



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2268

Introduced 2/10/2023, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

5 ILCS 20/2	from Ch. 1, par. 103
5 ILCS 20/4	from Ch. 1, par. 106
10 ILCS 5/16-3	from Ch. 46, par. 16-3
10 ILCS 5/16-6	from Ch. 46, par. 16-6

Amends the Illinois Constitutional Amendment Act. Provides that at least 2 months before the next election of members of the General Assembly, following the passage of a proposed amendment, the Secretary of State shall publish the amendment in a specified number of newspapers of general circulation in every county in the State in which a newspaper is published and its digital equivalent (instead of only newspapers of general circulation in every county in the State in which a newspaper is published). Provides that at the election, a proposed amendment and explanation shall be printed on the top of the ballot preceding all nominations of any political party (instead of upon a separate ballot). Amends the Election Code. Provides that whenever one or more proposals for amendment of the constitution or the calling of a constitutional convention or any combination thereof is or are to be voted upon by the people, the proposition or propositions for the adoption or rejection of such amendment or amendments or convention shall be submitted upon the same, single "Official Ballot" containing the names of candidates for State and other offices to be voted at such election (instead of a ballot separate from the "Official Ballot"). Provides that a proposal for amendment of the constitution or the calling of a constitutional amendment or any combination thereof shall be printed at the top of the "Official Ballot" preceding the names of candidates for State and other offices to be voted at such election; and that the proposition or propositions shall be printed upon plain white paper with no shading, highlighting, or other distinct markings and shall include the official title of the section so named to be added or amended in the Constitution. Provides that included with the ballot (instead of on the back or outside of the ballot so as to appear when folded) there shall be a printed notice with the words "CONSTITUTION AMENDMENT" (instead of "CONSTITUTION BALLOT"). Removes language concerning a separate ballot. Makes other changes.

LRB103 26374 BMS 57022 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Constitutional Amendment Act is
5 amended by changing Sections 2 and 4 as follows:

6 (5 ILCS 20/2) (from Ch. 1, par. 103)

7 Sec. 2. (a) The General Assembly in submitting an
8 amendment to the Constitution to the electors, or the
9 proponents of an amendment to Article IV of the Constitution
10 submitted by petition, shall prepare a brief explanation of
11 such amendment, a brief argument in favor of the same, and the
12 form in which such amendment will appear on the separate
13 ballot as provided by Section 16-6 of the Election Code, as
14 amended. The minority of the General Assembly, or if there is
15 no minority, anyone designated by the General Assembly shall
16 prepare a brief argument against such amendment. The
17 explanation, the arguments for and against each constitutional
18 amendment, and the form in which the amendment will appear on
19 the separate ballot shall be approved by a joint resolution of
20 the General Assembly and filed in the office of the Secretary
21 of State with the proposed amendment.

22 (b) In the case of an amendment to Article IV of the
23 Constitution initiated pursuant to Section 3 of Article XIV of

1 the Constitution, the proponents shall be those persons so
2 designated at the time of the filing of the petition as
3 provided in Section 10-8 of the Election Code, and the
4 opponents shall be those members of the General Assembly
5 opposing such amendment, or if there are none, anyone
6 designated by the General Assembly and such opponents shall
7 prepare a brief argument against such amendment. The
8 proponent's explanation and argument in favor of and the
9 opponents argument against an amendment to Article IV
10 initiated by petition must be submitted to the Attorney
11 General, who may rewrite them for accuracy and fairness. The
12 explanation, the arguments for and against each constitutional
13 amendment, and the form in which the amendment will appear on
14 the separate ballot shall be filed in the office of the
15 Secretary of State with the proposed amendment.

