



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2398

Introduced 2/17/2021, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-2
10 ILCS 5/10-3

from Ch. 46, par. 10-2
from Ch. 46, par. 10-3

Amends the Election Code. Changes signature requirements for new political parties and independent candidates so the amounts are equal to those required for established political parties, irrespective of party affiliation.

LRB102 13937 SMS 19288 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 10-2 and 10-3 as follows:

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

7 Sec. 10-2. The term "political party", as hereinafter used
8 in this Article 10, shall mean any "established political
9 party", as hereinafter defined and shall also mean any
10 political group which shall hereafter undertake to form an
11 established political party in the manner provided for in this
12 Article 10: Provided, that no political organization or group
13 shall be qualified as a political party hereunder, or given a
14 place on a ballot, which organization or group is associated,
15 directly or indirectly, with Communist, Fascist, Nazi or other
16 un-American principles and engages in activities or propaganda
17 designed to teach subservience to the political principles and
18 ideals of foreign nations or the overthrow by violence of the
19 established constitutional form of government of the United
20 States and the State of Illinois.

21 A political party which, at the last general election for
22 State and county officers, polled for its candidate for
23 Governor more than 5% of the entire vote cast for Governor, is

1 hereby declared to be an "established political party" as to
2 the State and as to any district or political subdivision
3 thereof.

4 A political party which, at the last election in any
5 congressional district, legislative district, county,
6 township, municipality or other political subdivision or
7 district in the State, polled more than 5% of the entire vote
8 cast within such territorial area or political subdivision, as
9 the case may be, has voted as a unit for the election of
10 officers to serve the respective territorial area of such
11 district or political subdivision, is hereby declared to be an
12 "established political party" within the meaning of this
13 Article as to such district or political subdivision.

14 Any group of persons hereafter desiring to form a new
15 political party throughout the State, or in any congressional,
16 legislative or judicial district, or in any other district or
17 in any political subdivision (other than a municipality) not
18 entirely within a single county, shall file with the State
19 Board of Elections a petition, as hereinafter provided; and
20 any such group of persons hereafter desiring to form a new
21 political party within any county shall file such petition
22 with the county clerk; and any such group of persons hereafter
23 desiring to form a new political party within any municipality
24 or township or within any district of a unit of local
25 government other than a county shall file such petition with
26 the local election official or Board of Election Commissioners

1 of such municipality, township or other unit of local
2 government, as the case may be. Any such petition for the
3 formation of a new political party throughout the State, or in
4 any such district or political subdivision, as the case may
5 be, shall declare as concisely as may be the intention of the
6 signers thereof to form such new political party in the State,
7 or in such district or political subdivision; shall state in
8 not more than 5 words the name of such new political party;
9 shall at the time of filing contain a complete list of
10 candidates of such party for all offices to be filled in the
11 State, or such district or political subdivision as the case
12 may be, at the next ensuing election then to be held; and, if
13 such new political party shall be formed for the entire State,
14 shall be signed by least 5,000 but not more than 10,000
15 qualified voters ~~1% of the number of voters who voted at the~~
16 ~~next preceding Statewide general election or 25,000 qualified~~
17 ~~voters, whichever is less.~~ If such new political party shall
18 be formed for any district or political subdivision less than
19 the entire State, such petition shall be signed by qualified
20 voters equaling in number not less than 0.5% of the qualified
21 voters ~~5% of the number of voters who voted at the next~~
22 ~~preceding regular election~~ in such district or political
23 subdivision ~~in which such district or political subdivision~~
24 ~~voted as a unit for the election of officers to serve its~~
25 ~~respective territorial area. However, whenever the minimum~~
26 ~~signature requirement for a district or political subdivision~~

1 ~~new political party petition shall exceed the minimum number~~
2 ~~of signatures for State-wide new political party petitions at~~
3 ~~the next preceding State-wide general election, such~~
4 ~~State-wide petition signature requirement shall be the minimum~~
5 ~~for such district or political subdivision new political party~~
6 ~~petition.~~

