



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2477

Introduced 1/30/2018, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-5	from Ch. 46, par. 7-5
10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/7-59	from Ch. 46, par. 7-59
10 ILCS 5/17-16.1	from Ch. 46, par. 17-16.1
10 ILCS 5/18-9.1	from Ch. 46, par. 18-9.1

Amends the Election Code. Provides that when a person who intends to be a write-in candidate for an uncontested office has not timely filed nomination papers but has filed a written statement or notice of his or her intent, no primary ballot shall be printed (rather than requiring a primary ballot to be prepared and a primary election held). Removes language concerning requirements for the written statement or notice. Removes language providing that an election authority has no duty to conduct a primary and prepare a ballot for a uncontested office, unless the written statement or notice is filed in a timely manner. Provides that where no primary is held, a person intending to become a write-in candidate shall re-file a declaration of intent to be a write-in candidate for the consolidated election with the appropriate election authority or authorities. Provides that a write-in candidate's notarized declaration of intent needs to be filed no more than 106 days before a primary or election for write-in votes for the candidate to be counted. Provides that a declaration of intent to be a write-in candidate shall include specified information, otherwise, the declaration shall not be accepted. Provides that person intending to become write-in candidates for President and Vice President or Governor and Lieutenant Governor shall file a joint declaration of intent to be a write in candidate that identifies the candidate for each office. Provides that a vote cast for either candidate shall constitute a valid write-in vote for the team of candidates.

LRB100 17213 MJP 32372 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 7-5, 7-12, 7-59, 17-16.1, and 18-9.1 as follows:

6 (10 ILCS 5/7-5) (from Ch. 46, par. 7-5)

7 Sec. 7-5. (a) Primary elections shall be held on the dates
8 prescribed in Article 2A.

9 (b) Notwithstanding the provisions of any other statute, no
10 primary shall be held for an established political party in any
11 township, municipality, or ward thereof, where the nomination
12 of such party for every office to be voted upon by the electors
13 of such township, municipality, or ward thereof, is
14 uncontested. Whenever a political party's nomination of
15 candidates is uncontested as to one or more, but not all, of
16 the offices to be voted upon by the electors of a township,
17 municipality, or ward thereof, then a primary shall be held for
18 that party in such township, municipality, or ward thereof;
19 provided that the primary ballot shall not include those
20 offices within such township, municipality, or ward thereof,
21 for which the nomination is uncontested. For purposes of this
22 Article, the nomination of an established political party of a
23 candidate for election to an office shall be deemed to be

1 uncontested where not more than the number of persons to be
2 nominated have timely filed valid nomination papers seeking the
3 nomination of such party for election to such office.

4 (c) Notwithstanding the provisions of any other statute, no
5 primary election shall be held for an established political
6 party for any special primary election called for the purpose
7 of filling a vacancy in the office of representative in the
8 United States Congress where the nomination of such political
9 party for said office is uncontested. For the purposes of this
10 Article, the nomination of an established political party of a
11 candidate for election to said office shall be deemed to be
12 uncontested where not more than the number of persons to be
13 nominated have timely filed valid nomination papers seeking the
14 nomination of such established party for election to said
15 office. This subsection (c) shall not apply if such primary
16 election is conducted on a regularly scheduled election day.

17 (d) Notwithstanding the provisions of any other law to the
18 contrary, in subsection (b) and (c) of this Section whenever a
19 person who has not timely filed valid nomination papers and who
20 intends to become a write-in candidate for a political party's
21 nomination for any office for which the nomination is
22 uncontested files a written statement or notice of that intent
23 with the State Board of Elections or the local election
24 official with whom nomination papers for such office are filed,
25 no primary ballot shall be printed. Where no primary is held, a
26 person intending to become a write-in candidate at the