16 (c) At least 2 months before the next election of members
17 of the General Assembly, following the passage of the proposed
18 amendment, the Secretary of State shall publish the amendment,
19 in full in 8 point type, or the equivalent thereto, in at least
20 one secular newspaper of general circulation in every county
21 in this State in which a newspaper is published and its digital
22 equivalent. In counties in which 2 or more newspapers are
23 published, the Secretary of State shall cause such amendment
24 to be published in 2 newspapers and their digital equivalent.
25 In counties having a population of 500,000 or more, such
26 amendment shall be published in not less than 6 newspapers of

1 general circulation and their digital equivalent. After the
2 first publication, the publication of such amendment shall be
3 repeated once each week for 2 consecutive weeks. In selecting
4 newspapers in which to publish such amendment the Secretary of
5 State shall have regard solely to the circulation of such
6 newspapers, selecting secular newspapers in every case having
7 the largest circulation. The proposed amendment shall have a
8 notice prefixed thereto in said publications, that at such
9 election the proposed amendment will be submitted to the
10 electors for adoption or rejection, and at the end of the
11 official publication, he shall also publish the form in which
12 the proposed amendment will appear on the separate ballot. The
13 Secretary of State shall fix the publication fees to be paid
14 newspapers for making such publication, but in no case shall
15 such publication fee exceed the amount charged by such
16 newspapers to private individuals for a like publication.

17 (d) In addition to the notice hereby required to be
18 published, the Secretary of State shall also cause the
19 existing form of the constitutional provision proposed to be
20 amended, the proposed amendment, the explanation of the same,
21 the arguments for and against the same, and the form in which
22 such amendment will appear on the separate ballot, to be
23 published in pamphlet form in 8 point type or the equivalent
24 thereto in English, in additional languages as required by
25 Section 203 of Title III of the federal Voting Rights Act of
26 1965, and in braille. The Secretary of State shall publish the

1 pamphlet on the Secretary's website in a downloadable,
2 printable format and maintain a reasonable supply of printed
3 pamphlets to be available upon request. The Secretary of State
4 shall publish an audio version of the pamphlet, which shall be
5 available for playback on the Secretary's website and made
6 available to any individual or entity upon request.

7 (e) Except as provided in subsection (f), the Secretary of
8 State shall mail such pamphlet to every mailing address in the
9 State, addressed to the attention of the Postal Patron. He
10 shall also maintain a reasonable supply of such pamphlets so
11 as to make them available to any person requesting one.

12 (f) For any proposed constitutional amendment appearing on
13 the ballot for the general election on November 8, 2022, the
14 Secretary of State, in lieu of the requirement in subsection
15 (e) of this Act, shall mail a postcard to every mailing address
16 in the State advising that a proposed constitutional amendment
17 will be considered at the general election. The postcard shall
18 include a URL to the Secretary of State's website that
19 contains the information required in subsection (d).

20 (Source: P.A. 102-699, eff. 4-19-22.)

21 (5 ILCS 20/4) (from Ch. 1, par. 106)

22 Sec. 4. At the election, the proposed amendment and
23 explanation shall be printed on the top of the "Official
24 Ballot" preceding all nominations of any political party upon
25 a single ~~the separate~~ ballot in accordance with the provisions

1 of Section 16-6 of the Election Code ~~"An Act concerning~~
2 ~~elections,"~~ approved May 11, 1943, as amended.

3 (Source: Laws 1949, p. 18.)

4 Section 10. The Election Code is amended by changing
5 Sections 16-3 and 16-6 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, 16-6.1, and
10 21-1.01 of this Code Act and except as otherwise provided in
11 this Code Act with respect to the odd year regular elections
12 and the emergency referenda; all nominations of any political
13 party being placed under the party appellation or title of
14 such party as designated in the certificates of nomination or
15 petitions. The names of all independent candidates shall be
16 printed upon the ballot in a column or columns under the
17 heading "independent" arranged under the names or titles of
18 the respective offices for which such independent candidates
19 shall have been nominated and so far as practicable, the name
20 or names of any independent candidate or candidates for any
21 office shall be printed upon the ballot opposite the name or
22 names of any candidate or candidates for the same office
23 contained in any party column or columns upon said ballot. The
24 ballot shall contain no other names, except that in cases of

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

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

1 with the printing of the ballots shall decide; provided, that
 2 the names of the candidates of the several political parties,
 3 certified by the State Board of Elections to the several
 4 county clerks shall be printed by the county clerk of the
 5 proper county on the official ballot in the order certified by
 6 the State Board of Elections. Any county clerk refusing,
 7 neglecting or failing to print on the official ballot the
 8 names of candidates of the several political parties in the
 9 order certified by the State Board of Elections, and any
 10 county clerk who prints or causes to be printed upon the
 11 official ballot the name of a candidate, for an office to be
 12 filled by the Electors of the entire State, whose name has not
 13 been duly certified to him upon a certificate signed by the
 14 State Board of Elections shall be guilty of a Class C
 15 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 January 1, 1986 (the effective date of
8 Public Act 84-820) ~~this amendatory Act of 1985.~~

9 (Source: P.A. 102-15, eff. 6-17-21; revised 2-28-22.)

