWARD STUART.
- 16 () JOSEPH TROUT.
- 17 () THOMAS WILLIAMS.

18 (Source: P.A. 95-862, eff. 8-19-08.)

19 (65 ILCS 5/4-3-16.1) (from Ch. 24, par. 4-3-16.1)

20 Sec. 4-3-16.1. If the municipality has voted, as provided
 21 in Section 4-3-19, to require candidates for commissioner to
 22 run for a specific office, the ballots for the general
 23 municipal election shall be in substantially the following
 24 form. If under Section 2A-1.1 of the Election Code no general
 25 municipal election (consolidated election) is to be held in any

1 precinct, then the name of an unopposed candidate shall not
 2 appear on any ballot, and that candidate shall be deemed
 3 elected. ÷

4 OFFICIAL BALLOT

5 NOMINEES FOR MAYOR AND COMMISSIONERS

6 OF THE CITY (OR VILLAGE) OF

7 AT THE GENERAL MUNICIPAL ELECTION.

8 FOR MAYOR

9 (VOTE FOR ONE)

10 () JOHN JONES.

11 () JAMES SMITH.

12 FOR COMMISSIONER OF ACCOUNTS

13 AND FINANCES

14 (VOTE FOR ONE)

15 () HARRY BROWN.

16 () ROBERT BUCK.

17 FOR COMMISSIONER OF PUBLIC HEALTH

18 AND SAFETY

19 (VOTE FOR ONE)

20 () GEORGE MILLER.

21 () ARTHUR ROBBINS.

1 FOR COMMISSIONER OF STREETS AND

2 PUBLIC IMPROVEMENTS

3 (VOTE FOR ONE)

4 () JOSEPH TROUT.

5 () THOMAS WILLIAMS.

6 FOR COMMISSIONER OF PUBLIC PROPERTY

7 (VOTE FOR ONE)

8 () JAMES J. JEFFRIES.

9 () JAMES SMITH.

10 (Source: Laws 1965, p. 2677.)

11 (65 ILCS 5/5-2-13) (from Ch. 24, par. 5-2-13)

12 Sec. 5-2-13. In addition to the requirements of the general
13 election law, the ballots for the municipal primary election
14 provided for in Section 5-2-12 shall be in substantially the
15 following form. If under Section 2A-1.1 of the Election Code no
16 municipal primary election (consolidated primary election) is
17 to be held in any precinct, then the name of an unopposed
18 candidate shall not appear on any ballot, and that candidate
19 shall be deemed nominated. †

20 OFFICIAL PRIMARY BALLOT.

21 CANDIDATES FOR NOMINATION FOR MAYOR

22 AND COUNCILMEN OF THE CITY (OR

23 VILLAGE) OF.... AT THE PRIMARY

24 ELECTION.

1 FOR MAYOR
2 VOTE FOR ONE

- 3 () JOHN JONES.
4 () JAMES SMITH.
5 () HENRY WHITE.
6 () RALPH WILSON.
7 () FOR COUNCILMEN.

8 VOTE FOR NOT MORE THAN....(insert proper number as provided
9 in Section 5-2-12).

- 10 () HARRY BROWN.
11 () ROBERT BUCK.
12 () WILLIAM BURKE.
13 () GEORGE MILLER.
14 () ARTHUR ROBBINS.
15 () EDWARD STUART.
16 () JOSEPH TROUT.
17 () THOMAS WILLIAMS.

18 In addition to the requirements of the general election
19 law, the general municipal election ballots for the election
20 provided for in Section 5-2-12 shall be substantially in the
21 following form:

22 OFFICIAL BALLOT
23 NOMINEES FOR MAYOR AND COUNCILMEN OF
24 THE CITY (OR VILLAGE) OF.... AT
25 THE GENERAL MUNICIPAL ELECTION.
26 FOR MAYOR

1 VOTE FOR ONE

2 () JOHN JONES.

3 () JAMES SMITH.

4 () FOR COUNCILMEN.

5 VOTE FOR NOT MORE THAN....(insert proper number as provided
6 in Section 5-2-12).

7 () HARRY BROWN.

8 () ROBERT BUCK.

9 () WILLIAM BURKE.

10 () GEORGE MILLER.

11 () ARTHUR ROBBINS.

12 () EDWARD STUART.

13 () JOSEPH TROUT.

14 () THOMAS WILLIAMS.

15 (Source: P.A. 95-862, eff. 8-19-08.)".