1 consolidated primary election shall re-file a declaration of
2 intent to be a write-in candidate for the consolidated election
3 with the appropriate election authority or authorities a
4 primary ballot shall be prepared and a primary shall be held
5 for that office. Such statement or notice shall be filed on or
6 before the date established in this Article for certifying
7 candidates for the primary ballot. Such statement or notice
8 shall contain (i) the name and address of the person intending
9 to become a write in candidate, (ii) a statement that the
10 person is a qualified primary elector of the political party
11 from whom the nomination is sought, (iii) a statement that the
12 person intends to become a write in candidate for the party's
13 nomination, and (iv) the office the person is seeking as a
14 write in candidate. An election authority shall have no duty to
15 conduct a primary and prepare a primary ballot for any office
16 for which the nomination is uncontested, unless a statement or
17 notice meeting the requirements of this Section is filed in a
18 timely manner.

19 (e) The polls shall be open from 6:00 a.m. to 7:00 p.m.

20 (Source: P.A. 86-873.)

21 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

22 Sec. 7-12. All petitions for nomination shall be filed by
23 mail or in person as follows:

24 (1) Where the nomination is to be made for a State,
25 congressional, or judicial office, or for any office a

1 nomination for which is made for a territorial division or
2 district which comprises more than one county or is partly
3 in one county and partly in another county or counties,
4 then, except as otherwise provided in this Section, such
5 petition for nomination shall be filed in the principal
6 office of the State Board of Elections not more than 113
7 and not less than 106 days prior to the date of the
8 primary, but, in the case of petitions for nomination to
9 fill a vacancy by special election in the office of
10 representative in Congress from this State, such petition
11 for nomination shall be filed in the principal office of
12 the State Board of Elections not more than 85 days and not
13 less than 82 days prior to the date of the primary.

14 Where a vacancy occurs in the office of Supreme,
15 Appellate or Circuit Court Judge within the 3-week period
16 preceding the 106th day before a general primary election,
17 petitions for nomination for the office in which the
18 vacancy has occurred shall be filed in the principal office
19 of the State Board of Elections not more than 92 nor less
20 than 85 days prior to the date of the general primary
21 election.

22 Where the nomination is to be made for delegates or
23 alternate delegates to a national nominating convention,
24 then such petition for nomination shall be filed in the
25 principal office of the State Board of Elections not more
26 than 113 and not less than 106 days prior to the date of

1 the primary; provided, however, that if the rules or
2 policies of a national political party conflict with such
3 requirements for filing petitions for nomination for
4 delegates or alternate delegates to a national nominating
5 convention, the chairman of the State central committee of
6 such national political party shall notify the Board in
7 writing, citing by reference the rules or policies of the
8 national political party in conflict, and in such case the
9 Board shall direct such petitions to be filed in accordance
10 with the delegate selection plan adopted by the state
11 central committee of such national political party.

12 (2) Where the nomination is to be made for a county
13 office or trustee of a sanitary district then such petition
14 shall be filed in the office of the county clerk not more
15 than 113 nor less than 106 days prior to the date of the
16 primary.

17 (3) Where the nomination is to be made for a municipal
18 or township office, such petitions for nomination shall be
19 filed in the office of the local election official, not
20 more than 99 nor less than 92 days prior to the date of the
21 primary; provided, where a municipality's or township's
22 boundaries are coextensive with or are entirely within the
23 jurisdiction of a municipal board of election
24 commissioners, the petitions shall be filed in the office
25 of such board; and provided, that petitions for the office
26 of multi-township assessor shall be filed with the election

1 authority.

2 (4) The petitions of candidates for State central
3 committeeman shall be filed in the principal office of the
4 State Board of Elections not more than 113 nor less than
5 106 days prior to the date of the primary.

6 (5) Petitions of candidates for precinct, township or
7 ward committeemen shall be filed in the office of the
8 county clerk not more than 113 nor less than 106 days prior
9 to the date of the primary.

