



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3107

Introduced 2/17/2023, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-11
10 ILCS 5/7-12

from Ch. 46, par. 7-11
from Ch. 46, par. 7-12

Amends the Election Code. Provides that any candidate for President of the United States may have his name printed upon the primary ballot of his political party by filing in the office of the State Board of Elections not more than 141 days (instead of 113) and not less than 134 days (instead of 106) prior to the date of the general primary. Changes the filing dates of petitions for nomination for a State, congressional, or judicial office; petitions for nomination to fill a vacancy by special election in the office of Representative in Congress; petitions for nomination for the office of Supreme, Appellate, or Circuit Court Judge; petitions for nomination for delegates or alternate delegates to a national nominating convention; petitions for nomination for a county office or trustee of a sanitary district; petitions for nomination for a municipal or township office; petitions of candidates for State central committeeperson; and petitions of candidates for precinct, township, or ward committeepersons. Effective July 1, 2023.

LRB103 28710 BMS 55092 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 7-11 and 7-12 as follows:

6 (10 ILCS 5/7-11) (from Ch. 46, par. 7-11)

7 Sec. 7-11. Any candidate for President of the United
8 States may have his name printed upon the primary ballot of his
9 political party by filing in the office of the State Board of
10 Elections not more than 141 ~~113~~ and not less than 134 ~~106~~ days
11 prior to the date of the general primary, in any year in which
12 a Presidential election is to be held, a petition signed by not
13 less than 3000 or more than 5000 primary electors, members of
14 and affiliated with the party of which he is a candidate, and
15 no candidate for President of the United States, who fails to
16 comply with the provisions of this Article shall have his name
17 printed upon any primary ballot: Provided, however, that if
18 the rules or policies of a national political party conflict
19 with such requirements for filing petitions for President of
20 the United States in a presidential preference primary, the
21 Chair of the State central committee of such national
22 political party shall notify the State Board of Elections in
23 writing, citing by reference the rules or policies of the

1 national political party in conflict, and in such case the
2 Board shall direct such petitions to be filed in accordance
3 with the delegate selection plan adopted by the state central
4 committee of such national political party. Provided, further,
5 unless rules or policies of a national political party
6 otherwise provide, the vote for President of the United
7 States, as herein provided for, shall be for the sole purpose
8 of securing an expression of the sentiment and will of the
9 party voters with respect to candidates for nomination for
10 said office, and the vote of the state at large shall be taken
11 and considered as advisory to the delegates and alternates at
12 large to the national conventions of respective political
13 parties; and the vote of the respective congressional
14 districts shall be taken and considered as advisory to the
15 delegates and alternates of said congressional districts to
16 the national conventions of the respective political parties.

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

18 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

19 Sec. 7-12. All petitions for nomination shall be filed by
20 mail or in person as follows:

21 (1) Except as otherwise provided in this Code, where
22 the nomination is to be made for a State, congressional,
23 or judicial office, or for any office a nomination for
24 which is made for a territorial division or district which
25 comprises more than one county or is partly in one county

1 and partly in another county or counties (including the
2 Fox Metro Water Reclamation District), then, except as
3 otherwise provided in this Section, such petition for
4 nomination shall be filed in the principal office of the
5 State Board of Elections not more than 141 ~~113~~ and not less
6 than 134 ~~106~~ days prior to the date of the primary, but, in
7 the case of petitions for nomination to fill a vacancy by
8 special election in the office of representative in
9 Congress from this State, such petition for nomination
10 shall be filed in the principal office of the State Board
11 of Elections not more than 113 ~~85~~ days and not less than
12 110 ~~82~~ days prior to the date of the primary.

13 Where a vacancy occurs in the office of Supreme,
14 Appellate or Circuit Court Judge within the 3-week period
15 preceding the 134th ~~106th~~ day before a general primary
16 election, petitions for nomination for the office in which
17 the vacancy has occurred shall be filed in the principal
18 office of the State Board of Elections not more than 120 ~~92~~
19 nor less than 113 ~~85~~ days prior to the date of the general
20 primary election.

21 Where the nomination is to be made for delegates or
22 alternate delegates to a national nominating convention,
23 then such petition for nomination shall be filed in the
24 principal office of the State Board of Elections not more
25 than 141 ~~113~~ and not less than 134 ~~106~~ days prior to the
26 date of the primary; provided, however, that if the rules

1 or policies of a national political party conflict with
2 such requirements for filing petitions for nomination for
3 delegates or alternate delegates to a national nominating
4 convention, the chair of the State central committee of
5 such national political party shall notify the Board in
6 writing, citing by reference the rules or policies of the
7 national political party in conflict, and in such case the
8 Board shall direct such petitions to be filed in
9 accordance with the delegate selection plan adopted by the
10 state central committee of such national political party.

11 (2) Where the nomination is to be made for a county
12 office or trustee of a sanitary district then such
13 petition shall be filed in the office of the county clerk
14 not more than 141 ~~113~~ nor less than 134 ~~106~~ days prior to
15 the date of the primary.

