



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB0141

Introduced 1/29/2019, by Sen. Andy Manar

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-2  
10 ILCS 5/10-3

from Ch. 46, par. 10-2  
from Ch. 46, par. 10-3

Amends the Election Code. Provides that petitions to constitute a new political party in the State and nomination petitions for independent candidates must be signed by a number of qualified voters at least equal to the minimum petition signature requirement for a Statewide office candidate of an established political party (instead of 1% of the number of voters who voted at the next preceding Statewide general election or 25,000 qualified voters, whichever is less). Provides that petitions for form a new political party within any district or political subdivision less than the entire State shall be signed by qualified voters of the district or political subdivision equaling in number not less than the minimum petition signature requirement for the office on the slate with the highest minimum petition signature requirement (instead of 5% of the number of voters who voted at the next preceding regular election in that district or subdivision). Provides that the signature requirement for nomination petitions for independent candidates for public offices other than Statewide offices is the same as the signature requirement for established political parties. Provides that, if the signature requirement for established political party candidates also includes a limit on the number of signatures that may be filed, then that limitation shall also apply to new political party candidates for that office. Effective immediately.

LRB101 05903 SMS 50924 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 10-2 and 10-3 as follows:

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

7 Sec. 10-2. The term "political party", as hereinafter used  
8 in this Article 10, shall mean any "established political  
9 party", as hereinafter defined and shall also mean any  
10 political group which shall hereafter undertake to form an  
11 established political party in the manner provided for in this  
12 Article 10: Provided, that no political organization or group  
13 shall be qualified as a political party hereunder, or given a  
14 place on a ballot, which organization or group is associated,  
15 directly or indirectly, with Communist, Fascist, Nazi or other  
16 un-American principles and engages in activities or propaganda  
17 designed to teach subservience to the political principles and  
18 ideals of foreign nations or the overthrow by violence of the  
19 established constitutional form of government of the United  
20 States and the State of Illinois.

21 A political party which, at the last general election for  
22 State and county officers, polled for its candidate for  
23 Governor more than 5% of the entire vote cast for Governor, is

1 hereby declared to be an "established political party" as to  
2 the State and as to any district or political subdivision  
3 thereof.

4 A political party which, at the last election in any  
5 congressional district, legislative district, county,  
6 township, municipality or other political subdivision or  
7 district in the State, polled more than 5% of the entire vote  
8 cast within such territorial area or political subdivision, as  
9 the case may be, has voted as a unit for the election of  
10 officers to serve the respective territorial area of such  
11 district or political subdivision, is hereby declared to be an  
12 "established political party" within the meaning of this  
13 Article as to such district or political subdivision.

14 Any group of persons hereafter desiring to form a new  
15 political party throughout the State, or in any congressional,  
16 legislative or judicial district, or in any other district or  
17 in any political subdivision (other than a municipality) not  
18 entirely within a single county, shall file with the State  
19 Board of Elections a petition, as hereinafter provided; and any  
20 such group of persons hereafter desiring to form a new  
21 political party within any county shall file such petition with  
22 the county clerk; and any such group of persons hereafter  
23 desiring to form a new political party within any municipality  
24 or township or within any district of a unit of local  
25 government other than a county shall file such petition with  
26 the local election official or Board of Election Commissioners

1 of such municipality, township or other unit of local  
2 government, as the case may be. Any such petition for the  
3 formation of a new political party throughout the State, or in  
4 any such district or political subdivision, as the case may be,  
5 shall declare as concisely as may be the intention of the  
6 signers thereof to form such new political party in the State,  
7 or in such district or political subdivision; shall state in  
8 not more than 5 words the name of such new political party;  
9 shall at the time of filing contain a complete list of  
10 candidates of such party for all offices to be filled in the  
11 State, or such district or political subdivision as the case  
12 may be, at the next ensuing election then to be held; and, if  
13 such new political party shall be formed for the entire State,  
14 shall be signed by qualified voters at least equal in number to  
15 the minimum petition signature requirement of Section 7-10 for  
16 a Statewide office candidate of an established political party  
17 ~~1% of the number of voters who voted at the next preceding~~  
18 ~~Statewide general election or 25,000 qualified voters,~~  
19 ~~whichever is less.~~ If such new political party shall be formed  
20 for any district or political subdivision less than the entire  
21 State, such petition shall be signed by qualified voters of the  
22 district or political subdivision equaling in number not less  
23 than the minimum petition signature requirement for the office  
24 on the slate with the highest minimum petition signature  
25 requirement. If the signature requirement for established  
26 political party candidates also includes a limit on the number