10 (6) The State Board of Elections and the various
11 election authorities and local election officials with
12 whom such petitions for nominations are filed shall specify
13 the place where filings shall be made and upon receipt
14 shall endorse thereon the day and hour on which each
15 petition was filed. All petitions filed by persons waiting
16 in line as of 8:00 a.m. on the first day for filing, or as
17 of the normal opening hour of the office involved on such
18 day, shall be deemed filed as of 8:00 a.m. or the normal
19 opening hour, as the case may be. Petitions filed by mail
20 and received after midnight of the first day for filing and
21 in the first mail delivery or pickup of that day shall be
22 deemed as filed as of 8:00 a.m. of that day or as of the
23 normal opening hour of such day, as the case may be. All
24 petitions received thereafter shall be deemed as filed in
25 the order of actual receipt. However, 2 or more petitions
26 filed within the last hour of the filing deadline shall be

1 deemed filed simultaneously. Where 2 or more petitions are
2 received simultaneously, the State Board of Elections or
3 the various election authorities or local election
4 officials with whom such petitions are filed shall break
5 ties and determine the order of filing, by means of a
6 lottery or other fair and impartial method of random
7 selection approved by the State Board of Elections. Such
8 lottery shall be conducted within 9 days following the last
9 day for petition filing and shall be open to the public.
10 Seven days written notice of the time and place of
11 conducting such random selection shall be given by the
12 State Board of Elections to the chairman of the State
13 central committee of each established political party, and
14 by each election authority or local election official, to
15 the County Chairman of each established political party,
16 and to each organization of citizens within the election
17 jurisdiction which was entitled, under this Article, at the
18 next preceding election, to have pollwatchers present on
19 the day of election. The State Board of Elections, election
20 authority or local election official shall post in a
21 conspicuous, open and public place, at the entrance of the
22 office, notice of the time and place of such lottery. The
23 State Board of Elections shall adopt rules and regulations
24 governing the procedures for the conduct of such lottery.
25 All candidates shall be certified in the order in which
26 their petitions have been filed. Where candidates have

1 filed simultaneously, they shall be certified in the order
2 determined by lot and prior to candidates who filed for the
3 same office at a later time.

4 (7) The State Board of Elections or the appropriate
5 election authority or local election official with whom
6 such a petition for nomination is filed shall notify the
7 person for whom a petition for nomination has been filed of
8 the obligation to file statements of organization, reports
9 of campaign contributions, and annual reports of campaign
10 contributions and expenditures under Article 9 of this Act.
11 Such notice shall be given in the manner prescribed by
12 paragraph (7) of Section 9-16 of this Code.

13 (8) Nomination papers filed under this Section are not
14 valid if the candidate named therein fails to file a
15 statement of economic interests as required by the Illinois
16 Governmental Ethics Act in relation to his candidacy with
17 the appropriate officer by the end of the period for the
18 filing of nomination papers unless he has filed a statement
19 of economic interests in relation to the same governmental
20 unit with that officer within a year preceding the date on
21 which such nomination papers were filed. If the nomination
22 papers of any candidate and the statement of economic
23 interest of that candidate are not required to be filed
24 with the same officer, the candidate must file with the
25 officer with whom the nomination papers are filed a receipt
26 from the officer with whom the statement of economic

1 interests is filed showing the date on which such statement
2 was filed. Such receipt shall be so filed not later than
3 the last day on which nomination papers may be filed.

4 (9) Any person for whom a petition for nomination, or
5 for committeeman or for delegate or alternate delegate to a
6 national nominating convention has been filed may cause his
7 name to be withdrawn by request in writing, signed by him
8 and duly acknowledged before an officer qualified to take
9 acknowledgments of deeds, and filed in the principal or
10 permanent branch office of the State Board of Elections or
11 with the appropriate election authority or local election
12 official, not later than the date of certification of
13 candidates for the consolidated primary or general primary
14 ballot. No names so withdrawn shall be certified or printed
15 on the primary ballot. If petitions for nomination have
16 been filed for the same person with respect to more than
17 one political party, his name shall not be certified nor
18 printed on the primary ballot of any party. If petitions
19 for nomination have been filed for the same person for 2 or
20 more offices which are incompatible so that the same person
21 could not serve in more than one of such offices if
22 elected, that person must withdraw as a candidate for all
23 but one of such offices within the 5 business days
24 following the last day for petition filing. A candidate in
25 a judicial election may file petitions for nomination for
26 only one vacancy in a subcircuit and only one vacancy in a

