

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 10-2 and 10-3 as follows:

6 (10 ILCS 5/10-2) (from Ch. 46, par. 10-2)

7 Sec. 10-2. The term "political party", as hereinafter
8 used in this Article 10, shall mean any "established
9 political party", as hereinafter defined and shall also mean
10 any political group which shall hereafter undertake to form
11 an established political party in the manner provided for in
12 this Article 10: Provided, that no political organization or
13 group shall be qualified as a political party hereunder, or
14 given a place on a ballot, which organization or group is
15 associated, directly or indirectly, with Communist, Fascist,
16 Nazi or other un-American principles and engages in
17 activities or propaganda designed to teach subservience to
18 the political principles and ideals of foreign nations or the
19 overthrow by violence of the established constitutional form
20 of government of the United States and the State of Illinois.

21 A political party which, at the last general election for
22 State and county officers, polled for its candidate for
23 Governor more than 5% of the entire vote cast for Governor,
24 is hereby declared to be an "established political party" as
25 to the State and as to any district or political subdivision
26 thereof.

27 A political party which, at the last election in any
28 congressional district, legislative district, county,
29 township, municipality or other political subdivision or
30 district in the State, polled more than 5% of the entire vote
31 cast within such territorial area or political subdivision,

1 as the case may be, has voted as a unit for the election of
2 officers to serve the respective territorial area of such
3 district or political subdivision, is hereby declared to be
4 an "established political party" within the meaning of this
5 Article as to such district or political subdivision.

6 Any group of persons hereafter desiring to form a new
7 political party throughout the State, or in any
8 congressional, legislative or judicial district, or in any
9 other district or in any political subdivision (other than a
10 municipality) not entirely within a single county, shall file
11 with the State Board of Elections a petition, as hereinafter
12 provided; and any such group of persons hereafter desiring to
13 form a new political party within any county shall file such
14 petition with the county clerk; and any such group of persons
15 hereafter desiring to form a new political party within any
16 municipality or township or within any district of a unit of
17 local government other than a county shall file such petition
18 with the local election official or Board of Election
19 Commissioners of such municipality, township or other unit of
20 local government, as the case may be. Any such petition for
21 the formation of a new political party throughout the State,
22 or in any such district or political subdivision, as the case
23 may be, shall declare as concisely as may be the intention of
24 the signers thereof to form such new political party in the
25 State, or in such district or political subdivision; shall
26 state in not more than 5 words the name of such new political
27 party; shall at the time of filing contain a complete list
28 of candidates of such party for all offices to be filled in
29 the State, or such district or political subdivision as the
30 case may be, at the next ensuing election then to be held;
31 ~~and,--if--such--new--political--party--shall--be--formed--for--the~~
32 ~~entire--State,~~ shall be signed by at least twice the minimum
33 number of qualified voters of the State, district, or
34 political subdivision, as the case may be, required to sign a

1 petition for a candidate of an established political party
 2 for the office with the lowest signature requirement of those
 3 offices slated by the new party. 1% of the number of voters
 4 who voted at the next preceding Statewide general election or
 5 25,000 qualified voters, whichever is less. If such new
 6 political party shall be formed for any district or political
 7 subdivision less than the entire State, such petition shall
 8 be signed by qualified voters equaling in number not less
 9 than 5% of the number of voters who voted at the next
 10 preceding regular election in such district or political
 11 subdivision in which such district or political subdivision
 12 voted as a unit for the election of officers to serve its
 13 respective territorial area. However, whenever the minimum
 14 signature requirement for a district or political subdivision
 15 new political party petition shall exceed the minimum number
 16 of signatures for State-wide new political party petitions at
 17 the next preceding State-wide general election, such
 18 State-wide petition signature requirement shall be the
 19 minimum for such district or political subdivision new
 20 political party petition.

21 For the first election following a redistricting of
 22 congressional districts, a petition to form a new political
 23 party in a congressional district shall be signed by at least
 24 5,000 qualified voters of the congressional district. For
 25 the first election following a redistricting of legislative
 26 districts, a petition to form a new political party in a
 27 legislative district shall be signed by at least 3,000
 28 qualified voters of the legislative district. For the first
 29 election following a redistricting of representative
 30 districts, a petition to form a new political party in a
 31 representative district shall be signed by at least 1,500
 32 qualified voters of the representative district.

33 For the first election following redistricting of county
 34 board districts, or of municipal wards or districts, or for

1 the-first-election-following--the--initial--establishment--of
 2 such--districts--or--wards--in--a--county--or-municipality,-a
 3 petition-to-form-a-new-political--party--in--a--county--board
 4 district--or--in-a-municipal-ward-or-district-shall-be-signed
 5 by-qualified-voters-of-the-district-or-ward-equal-to-not-less
 6 than-5%-of-the-total-number-of-votes-cast--at--the--preceding
 7 general--or--municipal--election,-as-the-case-may-be,-for-the
 8 county-or-municipal-office-voted-on-throughout-the-county--or
 9 municipality--for--which--the--greatest-total-number-of-votes
 10 were-cast-for--all--candidates,-divided--by--the--number--of
 11 districts--or--wards,-but--in--any--event--not--less-than-25
 12 qualified-voters-of-the-district-or-ward.

