



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1140

Introduced 2/5/2019, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-10.2	from Ch. 46, par. 7-10.2
10 ILCS 5/7-17	from Ch. 46, par. 7-17
10 ILCS 5/10-5.1	from Ch. 46, par. 10-5.1
10 ILCS 5/16-3	from Ch. 46, par. 16-3

Amends the Election Code. Provides that if a judicial candidate or candidate for State's Attorney has changed his or her name at any time after being admitted to practice law in Illinois and before the last day for filing the petition or certificate for that office, then the candidate's name on the petition or certificate must include a list of prior names and dates for each name change during that time period, and the petition or certificate must be accompanied by the candidate's affidavit stating the previous names and the date or dates each of those names was changed. Provides that failure to meet the requirements shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot. Effective immediately.

LRB101 04878 SMS 49887 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 7-10.2, 7-17, 10-5.1, and 16-3 as follows:

6 (10 ILCS 5/7-10.2) (from Ch. 46, par. 7-10.2)

7 Sec. 7-10.2. In the designation of the name of a candidate
8 on a petition for nomination or certificate of nomination the
9 candidate's given name or names, initial or initials, a
10 nickname by which the candidate is commonly known, or a
11 combination thereof, may be used in addition to the candidate's
12 surname. If a candidate, except a judicial candidate or a
13 candidate for State's Attorney, has changed his or her name,
14 whether by a statutory or common law procedure in Illinois or
15 any other jurisdiction, within 3 years before the last day for
16 filing the petition or certificate for that office, whichever
17 is applicable, then (i) the candidate's name on the petition or
18 certificate must be followed by "formerly known as (list all
19 prior names during the 3-year period) until name changed on
20 (list date of each such name change)" and (ii) the petition or
21 certificate must be accompanied by the candidate's affidavit
22 stating the candidate's previous names during the period
23 specified in (i) and the date or dates each of those names was

1 changed; failure to meet these requirements shall be grounds
2 for denying certification of the candidate's name for the
3 ballot or removing the candidate's name from the ballot, as
4 appropriate.

5 If a judicial candidate or candidate for State's Attorney
6 has changed his or her name, whether by a statutory or common
7 law procedure in Illinois or any other jurisdiction, at any
8 time after being admitted to practice law in Illinois and
9 before the last day for filing the petition or certificate for
10 that office, whichever is applicable, then (i) the candidate's
11 name on the petition or certificate must be followed by
12 "formerly known as (list prior names, including his or her name
13 at the time he or she was admitted to practice law in Illinois
14 and any subsequent names) until name changed on (list date of
15 each such name change)" and (ii) the petition or certificate
16 must be accompanied by the candidate's affidavit stating the
17 candidate's previous names during the period specified in item
18 (i) and the date or dates each of those names was changed;
19 failure to meet these requirements shall be grounds for denying
20 certification of the candidate's name for the ballot or
21 removing the candidate's name from the ballot, as appropriate.

22 These , ~~but these~~ requirements do not apply to name changes
23 resulting from adoption to assume an adoptive parent's or
24 parents' surname, marriage to assume a spouse's surname, or
25 dissolution of marriage or declaration of invalidity of
26 marriage to assume a former surname. No other designation such

1 as a political slogan, as defined by Section 7-17, title or
2 degree, or nickname suggesting or implying possession of a
3 title, degree or professional status, or similar information
4 may be used in connection with the candidate's surname.

5 (Source: P.A. 93-574, eff. 8-21-03; 94-1090, eff. 6-1-07.)

6 (10 ILCS 5/7-17) (from Ch. 46, par. 7-17)

7 Sec. 7-17. Candidate ballot name procedures.

8 (a) Each election authority in each county shall cause to
9 be printed upon the general primary ballot of each party for
10 each precinct in his jurisdiction the name of each candidate
11 whose petition for nomination or for committeeperson has been
12 filed in the office of the county clerk, as herein provided;
13 and also the name of each candidate whose name has been
14 certified to his office by the State Board of Elections, and in
15 the order so certified, except as hereinafter provided.

16 It shall be the duty of the election authority to cause to
17 be printed upon the consolidated primary ballot of each
18 political party for each precinct in his jurisdiction the name
19 of each candidate whose name has been certified to him, as
20 herein provided and which is to be voted for in such precinct.

