



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2923

Introduced 2/23/2011, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-13.1	from Ch. 46, par. 7-13.1
10 ILCS 5/7-60.1	from Ch. 46, par. 7-60.1
10 ILCS 5/10-6	from Ch. 46, par. 10-6
10 ILCS 5/10-15	from Ch. 46, par. 10-15

Amends the Election Code. With respect to consolidated elections, returns the timeline for certain certifications and filings to what it was before the enactment of Public Act 96-1008. Effective immediately.

LRB097 08959 HLH 49092 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 7-13.1, 7-60.1, 10-6, and 10-15 as follows:

6 (10 ILCS 5/7-13.1) (from Ch. 46, par. 7-13.1)

7 Sec. 7-13.1. Certification of Candidates-Consolidated
8 primary. Not less than 61 ~~68~~ days before the date of the
9 consolidated primary, each local election official of each
10 political subdivision required to nominate candidates for the
11 respective offices by primary shall certify to each election
12 authority whose duty it is to prepare the official ballot for
13 the consolidated primary in such political subdivision the
14 names of all candidates in whose behalf nomination papers have
15 been filed in the office of such local election official and
16 direct the election authority to place upon the official ballot
17 for the consolidated primary election the names of such
18 candidates in the same manner and in the same order as shown
19 upon the certification. However, subject to appeal, the names
20 of candidates whose nomination papers have been held invalid by
21 the appropriate electoral board provided in Section 10-9 of
22 this Code shall not be so certified. The certification shall be
23 modified as necessary to comply with the requirements of any

1 other statute or any ordinance adopted pursuant to Article VII
2 of the Constitution prescribing specific provisions for
3 nonpartisan elections, including without limitation Articles
4 3, 4 and 5 of "The Municipal Code".

5 The names of candidates shall be listed on the
6 certification for the respective offices in the order in which
7 the candidates have filed their nomination papers, or as
8 determined by lot, or as otherwise specified by statute.

9 In every instance where applicable, the following shall
10 also be indicated in the certification:

11 (1) Where there is to be more than one candidate
12 elected to an office from a political subdivision or
13 district;

14 (2) Where a voter has the right to vote for more than
15 one candidate for an office;

16 (3) The terms of the office to be on the ballot, when a
17 vacancy is to be filled for less than a full term, or when
18 offices of a particular subdivision to be on the ballot at
19 the same election are to be filled for different terms;

20 (4) The territory in which a candidate is required by
21 law to reside, when such residency requirement is not
22 identical to the territory of the political subdivision
23 from which the candidate is to be elected or nominated;

24 (5) Where a candidate's nominating papers or petitions
25 have been objected to and the objection has been sustained
26 by the electoral board established in Section 10-10, the

1 words "OBJECTION SUSTAINED" shall be placed under the title
2 of the office being sought by the candidate and the name of
3 the aggrieved candidate shall not appear; and

4 (6) Where a candidate's nominating papers or petitions
5 have been objected to and the decision of the electoral
6 board established in Section 10-10 is either unknown or
7 known to be in judicial review, the words "OBJECTION
8 PENDING" shall be placed under the title of the office
9 being sought by the candidate and next to the name of the
10 candidate.

11 The local election official shall issue an amended
12 certification whenever it is discovered that the original
13 certification is in error.

14 (Source: P.A. 95-699, eff. 11-9-07; 96-1008, eff. 7-6-10.)

15 (10 ILCS 5/7-60.1) (from Ch. 46, par. 7-60.1)

16 Sec. 7-60.1. Certification of Candidates - Consolidated
17 Election. Each local election official of a political
18 subdivision in which candidates for the respective local
19 offices are nominated at the consolidated primary shall, no
20 later than 5 days following the canvass and proclamation of the
21 results of the consolidated primary, certify to each election
22 authority whose duty it is to prepare the official ballot for
23 the consolidated election in that political subdivision the
24 names of each of the candidates who have been nominated as
25 shown by the proclamation of the appropriate election authority

1 or who have been nominated to fill a vacancy in nomination and
2 direct the election authority to place upon the official ballot
3 for the consolidated election the names of such candidates in
4 the same manner and in the same order as shown upon the
5 certification, except as otherwise provided by this Section.

6 Whenever there are two or more persons nominated by the
7 same political party for multiple offices for any board, the
8 name of the candidate of such party receiving the highest
9 number of votes in the consolidated primary election as a
10 candidate for such consolidated primary, shall be certified
11 first under the name of such office, and the names of the
12 remaining candidates of such party for such offices shall
13 follow in the order of the number of votes received by them
14 respectively at the consolidated primary election as shown by
15 the official election results.

