



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB6000

by Rep. Bill Mitchell

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/8-9	from Ch. 46, par. 8-9
10 ILCS 5/10-6.2	from Ch. 46, par. 10-6.2
10 ILCS 5/10-7	from Ch. 46, par. 10-7

Amends the Election Code. Provides that a person's name can appear on a ballot under multiple political parties for the same office if he or she has met the nominating requirements for each political party. Makes conforming changes throughout the Code.

LRB100 24423 SMS 43737 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 7-12, 8-9, 10-6.2., and 10-7 as follows:

6 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

7 Sec. 7-12. All petitions for nomination shall be filed by  
8 mail or in person as follows:

9 (1) Where the nomination is to be made for a State,  
10 congressional, or judicial office, or for any office a  
11 nomination for which is made for a territorial division or  
12 district which comprises more than one county or is partly  
13 in one county and partly in another county or counties,  
14 then, except as otherwise provided in this Section, such  
15 petition for nomination shall be filed in the principal  
16 office of the State Board of Elections not more than 113  
17 and not less than 106 days prior to the date of the  
18 primary, but, in the case of petitions for nomination to  
19 fill a vacancy by special election in the office of  
20 representative in Congress from this State, such petition  
21 for nomination shall be filed in the principal office of  
22 the State Board of Elections not more than 85 days and not  
23 less than 82 days prior to the date of the primary.

1           Where a vacancy occurs in the office of Supreme,  
2           Appellate or Circuit Court Judge within the 3-week period  
3           preceding the 106th day before a general primary election,  
4           petitions for nomination for the office in which the  
5           vacancy has occurred shall be filed in the principal office  
6           of the State Board of Elections not more than 92 nor less  
7           than 85 days prior to the date of the general primary  
8           election.

9           Where the nomination is to be made for delegates or  
10          alternate delegates to a national nominating convention,  
11          then such petition for nomination shall be filed in the  
12          principal office of the State Board of Elections not more  
13          than 113 and not less than 106 days prior to the date of  
14          the primary; provided, however, that if the rules or  
15          policies of a national political party conflict with such  
16          requirements for filing petitions for nomination for  
17          delegates or alternate delegates to a national nominating  
18          convention, the chair of the State central committee of  
19          such national political party shall notify the Board in  
20          writing, citing by reference the rules or policies of the  
21          national political party in conflict, and in such case the  
22          Board shall direct such petitions to be filed in accordance  
23          with the delegate selection plan adopted by the state  
24          central committee of such national political party.

25          (2) Where the nomination is to be made for a county  
26          office or trustee of a sanitary district then such petition

1 shall be filed in the office of the county clerk not more  
2 than 113 nor less than 106 days prior to the date of the  
3 primary.

4 (3) Where the nomination is to be made for a municipal  
5 or township office, such petitions for nomination shall be  
6 filed in the office of the local election official, not  
7 more than 99 nor less than 92 days prior to the date of the  
8 primary; provided, where a municipality's or township's  
9 boundaries are coextensive with or are entirely within the  
10 jurisdiction of a municipal board of election  
11 commissioners, the petitions shall be filed in the office  
12 of such board; and provided, that petitions for the office  
13 of multi-township assessor shall be filed with the election  
14 authority.

15 (4) The petitions of candidates for State central  
16 committeeperson shall be filed in the principal office of  
17 the State Board of Elections not more than 113 nor less  
18 than 106 days prior to the date of the primary.

19 (5) Petitions of candidates for precinct, township or  
20 ward committeepersons shall be filed in the office of the  
21 county clerk not more than 113 nor less than 106 days prior  
22 to the date of the primary.