1 circuit in any one filing period, and if petitions for
2 nomination have been filed for the same person for 2 or
3 more vacancies in the same circuit or subcircuit in the
4 same filing period, his or her name shall be certified only
5 for the first vacancy for which the petitions for
6 nomination were filed. If he fails to withdraw as a
7 candidate for all but one of such offices within such time
8 his name shall not be certified, nor printed on the primary
9 ballot, for any office. For the purpose of the foregoing
10 provisions, an office in a political party is not
11 incompatible with any other office.

12 (10) (a) Notwithstanding the provisions of any other
13 statute, no primary shall be held for an established
14 political party in any township, municipality, or ward
15 thereof, where the nomination of such party for every
16 office to be voted upon by the electors of such township,
17 municipality, or ward thereof, is uncontested. Whenever a
18 political party's nomination of candidates is uncontested
19 as to one or more, but not all, of the offices to be voted
20 upon by the electors of a township, municipality, or ward
21 thereof, then a primary shall be held for that party in
22 such township, municipality, or ward thereof; provided
23 that the primary ballot shall not include those offices
24 within such township, municipality, or ward thereof, for
25 which the nomination is uncontested. For purposes of this
26 Article, the nomination of an established political party

1 of a candidate for election to an office shall be deemed to
2 be uncontested where not more than the number of persons to
3 be nominated have timely filed valid nomination papers
4 seeking the nomination of such party for election to such
5 office.

6 (b) Notwithstanding the provisions of any other
7 statute, no primary election shall be held for an
8 established political party for any special primary
9 election called for the purpose of filling a vacancy in the
10 office of representative in the United States Congress
11 where the nomination of such political party for said
12 office is uncontested. For the purposes of this Article,
13 the nomination of an established political party of a
14 candidate for election to said office shall be deemed to be
15 uncontested where not more than the number of persons to be
16 nominated have timely filed valid nomination papers
17 seeking the nomination of such established party for
18 election to said office. This subsection (b) shall not
19 apply if such primary election is conducted on a regularly
20 scheduled election day.

21 (c) Notwithstanding the provisions of any other law to
22 the contrary ~~in subparagraph (a) and (b) of this paragraph~~
23 ~~(10)~~, whenever a person who has not timely filed valid
24 nomination papers and who intends to become a write-in
25 candidate for a political party's nomination for any office
26 for which the nomination is uncontested files a written

1 statement or notice of that intent with the State Board of
2 Elections or the local election official with whom
3 nomination papers for such office are filed, no primary
4 ballot shall be printed. Where no primary is held, a person
5 intending to become a write-in candidate at the
6 consolidated primary election shall re-file a declaration
7 of intent to be a write-in candidate for the consolidated
8 election with the appropriate election authority or
9 authorities ~~a primary ballot shall be prepared and a~~
10 ~~primary shall be held for that office. Such statement or~~
11 ~~notice shall be filed on or before the date established in~~
12 ~~this Article for certifying candidates for the primary~~
13 ~~ballot. Such statement or notice shall contain (i) the name~~
14 ~~and address of the person intending to become a write in~~
15 ~~candidate, (ii) a statement that the person is a qualified~~
16 ~~primary elector of the political party from whom the~~
17 ~~nomination is sought, (iii) a statement that the person~~
18 ~~intends to become a write in candidate for the party's~~
19 ~~nomination, and (iv) the office the person is seeking as a~~
20 ~~write in candidate. An election authority shall have no~~
21 ~~duty to conduct a primary and prepare a primary ballot for~~
22 ~~any office for which the nomination is uncontested unless a~~
23 ~~statement or notice meeting the requirements of this~~
24 ~~Section is filed in a timely manner.~~

25 (11) If multiple sets of nomination papers are filed
26 for a candidate to the same office, the State Board of

1 Elections, appropriate election authority or local
2 election official where the petitions are filed shall
3 within 2 business days notify the candidate of his or her
4 multiple petition filings and that the candidate has 3
5 business days after receipt of the notice to notify the
6 State Board of Elections, appropriate election authority
7 or local election official that he or she may cancel prior
8 sets of petitions. If the candidate notifies the State
9 Board of Elections, appropriate election authority or
10 local election official, the last set of petitions filed
11 shall be the only petitions to be considered valid by the
12 State Board of Elections, election authority or local
13 election official. If the candidate fails to notify the
14 State Board of Elections, election authority or local
15 election official then only the first set of petitions
16 filed shall be valid and all subsequent petitions shall be
17 void.