21 (b) In the designation of the name of a candidate on the
22 primary ballot the candidate's given name or names, initial or
23 initials, a nickname by which the candidate is commonly known,
24 or a combination thereof, may be used in addition to the
25 candidate's surname. If a candidate, except a judicial

1 candidate or a candidate for State's Attorney, has changed his
2 or her name, whether by a statutory or common law procedure in
3 Illinois or any other jurisdiction, within 3 years before the
4 last day for filing the petition for nomination, nomination
5 papers, or certificate of nomination for that office, whichever
6 is applicable, then (i) the candidate's name on the primary
7 ballot must be followed by "formerly known as (list all prior
8 names during the 3-year period) until name changed on (list
9 date of each such name change)" and (ii) the petition, papers,
10 or certificate must be accompanied by the candidate's affidavit
11 stating the candidate's previous names during the period
12 specified in (i) and the date or dates each of those names was
13 changed; failure to meet these requirements shall be grounds
14 for denying certification of the candidate's name for the
15 ballot or removing the candidate's name from the ballot, as
16 appropriate.

17 If a judicial candidate or candidate for State's Attorney
18 has changed his or her name, whether by a statutory or common
19 law procedure in Illinois or any other jurisdiction, at any
20 time after being admitted to practice law in Illinois and
21 before the last day for filing the petition for nomination,
22 nomination papers, or certificate of nomination for that
23 office, whichever is applicable, then (i) the candidate's name
24 on the primary ballot must be followed by "formerly known as
25 (list prior names, including his or her name at the time he or
26 she was admitted to practice law in Illinois and any subsequent

1 names) until name changed on (list date of each such name
2 change)" and (ii) the petition, papers, or certificate must be
3 accompanied by the candidate's affidavit stating the
4 candidate's previous names during the period specified in item
5 (i) and the date or dates each of those names was changed;
6 failure to meet these requirements shall be grounds for denying
7 certification of the candidate's name for the ballot or
8 removing the candidate's name from the ballot, as appropriate.

9 These ~~, but these~~ requirements do not apply to name changes
10 resulting from adoption to assume an adoptive parent's or
11 parents' surname, marriage to assume a spouse's surname, or
12 dissolution of marriage or declaration of invalidity of
13 marriage to assume a former surname. No other designation such
14 as a political slogan, title, or degree, or nickname suggesting
15 or implying possession of a title, degree or professional
16 status, or similar information may be used in connection with
17 the candidate's surname. For purposes of this Section, a
18 "political slogan" is defined as any word or words expressing
19 or connoting a position, opinion, or belief that the candidate
20 may espouse, including but not limited to, any word or words
21 conveying any meaning other than that of the personal identity
22 of the candidate. A candidate may not use a political slogan as
23 part of his or her name on the ballot, notwithstanding that the
24 political slogan may be part of the candidate's name.

25 (c) The State Board of Elections, a local election
26 official, or an election authority shall remove any candidate's

1 name designation from a ballot that is inconsistent with
2 subsection (b) of this Section. In addition, the State Board of
3 Elections, a local election official, or an election authority
4 shall not certify to any election authority any candidate name
5 designation that is inconsistent with subsection (b) of this
6 Section.

7 (d) If the State Board of Elections, a local election
8 official, or an election authority removes a candidate's name
9 designation from a ballot under subsection (c) of this Section,
10 then the aggrieved candidate may seek appropriate relief in
11 circuit court.

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

13 (10 ILCS 5/10-5.1) (from Ch. 46, par. 10-5.1)

14 Sec. 10-5.1. In the designation of the name of a candidate
15 on a certificate of nomination or nomination papers the
16 candidate's given name or names, initial or initials, a
17 nickname by which the candidate is commonly known, or a
18 combination thereof, may be used in addition to the candidate's
19 surname. If a candidate, except a judicial candidate or a
20 candidate for State's Attorney, has changed his or her name,
21 whether by a statutory or common law procedure in Illinois or
22 any other jurisdiction, within 3 years before the last day for
23 filing the certificate of nomination or nomination papers for
24 that office, whichever is applicable, then (i) the candidate's
25 name on the certificate or papers must be followed by "formerly

1 known as (list all prior names during the 3-year period) until
2 name changed on (list date of each such name change)" and (ii)
3 the certificate or paper must be accompanied by the candidate's
4 affidavit stating the candidate's previous names during the
5 period specified in (i) and the date or dates each of those
6 names was changed; failure to meet these requirements shall be
7 grounds for denying certification of the candidate's name for
8 the ballot or removing the candidate's name from the ballot, as
9 appropriate.