23 (6) The State Board of Elections and the various  
24 election authorities and local election officials with  
25 whom such petitions for nominations are filed shall specify  
26 the place where filings shall be made and upon receipt

1 shall endorse thereon the day and hour on which each  
2 petition was filed. All petitions filed by persons waiting  
3 in line as of 8:00 a.m. on the first day for filing, or as  
4 of the normal opening hour of the office involved on such  
5 day, shall be deemed filed as of 8:00 a.m. or the normal  
6 opening hour, as the case may be. Petitions filed by mail  
7 and received after midnight of the first day for filing and  
8 in the first mail delivery or pickup of that day shall be  
9 deemed as filed as of 8:00 a.m. of that day or as of the  
10 normal opening hour of such day, as the case may be. All  
11 petitions received thereafter shall be deemed as filed in  
12 the order of actual receipt. However, 2 or more petitions  
13 filed within the last hour of the filing deadline shall be  
14 deemed filed simultaneously. Where 2 or more petitions are  
15 received simultaneously, the State Board of Elections or  
16 the various election authorities or local election  
17 officials with whom such petitions are filed shall break  
18 ties and determine the order of filing, by means of a  
19 lottery or other fair and impartial method of random  
20 selection approved by the State Board of Elections. Such  
21 lottery shall be conducted within 9 days following the last  
22 day for petition filing and shall be open to the public.  
23 Seven days written notice of the time and place of  
24 conducting such random selection shall be given by the  
25 State Board of Elections to the chair of the State central  
26 committee of each established political party, and by each

1 election authority or local election official, to the  
2 County Chair of each established political party, and to  
3 each organization of citizens within the election  
4 jurisdiction which was entitled, under this Article, at the  
5 next preceding election, to have pollwatchers present on  
6 the day of election. The State Board of Elections, election  
7 authority or local election official shall post in a  
8 conspicuous, open and public place, at the entrance of the  
9 office, notice of the time and place of such lottery. The  
10 State Board of Elections shall adopt rules and regulations  
11 governing the procedures for the conduct of such lottery.  
12 All candidates shall be certified in the order in which  
13 their petitions have been filed. Where candidates have  
14 filed simultaneously, they shall be certified in the order  
15 determined by lot and prior to candidates who filed for the  
16 same office at a later time.

17 (7) The State Board of Elections or the appropriate  
18 election authority or local election official with whom  
19 such a petition for nomination is filed shall notify the  
20 person for whom a petition for nomination has been filed of  
21 the obligation to file statements of organization, reports  
22 of campaign contributions, and annual reports of campaign  
23 contributions and expenditures under Article 9 of this Act.  
24 Such notice shall be given in the manner prescribed by  
25 paragraph (7) of Section 9-16 of this Code.

26 (8) Nomination papers filed under this Section are not

1 valid if the candidate named therein fails to file a  
2 statement of economic interests as required by the Illinois  
3 Governmental Ethics Act in relation to his candidacy with  
4 the appropriate officer by the end of the period for the  
5 filing of nomination papers unless he has filed a statement  
6 of economic interests in relation to the same governmental  
7 unit with that officer within a year preceding the date on  
8 which such nomination papers were filed. If the nomination  
9 papers of any candidate and the statement of economic  
10 interest of that candidate are not required to be filed  
11 with the same officer, the candidate must file with the  
12 officer with whom the nomination papers are filed a receipt  
13 from the officer with whom the statement of economic  
14 interests is filed showing the date on which such statement  
15 was filed. Such receipt shall be so filed not later than  
16 the last day on which nomination papers may be filed.

17 (9) Any person for whom a petition for nomination, or  
18 for committeeperson or for delegate or alternate delegate  
19 to a national nominating convention has been filed may  
20 cause his name to be withdrawn by request in writing,  
21 signed by him and duly acknowledged before an officer  
22 qualified to take acknowledgments of deeds, and filed in  
23 the principal or permanent branch office of the State Board  
24 of Elections or with the appropriate election authority or  
25 local election official, not later than the date of  
26 certification of candidates for the consolidated primary

