



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4467

Introduced 1/21/2022, by Rep. Mark Batinick

SYNOPSIS AS INTRODUCED:

10 ILCS 5/16-3	from Ch. 46, par. 16-3
10 ILCS 5/16-3.1 new	
10 ILCS 5/16-4.1	from Ch. 46, par. 16-4.1

Amends the Election Code. Provides that, when the names of candidates in a primary election, general election, or consolidated election to be voted for in each election district or precinct are printed on one ballot, the order of names for each office shall be set forth in random order within each election district or precinct. Provides that, to the extent that it is mathematically possible, each random order shall be different between all of the precincts or election districts that are electing the name or names contained in each race on the ballot. Provides that, before the names of the candidates of the several political parties are certified by the State Board of Elections to the several county clerks, the State Board of Elections shall follow the randomization requirements before certifying. Provides that the State Board of Elections shall select a vendor for a computer software program that shall be used by each election authority and the State Board of Elections to conduct the randomization for election contests. Makes conforming changes. Effective immediately

LRB102 23129 AWJ 32289 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 16-3, 16-4.1 and by adding Section 16-3.1 as follows:

6 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

7 Sec. 16-3. (a) The names of all candidates to be voted for
8 in each election district or precinct shall be printed on one
9 ballot, except as is provided in Sections 16-6.1 and 21-1.01
10 of this Act and except as otherwise provided in this Act with
11 respect to the odd year regular elections and the emergency
12 referenda; all nominations of any political party being placed
13 under the party appellation or title of such party as
14 designated in the certificates of nomination or petitions. The
15 names of all independent candidates shall be printed upon the
16 ballot in a column or columns under the heading "independent"
17 arranged under the names or titles of the respective offices
18 for which such independent candidates shall have been
19 nominated and so far as practicable, the name or names of any
20 independent candidate or candidates for any office shall be
21 printed upon the ballot opposite the name or names of any
22 candidate or candidates for the same office contained in any
23 party column or columns upon said ballot. The ballot shall

1 contain no other names, except that in cases of electors for
2 President and Vice-President of the United States, the names
3 of the candidates for President and Vice-President may be
4 added to the party designation and words calculated to aid the
5 voter in his choice of candidates may be added, such as "Vote
6 for one," "Vote for not more than three." If no candidate or
7 candidates file for an office and if no person or persons file
8 a declaration as a write-in candidate for that office, then
9 below the title of that office the election authority instead
10 shall print "No Candidate". When an electronic voting system
11 is used which utilizes a ballot label booklet, the candidates
12 and questions shall appear on the pages of such booklet in the
13 order provided by this Code; and, in any case where candidates
14 for an office appear on a page which does not contain the name
15 of any candidate for another office, and where less than 50% of
16 the page is utilized, the name of no candidate shall be printed
17 on the lowest 25% of such page. On the back or outside of the
18 ballot, so as to appear when folded, shall be printed the words
19 "Official Ballot", followed by the designation of the polling
20 place for which the ballot is prepared, the date of the
21 election and a facsimile of the signature of the election
22 authority who has caused the ballots to be printed. The
23 ballots shall be of plain white paper, through which the
24 printing or writing cannot be read. However, ballots for use
25 at the nonpartisan and consolidated elections may be printed
26 on different color paper, except blue paper, whenever