10 If a judicial candidate or candidate for State's Attorney
11 has changed his or her name, whether by a statutory or common
12 law procedure in Illinois or any other jurisdiction, at any
13 time after being admitted to practice law in Illinois and
14 before the last day for filing the certificate of nomination or
15 nomination papers for that office, whichever is applicable,
16 then (i) the candidate's name on the certificate or papers must
17 be followed by "formerly known as (list prior names, including
18 his or her name at the time he or she was admitted to practice
19 law in Illinois and any subsequent names) until name changed on
20 (list date of each such name change)" and (ii) the certificate
21 or paper must be accompanied by the candidate's affidavit
22 stating the candidate's previous names during the period
23 specified in item (i) and the date or dates each of those names
24 was changed; failure to meet these requirements shall be
25 grounds for denying certification of the candidate's name for
26 the ballot or removing the candidate's name from the ballot, as

1 appropriate.

2 These ~~, but these~~ requirements do not apply to name changes
3 resulting from adoption to assume an adoptive parent's or
4 parents' surname, marriage to assume a spouse's surname, or
5 dissolution of marriage or declaration of invalidity of
6 marriage to assume a former surname. No other designation such
7 as a political slogan, title, or degree, or nickname suggesting
8 or implying possession of a title, degree or professional
9 status, or similar information may be used in connection with
10 the candidate's surname.

11 (Source: P.A. 93-574, eff. 8-21-03; 94-1090, eff. 6-1-07.)

12 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

13 Sec. 16-3. (a) The names of all candidates to be voted for
14 in each election district or precinct shall be printed on one
15 ballot, except as is provided in Sections 16-6.1 and 21-1.01 of
16 this Act and except as otherwise provided in this Act with
17 respect to the odd year regular elections and the emergency
18 referenda; all nominations of any political party being placed
19 under the party appellation or title of such party as
20 designated in the certificates of nomination or petitions. The
21 names of all independent candidates shall be printed upon the
22 ballot in a column or columns under the heading "independent"
23 arranged under the names or titles of the respective offices
24 for which such independent candidates shall have been nominated
25 and so far as practicable, the name or names of any independent

1 candidate or candidates for any office shall be printed upon
2 the ballot opposite the name or names of any candidate or
3 candidates for the same office contained in any party column or
4 columns upon said ballot. The ballot shall contain no other
5 names, except that in cases of electors for President and
6 Vice-President of the United States, the names of the
7 candidates for President and Vice-President may be added to the
8 party designation and words calculated to aid the voter in his
9 choice of candidates may be added, such as "Vote for one,"
10 "Vote for not more than three." If no candidate or candidates
11 file for an office and if no person or persons file a
12 declaration as a write-in candidate for that office, then below
13 the title of that office the election authority instead shall
14 print "No Candidate". When an electronic voting system is used
15 which utilizes a ballot label booklet, the candidates and
16 questions shall appear on the pages of such booklet in the
17 order provided by this Code; and, in any case where candidates
18 for an office appear on a page which does not contain the name
19 of any candidate for another office, and where less than 50% of
20 the page is utilized, the name of no candidate shall be printed
21 on the lowest 25% of such page. On the back or outside of the
22 ballot, so as to appear when folded, shall be printed the words
23 "Official Ballot", followed by the designation of the polling
24 place for which the ballot is prepared, the date of the
25 election and a facsimile of the signature of the election
26 authority who has caused the ballots to be printed. The ballots