1 or general primary ballot. No names so withdrawn shall be  
2 certified or printed on the primary ballot. If petitions  
3 for nomination have been filed for the same person with  
4 respect to more than one political party, his or her name  
5 shall be certified for each political party meeting its  
6 respective nominating requirements and his or her name  
7 shall be printed on the primary ballot as the candidate for  
8 each such party ~~his name shall not be certified nor printed~~  
9 ~~on the primary ballot of any party. If petitions for~~  
10 ~~nomination have been filed for the same person for 2 or~~  
11 ~~more offices which are incompatible so that the same person~~  
12 ~~could not serve in more than one of such offices if~~  
13 ~~elected, that person must withdraw as a candidate for all~~  
14 ~~but one of such offices within the 5 business days~~  
15 ~~following the last day for petition filing.~~ A candidate in  
16 a judicial election may file petitions for nomination for  
17 only one vacancy in a subcircuit and only one vacancy in a  
18 circuit in any one filing period, and if petitions for  
19 nomination have been filed for the same person for 2 or  
20 more vacancies in the same circuit or subcircuit in the  
21 same filing period, his or her name shall be certified only  
22 for the first vacancy for which the petitions for  
23 nomination were filed. If he fails to withdraw as a  
24 candidate for all but one of such offices within such time  
25 his name shall not be certified, nor printed on the primary  
26 ballot, for any office. For the purpose of the foregoing



1 provisions, an office in a political party is not  
2 incompatible with any other office.

3 (10)(a) Notwithstanding the provisions of any other  
4 statute, no primary shall be held for an established  
5 political party in any township, municipality, or ward  
6 thereof, where the nomination of such party for every  
7 office to be voted upon by the electors of such township,  
8 municipality, or ward thereof, is uncontested. Whenever a  
9 political party's nomination of candidates is uncontested  
10 as to one or more, but not all, of the offices to be voted  
11 upon by the electors of a township, municipality, or ward  
12 thereof, then a primary shall be held for that party in  
13 such township, municipality, or ward thereof; provided  
14 that the primary ballot shall not include those offices  
15 within such township, municipality, or ward thereof, for  
16 which the nomination is uncontested. For purposes of this  
17 Article, the nomination of an established political party  
18 of a candidate for election to an office shall be deemed to  
19 be uncontested where not more than the number of persons to  
20 be nominated have timely filed valid nomination papers  
21 seeking the nomination of such party for election to such  
22 office.

23 (b) Notwithstanding the provisions of any other  
24 statute, no primary election shall be held for an  
25 established political party for any special primary  
26 election called for the purpose of filling a vacancy in the

1 office of representative in the United States Congress  
2 where the nomination of such political party for said  
3 office is uncontested. For the purposes of this Article,  
4 the nomination of an established political party of a  
5 candidate for election to said office shall be deemed to be  
6 uncontested where not more than the number of persons to be  
7 nominated have timely filed valid nomination papers  
8 seeking the nomination of such established party for  
9 election to said office. This subsection (b) shall not  
10 apply if such primary election is conducted on a regularly  
11 scheduled election day.

12 (c) Notwithstanding the provisions in subparagraph (a)  
13 and (b) of this paragraph (10), whenever a person who has  
14 not timely filed valid nomination papers and who intends to  
15 become a write-in candidate for a political party's  
16 nomination for any office for which the nomination is  
17 uncontested files a written statement or notice of that  
18 intent with the State Board of Elections or the local  
19 election official with whom nomination papers for such  
20 office are filed, a primary ballot shall be prepared and a  
21 primary shall be held for that office. Such statement or  
22 notice shall be filed on or before the date established in  
23 this Article for certifying candidates for the primary  
24 ballot. Such statement or notice shall contain (i) the name  
25 and address of the person intending to become a write-in  
26 candidate, (ii) a statement that the person is a qualified

1 primary elector of the political party from whom the  
2 nomination is sought, (iii) a statement that the person  
3 intends to become a write-in candidate for the party's  
4 nomination, and (iv) the office the person is seeking as a  
5 write-in candidate. An election authority shall have no  
6 duty to conduct a primary and prepare a primary ballot for  
7 any office for which the nomination is uncontested unless a  
8 statement or notice meeting the requirements of this  
9 Section is filed in a timely manner.

