

SB3780



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3780

Introduced 1/21/2022, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

10 ILCS 5/16-3

from Ch. 46, par. 16-3

Amends the Election Code. Provides that the lettering on all ballots shall be in both capital and lowercase letters in conformance with standard English language guidelines. Effective immediately.

LRB102 22877 HLH 32028 b

A BILL FOR

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 Section 16-3 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. The lettering on all ballots shall be in both
13 capital and lowercase letters in conformance with standard
14 English language guidelines. All,~~all~~ nominations of any
15 political party shall be ~~being~~ placed under the party
16 appellation or title of such party as designated in the
17 certificates of nomination or petitions. The names of all
18 independent candidates shall be printed upon the ballot in a
19 column or columns under the heading "independent" arranged
20 under the names or titles of the respective offices for which
21 such independent candidates shall have been nominated and so
22 far as practicable, the name or names of any independent
23 candidate or candidates for any office shall be printed upon

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

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

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

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

23 WRITE-IN VOTES

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

26

1 Title of Office
2 () _____

3 Name of Candidate

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

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

23 (d) When such electronic system is used, there shall be
24 printed on the back of each ballot card, each ballot card
25 envelope, and the first page of the ballot label when a ballot
26 label is used, the words "Official Ballot," followed by the

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

1 on the envelope in ink before tallying and counting any
2 write-in vote written thereon. If some method of insuring
3 ballot secrecy other than an envelope is used, such
4 information must be provided on the ballot itself.

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

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

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

25 (g) If the State Board of Elections, a local election
26 official, or an election authority removes a candidate's name

1 designation from a ballot under subsection (f) of this
2 Section, then the aggrieved candidate may seek appropriate
3 relief in circuit court.

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

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

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.