7 For the first election following a redistricting of
8 congressional districts, a petition to form a new political
9 party in a congressional district shall be signed by at least
10 5,000 qualified voters of the congressional district. For the
11 first election following a redistricting of legislative
12 districts, a petition to form a new political party in a
13 legislative district shall be signed by at least 600 ~~3,000~~
14 qualified voters of the legislative district. For the first
15 election following a redistricting of representative
16 districts, a petition to form a new political party in a
17 representative district shall be signed by at least 0.5% of
18 the ~~1,500~~ qualified voters of the representative district.

19 For the first election following redistricting of county
20 board districts, or of municipal wards or districts, or for
21 the first election following the initial establishment of such
22 districts or wards in a county or municipality, a petition to
23 form a new political party in a county board district or in a
24 municipal ward or district shall be signed by qualified voters
25 of the district or ward equal to not less than 0.5% of the
26 qualified voters of the district or ward ~~5% of the total number~~

1 ~~of votes cast at the preceding general or municipal election,~~
2 ~~as the case may be, for the county or municipal office voted on~~
3 ~~throughout the county or municipality for which the greatest~~
4 ~~total number of votes were cast for all candidates, divided by~~
5 ~~the number of districts or wards, but in any event not less~~
6 ~~than 25 qualified voters of the district or ward.~~

7 In the case of a petition to form a new political party
8 within a political subdivision in which officers are to be
9 elected from districts and at-large, such petition shall
10 consist of separate components for each district from which an
11 officer is to be elected. Each component shall be circulated
12 only within a district of the political subdivision and signed
13 only by qualified electors who are residents of such district.
14 Each sheet of such petition must contain a complete list of the
15 names of the candidates of the party for all offices to be
16 filled in the political subdivision at large, but the sheets
17 comprising each component shall also contain the names of
18 those candidates to be elected from the particular district.
19 Each component of the petition for each district from which an
20 officer is to be elected must be signed by qualified voters of
21 the district equalling in number not less than 0.5% of the
22 qualified voters of that district ~~5% of the number of voters~~
23 ~~who voted at the next preceding regular election in such~~
24 ~~district at which an officer was elected to serve the~~
25 ~~district~~. The entire petition, including all components, must
26 be signed by a total of qualified voters of the entire

1 political subdivision equalling in number not less than 0.5%
2 of the qualified voters of that entire political subdivision
3 ~~5% of the number of voters who voted at the next preceding~~
4 ~~regular election in such political subdivision at which an~~
5 ~~officer was elected to serve the political subdivision at~~
6 ~~large.~~

7 The filing of such petition shall constitute the political
8 group a new political party, for the purpose only of placing
9 upon the ballot at such next ensuing election such list or an
10 adjusted list in accordance with Section 10-11, of party
11 candidates for offices to be voted for throughout the State,
12 or for offices to be voted for in such district or political
13 subdivision less than the State, as the case may be, under the
14 name of and as the candidates of such new political party.

15 If, at such ensuing election, the new political party's
16 candidate for Governor shall receive more than 5% of the
17 entire votes cast for Governor, then such new political party
18 shall become an "established political party" as to the State
19 and as to every district or political subdivision thereof. If,
20 at such ensuing election, the other candidates of the new
21 political party, or any other candidate or candidates of the
22 new political party shall receive more than 5% of all the votes
23 cast for the office or offices for which they were candidates
24 at such election, in the State, or in any district or political
25 subdivision, as the case may be, then and in that event, such
26 new political party shall become an "established political

1 party" within the State or within such district or political
2 subdivision less than the State, as the case may be, in which
3 such candidate or candidates received more than 5% of the
4 votes cast for the office or offices for which they were
5 candidates. It shall thereafter nominate its candidates for
6 public offices to be filled in the State, or such district or
7 political subdivision, as the case may be, under the
8 provisions of the laws regulating the nomination of candidates
9 of established political parties at primary elections and
10 political party conventions, as now or hereafter in force.