10 (11) Except as otherwise provided in this paragraph, if  
11 ~~If~~ multiple sets of nomination papers are filed for a  
12 candidate to the same office, the State Board of Elections,  
13 appropriate election authority or local election official  
14 where the petitions are filed shall within 2 business days  
15 notify the candidate of his or her multiple petition  
16 filings and that the candidate has 3 business days after  
17 receipt of the notice to notify the State Board of  
18 Elections, appropriate election authority or local  
19 election official that he or she may cancel prior sets of  
20 petitions. If the candidate notifies the State Board of  
21 Elections, appropriate election authority or local  
22 election official, the last set of petitions filed shall be  
23 the only petitions to be considered valid by the State  
24 Board of Elections, election authority or local election  
25 official. If the candidate fails to notify the State Board  
26 of Elections, election authority or local election

1 official then only the first set of petitions filed shall  
2 be valid and all subsequent petitions shall be void.  
3 However, if multiple sets of nomination papers are filed  
4 for a candidate to the same office, each by a different  
5 political party, then each set of petitions filed shall be  
6 valid.

7 (12) All nominating petitions shall be available for  
8 public inspection and shall be preserved for a period of  
9 not less than 6 months.

10 (Source: P.A. 99-221, eff. 7-31-15; 100-1027, eff. 1-1-19.)

11 (10 ILCS 5/8-9) (from Ch. 46, par. 8-9)

12 Sec. 8-9. All petitions for nomination shall be filed by  
13 mail or in person as follows:

14 (1) Where the nomination is made for a legislative  
15 office, such petition for nomination shall be filed in the  
16 principal office of the State Board of Elections not more  
17 than 113 and not less than 106 days prior to the date of  
18 the primary.

19 (2) The State Board of Elections shall, upon receipt of  
20 each petition, endorse thereon the day and hour on which it  
21 was filed. Petitions filed by mail and received after  
22 midnight on the first day for filing and in the first mail  
23 delivery or pickup of that day, shall be deemed as filed as  
24 of 8:00 a.m. of that day or as of the normal opening hour  
25 of such day as the case may be, and all petitions received

1           thereafter shall be deemed as filed in the order of actual  
2           receipt. However, 2 or more petitions filed within the last  
3           hour of the filing deadline shall be deemed to have been  
4           filed simultaneously. Where 2 or more petitions are  
5           received simultaneously, the State Board of Elections  
6           shall break ties and determine the order of filing, by  
7           means of a lottery as provided in Section 7-12 of this  
8           Code.

9           (3) Any person for whom a petition for nomination has  
10          been filed, may cause his name to be withdrawn by a request  
11          in writing, signed by him, duly acknowledged before an  
12          officer qualified to take acknowledgments of deeds, and  
13          filed in the principal or permanent branch office of the  
14          State Board of Elections not later than the date of  
15          certification of candidates for the general primary  
16          ballot, and no names so withdrawn shall be certified by the  
17          State Board of Elections to the county clerk, or printed on  
18          the primary ballot. If petitions for nomination have been  
19          filed for the same person with respect to more than one  
20          political party, his or her name shall be certified for  
21          each political party meeting its respective nominating  
22          requirements and his or her name shall be printed on the  
23          primary ballot as the candidate for each such party ~~his~~  
24          ~~name shall not be certified nor printed on the primary~~  
25          ~~ballot of any party~~. If petitions for nomination have been  
26          filed for the same person for 2 or more offices which are

1 incompatible so that the same person could not serve in  
2 more than one of such offices if elected, that person must  
3 withdraw as a candidate for all but one of such offices  
4 within the 5 business days following the last day for  
5 petition filing. If he fails to withdraw as a candidate for  
6 all but one of such offices within such time, his name  
7 shall not be certified, nor printed on the primary ballot,  
8 for any office. For the purpose of the foregoing  
9 provisions, an office in a political party is not  
10 incompatible with any other office.

11 (4) Except as otherwise provided in this paragraph, if  
12 ~~If~~ multiple sets of nomination papers are filed for a  
13 candidate to the same office, the State Board of Elections  
14 shall within 2 business days notify the candidate of his or  
15 her multiple petition filings and that the candidate has 3  
16 business days after receipt of the notice to notify the  
17 State Board of Elections that he or she may cancel prior  
18 sets of petitions. If the candidate notifies the State  
19 Board of Elections the last set of petitions filed shall be  
20 the only petitions to be considered valid by the State  
21 Board of Elections. If the candidate fails to notify the  
22 State Board then only the first set of petitions filed  
23 shall be valid and all subsequent petitions shall be void.  
24 However, if multiple sets of nomination papers are filed  
25 for a candidate to the same office, each by a different  
26 political party, then each set of petitions filed shall be

1           valid.

