

HB5264



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5264

by Rep. Steven A. Andersson

SYNOPSIS AS INTRODUCED:

10 ILCS 5/16-3

from Ch. 46, par. 16-3

Amends the Election Code. Provides that notwithstanding any other provision of law to the contrary, no general election ballot may indicate the political party or political affiliation of any candidate. Makes corresponding changes. Effective immediately.

LRB100 19907 MJP 35187 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 Section
5 16-3 as follows:

6 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

7 Sec. 16-3. (a) The names of all candidates to be voted for
8 in each election district or precinct shall be printed on one
9 ballot, except as is provided in Sections 16-6.1 and 21-1.01 of
10 this Act and except as otherwise provided in this Act with
11 respect to the odd year regular elections and the emergency
12 referenda; ~~all nominations of any political party being placed~~
13 ~~under the party appellation or title of such party as~~
14 ~~designated in the certificates of nomination or petitions.~~ The
15 names of all ~~independent~~ candidates shall be printed upon the
16 ballot in a column or columns ~~under the heading "independent"~~
17 arranged under the names or titles of the respective offices
18 for which such ~~independent~~ candidates shall have been nominated
19 ~~and so far as practicable, the name or names of any independent~~
20 ~~candidate or candidates for any office shall be printed upon~~
21 ~~the ballot opposite the name or names of any candidate or~~
22 ~~candidates for the same office contained in any party column or~~
23 ~~columns upon said ballot.~~ The ballot shall contain no other

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

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

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

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

22 WRITE-IN VOTES

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

25 _____
26 Title of Office

1 () _____

2 Name of Candidate

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

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

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

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

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

4 (e) In the designation of the name of a candidate on the
5 ballot, the candidate's given name or names, initial or
6 initials, a nickname by which the candidate is commonly known,
7 or a combination thereof, may be used in addition to the
8 candidate's surname. If a candidate has changed his or her
9 name, whether by a statutory or common law procedure in
10 Illinois or any other jurisdiction, within 3 years before the
11 last day for filing the petition for nomination, nomination
12 papers, or certificate of nomination for that office, whichever
13 is applicable, then (i) the candidate's name on the ballot must
14 be followed by "formerly known as (list all prior names during
15 the 3-year period) until name changed on (list date of each
16 such name change)" and (ii) the petition, papers, or
17 certificate must be accompanied by the candidate's affidavit
18 stating the candidate's previous names during the period
19 specified in (i) and the date or dates each of those names was
20 changed; failure to meet these requirements shall be grounds
21 for denying certification of the candidate's name for the
22 ballot or removing the candidate's name from the ballot, as
23 appropriate, but these requirements do not apply to name
24 changes resulting from adoption to assume an adoptive parent's
25 or parents' surname, marriage to assume a spouse's surname, or
26 dissolution of marriage or declaration of invalidity of

1 marriage to assume a former surname. No other designation such
2 as a political slogan, title, or degree or nickname suggesting
3 or implying possession of a title, degree or professional
4 status, or similar information may be used in connection with
5 the candidate's surname. For purposes of this Section, a
6 "political slogan" is defined as any word or words expressing
7 or connoting a position, opinion, or belief that the candidate
8 may espouse, including but not limited to, any word or words
9 conveying any meaning other than that of the personal identity
10 of the candidate. A candidate may not use a political slogan as
11 part of his or her name on the ballot, notwithstanding that the
12 political slogan may be part of the candidate's name.

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

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

26 Where voting machines or electronic voting systems are

1 used, the provisions of this Section may be modified as
2 required or authorized by Article 24 or Article 24A, whichever
3 is applicable.

4 Nothing in this Section shall prohibit election
5 authorities from using or reusing ballot card envelopes which
6 were printed before the effective date of this amendatory Act
7 of 1985.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.