1 necessary or desirable to facilitate distinguishing between
2 ballots for different political subdivisions. In the case of
3 nonpartisan elections for officers of a political subdivision,
4 unless the statute or an ordinance adopted pursuant to Article
5 VII of the Constitution providing the form of government
6 therefor requires otherwise, the column listing such
7 nonpartisan candidates shall be printed with no appellation or
8 circle at its head. The party appellation or title, or the word
9 "independent" at the head of any column provided for
10 independent candidates, shall be printed in letters not less
11 than one-fourth of an inch in height and a circle one-half inch
12 in diameter shall be printed at the beginning of the line in
13 which such appellation or title is printed, provided, however,
14 that no such circle shall be printed at the head of any column
15 or columns provided for such independent candidates. The names
16 of candidates shall be printed in letters not less than
17 one-eighth nor more than one-fourth of an inch in height, and
18 at the beginning of each line in which a name of a candidate is
19 printed a square shall be printed, the sides of which shall be
20 not less than one-fourth of an inch in length. However, the
21 names of the candidates for Governor and Lieutenant Governor
22 on the same ticket shall be printed within a bracket and a
23 single square shall be printed in front of the bracket. The
24 list of candidates of the several parties and any such list of
25 independent candidates shall be placed in separate columns on
26 the ballot in such order as provided in Section 16-3.1 ~~the~~

1 ~~election authorities charged with the printing of the ballots~~
 2 ~~shall decide~~; provided, that the names of the candidates of
 3 the several political parties, certified by the State Board of
 4 Elections to the several county clerks shall be printed by the
 5 county clerk of the proper county on the official ballot in the
 6 order certified by the State Board of Elections. Any county
 7 clerk refusing, neglecting or failing to print on the official
 8 ballot the names of candidates of the several political
 9 parties in the order certified by the State Board of
 10 Elections, and any county clerk who prints or causes to be
 11 printed upon the official ballot the name of a candidate, for
 12 an office to be filled by the Electors of the entire State,
 13 whose name has not been duly certified to him upon a
 14 certificate signed by the State Board of Elections shall be
 15 guilty of a Class C misdemeanor.

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

20 WRITE-IN VOTES

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

23 _____
 24 Title of Office
 25 () _____
 26 Name of Candidate

1 Write-in lines equal to the number of candidates for which
2 a voter may vote shall be printed for an office only if one or
3 more persons filed declarations of intent to be write-in
4 candidates or qualify to file declarations to be write-in
5 candidates under Sections 17-16.1 and 18-9.1 when the
6 certification of ballot contains the words "OBJECTION
7 PENDING".

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

20 (d) When such electronic system is used, there shall be
21 printed on the back of each ballot card, each ballot card
22 envelope, and the first page of the ballot label when a ballot
23 label is used, the words "Official Ballot," followed by the
24 number of the precinct or other precinct identification, which
25 may be stamped, in lieu thereof and, as applicable, the number
26 and name of the township, ward or other election district for

1 which the ballot card, ballot card envelope, and ballot label
2 are prepared, the date of the election and a facsimile of the
3 signature of the election authority who has caused the ballots
4 to be printed. The back of the ballot card shall also include a
5 method of identifying the ballot configuration such as a
6 listing of the political subdivisions and districts for which
7 votes may be cast on that ballot, or a number code identifying
8 the ballot configuration or color coded ballots, except that
9 where there is only one ballot configuration in a precinct,
10 the precinct identification, and any applicable ward
11 identification, shall be sufficient. Ballot card envelopes
12 used in punch card systems shall be of paper through which no
13 writing or punches may be discerned and shall be of sufficient
14 length to enclose all voting positions. However, the election
15 authority may provide ballot card envelopes on which no
16 precinct number or township, ward or other election district
17 designation, or election date are preprinted, if space and a
18 preprinted form are provided below the space provided for the
19 names of write-in candidates where such information may be
20 entered by the judges of election. Whenever an election
21 authority utilizes ballot card envelopes on which the election
22 date and precinct is not preprinted, a judge of election shall
23 mark such information for the particular precinct and election
24 on the envelope in ink before tallying and counting any
25 write-in vote written thereon. If some method of insuring
26 ballot secrecy other than an envelope is used, such

1 information must be provided on the ballot itself.

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

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

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

22 (g) If the State Board of Elections, a local election
23 official, or an election authority removes a candidate's name
24 designation from a ballot under subsection (f) of this
25 Section, then the aggrieved candidate may seek appropriate
26 relief in circuit court.

1 Where voting machines or electronic voting systems are
2 used, the provisions of this Section may be modified as
3 required or authorized by Article 24 or Article 24A, whichever
4 is applicable.