18 (12) All nominating petitions shall be available for
19 public inspection and shall be preserved for a period of
20 not less than 6 months.

21 (Source: P.A. 99-221, eff. 7-31-15.)

22 (10 ILCS 5/7-59) (from Ch. 46, par. 7-59)

23 Sec. 7-59. (a) The person receiving the highest number of
24 votes at a primary as a candidate of a party for the nomination
25 for an office shall be the candidate of that party for such

1 office, and his name as such candidate shall be placed on the
2 official ballot at the election then next ensuing; provided,
3 that where there are two or more persons to be nominated for
4 the same office or board, the requisite number of persons
5 receiving the highest number of votes shall be nominated and
6 their names shall be placed on the official ballot at the
7 following election.

8 Except as otherwise provided by Section 7-8 of this Act,
9 the person receiving the highest number of votes of his party
10 for State central committeeman of his congressional district
11 shall be declared elected State central committeeman from said
12 congressional district.

13 Unless a national political party specifies that delegates
14 and alternate delegates to a National nominating convention be
15 allocated by proportional selection representation according
16 to the results of a Presidential preference primary, the
17 requisite number of persons receiving the highest number of
18 votes of their party for delegates and alternate delegates to
19 National nominating conventions from the State at large, and
20 the requisite number of persons receiving the highest number of
21 votes of their party for delegates and alternate delegates to
22 National nominating conventions in their respective
23 congressional districts shall be declared elected delegates
24 and alternate delegates to the National nominating conventions
25 of their party.

26 A political party which elects the members to its State

1 Central Committee by Alternative B under paragraph (a) of
2 Section 7-8 shall select its congressional district delegates
3 and alternate delegates to its national nominating convention
4 by proportional selection representation according to the
5 results of a Presidential preference primary in each
6 congressional district in the manner provided by the rules of
7 the national political party and the State Central Committee,
8 when the rules and policies of the national political party so
9 require.

10 A political party which elects the members to its State
11 Central Committee by Alternative B under paragraph (a) of
12 Section 7-8 shall select its at large delegates and alternate
13 delegates to its national nominating convention by
14 proportional selection representation according to the results
15 of a Presidential preference primary in the whole State in the
16 manner provided by the rules of the national political party
17 and the State Central Committee, when the rules and policies of
18 the national political party so require.

19 The person receiving the highest number of votes of his
20 party for precinct committeeman of his precinct shall be
21 declared elected precinct committeeman from said precinct.

22 The person receiving the highest number of votes of his
23 party for township committeeman of his township or part of a
24 township as the case may be, shall be declared elected township
25 committeeman from said township or part of a township as the
26 case may be. In cities where ward committeemen are elected, the

1 person receiving the highest number of votes of his party for
2 ward committeeman of his ward shall be declared elected ward
3 committeeman from said ward.

4 When two or more persons receive an equal and the highest
5 number of votes for the nomination for the same office or for
6 committeeman of the same political party, or where more than
7 one person of the same political party is to be nominated as a
8 candidate for office or committeeman, if it appears that more
9 than the number of persons to be nominated for an office or
10 elected committeeman have the highest and an equal number of
11 votes for the nomination for the same office or for election as
12 committeeman, the election authority by which the returns of
13 the primary are canvassed shall decide by lot which of said
14 persons shall be nominated or elected, as the case may be. In
15 such case the election authority shall issue notice in writing
16 to such persons of such tie vote stating therein the place, the
17 day (which shall not be more than 5 days thereafter) and the
18 hour when such nomination or election shall be so determined.

