

HB2799



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2799

Introduced 2/6/2025, by Rep. Tony M. McCombie

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-7

from Ch. 46, par. 10-7

Amends the Election Code. Provides that a copy of any nomination paper, certificate of nomination, or petition for a public question filed with an election authority for an immediately succeeding election shall be provided by the election authority within 48 hours after a written request is received by the election authority. Provides that a requester shall not be required to submit a request under the Freedom of Information Act. Effective immediately.

LRB104 12005 SPS 22100 b

A BILL FOR

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 Section 10-7 as follows:

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

7 Sec. 10-7. Except as otherwise provided in this Code, any
8 person whose name has been presented as a candidate, including
9 nonpartisan and independent candidates, may cause his name to
10 be withdrawn from any such nomination by his request in
11 writing, signed by him and duly acknowledged before an officer
12 qualified to take acknowledgment of deeds, and presented to
13 the principal office or permanent branch office of the Board,
14 the election authority, or the local election official, as the
15 case may be, not later than the date for certification of
16 candidates for the ballot. No name so withdrawn shall be
17 printed upon the ballots under the party appellation or title
18 from which the candidate has withdrawn his name. If such a
19 request for withdrawal is received after the date for
20 certification of the candidates for the ballot, then the votes
21 cast for the withdrawn candidate are invalid and shall not be
22 reported by the election authority. If the name of the same
23 person has been presented as a candidate for 2 or more offices

1 which are incompatible so that the same person could not serve
2 in more than one of such offices if elected, that person must
3 withdraw as a candidate for all but one of such offices within
4 the 5 business days following the last day for petition
5 filing. If he fails to withdraw as a candidate for all but one
6 of such offices within such time, his name shall not be
7 certified, nor printed on the ballot, for any office. However,
8 nothing in this Section shall be construed as precluding a
9 judge who is seeking retention in office from also being a
10 candidate for another judicial office. Except as otherwise
11 herein provided, in case the certificate of nomination or
12 petition as provided for in this Article shall contain or
13 exhibit the name of any candidate for any office upon more than
14 one of said certificates or petitions (for the same office),
15 then and in that case the Board or election authority or local
16 election official, as the case may be, shall immediately
17 notify said candidate of said fact and that his name appears
18 unlawfully upon more than one of said certificates or
19 petitions and that within 3 days from the receipt of said
20 notification, said candidate must elect as to which of said
21 political party appellations or groups he desires his name to
22 appear and remain under upon said ballot, and if said
23 candidate refuses, fails or neglects to make such election,
24 then and in that case the Board or election authority or local
25 election official, as the case may be, shall permit the name of
26 said candidate to appear or be printed or placed upon said

1 ballot only under the political party appellation or group
2 appearing on the certificate of nomination or petition, as the
3 case may be, first filed, and shall strike or cause to be
4 stricken the name of said candidate from all certificates of
5 nomination and petitions filed after the first such
6 certificate of nomination or petition.

7 Whenever the name of a candidate for an office is
8 withdrawn from a new political party petition, it shall
9 constitute a vacancy in nomination for that office which may
10 be filled in accordance with Section 10-11 of this Article;
11 provided, that if the names of all candidates for all offices
12 on a new political party petition are withdrawn or such
13 petition is declared invalid by an electoral board or upon
14 judicial review, no vacancies in nomination for those offices
15 shall exist and the filing of any notice or resolution
16 purporting to fill vacancies in nomination shall have no legal
17 effect.

18 Whenever the name of an independent candidate for an
19 office is withdrawn or an independent candidate's petition is
20 declared invalid by an electoral board or upon judicial
21 review, no vacancy in nomination for that office shall exist
22 and the filing of any notice or resolution purporting to fill a
23 vacancy in nomination shall have no legal effect.

24 All certificates of nomination and nomination papers when
25 presented or filed shall be open, under proper regulation, to
26 public inspection, and the State Board of Elections and the

1 several election authorities and local election officials
2 having charge of nomination papers shall preserve the same in
3 their respective offices not less than 6 months. A copy of any
4 nomination paper, certificate of nomination, or petition for a
5 public question filed with any election authority for an
6 immediately succeeding election shall be provided by the
7 election authority within 48 hours after a written request is
8 received by the election authority. A requester shall not be
9 required to submit a request under the Freedom of Information
10 Act.

11 (Source: P.A. 102-15, eff. 6-17-21.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.