



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB1453

by Rep. Avery Bourne

#### 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

Amends the Election Code. Provides that nothing in provisions concerning the designation of a candidate's name on a nomination petition or ballot shall require a candidate to use his or her spouse's surname after marriage or to return to his or her previous legal surname following a dissolution of marriage.

LRB101 05529 SMS 50545 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 and 7-17 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 has changed his or her name, whether by  
13 a statutory or common law procedure in Illinois or any other  
14 jurisdiction, within 3 years before the last day for filing the  
15 petition or certificate for that office, whichever is  
16 applicable, then (i) the candidate's name on the petition or  
17 certificate must be followed by "formerly known as (list all  
18 prior names during the 3-year period) until name changed on  
19 (list date of each such name change)" and (ii) the petition or  
20 certificate must be accompanied by the candidate's affidavit  
21 stating the candidate's previous names during the period  
22 specified in (i) and the date or dates each of those names was  
23 changed; failure to meet these requirements shall be grounds

1 for denying certification of the candidate's name for the  
2 ballot or removing the candidate's name from the ballot, as  
3 appropriate, but these requirements do not apply to name  
4 changes resulting from adoption to assume an adoptive parent's  
5 or parents' surname, marriage to assume a spouse's surname, or  
6 dissolution of marriage or declaration of invalidity of  
7 marriage to assume a former surname. Nothing in this Section  
8 shall require a candidate to use his or her spouse's surname  
9 after marriage or to return to his or her previous legal  
10 surname following a dissolution of marriage. No other  
11 designation such as a political slogan, as defined by Section  
12 7-17, title or degree, or nickname suggesting or implying  
13 possession of a title, degree or professional status, or  
14 similar information may be used in connection with the  
15 candidate's surname.

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

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

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

19 (a) Each election authority in each county shall cause to  
20 be printed upon the general primary ballot of each party for  
21 each precinct in his jurisdiction the name of each candidate  
22 whose petition for nomination or for committeeperson has been  
23 filed in the office of the county clerk, as herein provided;  
24 and also the name of each candidate whose name has been  
25 certified to his office by the State Board of Elections, and in

1 the order so certified, except as hereinafter provided.

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

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

1 changes resulting from adoption to assume an adoptive parent's  
2 or parents' surname, marriage to assume a spouse's surname, or  
3 dissolution of marriage or declaration of invalidity of  
4 marriage to assume a former surname. Nothing in this Section  
5 shall require a candidate to use his or her spouse's surname  
6 after marriage or to return to his or her previous legal  
7 surname following a dissolution of marriage. No other  
8 designation such as a political slogan, title, or degree, or  
9 nickname suggesting or implying possession of a title, degree  
10 or professional status, or similar information may be used in  
11 connection with the candidate's surname. For purposes of this  
12 Section, a "political slogan" is defined as any word or words  
13 expressing or connoting a position, opinion, or belief that the  
14 candidate may espouse, including but not limited to, any word  
15 or words conveying any meaning other than that of the personal  
16 identity of the candidate. A candidate may not use a political  
17 slogan as part of his or her name on the ballot,  
18 notwithstanding that the political slogan may be part of the  
19 candidate's name.

20 (c) The State Board of Elections, a local election  
21 official, or an election authority shall remove any candidate's  
22 name designation from a ballot that is inconsistent with  
23 subsection (b) of this Section. In addition, the State Board of  
24 Elections, a local election official, or an election authority  
25 shall not certify to any election authority any candidate name  
26 designation that is inconsistent with subsection (b) of this

1 Section.

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

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