11 A political party which continues to receive for its
12 candidate for Governor more than 5% of the entire vote cast for
13 Governor, shall remain an "established political party" as to
14 the State and as to every district or political subdivision
15 thereof. But if the political party's candidate for Governor
16 fails to receive more than 5% of the entire vote cast for
17 Governor, or if the political party does not nominate a
18 candidate for Governor, the political party shall remain an
19 "established political party" within the State or within such
20 district or political subdivision less than the State, as the
21 case may be, only so long as, and only in those districts or
22 political subdivisions in which, the candidates of that
23 political party, or any candidate or candidates of that
24 political party, continue to receive more than 5% of all the
25 votes cast for the office or offices for which they were
26 candidates at succeeding general or consolidated elections

1 within the State or within any district or political
2 subdivision, as the case may be.

3 Any such petition shall be filed at the same time and shall
4 be subject to the same requirements and to the same provisions
5 in respect to objections thereto and to any hearing or
6 hearings upon such objections that are hereinafter in this
7 Article 10 contained in regard to the nomination of any other
8 candidate or candidates by petition. If any such new political
9 party shall become an "established political party" in the
10 manner herein provided, the candidate or candidates of such
11 new political party nominated by the petition hereinabove
12 referred to for such initial election, shall have power to
13 select any such party committeeperson or committeepersons as
14 shall be necessary for the creation of a provisional party
15 organization and provisional managing committee or committees
16 for such party within the State, or in any district or
17 political subdivision in which the new political party has
18 become established; and the party committeeperson or
19 committeepersons so selected shall constitute a provisional
20 party organization for the new political party and shall have
21 and exercise the powers conferred by law upon any party
22 committeeperson or committeepersons to manage and control the
23 affairs of such new political party until the next ensuing
24 primary election at which the new political party shall be
25 entitled to nominate and elect any party committeeperson or
26 committeepersons in the State, or in such district or

1 political subdivision under any parts of this Act relating to
2 the organization of political parties.

3 A candidate for whom a nomination paper has been filed as a
4 partisan candidate at a primary election, and who is defeated
5 for his or her nomination at the primary election, is
6 ineligible for nomination as a candidate of a new political
7 party for election in that general election.

8 Notwithstanding any other provision of law, on and after
9 the effective date of this amendatory Act of the 102nd General
10 Assembly, signature requirements for new parties shall be the
11 same as those for established political parties, irrespective
12 of party affiliation.

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

14 (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

15 Sec. 10-3. Nomination of independent candidates (not
16 candidates of any political party), for any office to be
17 filled by the voters of the State at large may also be made by
18 nomination papers signed in the aggregate for each candidate
19 by at least 5,000 but not more than 10,000 qualified voters ~~1%~~
20 ~~of the number of voters who voted in the next preceding~~
21 ~~Statewide general election or 25,000 qualified voters of the~~
22 ~~State, whichever is less.~~ Nominations of independent
23 candidates for public office within any district or political
24 subdivision less than the State, may be made by nomination
25 papers signed in the aggregate for each candidate by qualified

1 voters of such district, or political subdivision, equaling
2 not less than 0.5% of the qualified voters of that district or
3 political subdivision ~~5%, nor more than 8% (or 50 more than the~~
4 ~~minimum, whichever is greater) of the number of persons, who~~
5 ~~voted at the next preceding regular election in such district~~
6 ~~or political subdivision in which such district or political~~
7 ~~subdivision voted as a unit for the election of officers to~~
8 ~~serve its respective territorial area. However, whenever the~~
9 ~~minimum signature requirement for an independent candidate~~
10 ~~petition for a district or political subdivision office shall~~
11 ~~exceed the minimum number of signatures for an independent~~
12 ~~candidate petition for an office to be filled by the voters of~~
13 ~~the State at large at the next preceding State-wide general~~
14 ~~election, such State-wide petition signature requirement shall~~
15 ~~be the minimum for an independent candidate petition for such~~
16 ~~district or political subdivision office. For the first~~
17 election following a redistricting of congressional districts,
18 nomination papers for an independent candidate for congressman
19 shall be signed by at least 600 ~~5,000~~ qualified voters of the
20 congressional district. For the first election following a
21 redistricting of legislative districts, nomination papers for
22 an independent candidate for State Senator in the General
23 Assembly shall be signed by at least 0.5% of the ~~3,000~~
24 qualified voters of the legislative district or 25 signatures,
25 whichever is greater. For the first election following a
26 redistricting of representative districts, nomination papers