1 shall be of plain white paper, through which the printing or
2 writing cannot be read. However, ballots for use at the
3 nonpartisan and consolidated elections may be printed on
4 different color paper, except blue paper, whenever necessary or
5 desirable to facilitate distinguishing between ballots for
6 different political subdivisions. In the case of nonpartisan
7 elections for officers of a political subdivision, unless the
8 statute or an ordinance adopted pursuant to Article VII of the
9 Constitution providing the form of government therefor
10 requires otherwise, the column listing such nonpartisan
11 candidates shall be printed with no appellation or circle at
12 its head. The party appellation or title, or the word
13 "independent" at the head of any column provided for
14 independent candidates, shall be printed in letters not less
15 than one-fourth of an inch in height and a circle one-half inch
16 in diameter shall be printed at the beginning of the line in
17 which such appellation or title is printed, provided, however,
18 that no such circle shall be printed at the head of any column
19 or columns provided for such independent candidates. The names
20 of candidates shall be printed in letters not less than
21 one-eighth nor more than one-fourth of an inch in height, and
22 at the beginning of each line in which a name of a candidate is
23 printed a square shall be printed, the sides of which shall be
24 not less than one-fourth of an inch in length. However, the
25 names of the candidates for Governor and Lieutenant Governor on
26 the same ticket shall be printed within a bracket and a single

1 square shall be printed in front of the bracket. The list of
2 candidates of the several parties and any such list of
3 independent candidates shall be placed in separate columns on
4 the ballot in such order as the election authorities charged
5 with the printing of the ballots shall decide; provided, that
6 the names of the candidates of the several political parties,
7 certified by the State Board of Elections to the several county
8 clerks shall be printed by the county clerk of the proper
9 county on the official ballot in the order certified by the
10 State Board of Elections. Any county clerk refusing, neglecting
11 or failing to print on the official ballot the names of
12 candidates of the several political parties in the order
13 certified by the State Board of Elections, and any county clerk
14 who prints or causes to be printed upon the official ballot the
15 name of a candidate, for an office to be filled by the Electors
16 of the entire State, whose name has not been duly certified to
17 him upon a certificate signed by the State Board of Elections
18 shall be guilty of a Class C misdemeanor.

19 (b) When an electronic voting system is used which utilizes
20 a ballot card, on the inside flap of each ballot card envelope
21 there shall be printed a form for write-in voting which shall
22 be substantially as follows:

23 WRITE-IN VOTES

24 (See card of instructions for specific information.
25 Duplicate form below by hand for additional write-in votes.)

26

1 Title of Office
2 () _____

3 Name of Candidate

4 Write-in lines equal to the number of candidates for which
5 a voter may vote shall be printed for an office only if one or
6 more persons filed declarations of intent to be write-in
7 candidates or qualify to file declarations to be write-in
8 candidates under Sections 17-16.1 and 18-9.1 when the
9 certification of ballot contains the words "OBJECTION
10 PENDING".

11 (c) When an electronic voting system is used which uses a
12 ballot sheet, the instructions to voters on the ballot sheet
13 shall refer the voter to the card of instructions for specific
14 information on write-in voting. Below each office appearing on
15 such ballot sheet there shall be a provision for the casting of
16 a write-in vote. Write-in lines equal to the number of
17 candidates for which a voter may vote shall be printed for an
18 office only if one or more persons filed declarations of intent
19 to be write-in candidates or qualify to file declarations to be
20 write-in candidates under Sections 17-16.1 and 18-9.1 when the
21 certification of ballot contains the words "OBJECTION
22 PENDING".

23 (d) When such electronic system is used, there shall be
24 printed on the back of each ballot card, each ballot card
25 envelope, and the first page of the ballot label when a ballot
26 label is used, the words "Official Ballot," followed by the

1 number of the precinct or other precinct identification, which
2 may be stamped, in lieu thereof and, as applicable, the number
3 and name of the township, ward or other election district for
4 which the ballot card, ballot card envelope, and ballot label
5 are prepared, the date of the election and a facsimile of the
6 signature of the election authority who has caused the ballots
7 to be printed. The back of the ballot card shall also include a
8 method of identifying the ballot configuration such as a
9 listing of the political subdivisions and districts for which
10 votes may be cast on that ballot, or a number code identifying
11 the ballot configuration or color coded ballots, except that
12 where there is only one ballot configuration in a precinct, the
13 precinct identification, and any applicable ward
14 identification, shall be sufficient. Ballot card envelopes
15 used in punch card systems shall be of paper through which no
16 writing or punches may be discerned and shall be of sufficient
17 length to enclose all voting positions. However, the election
18 authority may provide ballot card envelopes on which no
19 precinct number or township, ward or other election district
20 designation, or election date are preprinted, if space and a
21 preprinted form are provided below the space provided for the
22 names of write-in candidates where such information may be
23 entered by the judges of election. Whenever an election
24 authority utilizes ballot card envelopes on which the election
25 date and precinct is not preprinted, a judge of election shall
26 mark such information for the particular precinct and election

1 on the envelope in ink before tallying and counting any
2 write-in vote written thereon. If some method of insuring
3 ballot secrecy other than an envelope is used, such information
4 must be provided on the ballot itself.