1 of signatures that may be filed, then that limitation shall  
2 also apply to new political party candidates for that office.  
3 ~~5% of the number of voters who voted at the next preceding~~  
4 ~~regular election in such district or political subdivision in~~  
5 ~~which such district or political subdivision voted as a unit~~  
6 ~~for the election of officers to serve its respective~~  
7 ~~territorial area. However, whenever the minimum signature~~  
8 ~~requirement for a district or political subdivision new~~  
9 ~~political party petition shall exceed the minimum number of~~  
10 ~~signatures for State wide new political party petitions at the~~  
11 ~~next preceding State wide general election, such State wide~~  
12 ~~petition signature requirement shall be the minimum for such~~  
13 ~~district or political subdivision new political party~~  
14 ~~petition.~~

15 ~~For the first election following a redistricting of~~  
16 ~~congressional districts, a petition to form a new political~~  
17 ~~party in a congressional district shall be signed by at least~~  
18 ~~5,000 qualified voters of the congressional district. For the~~  
19 ~~first election following a redistricting of legislative~~  
20 ~~districts, a petition to form a new political party in a~~  
21 ~~legislative district shall be signed by at least 3,000~~  
22 ~~qualified voters of the legislative district. For the first~~  
23 ~~election following a redistricting of representative~~  
24 ~~districts, a petition to form a new political party in a~~  
25 ~~representative district shall be signed by at least 1,500~~  
26 ~~qualified voters of the representative district.~~

1       ~~For the first election following redistricting of county~~  
2 ~~board districts, or of municipal wards or districts, or for the~~  
3 ~~first election following the initial establishment of such~~  
4 ~~districts or wards in a county or municipality, a petition to~~  
5 ~~form a new political party in a county board district or in a~~  
6 ~~municipal ward or district shall be signed by qualified voters~~  
7 ~~of the district or ward equal to not less than 5% of the total~~  
8 ~~number of votes cast at the preceding general or municipal~~  
9 ~~election, as the case may be, for the county or municipal~~  
10 ~~office voted on throughout the county or municipality for which~~  
11 ~~the greatest total number of votes were cast for all~~  
12 ~~candidates, divided by the number of districts or wards, but in~~  
13 ~~any event not less than 25 qualified voters of the district or~~  
14 ~~ward.~~

15       In the case of a petition to form a new political party  
16 within a political subdivision in which officers are to be  
17 elected from districts and at-large, such petition shall  
18 consist of separate components for each district from which an  
19 officer is to be elected. Each component shall be circulated  
20 only within a district of the political subdivision and signed  
21 only by qualified electors who are residents of such district.  
22 Each sheet of such petition must contain a complete list of the  
23 names of the candidates of the party for all offices to be  
24 filled in the political subdivision at large, but the sheets  
25 comprising each component shall also contain the names of those  
26 candidates to be elected from the particular district. Each

1 component of the petition for each district from which an  
2 officer is to be elected must be signed by qualified voters of  
3 the district equalling in number not less than 5% of the number  
4 of voters who voted at the next preceding regular election in  
5 such district at which an officer was elected to serve the  
6 district. The entire petition, including all components, must  
7 be signed by a total of qualified voters of the entire  
8 political subdivision equalling in number not less than 5% of  
9 the number of voters who voted at the next preceding regular  
10 election in such political subdivision at which an officer was  
11 elected to serve the political subdivision at large.

12 The filing of such petition shall constitute the political  
13 group a new political party, for the purpose only of placing  
14 upon the ballot at such next ensuing election such list or an  
15 adjusted list in accordance with Section 10-11, of party  
16 candidates for offices to be voted for throughout the State, or  
17 for offices to be voted for in such district or political  
18 subdivision less than the State, as the case may be, under the  
19 name of and as the candidates of such new political party.

