



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2912

Introduced 2/19/2021, by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

10 ILCS 5/12A-2
10 ILCS 5/12A-5
10 ILCS 5/12A-10
10 ILCS 5/12A-15
10 ILCS 5/12A-35
10 ILCS 5/12A-40
10 ILCS 5/12A-45
10 ILCS 5/12A-50
10 ILCS 5/12A-55

Amends the Voters' Guide Article of the Election Code. Provides that the information the State Board of Elections is required to disseminate on a website before the general election shall be referred to as the Voters' Guide (rather than the Internet Guide). Requires the Voters' Guide to be made available no later than 60 days (rather than 45 days) before a general election. Adds that the Voters' Guide shall include information on how to register to vote, vote early, vote by mail, and use others procedures available to electors. Requires printed copies of the Voters' Guide to be made available to the public at the State Board of Elections' offices (rather than providing the State Board of Elections discretion to publish the Internet Guide). Requires the Voters' Guide to be made available in Spanish. Makes conforming changes throughout the Article.

LRB102 14510 SMS 19863 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 12A-2, 12A-5, 12A-10, 12A-15, 12A-35, 12A-40, 12A-45,
6 12A-50, and 12A-55 as follows:

7 (10 ILCS 5/12A-2)

8 Sec. 12A-2. Definitions. As used in this Article, unless
9 the context otherwise requires:

10 "Board" means the State Board of Elections.

11 ~~"Internet Guide" refers to information disseminated by the~~
12 ~~State Board of Elections on a website, pursuant to Section~~
13 ~~12A-5.~~

14 "Local election authority" means a county clerk or board
15 of election commissioners.

16 "Public question" or "question" means any question,
17 proposition, or referendum submitted to the voters under
18 Article 28 of this Code.

19 "Statewide candidate" means any candidate who runs for a
20 statewide office, including Governor, Lieutenant Governor,
21 Attorney General, Secretary of State, Treasurer, Comptroller,
22 United States President, or United States Senator.

23 "Voters' Guide ~~guide~~" means the ~~any~~ information

1 disseminated and published by the State Board of Elections
2 pursuant to Section 12A-5.

3 (Source: P.A. 94-645, eff. 8-22-05.)

4 (10 ILCS 5/12A-5)

5 Sec. 12A-5. Voters' ~~Internet~~ Guide. The Board shall
6 publish, no later than the 60th ~~45th~~ day before a general
7 election in which a statewide candidate appears on the ballot,
8 an Internet website with the following information:

9 (1) The date and time of the general election,
10 including the dates, times, and locations in which early
11 voting is available.

12 (2) Requirements for a citizen to qualify as an
13 elector.

14 (3) Information on how to register and the ~~The~~
15 deadline for registering as an elector in the State of
16 Illinois for the next election.

17 (4) Contact information for local election
18 authorities.

19 (5) A description of the following offices, when they
20 appear on the ballot, including their term of office,
21 basic duties, and base salary: United States President,
22 United States Senator, United States Representative,
23 Governor, Lieutenant Governor, Attorney General, Secretary
24 of State, Treasurer, Comptroller, Illinois Supreme Court
25 Judge, and Illinois Appellate Court Judge. The Board shall

1 not include information on any office other than the
2 offices listed in this item (5).

3 (6) The names and party affiliations of qualified
4 candidates for the following offices, when these offices
5 appear on the ballot: United States President, United
6 States Senator, United States Representative, Governor,
7 Lieutenant Governor, Attorney General, Secretary of State,
8 Treasurer, Comptroller, Illinois Supreme Court Judge, and
9 Illinois Appellate Court Judge. The Board shall not
10 include information on candidates for any office other
11 than the offices listed in this item (6).

12 (7) Challenged candidates. Where a candidate's right
13 to appear on the general election ballot has been
14 challenged, and any appeal remains pending regarding those
15 challenges, the challenged candidate may appear in ~~on~~ the
16 Voters' Internet Guide, subject to the other provisions of
17 Section 12A-10. In this instance, the Board may note that
18 the candidate's candidacy has been challenged and that he
19 or she may be removed from the ballot prior to election
20 day. If the candidate is removed from the ballot prior to
21 election day, the Board shall remove the candidate's name
22 and other information from the Voters' Internet Guide
23 available on the Internet website.

24 (8) Any personal statement and photograph submitted by
25 a candidate named in the Voters' Internet Guide, subject
26 to Sections 12A-10 and 12A-35.

