



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5045

Introduced 2/18/2020, by Rep. Daniel Didech

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
10 ILCS 5/8-8.1	from Ch. 46, par. 8-8.1
10 ILCS 5/10-5.1	from Ch. 46, par. 10-5.1
10 ILCS 5/16-3	from Ch. 46, par. 16-3

Amends the Election Code. Provides that the requirements to change a candidate's name do not apply to name changes resulting from a civil union to assume a spouse's surname or dissolution of a civil union or declaration of invalidity of a civil union to assume a former surname or a name change that conforms the candidate's name to his or her gender identity. Makes conforming changes throughout the Code. Effective immediately.

LRB101 16131 SMS 65497 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, 7-17, 8-8.1, 10-5.1, and 16-3 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 or civil union to assume a
6 spouse's surname, or dissolution of marriage or civil union or
7 declaration of invalidity of marriage or civil union to assume
8 a former surname or a name change that conforms the candidate's
9 name to his or her gender identity. No other designation such
10 as a political slogan, as defined by Section 7-17, title or
11 degree, or nickname suggesting or implying possession of a
12 title, degree or professional status, or similar information
13 may be used in connection with the candidate's surname.

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

15 (10 ILCS 5/7-17) (from Ch. 46, par. 7-17)

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

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

25 It shall be the duty of the election authority to cause to

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

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

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

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

24 (d) If the State Board of Elections, a local election
25 official, or an election authority removes a candidate's name
26 designation from a ballot under subsection (c) of this Section,

1 then the aggrieved candidate may seek appropriate relief in
2 circuit court.

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

4 (10 ILCS 5/8-8.1) (from Ch. 46, par. 8-8.1)

5 Sec. 8-8.1. In the designation of the name of a candidate
6 on a petition for nomination, the candidate's given name or
7 names, initial or initials, a nickname by which the candidate
8 is commonly known, or a combination thereof, may be used in
9 addition to the candidate's surname. If a candidate has changed
10 his or her name, whether by a statutory or common law procedure
11 in Illinois or any other jurisdiction, within 3 years before
12 the last day for filing the petition for that office, then (i)
13 the candidate's name on the petition must be followed by
14 "formerly known as (list all prior names during the 3-year
15 period) until name changed on (list date of each such name
16 change)" and (ii) the petition must be accompanied by the
17 candidate's affidavit stating the candidate's previous names
18 during the period specified in (i) and the date or dates each
19 of those names was changed; failure to meet these requirements
20 shall be grounds for denying certification of the candidate's
21 name for the ballot or removing the candidate's name from the
22 ballot, as appropriate, but these requirements do not apply to
23 name changes resulting from adoption to assume an adoptive
24 parent's or parents' surname, marriage or civil union to assume
25 a spouse's surname, or dissolution of marriage or civil union

1 or declaration of invalidity of marriage or civil union to
2 assume a former surname or a name change that conforms the
3 candidate's name to his or her gender identity. No other
4 designation such as a political slogan, title, or degree, or
5 nickname suggesting or implying possession of a title, degree
6 or professional status, or similar information may be used in
7 connection with the candidate's surname.

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

9 (10 ILCS 5/10-5.1) (from Ch. 46, par. 10-5.1)

10 Sec. 10-5.1. In the designation of the name of a candidate
11 on a certificate of nomination or nomination papers the
12 candidate's given name or names, initial or initials, a
13 nickname by which the candidate is commonly known, or a
14 combination thereof, may be used in addition to the candidate's
15 surname. If a candidate has changed his or her name, whether by
16 a statutory or common law procedure in Illinois or any other
17 jurisdiction, within 3 years before the last day for filing the
18 certificate of nomination or nomination papers for that office,
19 whichever is applicable, then (i) the candidate's name on the
20 certificate or papers must be followed by "formerly known as
21 (list all prior names during the 3-year period) until name
22 changed on (list date of each such name change)" and (ii) the
23 certificate or paper must be accompanied by the candidate's
24 affidavit stating the candidate's previous names during the
25 period specified in (i) and the date or dates each of those

1 names was changed; failure to meet these requirements shall be
2 grounds for denying certification of the candidate's name for
3 the ballot or removing the candidate's name from the ballot, as
4 appropriate, but these requirements do not apply to name
5 changes resulting from adoption to assume an adoptive parent's
6 or parents' surname, marriage or civil union to assume a
7 spouse's surname, or dissolution of marriage or civil union or
8 declaration of invalidity of marriage or civil union to assume
9 a former surname or a name change that conforms the candidate's
10 name to his or her gender identity. No other designation such
11 as a political slogan, title, or degree, or nickname suggesting
12 or implying possession of a title, degree or professional
13 status, or similar information may be used in connection with
14 the candidate's surname.