16 No person who is shown by the election authority's
17 proclamation to have been nominated at the consolidated primary
18 as a write-in candidate shall have his or her name certified
19 unless such person shall have filed with the certifying office
20 or board within 5 days after the election authority's
21 proclamation a statement of candidacy pursuant to Section 7-10
22 and a statement pursuant to Section 7-10.1.

23 Each board of election commissioners of the cities in which
24 established political party candidates for city offices are
25 nominated at the consolidated primary shall determine by a fair
26 and impartial method of random selection the order of placement

1 of the established political party candidates for the
2 consolidated ballot. Such determination shall be made within 5
3 days following the canvass and proclamation of the results of
4 the consolidated primary and shall be open to the public. Three
5 days written notice of the time and place of conducting such
6 random selection shall be given, by each such election
7 authority, to the County Chairman of each established political
8 party, and to each organization of citizens within the election
9 jurisdiction which was entitled, under this Article, at the
10 next preceding election, to have pollwatchers present on the
11 day of election. Each election authority shall post in a
12 conspicuous, open and public place, at the entrance of the
13 election authority office, notice of the time and place of such
14 lottery.

15 Each local election official of a political subdivision in
16 which established political party candidates for the
17 respective local offices are nominated by primary shall
18 determine by a fair and impartial method of random selection
19 the order of placement of the established political party
20 candidates for the consolidated election ballot and, in the
21 case of certain municipalities having annual elections, on the
22 general primary ballot for election. Such determination shall
23 be made prior to the canvass and proclamation of results of the
24 consolidated primary or special municipal primary, as the case
25 may be, in the office of the local election official and shall
26 be open to the public. Three days written notice of the time

1 and place of conducting such random selection shall be given,
2 by each such local election official, to the County Chairman of
3 each established political party, and to each organization of
4 citizens within the election jurisdiction which was entitled,
5 under this Article, at the next preceding election, to have
6 pollwatchers present on the day of election. Each local
7 election official shall post in a conspicuous, open and public
8 place notice of such lottery. Immediately thereafter, the local
9 election official shall certify the ballot placement order so
10 determined to the proper election authorities charged with the
11 preparation of the consolidated election, or general primary,
12 ballot for that political subdivision.

13 Not less than 61 ~~68~~ days before the date of the
14 consolidated election, each local election official of a
15 political subdivision in which established political party
16 candidates for the respective local offices have been nominated
17 by caucus or have been nominated because no primary was
18 required to be held shall certify to each election authority
19 whose duty it is to prepare the official ballot for the
20 consolidated election in that political subdivision the names
21 of each of the candidates whose certificates of nomination or
22 nomination papers have been filed in his or her office and
23 direct the election authority to place upon the official ballot
24 for the consolidated election the names of such candidates in
25 the same manner and in the same order as shown upon the
26 certification. Such local election official shall, prior to

1 certification, determine by a fair and impartial method of
2 random selection the order of placement of the established
3 political party candidates for the consolidated election
4 ballot. Such determination shall be made in the office of the
5 local election official and shall be open to the public. Three
6 days written notice of the time and place of conducting such
7 random selection shall be given by each such local election
8 official to the county chairman of each established political
9 party, and to each organization of citizens within the election
10 jurisdiction which was entitled, under this Article, at the
11 next preceding election, to have pollwatchers present on the
12 day of election. Each local election official shall post in a
13 conspicuous, open and public place, at the entrance of the
14 office, notice of the time and place of such lottery. The local
15 election official shall certify the ballot placement order so
16 determined as part of his official certification of candidates
17 to the election authorities whose duty it is to prepare the
18 official ballot for the consolidated election in that political
19 subdivision.

20 The certification shall indicate, where applicable, the
21 following:

22 (1) The political party affiliation of the candidates
23 for the respective offices;

24 (2) If there is to be more than one candidate elected
25 or nominated to an office from the State, political
26 subdivision or district;

1 (3) If the voter has the right to vote for more than
2 one candidate for an office;

3 (4) The term of office, if a vacancy is to be filled
4 for less than a full term or if the offices to be filled in
5 a political subdivision or district are for different
6 terms.

7 The local election official shall issue an amended
8 certification whenever it is discovered that the original
9 certification is in error.

10 (Source: P.A. 96-1008, eff. 7-6-10.)