1 (9) A means by which an elector may determine what
2 type of balloting equipment is used by his or her local
3 election authority, and the instructions for properly
4 using that equipment.

5 (10) The text of any public question that may appear
6 on the ballot.

7 (11) A mechanism by which electors may determine in
8 which congressional and judicial districts they reside.
9 The Voters' Internet Guide available on the Internet
10 website shall allow visitors to search for candidates by
11 office (e.g., Governor or United States Senator) and
12 candidate's name.

13 (12) Information concerning how to become an election
14 judge.

15 (13) Information on how to vote by mail, vote early,
16 and use any alternative voting procedures available to
17 electors.

18 The Board shall archive the contents of the Voters'
19 ~~Internet~~ Guide for a period of at least 5 years.

20 In addition, the Board shall ~~has the discretion to~~ publish
21 the Voters' Guide ~~a voters' guide~~ before a general primary
22 election in the manner provided in this Article and provide
23 printed copies of the Voters' Guide available to the public at
24 the Board's offices.

25 (Source: P.A. 94-645, eff. 8-22-05.)

1 (10 ILCS 5/12A-10)

2 Sec. 12A-10. Candidate statements and photographs in the
3 Voters' Internet Guide.

4 (a) Any candidate whose name appears in the Voters'
5 ~~Internet~~ Guide may submit a written statement and a photograph
6 to appear in the Voters' Internet Guide, provided that:

7 (1) No personal statement may exceed a brief biography
8 (name, age, education, and current employment) and an
9 additional 400 words.

10 (2) Personal statements may include contact
11 information for the candidate, including the address and
12 phone number of the campaign headquarters, and the
13 candidate's website.

14 (3) Personal statements may not mention a candidate's
15 opponents by name.

16 (4) No personal statement may include language that
17 may not be legally sent through the mail.

18 (5) The photograph shall be a conventional photograph
19 with a plain background and show only the face, or the
20 head, neck, and shoulders, of the candidate.

21 (6) The photograph shall not (i) show the candidate's
22 hands, anything in the candidate's hands, or the candidate
23 wearing a judicial robe, a hat, or a military, police, or
24 fraternal uniform or (ii) include the uniform or insignia
25 of any organization.

26 (b) The Board must note in the text of the Voters' Internet

1 Guide that personal statements were submitted by the candidate
2 or his or her designee and were not edited by the Board.

3 (c) Where a candidate declines to submit a statement, the
4 Board may note that the candidate declined to submit a
5 statement.

6 (d) (Blank.)

7 (e) Anyone other than the candidate submitting a statement
8 or photograph from a candidate must attest that he or she is
9 doing so on behalf and at the direction of the candidate. The
10 Board may assess a civil fine of no more than \$1,000 against a
11 person or entity who falsely submits a statement or photograph
12 not authorized by the candidate.

13 (f) Nothing in this Article makes the author of any
14 statement exempt from any civil or criminal action because of
15 any defamatory statements offered for posting or contained in
16 the Voters' ~~Internet~~ Guide. The persons writing, signing, or
17 offering a statement for inclusion in the Voters' ~~Internet~~
18 Guide are deemed to be its authors and publishers, and the
19 Board shall not be liable in any case or action relating to the
20 content of any material submitted by any candidate.

21 (g) The Board may set reasonable deadlines for the
22 submission of personal statements and photographs.

23 (h) The Board may set formats for the submission of
24 statements and photographs. The Board may require that
25 statements and photographs are submitted in an electronic
26 format.

1 (i) Fines collected pursuant to subsection (e) of this
2 Section shall be deposited into the Voters' Guide Fund, a
3 special fund created in the State treasury. Moneys in the
4 Voters' Guide Fund shall be appropriated solely to the State
5 Board of Elections for use in the implementation and
6 administration of this Article 12A.

7 (Source: P.A. 94-645, eff. 8-22-05; 95-699, eff. 11-9-07.)

8 (10 ILCS 5/12A-15)

9 Sec. 12A-15. Language. The Board may translate all of the
10 material it is required to provide for the Voters' Internet
11 Guide into other languages as it deems necessary to comply
12 with the federal Voting Rights Act or at its discretion.
13 Visitors to the site shall have the option of viewing the Guide
14 in all languages into which the Guide has been translated.
15 Candidates may, at their option and expense, submit statements
16 in languages other than English. The Board shall not be
17 responsible for translating candidate statements. The Voters'
18 Guide shall be made available in Spanish.