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

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

17 Sec. 16-3. (a) The names of all candidates to be voted for
18 in each election district or precinct shall be printed on one
19 ballot, except as is provided in Sections 16-6.1 and 21-1.01 of
20 this Act and except as otherwise provided in this Act with
21 respect to the odd year regular elections and the emergency
22 referenda; all nominations of any political party being placed
23 under the party appellation or title of such party as
24 designated in the certificates of nomination or petitions. The
25 names of all independent candidates shall be printed upon the

1 ballot in a column or columns under the heading "independent"
2 arranged under the names or titles of the respective offices
3 for which such independent candidates shall have been nominated
4 and so far as practicable, the name or names of any independent
5 candidate or candidates for any office shall be printed upon
6 the ballot opposite the name or names of any candidate or
7 candidates for the same office contained in any party column or
8 columns upon said ballot. The ballot shall contain no other
9 names, except that in cases of electors for President and
10 Vice-President of the United States, the names of the
11 candidates for President and Vice-President may be added to the
12 party designation and words calculated to aid the voter in his
13 choice of candidates may be added, such as "Vote for one,"
14 "Vote for not more than three." If no candidate or candidates
15 file for an office and if no person or persons file a
16 declaration as a write-in candidate for that office, then below
17 the title of that office the election authority instead shall
18 print "No Candidate". When an electronic voting system is used
19 which utilizes a ballot label booklet, the candidates and
20 questions shall appear on the pages of such booklet in the
21 order provided by this Code; and, in any case where candidates
22 for an office appear on a page which does not contain the name
23 of any candidate for another office, and where less than 50% of
24 the page is utilized, the name of no candidate shall be printed
25 on the lowest 25% of such page. On the back or outside of the
26 ballot, so as to appear when folded, shall be printed the words

1 "Official Ballot", followed by the designation of the polling
2 place for which the ballot is prepared, the date of the
3 election and a facsimile of the signature of the election
4 authority who has caused the ballots to be printed. The ballots
5 shall be of plain white paper, through which the printing or
6 writing cannot be read. However, ballots for use at the
7 nonpartisan and consolidated elections may be printed on
8 different color paper, except blue paper, whenever necessary or
9 desirable to facilitate distinguishing between ballots for
10 different political subdivisions. In the case of nonpartisan
11 elections for officers of a political subdivision, unless the
12 statute or an ordinance adopted pursuant to Article VII of the
13 Constitution providing the form of government therefor
14 requires otherwise, the column listing such nonpartisan
15 candidates shall be printed with no appellation or circle at
16 its head. The party appellation or title, or the word
17 "independent" at the head of any column provided for
18 independent candidates, shall be printed in letters not less
19 than one-fourth of an inch in height and a circle one-half inch
20 in diameter shall be printed at the beginning of the line in
21 which such appellation or title is printed, provided, however,
22 that no such circle shall be printed at the head of any column
23 or columns provided for such independent candidates. The names
24 of candidates shall be printed in letters not less than
25 one-eighth nor more than one-fourth of an inch in height, and
26 at the beginning of each line in which a name of a candidate is

1 printed a square shall be printed, the sides of which shall be
2 not less than one-fourth of an inch in length. However, the
3 names of the candidates for Governor and Lieutenant Governor on
4 the same ticket shall be printed within a bracket and a single
5 square shall be printed in front of the bracket. The list of
6 candidates of the several parties and any such list of
7 independent candidates shall be placed in separate columns on
8 the ballot in such order as the election authorities charged
9 with the printing of the ballots shall decide; provided, that
10 the names of the candidates of the several political parties,
11 certified by the State Board of Elections to the several county
12 clerks shall be printed by the county clerk of the proper
13 county on the official ballot in the order certified by the
14 State Board of Elections. Any county clerk refusing, neglecting
15 or failing to print on the official ballot the names of
16 candidates of the several political parties in the order
17 certified by the State Board of Elections, and any county clerk
18 who prints or causes to be printed upon the official ballot the
19 name of a candidate, for an office to be filled by the Electors
20 of the entire State, whose name has not been duly certified to
21 him upon a certificate signed by the State Board of Elections
22 shall be guilty of a Class C misdemeanor.