19 (b) Write-in votes shall be counted only for persons who
20 have filed notarized declarations of intent to be write-in
21 candidates with the proper election authority or authorities no
22 more than 106 days before, and not later than 61 days prior to
23 the primary. However, whenever an objection to a candidate's
24 nominating papers or petitions for any office is sustained
25 under Section 10-10 after the 61st day before the election,
26 then write-in votes shall be counted for that candidate if he

1 or she has filed a notarized declaration of intent to be a
2 write-in candidate for that office with the proper election
3 authority or authorities not later than 7 days prior to the
4 election.

5 Forms for the declaration of intent to be a write-in
6 candidate shall be supplied by the election authorities. A
7 declaration of intent to be a write-in candidate shall include:

8 (1) the name and address of the person intending to
9 become a write-in candidate;

10 (2) the office sought;

11 (3) the date of the election; and

12 (4) the notarized signature of the candidate or
13 candidates.

14 A declaration of intent to be a write-in candidate that
15 does not include the information required by paragraphs (1)
16 through (4) shall not be accepted.

17 Persons intending to become write-in candidates for
18 the offices of President of the United States and Vice
19 President of the United States or Governor and Lieutenant
20 Governor shall file one joint declaration of intent to be a
21 write-in candidate that identifies the candidate for each
22 office. ~~Such declaration shall specify the office for which~~
23 ~~the person seeks nomination or election as a write-in~~
24 ~~candidate.~~

25 The election authority or authorities shall deliver a list
26 of all persons who have filed such declarations to the election

1 judges in the appropriate precincts prior to the primary.

2 (c) (1) Notwithstanding any other provisions of this
3 Section, where the number of candidates whose names have been
4 printed on a party's ballot for nomination for or election to
5 an office at a primary is less than the number of persons the
6 party is entitled to nominate for or elect to the office at the
7 primary, a person whose name was not printed on the party's
8 primary ballot as a candidate for nomination for or election to
9 the office, is not nominated for or elected to that office as a
10 result of a write-in vote at the primary unless the number of
11 votes he received equals or exceeds the number of signatures
12 required on a petition for nomination for that office; or
13 unless the number of votes he receives exceeds the number of
14 votes received by at least one of the candidates whose names
15 were printed on the primary ballot for nomination for or
16 election to the same office.

17 (2) Paragraph (1) of this subsection does not apply where
18 the number of candidates whose names have been printed on the
19 party's ballot for nomination for or election to the office at
20 the primary equals or exceeds the number of persons the party
21 is entitled to nominate for or elect to the office at the
22 primary.

23 (Source: P.A. 94-647, eff. 1-1-06; 95-699, eff. 11-9-07.)

24 (10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

25 Sec. 17-16.1. Write-in votes shall be counted only for

1 persons who have filed notarized declarations of intent to be
2 write-in candidates with the proper election authority or
3 authorities no more than 106 days before, and not later than 61
4 days prior to the election. However, whenever an objection to a
5 candidate's nominating papers or petitions for any office is
6 sustained under Section 10-10 after the 61st day before the
7 election, then write-in votes shall be counted for that
8 candidate if he or she has filed a notarized declaration of
9 intent to be a write-in candidate for that office with the
10 proper election authority or authorities not later than 7 days
11 prior to the election.

12 Forms for the declaration of intent to be a write-in
13 candidate shall be supplied by the election authorities. A
14 declaration of intent to be a write-in candidate shall include:

15 (1) the name and address of the person intending to
16 become a write-in candidate;
17 (2) the office sought;
18 (3) the date of the election; and
19 (4) the notarized signature of the candidate or
20 candidates.

21 A declaration of intent to be a write-in candidate that
22 does not include the information required by paragraphs (1)
23 through (4) shall not be accepted.

