

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 Section
5 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;

17 (4) State Senator and State Representative;

18 (5) County elected officers, including State's
19 Attorney, County Board member, County Commissioners, and
20 elected President of the County Board or County Chief
21 Executive;

22 (6) Circuit Court Clerk;

23 (7) Regional Superintendent of Schools, except in

1 counties or educational service regions in which that
2 office has been abolished;

3 (8) Judges of the Supreme, Appellate and Circuit
4 Courts, on the question of retention, to fill vacancies and
5 newly created judicial offices;

6 (9) (Blank);

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

9 (11) Special District elected officers, not otherwise
10 designated in this Section, where the statute creating or
11 authorizing the creation of the district requires an annual
12 election and permits or requires election of candidates of
13 political parties.

14 (b) At the general primary election:

15 (1) in each even-numbered year candidates of political
16 parties shall be nominated for those offices to be filled
17 at the general election in that year, except where pursuant
18 to law nomination of candidates of political parties is
19 made by caucus.

20 (2) in the appropriate even-numbered years the
21 political party offices of State central committeeman,
22 township committeeman, ward committeeman, and precinct
23 committeeman shall be filled and delegates and alternate
24 delegates to the National nominating conventions shall be
25 elected as may be required pursuant to this Code. In the
26 even-numbered years in which a Presidential election is to

1 be held, candidates in the Presidential preference primary
2 shall also be on the ballot.

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

16 (4) in each school district which has adopted the
17 provisions of Article 33 of the School Code, successors to
18 the members of the board of education whose terms expire in
19 the year in which the general primary is held shall be
20 elected.

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

23 (1) Municipal officers, provided that in
24 municipalities in which candidates for alderman or other
25 municipal office are not permitted by law to be candidates
26 of political parties, the runoff election where required by

1 law, or the nonpartisan election where required by law,
2 shall be held on the date of the consolidated election; and
3 provided further, in the case of municipal officers
4 provided for by an ordinance providing the form of
5 government of the municipality pursuant to Section 7 of
6 Article VII of the Constitution, such offices shall be
7 filled by election or by runoff election as may be provided
8 by such ordinance;

9 (2) Village and incorporated town library directors;

10 (3) City boards of stadium commissioners;

11 (4) Commissioners of park districts;

12 (5) Trustees of public library districts;

13 (6) Special District elected officers, not otherwise
14 designated in this section, where the statute creating or
15 authorizing the creation of the district permits or
16 requires election of candidates of political parties;

17 (7) Township officers, including township park
18 commissioners, township library directors, and boards of
19 managers of community buildings, and Multi-Township
20 Assessors;

21 (8) Highway commissioners and road district clerks;

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

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

26 (11) Forest preserve district commissioners elected

1 under Section 3.5 of the Downstate Forest Preserve District
2 Act;

3 (12) Elected members of school boards, school
4 trustees, directors of boards of school directors,
5 trustees of county boards of school trustees (except in
6 counties or educational service regions having a
7 population of 2,000,000 or more inhabitants) and members of
8 boards of school inspectors, except school boards in school
9 districts that adopt Article 33 of the School Code;

10 (13) Members of Community College district boards;

11 (14) Trustees of Fire Protection Districts;

12 (15) Commissioners of the Springfield Metropolitan
13 Exposition and Auditorium Authority;

14 (16) Elected Trustees of Tuberculosis Sanitarium
15 Districts;

16 (17) Elected Officers of special districts not
17 otherwise designated in this Section for which the law
18 governing those districts does not permit candidates of
19 political parties.

20 (d) At the consolidated primary election in each
21 odd-numbered year, candidates of political parties shall be
22 nominated for those offices to be filled at the consolidated
23 election in that year, except where pursuant to law nomination
24 of candidates of political parties is made by caucus, and
25 except those offices listed in paragraphs (12) through (17) of
26 subsection (c).

1 At the consolidated primary election in the appropriate
2 odd-numbered years, the mayor, clerk, treasurer, and aldermen
3 shall be elected in municipalities in which candidates for
4 mayor, clerk, treasurer, or alderman are not permitted by law
5 to be candidates of political parties, subject to runoff
6 elections to be held at the consolidated election as may be
7 required by law, and municipal officers shall be nominated in a
8 nonpartisan election in municipalities in which pursuant to law
9 candidates for such office are not permitted to be candidates
10 of political parties.

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

16 (e) (Blank).

17 (f) At any election established in Section 2A-1.1, public
18 questions may be submitted to voters pursuant to this Code and
19 any special election otherwise required or authorized by law or
20 by court order may be conducted pursuant to this Code.

21 Notwithstanding the regular dates for election of officers
22 established in this Article, whenever a referendum is held for
23 the establishment of a political subdivision whose officers are
24 to be elected, the initial officers shall be elected at the
25 election at which such referendum is held if otherwise so
26 provided by law. In such cases, the election of the initial

1 officers shall be subject to the referendum.