5 (e) In the designation of the name of a candidate on the
6 ballot, the candidate's given name or names, initial or
7 initials, a nickname by which the candidate is commonly known,
8 or a combination thereof, may be used in addition to the
9 candidate's surname. If a candidate, except a judicial
10 candidate or a candidate for State's Attorney, has changed his
11 or her name, whether by a statutory or common law procedure in
12 Illinois or any other jurisdiction, within 3 years before the
13 last day for filing the petition for nomination, nomination
14 papers, or certificate of nomination for that office, whichever
15 is applicable, then (i) the candidate's name on the ballot must
16 be followed by "formerly known as (list all prior names during
17 the 3-year period) until name changed on (list date of each
18 such name change)" and (ii) the petition, papers, or
19 certificate must be accompanied by the candidate's affidavit
20 stating the candidate's previous names during the period
21 specified in (i) and the date or dates each of those names was
22 changed; failure to meet these requirements shall be grounds
23 for denying certification of the candidate's name for the
24 ballot or removing the candidate's name from the ballot, as
25 appropriate.

26 If a judicial candidate or candidate for State's Attorney

1 has changed his or her name, whether by a statutory or common
2 law procedure in Illinois or any other jurisdiction, at any
3 time after being admitted to practice law in Illinois and
4 before the last day for filing the petition for nomination,
5 nomination papers, or certificate of nomination for that
6 office, whichever is applicable, then (i) the candidate's name
7 on the ballot must be followed by "formerly known as (list
8 prior names, including his or her name at the time he or she
9 was admitted to practice law in Illinois and any subsequent
10 names) until name changed on (list date of each such name
11 change)" and (ii) the petition, papers, or certificate must be
12 accompanied by the candidate's affidavit stating the
13 candidate's previous names during the period specified in item
14 (i) and the date or dates each of those names was changed;
15 failure to meet these requirements shall be grounds for denying
16 certification of the candidate's name for the ballot or
17 removing the candidate's name from the ballot, as appropriate.

18 These ~~, but these~~ requirements do not apply to name changes
19 resulting from adoption to assume an adoptive parent's or
20 parents' surname, marriage to assume a spouse's surname, or
21 dissolution of marriage or declaration of invalidity of
22 marriage to assume a former surname. No other designation such
23 as a political slogan, title, or degree or nickname suggesting
24 or implying possession of a title, degree or professional
25 status, or similar information may be used in connection with
26 the candidate's surname. For purposes of this Section, a

1 "political slogan" is defined as any word or words expressing
2 or connoting a position, opinion, or belief that the candidate
3 may espouse, including but not limited to, any word or words
4 conveying any meaning other than that of the personal identity
5 of the candidate. A candidate may not use a political slogan as
6 part of his or her name on the ballot, notwithstanding that the
7 political slogan may be part of the candidate's name.

8 (f) The State Board of Elections, a local election
9 official, or an election authority shall remove any candidate's
10 name designation from a ballot that is inconsistent with
11 subsection (e) of this Section. In addition, the State Board of
12 Elections, a local election official, or an election authority
13 shall not certify to any election authority any candidate name
14 designation that is inconsistent with subsection (e) of this
15 Section.

16 (g) If the State Board of Elections, a local election
17 official, or an election authority removes a candidate's name
18 designation from a ballot under subsection (f) of this Section,
19 then the aggrieved candidate may seek appropriate relief in
20 circuit court.

21 Where voting machines or electronic voting systems are
22 used, the provisions of this Section may be modified as
23 required or authorized by Article 24 or Article 24A, whichever
24 is applicable.

25 Nothing in this Section shall prohibit election
26 authorities from using or reusing ballot card envelopes which

1 were printed before the effective date of this amendatory Act
2 of 1985.

3 (Source: P.A. 94-1090, eff. 6-1-07; 95-699, eff. 11-9-07;
4 95-862, eff. 8-19-08.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.