5 Nothing in this Section shall prohibit election
6 authorities from using or reusing ballot card envelopes which
7 were printed before the effective date of this amendatory Act
8 of 1985.

9 (Source: P.A. 102-15, eff. 6-17-21.)

10 (10 ILCS 5/16-3.1 new)

11 Sec. 16-3.1. Ballot position randomization.

12 (a) Notwithstanding any other provision of law, when the
13 names of candidates in a primary election, general election,
14 or consolidated election to be voted for in each election
15 district or precinct are printed on one ballot under the
16 provisions of this Division, the order of names for each
17 office shall be set forth in random order within each election
18 district or precinct. To the extent that it is mathematically
19 possible, each random order shall be different between all of
20 the precincts or election districts that are electing the name
21 or names contained in each race on the ballot.

22 (b) Before the names of the candidates of the several
23 political parties are certified by the State Board of
24 Elections to the several county clerks, the State Board of
25 Elections shall follow the randomization requirements under

1 subsection (a) before certifying.

2 (c) The State Board of Elections shall select a vendor for
3 a computer software program that shall be used by each
4 election authority and the State Board of Elections to conduct
5 the randomization as provided in subsections (a) and (b). Any
6 program selected by the Board for this purpose shall be used
7 solely for the purpose of ballot name position randomization
8 and shall not be used for any other purpose under this Code.

9 (10 ILCS 5/16-4.1) (from Ch. 46, par. 16-4.1)

10 Sec. 16-4.1. Ballots; Form; Consolidated Elections. This
11 Section shall apply only to the consolidated primary election,
12 and the consolidated election, except as otherwise expressly
13 provided herein.

14 The ballot for the nomination or election of officers of
15 each political subdivision shall be considered a separate
16 ballot, and candidates for such offices shall be grouped
17 together. Where paper ballots are used, the names of
18 candidates for nomination or election to more than one
19 political subdivision may be contained on a common ballot,
20 provided that such ballot clearly indicates and separates each
21 political subdivision from which such officers are to be
22 nominated or elected.

23 At the consolidated election, the ballot for school
24 district offices shall precede the ballot for community
25 college district offices, and thereafter the ballot order of

1 the political subdivision officers to be elected shall be as
2 determined as provided in Section 16-3.1 ~~by the election~~
3 ~~authority~~. In the case of school districts other than
4 community consolidated school districts, the ballot for
5 non-high school district offices shall precede the ballot for
6 high school district offices.

7 At the consolidated primary and at the consolidated
8 election, the ballot for nomination or election of municipal
9 officers shall precede the ballot for township officers. At
10 the consolidated election, following the ballot for municipal
11 and township offices shall be the ballots for park district
12 and library district offices, following which shall be the
13 ballots for other political subdivision offices in the order
14 determined as provided in Section 16-3.1 ~~by the election~~
15 ~~authority~~.

16 The election authority, ~~in determining the order of ballot~~
17 ~~placement for offices of political subdivisions whose ballot~~
18 ~~placement is not specified in this Section,~~ shall give due
19 regard to the clarity of the ballot presentation to the
20 voters, cost and administrative ease, and the requirement to
21 provide separate ballot formats within precincts in which the
22 electors are not entitled to vote for the same offices or
23 propositions. At the request of a political subdivision which
24 extends into more than one election jurisdiction, the election
25 authority shall endeavor to coordinate placement and color of
26 the ballot for such subdivision with the other election

1 authorities responsible for preparing ballots for such
2 subdivision election. ~~The election authority may conduct a~~
3 ~~lottery to determine the order of ballot placement of~~
4 ~~political subdivision ballots where such order is not~~
5 ~~specified in this Section. Such lottery may be conducted~~
6 ~~jointly by two or more election authorities.~~

7 (Source: P.A. 89-700, eff. 1-17-97; 90-358, eff. 1-1-98;
8 90-655, eff. 7-30-98.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.