2 Notwithstanding the regular dates for election of
3 officials established in this Article, any community college
4 district which becomes effective by operation of law pursuant
5 to Section 6-6.1 of the Public Community College Act, as now or
6 hereafter amended, shall elect the initial district board
7 members at the next regularly scheduled election following the
8 effective date of the new district.

9 (g) At any election established in Section 2A-1.1, if in
10 any precinct there are no offices or public questions required
11 to be on the ballot under this Code then no election shall be
12 held in the precinct on that date. At any election established
13 in subsection (b) of Section 2A-1.1, if in any precinct there
14 are no public questions required to be on the ballot under this
15 Code and if the offices to be nominated or elected are
16 uncontested, then no election shall be held in the precinct on
17 that date. Notwithstanding any other provisions of this Code or
18 other law of this State to the contrary, the name of any
19 unopposed candidate in any election established in subsection
20 (b) of Section 2A-1.1 shall not appear on the ballot at that
21 election and that unopposed candidate shall be deemed nominated
22 or elected, as the case may be.

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

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

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

4 (65 ILCS 5/3.1-20-45)

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

16 For the purposes of preparing a primary ballot and holding
17 a primary election under this Section, a write-in candidate
18 shall not be construed as having timely filed valid nominating
19 papers.

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

~~official with whom the nomination papers for that office are filed, if the write-in candidate becomes the fifth candidate filed, a primary ballot must be prepared and a primary must be held for the office. The statement or notice must be filed on or before the 61st day before the consolidated primary election. The statement must contain (i) the name and address of the person intending to become a write in candidate, (ii) a statement that the person intends to become a write in candidate, and (iii) the office the person is seeking as a write in candidate. An election authority has no duty to conduct a primary election or prepare a primary ballot unless a statement meeting the requirements of this paragraph is filed in a timely manner.~~

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

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

Sec. 3.1-25-20. Primary election. A village incorporated under this Code shall nominate and elect candidates for president and trustees in nonpartisan primary and general elections as provided in Sections 3.1-25-20 through 3.1-25-55 until the electors of the village vote to require the partisan election of the president and trustees at a referendum in the manner provided in Section 3.1-25-65 after January 1, 1992. The provisions of Sections 3.1-25-20 through 3.1-25-55 shall apply to all villages incorporated under this Code that have operated under those Sections without the adoption of those provisions

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

14 Notwithstanding any other provision of law, no primary
15 shall be held in any village when the nomination for every
16 office to be voted upon by the electors of the village is
17 uncontested. If the nomination of candidates is uncontested as
18 to one or more, but not all, of the offices to be voted upon by
19 the electors of the village, then a primary must be held in the
20 village, provided that the primary ballot shall not include
21 those offices in the village for which the nomination is
22 uncontested. For the purposes of this Section, an office is
23 uncontested when not more than the number of persons to be
24 nominated to the office have timely filed valid nominating
25 papers seeking nomination for election to that office.

26 For the purposes of preparing a primary ballot and holding

1 a primary election under this Section, a write-in candidate
2 shall not be construed as having timely filed valid nominating
3 papers.

4 ~~Notwithstanding the preceding paragraph, when a person (i)~~
5 ~~who has not timely filed valid nomination papers and (ii) who~~
6 ~~intends to become a write in candidate for nomination for any~~
7 ~~office for which nomination is uncontested files a written~~
8 ~~statement or notice of that intent with the proper election~~
9 ~~official with whom the nomination papers for that office are~~
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 Only the names of those persons nominated in the manner
22 prescribed in Sections 3.1-25-20 through 3.1-25-65 shall be
23 placed on the ballot at the general municipal election. The
24 village clerk shall certify the offices to be filled and the
25 candidates for those offices to the proper election authority
26 as provided in the general election law. A primary for those

1 offices, if required, shall be held in accordance with the
2 general election law.

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

4 (65 ILCS 5/3.1-25-40) (from Ch. 24, par. 3.1-25-40)

5 Sec. 3.1-25-40. Ballots.

6 (a) If the office of president is to be filled, only the
7 names of the 4 candidates receiving the highest number of votes
8 for president shall be placed on the ballot for president at
9 the next succeeding general municipal election. The names of
10 candidates in a number equal to 4 times the number of trustee
11 positions to be filled receiving the highest number of votes
12 for trustee, or the names of all candidates if less than 4
13 times the number of trustee positions to be filled, shall be
14 placed on the ballot for that office at the municipal election.

