

# SB3210



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3210

Introduced 2/11/2020, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-20-45

Amends the Illinois Municipal Code. Provides that when a person who intends to be a write-in candidate for an uncontested nonpartisan office has not timely filed nomination papers but has filed a written statement or notice of his or her intent, no primary ballot shall be printed (rather than requiring a primary ballot to be prepared and a primary election held if the write-in candidate is the fifth candidate filed). Provides that where no primary is held, a person intending to become a write-in candidate shall re-file a declaration of intent to be a write-in candidate for the general election with the appropriate election authority or authorities. Removes language: concerning requirements for the written statement or notice; and providing that an election authority has no duty to conduct a primary and prepare a ballot for a uncontested office, unless the written statement or notice is filed in a timely manner.

LRB101 18029 AWJ 67467 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 3.1-20-45 as follows:

6 (65 ILCS 5/3.1-20-45)

7 Sec. 3.1-20-45. Nonpartisan primary elections; uncontested  
8 office. A city incorporated under this Code that elects  
9 municipal officers at nonpartisan primary and general  
10 elections shall conduct the elections as provided in the  
11 Election Code, except that no office for which nomination is  
12 uncontested shall be included on the primary ballot and no  
13 primary shall be held for that office. For the purposes of this  
14 Section, an office is uncontested when not more than 4 persons  
15 to be nominated for each office have timely filed valid  
16 nominating papers seeking nomination for the election to that  
17 office.

18 Notwithstanding any other provision of law ~~the preceding~~  
19 ~~paragraph~~, when a person (i) who has not timely filed valid  
20 nomination papers and (ii) who intends to become a write-in  
21 candidate for nomination for any office for which nomination is  
22 uncontested files a written statement or notice of that intent  
23 with the proper election official with whom the nomination

1 papers for that office are filed, no primary ballot shall be  
2 printed. Where no primary is held, a person intending to become  
3 a write-in candidate at the general primary election shall  
4 re-file a declaration of intent to be a write-in candidate for  
5 the general election with the appropriate election authority or  
6 authorities ~~if the write in candidate becomes the fifth~~  
7 ~~candidate filed, a primary ballot must be prepared and a~~  
8 ~~primary must be held for the office. The statement or notice~~  
9 ~~must be filed on or before the 61st day before the consolidated~~  
10 ~~primary election. The statement must contain (i) the name and~~  
11 ~~address of the person intending to become a write in candidate,~~  
12 ~~(ii) a statement that the person intends to become a write in~~  
13 ~~candidate, and (iii) the office the person is seeking as a~~  
14 ~~write in candidate. An election authority has no duty to~~  
15 ~~conduct a primary election or prepare a primary ballot unless a~~  
16 ~~statement meeting the requirements of this paragraph is filed~~  
17 ~~in a timely manner.~~

18 If there is a primary election, then candidates shall be  
19 placed on the ballot for the next succeeding general municipal  
20 election in the following manner:

21 (1) If one officer is to be elected, then the 2  
22 candidates who receive the highest number of votes shall be  
23 placed on the ballot for the next succeeding general  
24 municipal election.

25 (2) If 2 aldermen are to be elected at large, then the  
26 4 candidates who receive the highest number of votes shall

1 be placed on the ballot for the next succeeding general  
2 municipal election.

3 (3) If 3 aldermen are to be elected at large, then the  
4 6 candidates who receive the highest number of votes shall  
5 be placed on the ballot for the next succeeding general  
6 municipal election.

7 The name of a write-in candidate may not be placed on the  
8 ballot for the next succeeding general municipal election  
9 unless he or she receives a number of votes in the primary  
10 election that equals or exceeds the number of signatures  
11 required on a petition for nomination for that office or that  
12 exceeds the number of votes received by at least one of the  
13 candidates whose names were printed on the primary ballot for  
14 nomination for or election to the same office.

15 (Source: P.A. 97-81, eff. 7-5-11.)