



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1830

Introduced 2/15/2019, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-2	from Ch. 46, par. 7-2
10 ILCS 5/7-4	from Ch. 46, par. 7-4
10 ILCS 5/7-101 new	

Amends the Election Code. Allows an established political party to initiate a recall of one of its nominees if that nominee is (1) found to be a member of or associated with a group, directly or indirectly, with Communist, Fascist, Nazi, or other un-American principles; (2) engaged in activities or propaganda designed to teach subservience to the political principles and ideals of foreign nations or the overthrow by violence of the established constitutional form of government of the United States or the State of Illinois; (3) arrested and charged with murder or another felony; or (4) engaged in hate speech. Provides the process to recall a candidate under the provisions. Effective immediately.

LRB101 08257 SMS 53323 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 7-2 and 7-4 and by adding Section 7-101 as follows:

6 (10 ILCS 5/7-2) (from Ch. 46, par. 7-2)  
7 Sec. 7-2.

8 (a) A political party, which at the general election for  
9 State and county officers then next preceding a primary, polled  
10 more than 5 per cent of the entire vote cast in the State, is  
11 hereby declared to be a political party within the State, and  
12 shall nominate all candidates provided for in this Article 7  
13 under the provisions hereof, and shall elect precinct,  
14 township, ward, and State central committeepersons as herein  
15 provided.

16 A political party, which at the general election for State  
17 and county officers then next preceding a primary, cast more  
18 than 5 per cent of the entire vote cast within any  
19 congressional district, is hereby declared to be a political  
20 party within the meaning of this Article, within such  
21 congressional district, and shall nominate its candidate for  
22 Representative in Congress, under the provisions hereof. A  
23 political party, which at the general election for State and

1 county officers then next preceding a primary, cast more than 5  
2 per cent of the entire vote cast in any county, is hereby  
3 declared to be a political party within the meaning of this  
4 Article, within said county, and shall nominate all county  
5 officers in said county under the provisions hereof, and shall  
6 elect precinct, township, and ward committeepersons, as herein  
7 provided.

8 A political party, which at the municipal election for  
9 city, village, or incorporated town officers then next  
10 preceding a primary, cast more than 5 per cent of the entire  
11 vote cast in any city, ~~or~~ village, or incorporated town is  
12 hereby declared to be a political party within the meaning of  
13 this Article, within said city, village, or incorporated town,  
14 and shall nominate all city, village, or incorporated town  
15 officers in said city, ~~or~~ village, or incorporated town under  
16 the provisions hereof to the extent and in the cases provided  
17 in Section 7-1.

18 A political party, which at the municipal election for town  
19 officers then next preceding a primary, cast more than 5 per  
20 cent of the entire vote cast in said town, is hereby declared  
21 to be a political party within the meaning of this Article,  
22 within said town, and shall nominate all town officers in said  
23 town under the provisions hereof to the extent and in the cases  
24 provided in Section 7-1.

25 A political party, which at the municipal election in any  
26 other municipality or political subdivision, (except townships

1 and school districts), for municipal or other officers therein  
2 then next preceding a primary, cast more than 5 per cent of the  
3 entire vote cast in such municipality or political subdivision,  
4 is hereby declared to be a political party within the meaning  
5 of this Article, within said municipality or political  
6 subdivision, and shall nominate all municipal or other officers  
7 therein under the provisions hereof to the extent and in the  
8 cases provided in Section 7-1.

9       Provided, that no political organization or group shall be  
10 qualified as a political party hereunder, or given a place on a  
11 ballot, which organization or group is associated, directly or  
12 indirectly, with Communist, Fascist, Nazi, or other  
13 un-American principles and engages in activities or propaganda  
14 designed to teach subservience to the political principles and  
15 ideals of foreign nations or the overthrow by violence of the  
16 established constitutional form of government of the United  
17 States and the State of Illinois.

18       (b) A political party that nominates candidates or officers  
19 under subsection (a) may initiate a recall of one of its  
20 nominees under Section 7-101 if that candidate or officer is:

21       (1) found to be a member of or associated with a group,  
22 directly or indirectly, with Communist, Fascist, Nazi, or  
23 other un-American principles;

24       (2) engaged in activities or propaganda designed to  
25 teach subservience to the political principles and ideals  
26 of foreign nations or the overthrow by violence of the

1 established constitutional form of government of the  
2 United States or the State of Illinois;

3 (3) arrested and charged with murder or another felony;

4 or

5 (4) engaged in hate speech.