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

11 Sec. 16-6. Whenever one or more proposals for amendment of
12 the constitution or the calling of a constitutional convention
13 or any combination thereof is or are to be voted upon by the
14 people, the proposition or propositions for the adoption or
15 rejection of such amendment or amendments or convention shall
16 be submitted upon the same, single a ballot separate from the
17 "Official Ballot" containing the names of candidates for State
18 and other offices to be voted at such election. Such
19 proposition or propositions shall be printed at the top of the
20 "Official Ballot" preceding the names of candidates for State
21 and other offices to be voted at such election. Such
22 proposition or propositions shall be printed upon plain white
23 paper with no shading, highlighting, or other distinct
24 markings and shall include the official title of the section
25 so named to be added or amended in the Constitution. Such

1 ~~separate ballot shall be printed upon paper of a distinctly~~
 2 ~~blue color and shall, as near as may be practicable, be of~~
 3 ~~uniform size and blue color, but any variation in the size of~~
 4 ~~such ballots or in the tincture of blue employed shall not~~
 5 ~~affect or impair the validity thereof.~~ Preceding each proposal
 6 to amend the constitution shall be printed the brief
 7 explanation of the amendment, prepared by the General
 8 Assembly, or in the case of a proposed amendment initiated by
 9 petition pursuant to Section 3 of Article XIV of the
 10 Constitution of the State of Illinois by the principal
 11 proponents of the amendment as approved by the Attorney
 12 General, and immediately below the explanation, the
 13 proposition shall be printed in substantially the following
 14 form:

15 -----
 16 YES For the proposed amendment
 17 ----- to Article _____ (or Section
 18 NO _____ of Article _____) of
 19 the Constitution.
 20 -----

21 In the case of a proposition for the calling of a
 22 constitutional convention, such proposition shall be printed
 23 in substantially the following form:

24 -----
 25 YES For the calling
 26 ----- of a Constitutional

1 NO Convention.

2 -----

3 Included with the ballot there ~~On the back or outside of~~
4 ~~the ballot so as to appear when folded,~~ shall be a printed
5 notice with the words "CONSTITUTION AMENDMENT ~~BALLOT~~",
6 followed by the designation of the polling place for which the
7 ballot is prepared, the date of the election and a facsimile of
8 the signature of the clerk or other officer who has caused the
9 ballots to be printed. Immediately above the words
10 "CONSTITUTION AMENDMENT ~~BALLOT~~" in the case of a proposition
11 for the calling of a constitutional convention or a
12 proposition to amend the Constitution the following legend
13 shall be printed in bold face type:

14 "NOTICE

15 THE FAILURE TO VOTE THIS BALLOT MAY BE THE EQUIVALENT OF A
16 NEGATIVE VOTE, BECAUSE A CONVENTION SHALL BE CALLED OR THE
17 AMENDMENT SHALL BECOME EFFECTIVE IF APPROVED BY EITHER
18 THREE-FIFTHS OF THOSE VOTING ON THE QUESTION OR A MAJORITY OF
19 THOSE VOTING IN THE ELECTION. (THIS IS NOT TO BE CONSTRUED AS A
20 DIRECTION THAT YOUR VOTE IS REQUIRED TO BE CAST EITHER IN FAVOR
21 OF OR IN OPPOSITION TO THE PROPOSITION HEREIN CONTAINED.)

22 WHETHER YOU VOTE THIS BALLOT OR NOT YOU MUST RETURN IT TO
23 THE ELECTION JUDGE WHEN YOU LEAVE THE VOTING BOOTH".

24 If a proposition for the calling of a constitutional
25 convention is submitted at the same election as one or more
26 propositions to amend the constitution, the proposition for

1 the calling of a constitutional convention shall be printed at
2 the top of the ballot. In such case, the constitution
3 amendment notice ~~the back or outside of the ballot~~ shall be
4 printed the same as if it were a proposal solely to amend the
5 constitution.

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

10 (Source: P.A. 97-766, eff. 7-6-12.)