2           (Source: P.A. 98-115, eff. 7-29-13.)

3                   (10 ILCS 5/10-6.2) (from Ch. 46, par. 10-6.2)

4           Sec. 10-6.2. The State Board of Elections, the election  
5 authority or the local election official with whom petitions  
6 for nomination are filed pursuant to this Article 10 shall  
7 specify the place where filings shall be made and upon receipt  
8 shall endorse thereon the day and the hour at which each  
9 petition was filed. Except as provided by Article 9 of The  
10 School Code, all petitions filed by persons waiting in line as  
11 of 8:00 a.m. on the first day for filing, or as of the normal  
12 opening hour of the office involved on such day, shall be  
13 deemed filed as of 8:00 a.m. or the normal opening hour, as the  
14 case may be. Petitions filed by mail and received after  
15 midnight of the first day for filing and in the first mail  
16 delivery or pickup of that day shall be deemed filed as of 8:00  
17 a.m. of that day or as of the normal opening hour of such day,  
18 as the case may be. All petitions received thereafter shall be  
19 deemed filed in the order of actual receipt. However, 2 or more  
20 petitions filed within the last hour of the filing deadline  
21 shall be deemed filed simultaneously. Where 2 or more petitions  
22 are received simultaneously, the State Board of Elections, the  
23 election authority or the local election official with whom  
24 such petitions are filed shall break ties and determine the  
25 order of filing by means of a lottery or other fair and

1 impartial method of random selection approved by the State  
2 Board of Elections. Such lottery shall be conducted within 9  
3 days following the last day for petition filing and shall be  
4 open to the public. Seven days written notice of the time and  
5 place of conducting such random selection shall be given, by  
6 the State Board of Elections, the election authority, or local  
7 election official, to the Chair of each political party, and to  
8 each organization of citizens within the election jurisdiction  
9 which was entitled, under this Code, at the next preceding  
10 election, to have pollwatchers present on the day of election.  
11 The State Board of Elections, the election authority or local  
12 election official shall post in a conspicuous, open and public  
13 place, at the entrance of the office, notice of the time and  
14 place of such lottery. The State Board of Elections shall adopt  
15 rules and regulations governing the procedures for the conduct  
16 of such lottery. All candidates shall be certified in the order  
17 in which their petitions have been filed and in the manner  
18 prescribed by Section 10-14 and 10-15 of this Article. Where  
19 candidates have filed simultaneously, they shall be certified  
20 in the order determined by lot and prior to candidates who  
21 filed for the same office or offices at a later time.  
22 Certificates of nomination filed within the period prescribed  
23 in Section 10-6(2) for candidates nominated by caucus for  
24 township or municipal offices shall be subject to the ballot  
25 placement lottery for established political parties prescribed  
26 in Section 7-60 of this Code.



1        Except as otherwise provided in this paragraph, if ~~if~~  
2 multiple sets of nomination papers are filed for a candidate to  
3 the same office, the State Board of Elections, appropriate  
4 election authority or local election official where the  
5 petitions are filed shall within 2 business days notify the  
6 candidate of his or her multiple petition filings and that the  
7 candidate has 3 business days after receipt of the notice to  
8 notify the State Board of Elections, appropriate election  
9 authority or local election official that he or she may cancel  
10 prior sets of petitions. If the candidate notifies the State  
11 Board of Elections, appropriate election authority or local  
12 election official, the last set of petitions filed shall be the  
13 only petitions to be considered valid by the State Board of  
14 Elections, election authority or local election official. If  
15 the candidate fails to notify the State Board of Elections,  
16 appropriate election authority or local election official then  
17 only the first set of petitions filed shall be valid and all  
18 subsequent petitions shall be void. However, if multiple sets  
19 of nomination papers are filed for a candidate to the same  
20 office, each by a different political party, then each set of  
21 petitions filed shall be valid.