24 Persons intending to become write-in candidates for
25 the offices of President of the United States and Vice
26 President of the United States or Governor and Lieutenant

1 Governor shall file one joint declaration of intent to be a
2 write-in candidate that identifies the candidate for each
3 office. A vote cast for either candidate shall constitute a
4 valid write-in vote for the team of candidates. ~~Such~~
5 ~~declaration shall specify the office for which the person~~
6 ~~seeks election as a write in candidate.~~

7 The election authority or authorities shall deliver a list
8 of all persons who have filed such declarations to the election
9 judges in the appropriate precincts prior to the election.

10 A candidate for whom a nomination paper has been filed as a
11 partisan candidate at a primary election, and who is defeated
12 for his or her nomination at the primary election is ineligible
13 to file a declaration of intent to be a write-in candidate for
14 election in that general or consolidated election.

15 A candidate seeking election to an office for which
16 candidates of political parties are nominated by caucus who is
17 a participant in the caucus and who is defeated for his or her
18 nomination at such caucus is ineligible to file a declaration
19 of intent to be a write-in candidate for election in that
20 general or consolidated election.

21 A candidate seeking election to an office for which
22 candidates are nominated at a primary election on a nonpartisan
23 basis and who is defeated for his or her nomination at the
24 primary election is ineligible to file a declaration of intent
25 to be a write-in candidate for election in that general or
26 consolidated election.

1 Nothing in this Section shall be construed to apply to
2 votes cast under the provisions of subsection (b) of Section
3 16-5.01.

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

5 (10 ILCS 5/18-9.1) (from Ch. 46, par. 18-9.1)

6 Sec. 18-9.1. Write-in votes shall be counted only for
7 persons who have filed notarized declarations of intent to be
8 write-in candidates with the proper election authority or
9 authorities no more than 106 days before, and not later than 61
10 days prior to the election. However, whenever an objection to a
11 candidate's nominating papers or petitions is sustained under
12 Section 10-10 after the 61st day before the election, then
13 write-in votes shall be counted for that candidate if he or she
14 has filed a notarized declaration of intent to be a write-in
15 candidate for that office with the proper election authority or
16 authorities not later than 7 days prior to the election.

17 Forms for the declaration of intent to be a write-in
18 candidate shall be supplied by the election authorities. A
19 declaration of intent to be a write-in candidate shall include:

20 (1) the name and address of the person intending to
21 become a write-in candidate;

22 (2) the office sought;

23 (3) the date of the election; and

24 (4) the notarized signature of the candidate or
25 candidates.

1 A declaration of intent to be a write-in candidate that
2 does not include the information required by paragraphs (1)
3 through (4) shall not be accepted.

4 Persons intending to become write-in candidates for
5 the offices of President of the United States and Vice
6 President of the United States or Governor and Lieutenant
7 Governor shall file one joint declaration of intent to be a
8 write-in candidate that identifies the candidate for each
9 office. A vote cast for either candidate shall constitute a
10 valid write-in vote for the team of candidates. ~~Such~~
11 ~~declaration shall specify the office for which the person~~
12 ~~seeks election as a write-in candidate.~~

13 The election authority or authorities shall deliver a list
14 of all persons who have filed such declarations to the election
15 judges in the appropriate precincts prior to the election.

16 A candidate for whom a nomination paper has been filed as a
17 partisan candidate at a primary election, and who is defeated
18 for his or her nomination at the primary election, is
19 ineligible to file a declaration of intent to be a write-in
20 candidate for election in that general or consolidated
21 election.

22 A candidate seeking election to an office for which
23 candidates of political parties are nominated by caucus who is
24 a participant in the caucus and who is defeated for his or her
25 nomination at such caucus is ineligible to file a declaration
26 of intent to be a write-in candidate for election in that

1 general or consolidated election.

2 A candidate seeking election to an office for which
3 candidates are nominated at a primary election on a nonpartisan
4 basis and who is defeated for his or her nomination at the
5 primary election is ineligible to file a declaration of intent
6 to be a write-in candidate for election in that general or
7 consolidated election.

8 Nothing in this Section shall be construed to apply to
9 votes cast under the provisions of subsection (b) of Section
10 16-5.01.

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