



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6217

Introduced 2/11/2010, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-20-45

65 ILCS 5/3.1-25-20

from Ch. 24, par. 3.1-25-20

Amends the Illinois Municipal Code. In provisions concerning nonpartisan primary elections, provides that an office is uncontested if not more than twice the number of persons (now, not more than 4 persons) to be nominated for each office have timely filed valid nominating papers. In provisions concerning write-in candidates, provides that a primary ballot must be prepared if a write-in candidate increases the number of candidates that have filed to more than twice the number of persons to be nominated for the office.

LRB096 16484 RLJ 31754 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sections 3.1-20-45 and 3.1-25-20 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 if not more than twice the
15 number of ~~when not more than 4~~ persons to be nominated for each
16 office have timely filed valid nominating papers seeking
17 nomination for the election to that office.

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

1 filed, if the write-in candidate increases the number of
2 candidates that have filed to more than twice the number of
3 persons to be nominated for the office ~~becomes the fifth~~
4 ~~candidate filed~~, a primary ballot must be prepared and a
5 primary must be held for the office. The statement or notice
6 must be filed on or before the 61st day before the consolidated
7 primary election. The statement must contain (i) the name and
8 address of the person intending to become a write-in candidate,
9 (ii) a statement that the person intends to become a write-in
10 candidate, and (iii) the office the person is seeking as a
11 write-in candidate. An election authority has no duty to
12 conduct a primary election or prepare a primary ballot unless a
13 statement meeting the requirements of this paragraph is filed
14 in a timely manner.

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

16 (65 ILCS 5/3.1-25-20) (from Ch. 24, par. 3.1-25-20)

17 Sec. 3.1-25-20. Primary election. A village incorporated
18 under this Code shall nominate and elect candidates for
19 president and trustees in nonpartisan primary and general
20 elections as provided in Sections 3.1-25-20 through 3.1-25-55
21 until the electors of the village vote to require the partisan
22 election of the president and trustees at a referendum in the
23 manner provided in Section 3.1-25-65 after January 1, 1992. The
24 provisions of Sections 3.1-25-20 through 3.1-25-55 shall apply
25 to all villages incorporated under this Code that have operated

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

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

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

20 Only the names of those persons nominated in the manner
21 prescribed in Sections 3.1-25-20 through 3.1-25-65 shall be
22 placed on the ballot at the general municipal election. The
23 village clerk shall certify the offices to be filled and the
24 candidates for those offices to the proper election authority
25 as provided in the general election law. A primary for those
26 offices, if required, shall be held in accordance with the

1 general election law.

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