20 If, at such ensuing election, the new political party's  
21 candidate for Governor shall receive more than 5% of the entire  
22 votes cast for Governor, then such new political party shall  
23 become an "established political party" as to the State and as  
24 to every district or political subdivision thereof. If, at such  
25 ensuing election, the other candidates of the new political  
26 party, or any other candidate or candidates of the new

1 political party shall receive more than 5% of all the votes  
2 cast for the office or offices for which they were candidates  
3 at such election, in the State, or in any district or political  
4 subdivision, as the case may be, then and in that event, such  
5 new political party shall become an "established political  
6 party" within the State or within such district or political  
7 subdivision less than the State, as the case may be, in which  
8 such candidate or candidates received more than 5% of the votes  
9 cast for the office or offices for which they were candidates.  
10 It shall thereafter nominate its candidates for public offices  
11 to be filled in the State, or such district or political  
12 subdivision, as the case may be, under the provisions of the  
13 laws regulating the nomination of candidates of established  
14 political parties at primary elections and political party  
15 conventions, as now or hereafter in force.

16 A political party which continues to receive for its  
17 candidate for Governor more than 5% of the entire vote cast for  
18 Governor, shall remain an "established political party" as to  
19 the State and as to every district or political subdivision  
20 thereof. But if the political party's candidate for Governor  
21 fails to receive more than 5% of the entire vote cast for  
22 Governor, or if the political party does not nominate a  
23 candidate for Governor, the political party shall remain an  
24 "established political party" within the State or within such  
25 district or political subdivision less than the State, as the  
26 case may be, only so long as, and only in those districts or

1 political subdivisions in which, the candidates of that  
2 political party, or any candidate or candidates of that  
3 political party, continue to receive more than 5% of all the  
4 votes cast for the office or offices for which they were  
5 candidates at succeeding general or consolidated elections  
6 within the State or within any district or political  
7 subdivision, as the case may be.

8 Any such petition shall be filed at the same time and shall  
9 be subject to the same requirements and to the same provisions  
10 in respect to objections thereto and to any hearing or hearings  
11 upon such objections that are hereinafter in this Article 10  
12 contained in regard to the nomination of any other candidate or  
13 candidates by petition. If any such new political party shall  
14 become an "established political party" in the manner herein  
15 provided, the candidate or candidates of such new political  
16 party nominated by the petition hereinabove referred to for  
17 such initial election, shall have power to select any such  
18 party committeeperson or committeepersons as shall be  
19 necessary for the creation of a provisional party organization  
20 and provisional managing committee or committees for such party  
21 within the State, or in any district or political subdivision  
22 in which the new political party has become established; and  
23 the party committeeperson or committeepersons so selected  
24 shall constitute a provisional party organization for the new  
25 political party and shall have and exercise the powers  
26 conferred by law upon any party committeeperson or

1       committeepersons to manage and control the affairs of such new  
2       political party until the next ensuing primary election at  
3       which the new political party shall be entitled to nominate and  
4       elect any party committeeperson or committeepersons in the  
5       State, or in such district or political subdivision under any  
6       parts of this Act relating to the organization of political  
7       parties.

8             A candidate for whom a nomination paper has been filed as a  
9       partisan candidate at a primary election, and who is defeated  
10      for his or her nomination at the primary election, is  
11      ineligible for nomination as a candidate of a new political  
12      party for election in that general election.

13      (Source: P.A. 100-1027, eff. 1-1-19.)

14             (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

15             Sec. 10-3. Nomination of independent candidates (not  
16      candidates of any political party), for any office to be filled  
17      by the voters of the State at large may also be made by  
18      nomination papers signed in the aggregate for each candidate by  
19      qualified voters at least equal in number to the minimum  
20      petition signature requirement of Section 7-10 for a Statewide  
21      office candidate of an established political party ~~1% of the~~  
22      ~~number of voters who voted in the next preceding Statewide~~  
23      ~~general election or 25,000 qualified voters of the State,~~  
24      ~~whichever is less.~~ Nominations of independent candidates for  
25      public office within any district or political subdivision less