19 (Source: P.A. 94-645, eff. 8-22-05.)

20 (10 ILCS 5/12A-35)

21 Sec. 12A-35. Board's review of candidate photograph and
22 statement; procedure for revision.

23 (a) If a candidate files a photograph and statement under
24 item (8) of Section 12A-5 in the Voters' Guide ~~a voters' guide,~~

1 the Board shall review the photograph and statement to ensure
2 that they comply with the requirements of Section 12A-10.
3 Review by the Board under this Section shall be limited to
4 determining whether the photograph and statement comply with
5 the requirements of Section 12A-10 and may not include any
6 determination relating to the accuracy or truthfulness of the
7 substance or contents of the materials filed.

8 (b) The Board shall review each photograph and statement.
9 If the Board determines that the photograph or statement of a
10 candidate must be revised in order to comply with the
11 requirements of Section 12A-10, the Board shall attempt to
12 contact the candidate. A candidate contacted by the Board
13 under this Section may file a revised photograph or statement
14 no later than the 5th business day following notification.

15 (c) If the Board is required to attempt to contact a
16 candidate under subsection (b) of this Section, the Board
17 shall attempt to contact the candidate by telephone or by
18 using an electronic transmission facsimile machine, if such
19 contact information is provided by the candidate.

20 (d) If the Board is unable to contact a candidate, if the
21 candidate does not file a revised photograph or statement, or
22 if the revised filing under subsection (b) again fails to meet
23 the standards of review set by the Board:

24 (1) If a photograph does not comply with Section
25 12A-10, the Board may modify the photograph. The candidate
26 shall pay the expense of any modification before

1 publication of the photograph in the Voters' Guide ~~voters'~~
2 ~~guide~~. If the photograph cannot be modified to comply with
3 Section 12A-10, the photograph shall not be printed in the
4 Voters' Guide ~~guide~~.

5 (2) If a statement does not comply with Section
6 12A-10, the statement shall not be published in the
7 Voters' Guide ~~voters' guide~~.

8 (e) If the photograph or statement of a candidate filed
9 under item (8) of Section 12A-5 does not comply with a
10 requirement of Section 12A-10 and the Board does not attempt
11 to contact the candidate by the deadline specified in
12 subsection (b) of this Section, then, for purposes of this
13 Section only, the photograph or statement shall be published
14 as filed.

15 (f) A candidate revising a photograph or statement under
16 this Section shall make only those revisions necessary to
17 comply with Section 12A-10.

18 (g) The Board may by rule define the term "contact" as used
19 in this Section.

20 (Source: P.A. 94-645, eff. 8-22-05; 95-699, eff. 11-9-07.)

21 (10 ILCS 5/12A-40)

22 Sec. 12A-40. Exemption from public records laws.
23 Notwithstanding any other provision of law, materials filed by
24 a candidate, political party, political committee, or other
25 person for inclusion in the Voters' Guide ~~a voters' guide~~ are

1 exempt from public inspection until the 4th business day after
2 the final date for filing the materials.

3 (Source: P.A. 94-645, eff. 8-22-05.)

4 (10 ILCS 5/12A-45)

5 Sec. 12A-45. Material submitted for inclusion in the
6 Voters' Guide ~~any voters' guide~~ may not be admitted as
7 evidence in any suit or action against the Board to restrain or
8 enjoin the publication of the Voters' Guide ~~a voters' guide~~.

9 (Source: P.A. 94-645, eff. 8-22-05.)

10 (10 ILCS 5/12A-50)

11 Sec. 12A-50. Order of appearance within the Voters' Guide
12 guides. ~~All For all guides disseminated by the Board, all~~
13 information about offices and candidates on the ballot shall
14 be listed together in the same part of the Voters' Guide ~~guide~~
15 ~~or insert~~. All candidates for one office, together with their
16 statements and photographs if any, shall be listed before
17 information on other offices and candidates is listed. To the
18 extent possible, offices and candidates shall be listed in the
19 same order in the Voters' Guide in which they appear on the
20 ballot.

21 (Source: P.A. 94-645, eff. 8-22-05.)

22 (10 ILCS 5/12A-55)

23 Sec. 12A-55. Constitutional issues. If a constitutional

1 amendment appears on the ballot, the contents of the pamphlet
2 issued by the Secretary of State under Section 2 of the
3 Illinois Constitutional Amendment Act may be included in the
4 Voters' Guide ~~any guide issued by the Board.~~

5 (Source: P.A. 94-645, eff. 8-22-05.)