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

1 WRITE-IN VOTES

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

4 _____

5 Title of Office

6 () _____

7 Name of Candidate

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

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

1 (d) When such electronic system is used, there shall be
2 printed on the back of each ballot card, each ballot card
3 envelope, and the first page of the ballot label when a ballot
4 label is used, the words "Official Ballot," followed by the
5 number of the precinct or other precinct identification, which
6 may be stamped, in lieu thereof and, as applicable, the number
7 and name of the township, ward or other election district for
8 which the ballot card, ballot card envelope, and ballot label
9 are prepared, the date of the election and a facsimile of the
10 signature of the election authority who has caused the ballots
11 to be printed. The back of the ballot card shall also include a
12 method of identifying the ballot configuration such as a
13 listing of the political subdivisions and districts for which
14 votes may be cast on that ballot, or a number code identifying
15 the ballot configuration or color coded ballots, except that
16 where there is only one ballot configuration in a precinct, the
17 precinct identification, and any applicable ward
18 identification, shall be sufficient. Ballot card envelopes
19 used in punch card systems shall be of paper through which no
20 writing or punches may be discerned and shall be of sufficient
21 length to enclose all voting positions. However, the election
22 authority may provide ballot card envelopes on which no
23 precinct number or township, ward or other election district
24 designation, or election date are preprinted, if space and a
25 preprinted form are provided below the space provided for the
26 names of write-in candidates where such information may be

1 entered by the judges of election. Whenever an election
2 authority utilizes ballot card envelopes on which the election
3 date and precinct is not preprinted, a judge of election shall
4 mark such information for the particular precinct and election
5 on the envelope in ink before tallying and counting any
6 write-in vote written thereon. If some method of insuring
7 ballot secrecy other than an envelope is used, such information
8 must be provided on the ballot itself.

9 (e) In the designation of the name of a candidate on the
10 ballot, the candidate's given name or names, initial or
11 initials, a nickname by which the candidate is commonly known,
12 or a combination thereof, may be used in addition to the
13 candidate's surname. If a candidate has changed his or her
14 name, whether by a statutory or common law procedure in
15 Illinois or any other jurisdiction, within 3 years before the
16 last day for filing the petition for nomination, nomination
17 papers, or certificate of nomination for that office, whichever
18 is applicable, then (i) the candidate's name on the ballot must
19 be followed by "formerly known as (list all prior names during
20 the 3-year period) until name changed on (list date of each
21 such name change)" and (ii) the petition, papers, or
22 certificate must be accompanied by the candidate's affidavit
23 stating the candidate's previous names during the period
24 specified in (i) and the date or dates each of those names was
25 changed; failure to meet these requirements shall be grounds
26 for denying certification of the candidate's name for the

1 ballot or removing the candidate's name from the ballot, as
2 appropriate, but these requirements do not apply to name
3 changes resulting from adoption to assume an adoptive parent's
4 or parents' surname, marriage or civil union to assume a
5 spouse's surname, or dissolution of marriage or civil union or
6 declaration of invalidity of marriage or civil union to assume
7 a former surname or a name change that conforms the candidate's
8 name to his or her gender identity. No other designation such
9 as a political slogan, title, or degree or nickname suggesting
10 or implying possession of a title, degree or professional
11 status, or similar information may be used in connection with
12 the candidate's surname. For purposes of this Section, a
13 "political slogan" is defined as any word or words expressing
14 or connoting a position, opinion, or belief that the candidate
15 may espouse, including but not limited to, any word or words
16 conveying any meaning other than that of the personal identity
17 of the candidate. A candidate may not use a political slogan as
18 part of his or her name on the ballot, notwithstanding that the
19 political slogan may be part of the candidate's name.

20 (f) 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 (e) 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 (e) of this

1 Section.

2 (g) 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 (f) of this Section,
5 then the aggrieved candidate may seek appropriate relief in
6 circuit court.

7 Where voting machines or electronic voting systems are
8 used, the provisions of this Section may be modified as
9 required or authorized by Article 24 or Article 24A, whichever
10 is applicable.

11 Nothing in this Section shall prohibit election
12 authorities from using or reusing ballot card envelopes which
13 were printed before the effective date of this amendatory Act
14 of 1985.

15 (Source: P.A. 94-1090, eff. 6-1-07; 95-699, eff. 11-9-07;
16 95-862, eff. 8-19-08.)