16 (3) Where the nomination is to be made for a municipal
17 or township office, such petitions for nomination shall be
18 filed in the office of the local election official, not
19 more than 127 ~~99~~ nor less than 120 ~~92~~ days prior to the
20 date of the primary; provided, where a municipality's or
21 township's boundaries are coextensive with or are entirely
22 within the jurisdiction of a municipal board of election
23 commissioners, the petitions shall be filed in the office
24 of such board; and provided, that petitions for the office
25 of multi-township assessor shall be filed with the
26 election authority.

1 (4) The petitions of candidates for State central
2 committeeperson shall be filed in the principal office of
3 the State Board of Elections not more than 141 ~~113~~ nor less
4 than 134 ~~106~~ days prior to the date of the primary.

5 (5) Petitions of candidates for precinct, township or
6 ward committeepersons shall be filed in the office of the
7 county clerk not more than 141 ~~113~~ nor less than 134 ~~106~~
8 days prior to the date of the primary.

9 (6) The State Board of Elections and the various
10 election authorities and local election officials with
11 whom such petitions for nominations are filed shall
12 specify the place where filings shall be made and upon
13 receipt shall endorse thereon the day and hour on which
14 each petition was filed. All petitions filed by persons
15 waiting in line as of 8:00 a.m. on the first day for
16 filing, or as of the normal opening hour of the office
17 involved on such day, shall be deemed filed as of 8:00 a.m.
18 or the normal opening hour, as the case may be. Petitions
19 filed by mail and received after midnight of the first day
20 for filing and in the first mail delivery or pickup of that
21 day shall be deemed as filed as of 8:00 a.m. of that day or
22 as of the normal opening hour of such day, as the case may
23 be. All petitions received thereafter shall be deemed as
24 filed in the order of actual receipt. However, 2 or more
25 petitions filed within the last hour of the filing
26 deadline shall be deemed filed simultaneously. Where 2 or

1 more petitions are received simultaneously, the State
2 Board of Elections or the various election authorities or
3 local election officials with whom such petitions are
4 filed shall break ties and determine the order of filing,
5 by means of a lottery or other fair and impartial method of
6 random selection approved by the State Board of Elections.
7 Such lottery shall be conducted within 9 days following
8 the last day for petition filing and shall be open to the
9 public. Seven days written notice of the time and place of
10 conducting such random selection shall be given by the
11 State Board of Elections to the chair of the State central
12 committee of each established political party, and by each
13 election authority or local election official, to the
14 County Chair of each established political party, and to
15 each organization of citizens within the election
16 jurisdiction which was entitled, under this Article, at
17 the next preceding election, to have pollwatchers present
18 on the day of election. The State Board of Elections,
19 election authority or local election official shall post
20 in a conspicuous, open and public place, at the entrance
21 of the office, notice of the time and place of such
22 lottery. The State Board of Elections shall adopt rules
23 and regulations governing the procedures for the conduct
24 of such lottery. All candidates shall be certified in the
25 order in which their petitions have been filed. Where
26 candidates have filed simultaneously, they shall be

1 certified in the order determined by lot and prior to
2 candidates who filed for the same office at a later time.

3 (7) The State Board of Elections or the appropriate
4 election authority or local election official with whom
5 such a petition for nomination is filed shall notify the
6 person for whom a petition for nomination has been filed
7 of the obligation to file statements of organization,
8 reports of campaign contributions, and annual reports of
9 campaign contributions and expenditures under Article 9 of
10 this Code. Such notice shall be given in the manner
11 prescribed by paragraph (7) of Section 9-16 of this Code.

12 (8) Nomination papers filed under this Section are not
13 valid if the candidate named therein fails to file a
14 statement of economic interests as required by the
15 Illinois Governmental Ethics Act in relation to his
16 candidacy with the appropriate officer by the end of the
17 period for the filing of nomination papers unless he has
18 filed a statement of economic interests in relation to the
19 same governmental unit with that officer within a year
20 preceding the date on which such nomination papers were
21 filed. If the nomination papers of any candidate and the
22 statement of economic interest of that candidate are not
23 required to be filed with the same officer, the candidate
24 must file with the officer with whom the nomination papers
25 are filed a receipt from the officer with whom the
26 statement of economic interests is filed showing the date

1 on which such statement was filed. Such receipt shall be
2 so filed not later than the last day on which nomination
3 papers may be filed.