1 for an independent candidate for State Representative in the
2 General Assembly shall be signed by at least 0.5% of the 1,500
3 qualified voters of the representative district. For the first
4 election following redistricting of county board districts, or
5 of municipal wards or districts, or for the first election
6 following the initial establishment of such districts or wards
7 in a county or municipality, nomination papers for an
8 independent candidate for county board member, or for alderman
9 or trustee of such municipality, shall be signed by qualified
10 voters of the district or ward equal to not less than 0.5% of
11 the qualified voters of that district or ward ~~5% nor more than~~
12 ~~8% (or 50 more than the minimum, whichever is greater) of the~~
13 ~~total number of votes cast at the preceding general or general~~
14 ~~municipal election, as the case may be, for the county or~~
15 ~~municipal office voted on throughout such county or~~
16 ~~municipality for which the greatest total number of votes were~~
17 ~~cast for all candidates, divided by the number of districts or~~
18 ~~wards, but in any event not less than 25 qualified voters of~~
19 ~~the district or ward.~~ Each voter signing a nomination paper
20 shall add to his signature his place of residence, and each
21 voter may subscribe to one nomination for such office to be
22 filled, and no more: Provided that the name of any candidate
23 whose name may appear in any other place upon the ballot shall
24 not be so added by petition for the same office.

25 The person circulating the petition, or the candidate on
26 whose behalf the petition is circulated, may strike any

1 signature from the petition, provided that;

2 (1) the person striking the signature shall initial
3 the petition at the place where the signature is struck;
4 and

5 (2) the person striking the signature shall sign a
6 certification listing the page number and line number of
7 each signature struck from the petition. Such
8 certification shall be filed as a part of the petition.

9 (3) the persons striking signatures from the petition
10 shall each sign an additional certificate specifying the
11 number of certification pages listing stricken signatures
12 which are attached to the petition and the page numbers
13 indicated on such certifications. The certificate shall be
14 filed as a part of the petition, shall be numbered, and
15 shall be attached immediately following the last page of
16 voters' signatures and before the certifications of
17 stricken signatures.

18 (4) all of the foregoing requirements shall be
19 necessary to effect a valid striking of any signature. The
20 provisions of this Section authorizing the striking of
21 signatures shall not impose any criminal liability on any
22 person so authorized for signatures which may be
23 fraudulent.

24 In the case of the offices of Governor and Lieutenant
25 Governor a joint petition including one candidate for each of
26 those offices must be filed.

1 A candidate for whom a nomination paper has been filed as a
2 partisan candidate at a primary election, and who is defeated
3 for his or her nomination at the primary election, is
4 ineligible to be placed on the ballot as an independent
5 candidate for election in that general or consolidated
6 election.

7 A candidate seeking election to an office for which
8 candidates of political parties are nominated by caucus who is
9 a participant in the caucus and who is defeated for his or her
10 nomination at such caucus, is ineligible to be listed on the
11 ballot at that general or consolidated election as an
12 independent candidate.

13 Notwithstanding any other provision of law, on and after
14 the effective date of this amendatory Act of the 102nd General
15 Assembly, signature requirements for independent candidates
16 shall be the same as those for established political parties,
17 irrespective of party affiliation.

18 (Source: P.A. 95-699, eff. 11-9-07.)