



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4361

Introduced 1/16/2024, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

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

from Ch. 46, par. 7-5
from Ch. 46, par. 7-12

Amends the Election Code. Requires a person who has not timely filed valid nomination papers and who intends to become a write-in candidate for a political party's nomination for any office for which the nomination is uncontested to file a written statement or notice of that intent with the local election official where the candidate is seeking to appear on the ballot (rather than to file a written statement or notice of that intent with the State Board of Elections or the local election official with whom nomination papers for such office are filed).

LRB103 35660 AWJ 65735 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 7-5 and 7-12 as follows:

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

7 Sec. 7-5. (a) Primary elections shall be held on the dates
8 prescribed in Article 2A.

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

1 to be uncontested where not more than the number of persons to
2 be nominated have timely filed valid nomination papers seeking
3 the nomination of such party for election to such office.

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

17 (d) Notwithstanding the provisions in subsection (b) and
18 (c) of this Section, whenever a person who has not timely filed
19 valid nomination papers and who intends to become a write-in
20 candidate for a political party's nomination for any office
21 for which the nomination is uncontested files a written
22 statement or notice of that intent with ~~the State Board of~~
23 ~~Elections or~~ the local election official where the candidate
24 is seeking to appear on the ballot ~~with whom nomination papers~~
25 ~~for such office are filed~~, a primary ballot shall be prepared
26 and a primary shall be held for that office. Such statement or

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

14 (e) The polls shall be open from 6:00 a.m. to 7:00 p.m.

15 (Source: P.A. 86-873.)

16 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

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

19 (1) Except as otherwise provided in this Code, where
20 the nomination is to be made for a State, congressional,
21 or judicial office, or for any office a nomination for
22 which is made for a territorial division or district which
23 comprises more than one county or is partly in one county
24 and partly in another county or counties (including the
25 Fox Metro Water Reclamation District), then, except as

1 otherwise provided in this Section, such petition for
2 nomination shall be filed in the principal office of the
3 State Board of Elections not more than 113 and not less
4 than 106 days prior to the date of the primary, but, in the
5 case of petitions for nomination to fill a vacancy by
6 special election in the office of representative in
7 Congress from this State, such petition for nomination
8 shall be filed in the principal office of the State Board
9 of Elections not more than 85 days and not less than 82
10 days prior to the date of the primary.

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

19 Where the nomination is to be made for delegates or
20 alternate delegates to a national nominating convention,
21 then such petition for nomination shall be filed in the
22 principal office of the State Board of Elections not more
23 than 113 and not less than 106 days prior to the date of
24 the primary; provided, however, that if the rules or
25 policies of a national political party conflict with such
26 requirements for filing petitions for nomination for

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

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

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

25 (4) The petitions of candidates for State central
26 committeeperson shall be filed in the principal office of

1 the State Board of Elections not more than 113 nor less
2 than 106 days prior to the date of the primary.

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

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

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

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

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

1 papers may be filed.

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

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

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

1 be uncontested where not more than the number of persons
2 to be nominated have timely filed valid nomination papers
3 seeking the nomination of such party for election to such
4 office.

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

20 (c) Notwithstanding the provisions in subparagraph (a)
21 and (b) of this paragraph (10), whenever a person who has
22 not timely filed valid nomination papers and who intends
23 to become a write-in candidate for a political party's
24 nomination for any office for which the nomination is
25 uncontested files a written statement or notice of that
26 intent with ~~the State Board of Elections or~~ the local

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

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

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

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

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