11 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

12 Sec. 10-6. Time and manner of filing. Certificates of
13 nomination and nomination papers for the nomination of
14 candidates for offices to be filled by electors of the entire
15 State, or any district not entirely within a county, or for
16 congressional, state legislative or judicial offices, shall be
17 presented to the principal office of the State Board of
18 Elections not more than 141 nor less than 134 days previous to
19 the day of election for which the candidates are nominated. The
20 State Board of Elections shall endorse the certificates of
21 nomination or nomination papers, as the case may be, and the
22 date and hour of presentment to it. Except as otherwise
23 provided in this section, all other certificates for the
24 nomination of candidates shall be filed with the county clerk
25 of the respective counties not more than 141 but at least 134

1 days previous to the day of such election. Certificates of
2 nomination and nomination papers for the nomination of
3 candidates for the offices of political subdivisions to be
4 filled at regular elections other than the general election
5 shall be filed with the local election official of such
6 subdivision:

7 (1) (Blank);

8 (2) not more than 78 ~~113~~ nor less than 71 ~~106~~ days
9 prior to the consolidated election; or

10 (3) not more than 113 nor less than 106 days prior to
11 the general primary in the case of municipal offices to be
12 filled at the general primary election; or

13 (4) not more than 99 nor less than 92 days before the
14 consolidated primary in the case of municipal offices to be
15 elected on a nonpartisan basis pursuant to law (including
16 without limitation, those municipal offices subject to
17 Articles 4 and 5 of the Municipal Code); or

18 (5) not more than 113 nor less than 106 days before the
19 municipal primary in even numbered years for such
20 nonpartisan municipal offices where annual elections are
21 provided; or

22 (6) in the case of petitions for the office of
23 multi-township assessor, such petitions shall be filed
24 with the election authority not more than 113 nor less than
25 106 days before the consolidated election.

26 However, where a political subdivision's boundaries are

1 co-extensive with or are entirely within the jurisdiction of a
2 municipal board of election commissioners, the certificates of
3 nomination and nomination papers for candidates for such
4 political subdivision offices shall be filed in the office of
5 such Board.

6 (Source: P.A. 95-699, eff. 11-9-07; 96-1008, eff. 7-6-10.)

7 (10 ILCS 5/10-15) (from Ch. 46, par. 10-15)

8 Sec. 10-15. Not less than 61 ~~68~~ days before the date of the
9 consolidated and nonpartisan elections, each local election
10 official with whom certificates of nomination or nominating
11 petitions have been filed shall certify to each election
12 authority having jurisdiction over any of the territory of his
13 political subdivision the names of all candidates entitled to
14 be printed on the ballot for offices of that political
15 subdivision to be voted upon at such election and direct the
16 election authority to place upon the official ballot for such
17 election the names of such candidates in the same manner and in
18 the same order as shown upon the certification.

19 The local election officials shall certify such candidates
20 for each office in the order in which such candidates'
21 certificates of nomination or nominating petitions were filed
22 in his office. However, subject to appeal, the names of
23 candidates whose petitions have been held invalid by the
24 appropriate electoral board provided in Section 10-9 of this
25 Act shall not be so certified. The certification shall be

1 modified as necessary to comply with the requirements of any
2 other statute or any ordinance adopted pursuant to Article VII
3 of the Constitution prescribing specific provisions for
4 nonpartisan elections, including without limitation Articles 4
5 and 5 of "The Municipal Code" or Article 9 of The School Code.

6 In every instance where applicable, the following shall
7 also be indicated in the certification:

8 (1) The political party affiliation, if any, of the
9 candidates for the respective offices;

10 (2) Where there is to be more than one candidate
11 elected to an office from a political subdivision or
12 district;

13 (3) Where a voter has the right to vote for more than
14 one candidate for an office;

15 (4) The terms of the office to be on the ballot, when a
16 vacancy is to be filled for less than a full term, or when
17 offices of a particular subdivision to be on the ballot at
18 the same election are to be filled for different terms;

19 (5) The territory in which a candidate is required by
20 law to reside, when such residency requirement is not
21 identical to the territory of the political subdivision
22 from which the candidate is to be elected or nominated;

23 (6) Where a candidate's nominating papers or petitions
24 have been objected to and the objection has been sustained
25 by the electoral board established in Section 10-10, the
26 words "OBJECTION SUSTAINED" shall be placed under the title

1 of the office being sought by the candidate and the name of
2 the aggrieved candidate shall not appear; and

3 (7) Where a candidate's nominating papers or petitions
4 have been objected to and the decision of the electoral
5 board established in Section 10-10 is either unknown or
6 known to be in judicial review, the words "OBJECTION
7 PENDING" shall be placed under the title of the office
8 being sought by the candidate and next to the name of the
9 candidate.

10 For the consolidated election, and for the general primary
11 in the case of certain municipalities having annual elections,
12 the candidates of new political parties shall be placed on the
13 ballot for such elections after the established political party
14 candidates and in the order of new political party petition
15 filings.

16 The local election official shall issue an amended
17 certification whenever it is discovered that the original
18 certification is in error.

19 (Source: P.A. 95-699, eff. 11-9-07; 96-1008, eff. 7-6-10.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.