1 than the State, may be made by nomination papers signed in the  
2 aggregate for each candidate by qualified voters of such  
3 district, or political subdivision, equaling not less than the  
4 minimum signature requirement for an established party  
5 candidate for that office. If the signature requirement for  
6 established party candidates also includes a limit on the  
7 number of signatures that may be filed, then that limitation  
8 shall also apply to independent candidates for that office. 5%,  
9 ~~nor more than 8% (or 50 more than the minimum, whichever is~~  
10 ~~greater) of the number of persons, who voted at the next~~  
11 ~~preceding regular election in such district or political~~  
12 ~~subdivision in which such district or political subdivision~~  
13 ~~voted as a unit for the election of officers to serve its~~  
14 ~~respective territorial area. However, whenever the minimum~~  
15 ~~signature requirement for an independent candidate petition~~  
16 ~~for a district or political subdivision office shall exceed the~~  
17 ~~minimum number of signatures for an independent candidate~~  
18 ~~petition for an office to be filled by the voters of the State~~  
19 ~~at large at the next preceding State wide general election,~~  
20 ~~such State wide petition signature requirement shall be the~~  
21 ~~minimum for an independent candidate petition for such district~~  
22 ~~or political subdivision office. For the first election~~  
23 ~~following a redistricting of congressional districts,~~  
24 ~~nomination papers for an independent candidate for congressman~~  
25 ~~shall be signed by at least 5,000 qualified voters of the~~  
26 ~~congressional district. For the first election following a~~

1 ~~redistricting of legislative districts, nomination papers for~~  
2 ~~an independent candidate for State Senator in the General~~  
3 ~~Assembly shall be signed by at least 3,000 qualified voters of~~  
4 ~~the legislative district. For the first election following a~~  
5 ~~redistricting of representative districts, nomination papers~~  
6 ~~for an independent candidate for State Representative in the~~  
7 ~~General Assembly shall be signed by at least 1,500 qualified~~  
8 ~~voters of the representative district. For the first election~~  
9 ~~following redistricting of county board districts, or of~~  
10 ~~municipal wards or districts, or for the first election~~  
11 ~~following the initial establishment of such districts or wards~~  
12 ~~in a county or municipality, nomination papers for an~~  
13 ~~independent candidate for county board member, or for alderman~~  
14 ~~or trustee of such municipality, shall be signed by qualified~~  
15 ~~voters of the district or ward equal to not less than 5% nor~~  
16 ~~more than 8% (or 50 more than the minimum, whichever is~~  
17 ~~greater) of the total number of votes cast at the preceding~~  
18 ~~general or general municipal election, as the case may be, for~~  
19 ~~the county or municipal office voted on throughout such county~~  
20 ~~or municipality for which the greatest total number of votes~~  
21 ~~were cast for all candidates, divided by the number of~~  
22 ~~districts or wards, but in any event not less than 25 qualified~~  
23 ~~voters of the district or ward. Each voter signing a nomination~~  
24 paper shall add to his signature his place of residence, and  
25 each voter may subscribe to one nomination for such office to  
26 be filled, and no more: Provided that the name of any candidate

1 whose name may appear in any other place upon the ballot shall  
2 not be so added by petition for the same office.

3 The person circulating the petition, or the candidate on  
4 whose behalf the petition is circulated, may strike any  
5 signature from the petition, provided that;

6 (1) the person striking the signature shall initial the  
7 petition at the place where the signature is struck; and

8 (2) the person striking the signature shall sign a  
9 certification listing the page number and line number of  
10 each signature struck from the petition. Such  
11 certification shall be filed as a part of the petition.

12 (3) the persons striking signatures from the petition  
13 shall each sign an additional certificate specifying the  
14 number of certification pages listing stricken signatures  
15 which are attached to the petition and the page numbers  
16 indicated on such certifications. The certificate shall be  
17 filed as a part of the petition, shall be numbered, and  
18 shall be attached immediately following the last page of  
19 voters' signatures and before the certifications of  
20 stricken signatures.

21 (4) all of the foregoing requirements shall be  
22 necessary to effect a valid striking of any signature. The  
23 provisions of this Section authorizing the striking of  
24 signatures shall not impose any criminal liability on any  
25 person so authorized for signatures which may be  
26 fraudulent.

1           In the case of the offices of Governor and Lieutenant  
2 Governor a joint petition including one candidate for each of  
3 those offices must be filed.

4           A candidate for whom a nomination paper has been filed as a  
5 partisan candidate at a primary election, and who is defeated  
6 for his or her nomination at the primary election, is  
7 ineligible to be placed on the ballot as an independent  
8 candidate for election in that general or consolidated  
9 election.

10          A candidate seeking election to an office for which  
11 candidates of political parties are nominated by caucus who is  
12 a participant in the caucus and who is defeated for his or her  
13 nomination at such caucus, is ineligible to be listed on the  
14 ballot at that general or consolidated election as an  
15 independent candidate.

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

17          Section 99. Effective date. This Act takes effect upon  
18 becoming law.