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

23        (10 ILCS 5/10-7) (from Ch. 46, par. 10-7)

24        Sec. 10-7. Any person whose name has been presented as a  
25 candidate, including nonpartisan and independent candidates,

1 may cause his name to be withdrawn from any such nomination by  
2 his request in writing, signed by him and duly acknowledged  
3 before an officer qualified to take acknowledgment of deeds,  
4 and presented to the principal office or permanent branch  
5 office of the Board, the election authority, or the local  
6 election official, as the case may be, not later than the date  
7 for certification of candidates for the ballot. No name so  
8 withdrawn shall be printed upon the ballots under the party  
9 appellation or title from which the candidate has withdrawn his  
10 name. If such a request for withdrawal is received after the  
11 date for certification of the candidates for the ballot, then  
12 the votes cast for the withdrawn candidate are invalid and  
13 shall not be reported by the election authority. If the name of  
14 the same person has been presented as a candidate for 2 or more  
15 offices which are incompatible so that the same person could  
16 not serve in more than one of such offices if elected, that  
17 person must withdraw as a candidate for all but one of such  
18 offices within the 5 business days following the last day for  
19 petition filing. If he fails to withdraw as a candidate for all  
20 but one of such offices within such time, his name shall not be  
21 certified, nor printed on the ballot, for any office. However,  
22 nothing in this section shall be construed as precluding a  
23 judge who is seeking retention in office from also being a  
24 candidate for another judicial office. Except as otherwise  
25 herein provided, in case the certificate of nomination or  
26 petition as provided for in this Article shall contain or

1 exhibit the name of any candidate for any office upon more than  
2 one of said certificates or petitions (for the same office),  
3 then and in that case the Board or election authority or local  
4 election official, as the case may be, shall permit the name of  
5 said candidate to appear or be printed or placed upon said  
6 ballot under each political party appellation or group  
7 appearing on each certificate of nomination or petition  
8 ~~immediately notify said candidate of said fact and that his~~  
9 ~~name appears unlawfully upon more than one of said certificates~~  
10 ~~or petitions and that within 3 days from the receipt of said~~  
11 ~~notification, said candidate must elect as to which of said~~  
12 ~~political party appellations or groups he desires his name to~~  
13 ~~appear and remain under upon said ballot, and if said candidate~~  
14 ~~refuses, fails or neglects to make such election, then and in~~  
15 ~~that case the Board or election authority or local election~~  
16 ~~official, as the case may be, shall permit the name of said~~  
17 ~~candidate to appear or be printed or placed upon said ballot~~  
18 ~~only under the political party appellation or group appearing~~  
19 ~~on the certificate of nomination or petition, as the case may~~  
20 ~~be, first filed, and shall strike or cause to be stricken the~~  
21 ~~name of said candidate from all certificates of nomination and~~  
22 ~~petitions filed after the first such certificate of nomination~~  
23 ~~or petition.~~

24 Whenever the name of a candidate for an office is withdrawn  
25 from a new political party petition, it shall constitute a  
26 vacancy in nomination for that office which may be filled in

1 accordance with Section 10-11 of this Article; provided, that  
2 if the names of all candidates for all offices on a new  
3 political party petition are withdrawn or such petition is  
4 declared invalid by an electoral board or upon judicial review,  
5 no vacancies in nomination for those offices shall exist and  
6 the filing of any notice or resolution purporting to fill  
7 vacancies in nomination shall have no legal effect.

8 Whenever the name of an independent candidate for an office  
9 is withdrawn or an independent candidate's petition is declared  
10 invalid by an electoral board or upon judicial review, no  
11 vacancy in nomination for that office shall exist and the  
12 filing of any notice or resolution purporting to fill a vacancy  
13 in nomination shall have no legal effect.

14 All certificates of nomination and nomination papers when  
15 presented or filed shall be open, under proper regulation, to  
16 public inspection, and the State Board of Elections and the  
17 several election authorities and local election officials  
18 having charge of nomination papers shall preserve the same in  
19 their respective offices not less than 6 months.

20 (Source: P.A. 98-115, eff. 7-29-13; 98-1171, eff. 6-1-15.)