4 (9) Except as otherwise provided in this Code, any
5 person for whom a petition for nomination, or for
6 committeeperson or for delegate or alternate delegate to a
7 national nominating convention has been filed may cause
8 his name to be withdrawn by request in writing, signed by
9 him and duly acknowledged before an officer qualified to
10 take acknowledgments of deeds, and filed in the principal
11 or permanent branch office of the State Board of Elections
12 or with the appropriate election authority or local
13 election official, not later than the date of
14 certification of candidates for the consolidated primary
15 or general primary ballot. No names so withdrawn shall be
16 certified or printed on the primary ballot. If petitions
17 for nomination have been filed for the same person with
18 respect to more than one political party, his name shall
19 not be certified nor printed on the primary ballot of any
20 party. If petitions for nomination have been filed for the
21 same person for 2 or more offices which are incompatible
22 so that the same person could not serve in more than one of
23 such offices if elected, that person must withdraw as a
24 candidate for all but one of such offices within the 5
25 business days following the last day for petition filing.
26 A candidate in a judicial election may file petitions for

1 nomination for only one vacancy in a subcircuit and only
2 one vacancy in a circuit in any one filing period, and if
3 petitions for nomination have been filed for the same
4 person for 2 or more vacancies in the same circuit or
5 subcircuit in the same filing period, his or her name
6 shall be certified only for the first vacancy for which
7 the petitions for nomination were filed. If he fails to
8 withdraw as a candidate for all but one of such offices
9 within such time his name shall not be certified, nor
10 printed on the primary ballot, for any office. For the
11 purpose of the foregoing provisions, an office in a
12 political party is not incompatible with any other office.

13 (10)(a) Notwithstanding the provisions of any other
14 statute, no primary shall be held for an established
15 political party in any township, municipality, or ward
16 thereof, where the nomination of such party for every
17 office to be voted upon by the electors of such township,
18 municipality, or ward thereof, is uncontested. Whenever a
19 political party's nomination of candidates is uncontested
20 as to one or more, but not all, of the offices to be voted
21 upon by the electors of a township, municipality, or ward
22 thereof, then a primary shall be held for that party in
23 such township, municipality, or ward thereof; provided
24 that the primary ballot shall not include those offices
25 within such township, municipality, or ward thereof, for
26 which the nomination is uncontested. For purposes of this

1 Article, the nomination of an established political party
2 of a candidate for election to an office shall be deemed to
3 be uncontested where not more than the number of persons
4 to be nominated have timely filed valid nomination papers
5 seeking the nomination of such party for election to such
6 office.

7 (b) Notwithstanding the provisions of any other
8 statute, no primary election shall be held for an
9 established political party for any special primary
10 election called for the purpose of filling a vacancy in
11 the office of representative in the United States Congress
12 where the nomination of such political party for said
13 office is uncontested. For the purposes of this Article,
14 the nomination of an established political party of a
15 candidate for election to said office shall be deemed to
16 be uncontested where not more than the number of persons
17 to be nominated have timely filed valid nomination papers
18 seeking the nomination of such established party for
19 election to said office. This subsection (b) shall not
20 apply if such primary election is conducted on a regularly
21 scheduled election day.

22 (c) Notwithstanding the provisions in subparagraph (a)
23 and (b) of this paragraph (10), whenever a person who has
24 not timely filed valid nomination papers and who intends
25 to become a write-in candidate for a political party's
26 nomination for any office for which the nomination is

1 uncontested files a written statement or notice of that
2 intent with the State Board of Elections or the local
3 election official with whom nomination papers for such
4 office are filed, a primary ballot shall be prepared and a
5 primary shall be held for that office. Such statement or
6 notice shall be filed on or before the date established in
7 this Article for certifying candidates for the primary
8 ballot. Such statement or notice shall contain (i) the
9 name and address of the person intending to become a
10 write-in candidate, (ii) a statement that the person is a
11 qualified primary elector of the political party from whom
12 the nomination is sought, (iii) a statement that the
13 person intends to become a write-in candidate for the
14 party's nomination, and (iv) the office the person is
15 seeking as a write-in candidate. An election authority
16 shall have no duty to conduct a primary and prepare a
17 primary ballot for any office for which the nomination is
18 uncontested unless a statement or notice meeting the
19 requirements of this Section is filed in a timely manner.

20 (11) If multiple sets of nomination papers are filed
21 for a candidate to the same office, the State Board of
22 Elections, appropriate election authority or local
23 election official where the petitions are filed shall
24 within 2 business days notify the candidate of his or her
25 multiple petition filings and that the candidate has 3
26 business days after receipt of the notice to notify the

1 State Board of Elections, appropriate election authority
2 or local election official that he or she may cancel prior
3 sets of petitions. If the candidate notifies the State
4 Board of Elections, appropriate election authority or
5 local election official, the last set of petitions filed
6 shall be the only petitions to be considered valid by the
7 State Board of Elections, election authority or local
8 election official. If the candidate fails to notify the
9 State Board of Elections, election authority or local
10 election official then only the first set of petitions
11 filed shall be valid and all subsequent petitions shall be
12 void.

13 (12) All nominating petitions shall be available for
14 public inspection and shall be preserved for a period of
15 not less than 6 months.

16 (Source: P.A. 101-523, eff. 8-23-19; 102-15, eff. 6-17-21;
17 102-687, eff. 12-17-21.)

18 Section 99. Effective date. This Act takes effect July 1,
19 2023.