15 (b) An elector, however, at either a primary election or a
16 general municipal election held under Sections 3.1-25-20
17 through 3.1-25-55, may write in the names of the candidates of
18 that elector's choice in accordance with the general election
19 law. ~~If, however, the name of only one candidate for a~~
20 ~~particular office appeared on the primary ballot, the name of~~
21 ~~the person having the largest number of write in votes shall~~
22 ~~not be placed upon the ballot at the general municipal election~~
23 ~~unless the number of votes received in the primary election by~~
24 ~~that person was at least 10% of the number of votes received by~~
25 ~~the candidate for the same office whose name appeared on the~~

1 ~~primary ballot.~~

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

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

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

18 (65 ILCS 5/4-3-16) (from Ch. 24, par. 4-3-16)

19 Sec. 4-3-16. Upon the ballots for the general municipal
20 election the names of the nominees for mayor shall be placed
21 first, in substantially the form specified in this section.
22 Following these names, the names of the nominees for
23 commissioners shall appear under each office, in substantially
24 the form specified in this section; provided that if the
25 municipality has voted, as provided in Section 4-3-19, to

1 require candidates for commissioner to run for a specific
2 office, the names of the candidates for commissioner of public
3 accounts and finances, commissioner of public health and
4 safety, commissioner of streets and public improvements, and
5 commissioner of public property, respectively, shall appear
6 under the designation of the applicable office, in
7 substantially the form specified in Section 4-3-16.1. If under
8 Section 2A-1.1 of the Election Code no general municipal
9 election (consolidated election) is to be held in any precinct,
10 then the name of an unopposed candidate shall not appear on any
11 ballot, and that candidate shall be deemed elected.

12 The ballots shall be in the form provided by the general
13 election law, except as herein otherwise provided, but they
14 shall designate no party, platform, political principle,
15 appellation, or mark whatever. Nor shall any circle be printed
16 at the head of the ballots. Except where candidates for
17 commissioner are required to run for a specific office, the
18 ballots shall be in substantially the following form:

19 OFFICIAL BALLOT

20 NOMINEES FOR MAYOR AND COMMISSIONERS

21 OF THE CITY (OR VILLAGE) OF....

22 AT THE GENERAL MUNICIPAL ELECTION.

23 FOR MAYOR

24 (VOTE FOR ONE)

25 () JOHN JONES.

26 () JAMES SMITH.

- 1 FOR COMMISSIONERS
 2 (VOTE FOR NOT MORE THAN FOUR)
 3 () HARRY BROWN.
 4 () ROBERT BUCK.
 5 () WILLIAM BURKE.
 6 () GEORGE MILLER.
 7 () ARTHUR ROBBINS.
 8 () EDWARD STUART.
 9 () JOSEPH TROUT.
 10 () THOMAS WILLIAMS.

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

12 (65 ILCS 5/4-3-16.1) (from Ch. 24, par. 4-3-16.1)

13 Sec. 4-3-16.1. If the municipality has voted, as provided
 14 in Section 4-3-19, to require candidates for commissioner to
 15 run for a specific office, the ballots for the general
 16 municipal election shall be in substantially the following
 17 form. If under Section 2A-1.1 of the Election Code no general
 18 municipal election (consolidated election) is to be held in any
 19 precinct, then the name of an unopposed candidate shall not
 20 appear on any ballot, and that candidate shall be deemed
 21 elected. ÷

22 OFFICIAL BALLOT

23 NOMINEES FOR MAYOR AND COMMISSIONERS

24 OF THE CITY (OR VILLAGE) OF

1 (VOTE FOR ONE)

2 () JAMES J. JEFFRIES.

3 () JAMES SMITH.

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

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

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

14 OFFICIAL PRIMARY BALLOT.

15 CANDIDATES FOR NOMINATION FOR MAYOR

16 AND COUNCILMEN OF THE CITY (OR

17 VILLAGE) OF.... AT THE PRIMARY

18 ELECTION.

19 FOR MAYOR

20 VOTE FOR ONE

21 () JOHN JONES.

22 () JAMES SMITH.

23 () HENRY WHITE.

24 () RALPH WILSON.

25 () FOR COUNCILMEN.

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

3 () HARRY BROWN.

4 () ROBERT BUCK.

5 () WILLIAM BURKE.

6 () GEORGE MILLER.

7 () ARTHUR ROBBINS.

8 () EDWARD STUART.

9 () JOSEPH TROUT.

10 () THOMAS WILLIAMS.

11 In addition to the requirements of the general election
12 law, the general municipal election ballots for the election
13 provided for in Section 5-2-12 shall be substantially in the
14 following form:

15 OFFICIAL BALLOT

16 NOMINEES FOR MAYOR AND COUNCILMEN OF

17 THE CITY (OR VILLAGE) OF.... AT

18 THE GENERAL MUNICIPAL ELECTION.

19 FOR MAYOR

20 VOTE FOR ONE

21 () JOHN JONES.

22 () JAMES SMITH.

23 () FOR COUNCILMEN.

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

26 () HARRY BROWN.

- 1 () ROBERT BUCK.
- 2 () WILLIAM BURKE.
- 3 () GEORGE MILLER.
- 4 () ARTHUR ROBBINS.
- 5 () EDWARD STUART.
- 6 () JOSEPH TROUT.
- 7 () THOMAS WILLIAMS.
- 8 (Source: P.A. 95-862, eff. 8-19-08.)