6 (Source: P.A. 100-1027, eff. 1-1-19; revised 9-18-18.)

7 (10 ILCS 5/7-4) (from Ch. 46, par. 7-4)

8 Sec. 7-4. The following words and phrases in this Article 7  
9 shall, unless the same be inconsistent with the context, be  
10 construed as follows:

11 1. The word "primary" the primary elections provided for in  
12 this Article, which are the general primary, the consolidated  
13 primary, and for those municipalities which have annual  
14 partisan elections for any officer, the municipal primary held  
15 6 weeks prior to the general primary election date in even  
16 numbered years.

17 2. The definition of terms in Section 1-3 of this Act shall  
18 apply to this Article.

19 3. The word "precinct" a voting district heretofore or  
20 hereafter established by law within which all qualified  
21 electors vote at one polling place.

22 4. The words "state office" or "state officer", an office  
23 to be filled, or an officer to be voted for, by qualified  
24 electors of the entire state, including United States Senator  
25 and Congressman at large.

1           5. The words "congressional office" or "congressional  
2 officer", representatives in Congress.

3           6. The words "county office" or "county officer," include  
4 an office to be filled or an officer to be voted for, by the  
5 qualified electors of the entire county. "County office" or  
6 "county officer" also include the assessor and board of appeals  
7 and county commissioners and president of county board of Cook  
8 County, and county board members and the chair of the county  
9 board in counties subject to "An Act relating to the  
10 composition and election of county boards in certain counties",  
11 enacted by the 76th General Assembly.

12           7. The words "city office" and "village office," and  
13 "incorporated town office" or "city officer" and "village  
14 officer", and "incorporated town officer" an office to be  
15 filled or an officer to be voted for by the qualified electors  
16 of the entire municipality, including aldermen.

17           8. The words "town office" or "town officer", an office to  
18 be filled or an officer to be voted for by the qualified  
19 electors of an entire town.

20           9. The words "town" and "incorporated town" shall  
21 respectively be defined as in Section 1-3 of this Act.

22           10. The words "delegates and alternate delegates to  
23 National nominating conventions" include all delegates and  
24 alternate delegates to National nominating conventions whether  
25 they be elected from the state at large or from congressional  
26 districts or selected by State convention unless contrary and

1 non-inclusive language specifically limits the term to one  
2 class.

3 11. "Judicial office" means a post held by a judge of the  
4 Supreme, Appellate or Circuit Court.

5 12. "Hate speech" means speech directed at a person because  
6 of his or her actual or perceived race, color, creed, religion,  
7 ancestry, gender, sexual orientation, physical or mental  
8 disability, or national origin that exposes that person to  
9 hatred, contempt, or ridicule or causes that person to fear for  
10 his or her safety.

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

12 (10 ILCS 5/7-101 new)

13 Sec. 7-101. Recall of a political party nominee.

14 (a) If a political party nominee is a member of or  
15 associated with a group, directly or indirectly, with  
16 Communist, Fascist, Nazi, or other un-American principles,  
17 engaged in activities or propaganda designed to teach  
18 subservience to the political principles and ideals of foreign  
19 nations or the overthrow by violence of the established  
20 constitutional form of government of the United States and the  
21 State of Illinois, arrested and charged with murder or another  
22 felony, or engaged in hate speech, then the voters of the  
23 political party may initiate a recall of the nomination.

24 (b) To recall a nominee of a political party, petitions for  
25 recall must be collected and submitted to the State Board of

1 Elections. The petitions for recall must state the name of the  
2 nominee being recalled, the office and district number the  
3 nominee is seeking, and the reason or reasons why the recall is  
4 being initiated. The petitions for recall must contain  
5 signatures from at least the same number of signatures needed  
6 to qualify for the ballot for that office, and those signing  
7 must be primary party voters who voted in the most recent  
8 primary election that resulted in the nomination of the  
9 candidate being recalled. The petition for recall sheets must  
10 contain the same circulator and notary requirements as the  
11 petitions for nomination require under Section 7. The State  
12 Board of Elections shall make a determination as to whether the  
13 petitions for recall meet the minimum requirements. If the  
14 State Board of Elections determines that the petitions for  
15 recall do meet the minimum requirements, then the political  
16 party committee for the district in question shall meet and  
17 hold a vote to decide whether to remove that nominee from the  
18 ballot. If a majority of the committee votes to remove, then  
19 the committee shall file a withdrawal with the proper election  
20 authority and may then appoint a replacement as if a vacancy  
21 existed.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.