



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3613

by Rep. Stephanie A. Kifowit

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-20-45	
65 ILCS 20/21-5	from Ch. 24, par. 21-5
65 ILCS 20/21-12	from Ch. 24, par. 21-12
65 ILCS 20/21-22	from Ch. 24, par. 21-22

Amends the Illinois Municipal Code. Provides that an office is uncontested at an election when not more than 2 (currently, 4) persons to be nominated for each office have timely filed valid nominating papers seeking nomination for the election to that office, or if a third (currently, fifth) candidate becomes a write-in candidate under specified circumstances. Amends the Revised Cities and Villages Act of 1941. Makes conforming changes for the City of Chicago.

LRB100 10238 AWJ 20421 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 Section 3.1-20-45 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 when not more than 2 ~~4~~  
15 persons to be nominated for each office have timely filed valid  
16 nominating papers seeking nomination for the election to that  
17 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 becomes the third ~~fifth~~  
2 candidate filed, a primary ballot must be prepared and a  
3 primary must be held for the office. The statement or notice  
4 must be filed on or before the 61st day before the consolidated  
5 primary election. The statement must contain (i) the name and  
6 address of the person intending to become a write-in candidate,  
7 (ii) a statement that the person intends to become a write-in  
8 candidate, and (iii) the office the person is seeking as a  
9 write-in candidate. An election authority has no duty to  
10 conduct a primary election or prepare a primary ballot unless a  
11 statement meeting the requirements of this paragraph is filed  
12 in a timely manner.

13 If there is a primary election, then candidates shall be  
14 placed on the ballot for the next succeeding general municipal  
15 election in the following manner:

16 (1) If one officer is to be elected, then the 2  
17 candidates who receive the highest number of votes shall be  
18 placed on the ballot for the next succeeding general  
19 municipal election.

20 (2) If 2 aldermen are to be elected at large, then the  
21 4 candidates who receive the highest number of votes shall  
22 be placed on the ballot for the next succeeding general  
23 municipal election.

24 (3) If 3 aldermen are to be elected at large, then the  
25 6 candidates who receive the highest number of votes shall  
26 be placed on the ballot for the next succeeding general

1           municipal election.

2           The name of a write-in candidate may not be placed on the  
3 ballot for the next succeeding general municipal election  
4 unless he or she receives a number of votes in the primary  
5 election that equals or exceeds the number of signatures  
6 required on a petition for nomination for that office or that  
7 exceeds the number of votes received by at least one of the  
8 candidates whose names were printed on the primary ballot for  
9 nomination for or election to the same office.

10       (Source: P.A. 97-81, eff. 7-5-11.)

11           Section 10. The Revised Cities and Villages Act of 1941 is  
12 amended by changing Sections 21-5, 21-12, and 21-22 as follows:

13           (65 ILCS 20/21-5) (from Ch. 24, par. 21-5)

14           Sec. 21-5. Mayor; Term of office.

15           (a) The mayor of the city of Chicago shall be elected in  
16 1943 and quadrennially thereafter in a nonpartisan election.  
17 The candidate receiving a majority of the votes cast for mayor  
18 at the consolidated primary election shall be declared mayor.  
19 If no candidate receives a majority of the votes, a runoff  
20 election shall be held at the consolidated election, when only  
21 the names of the candidates receiving the highest and second  
22 highest number of votes at the consolidated primary election  
23 shall appear on the ballot. If more than one candidate received  
24 the highest or second highest number of votes at the

1 consolidated primary election, the names of all candidates  
2 receiving the highest and second highest number of votes shall  
3 appear on the ballot at the consolidated election. The  
4 candidate receiving the highest number of votes at the  
5 consolidated election shall be declared elected.

6 (b) The mayor shall hold his or her office for 4 years  
7 beginning at noon on the third Monday in May following his or  
8 her election, and until his or her successor is elected and  
9 qualified.

10 (c) The mayor shall be elected in a manner consistent with  
11 Section 3.1-20-45 of the Illinois Municipal Code.

12 (Source: P.A. 93-847, eff. 7-30-04.)

13 (65 ILCS 20/21-12) (from Ch. 24, par. 21-12)

14 Sec. 21-12. City clerk and city treasurer; election;  
15 tenure. At the time of election of the mayor there shall be  
16 elected also in a nonpartisan election a city clerk and a city  
17 treasurer. The candidates receiving a majority of the votes  
18 cast for clerk and treasurer at the consolidated primary  
19 election shall be declared the clerk and treasurer. If no  
20 candidate receives a majority of the votes for one of the  
21 offices, a runoff election shall be held at the consolidated  
22 election, when only the names of the candidates receiving the  
23 highest and second highest number of votes for that office at  
24 the consolidated primary election shall appear on the ballot.  
25 If more than one candidate received the highest or second

1 highest number of votes for one of the offices at the  
2 consolidated primary election, the names of all candidates  
3 receiving the highest and second highest number of votes for  
4 that office shall appear on the ballot at the consolidated  
5 election. The candidate receiving the highest number of votes  
6 at the consolidated election shall be declared elected.

7 The clerk and treasurer each shall hold office for a term  
8 of 4 years beginning at noon on the third Monday in May  
9 following the election and until a successor is elected and  
10 qualified. No person, however, shall be elected to the office  
11 of city treasurer for 2 terms in succession.

12 The city clerk and city treasurer shall be elected in a  
13 manner consistent with Section 3.1-20-45 of the Illinois  
14 Municipal Code.

15 (Source: P.A. 98-115, eff. 7-29-13.)

16 (65 ILCS 20/21-22) (from Ch. 24, par. 21-22)

17 Sec. 21-22. General election for aldermen; vacancies.

18 (a) A general election for aldermen shall be held in the  
19 year 1943 and every 4 years thereafter, at which one alderman  
20 shall be elected from each of the 50 wards provided for by this  
21 Article. The aldermen elected shall serve for a term of 4 years  
22 beginning at noon on the third Monday in May following the  
23 election of city officers, and until their successors are  
24 elected and have qualified. All elections for aldermen shall be  
25 in accordance with the provisions of law in force and operative

1 in the City of Chicago for such elections at the time the  
2 elections are held.

3 (b) Vacancies occurring in the office of alderman shall be  
4 filled in the manner prescribed for filling vacancies in  
5 Section 3.1-10-51 of the Illinois Municipal Code. An  
6 appointment to fill a vacancy shall be made within 60 days  
7 after the vacancy occurs. The requirement that an appointment  
8 be made within 60 days is an exclusive power and function of  
9 the State and is a denial and limitation under Article VII,  
10 Section 6, subsection (h) of the Illinois Constitution of the  
11 power of a home rule municipality to require that an  
12 appointment be made within a different period after the vacancy  
13 occurs.

14 (c) Aldermen shall be elected in a manner consistent with  
15 Section 3.1-20-45 of the Illinois Municipal Code.

16 (Source: P.A. 95-1041, eff. 3-25-09.)