13 In the case of a petition to form a new political party
 14 within a political subdivision in which officers are to be
 15 elected from districts and at-large, such petition shall
 16 consist of separate components for each district from which
 17 an officer is to be elected. Each component shall be
 18 circulated only within a district of the political
 19 subdivision and signed only by qualified electors who are
 20 residents of such district. Each sheet of such petition must
 21 contain a complete list of the names of the candidates of the
 22 party for all offices to be filled in the political
 23 subdivision at large, but the sheets comprising each
 24 component shall also contain the names of those candidates to
 25 be elected from the particular district. Each component of
 26 the petition for each district from which an officer is to be
 27 elected must be signed by qualified voters of the district
 28 equalling in number at least twice the minimum number of
 29 signatures required for a candidate of an established
 30 political party for the same office not-less-than-5%-of-the
 31 number-of-voters-who-voted--at--the--next--preceding--regular
 32 election--in-such-district-at-which-an-officer-was-elected-to
 33 serve--the--district.-The--entire--petition,-including--all
 34 components,-must-be-signed-by-a-total-of-qualified-voters--of

1 the-entire-political-subdivision-equalling-in-number-not-less
2 than--5%--of--the--number--of--voters--who--voted-at-the-next
3 preceding-regular-election-in-such-political--subdivision--at
4 which---an---officer--was--elected--to--serve--the--political
5 subdivision-at-large.

6 The filing of such petition shall constitute the
7 political group a new political party, for the purpose only
8 of placing upon the ballot at such next ensuing election such
9 list or an adjusted list in accordance with Section 10-11, of
10 party candidates for offices to be voted for throughout the
11 State, or for offices to be voted for in such district or
12 political subdivision less than the State, as the case may
13 be, under the name of and as the candidates of such new
14 political party.

15 If, at such ensuing election, the new political party's
16 candidate for Governor shall receive more than 5% of the
17 entire votes cast for Governor, then such new political party
18 shall become an "established political party" as to the State
19 and as to every district or political subdivision thereof.
20 If, at such ensuing election, the other candidates of the new
21 political party, or any other candidate or candidates of the
22 new political party shall receive more than 5% of all the
23 votes cast for the office or offices for which they were
24 candidates at such election, in the State, or in any district
25 or political subdivision, as the case may be, then and in
26 that event, such new political party shall become an
27 "established political party" within the State or within such
28 district or political subdivision less than the State, as the
29 case may be, in which such candidate or candidates received
30 more than 5% of the votes cast for the office or offices for
31 which they were candidates. It shall thereafter nominate its
32 candidates for public offices to be filled in the State, or
33 such district or political subdivision, as the case may be,
34 under the provisions of the laws regulating the nomination of

1 candidates of established political parties at primary
2 elections and political party conventions, as now or
3 hereafter in force.

4 A political party which continues to receive for its
5 candidate for Governor more than 5% of the entire vote cast
6 for Governor, shall remain an "established political party"
7 as to the State and as to every district or political
8 subdivision thereof. But if the political party's candidate
9 for Governor fails to receive more than 5% of the entire vote
10 cast for Governor, or if the political party does not
11 nominate a candidate for Governor, the political party shall
12 remain an "established political party" within the State or
13 within such district or political subdivision less than the
14 State, as the case may be, only so long as, and only in those
15 districts or political subdivisions in which, the candidates
16 of that political party, or any candidate or candidates of
17 that political party, continue to receive more than 5% of all
18 the votes cast for the office or offices for which they were
19 candidates at succeeding general or consolidated elections
20 within the State or within any district or political
21 subdivision, as the case may be.

22 Any such petition shall be filed at the same time and
23 shall be subject to the same requirements and to the same
24 provisions in respect to objections thereto and to any
25 hearing or hearings upon such objections that are hereinafter
26 in this Article 10 contained in regard to the nomination of
27 any other candidate or candidates by petition. If any such
28 new political party shall become an "established political
29 party" in the manner herein provided, the candidate or
30 candidates of such new political party nominated by the
31 petition hereinabove referred to for such initial election,
32 shall have power to select any such party committeeman or
33 committeemen as shall be necessary for the creation of a
34 provisional party organization and provisional managing

1 committee or committees for such party within the State, or
2 in any district or political subdivision in which the new
3 political party has become established; and the party
4 committeeman or committeemen so selected shall constitute a
5 provisional party organization for the new political party
6 and shall have and exercise the powers conferred by law upon
7 any party committeeman or committeemen to manage and control
8 the affairs of such new political party until the next
9 ensuing primary election at which the new political party
10 shall be entitled to nominate and elect any party
11 committeeman or committeemen in the State, or in such
12 district or political subdivision under any parts of this Act
13 relating to the organization of political parties.

14 A candidate for whom a nomination paper has been filed as
15 a partisan candidate at a primary election, and who is
16 defeated for his or her nomination at the primary election,
17 is ineligible for nomination as a candidate of a new
18 political party for election in that general election.

19 (Source: P.A. 86-875.)

20 (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

21 Sec. 10-3. Nomination of independent candidates (not
22 candidates of any political party), for any office to be
23 ~~filled by the voters of the State at large~~ may also be made
24 by nomination papers signed in the aggregate for each
25 candidate by at least twice the minimum number of voters
26 required to sign petitions for a candidate of an established
27 political party for the same office. 1% of the number of
28 voters who voted in the next preceding Statewide general
29 election or 25,000 qualified voters of the State, whichever
30 is less. Nominations of independent candidates for public
31 office within any district or political subdivision less than
32 the State, may be made by nomination papers signed in the
33 aggregate for each candidate by qualified voters of such

1 district, or political subdivision, equaling not less than
2 5%, nor more than 8% (or 50 more than the minimum, whichever
3 is greater) of the number of persons, who voted at the next
4 preceding regular election in such district or political
5 subdivision in which such district or political subdivision
6 voted as a unit for the election of officers to serve its
7 respective territorial area, except that independent
8 candidates for the General Assembly shall require not less
9 than 10%, nor more than 16% of the number of persons who
10 voted at the next preceding general election in such district
11 or political subdivision in which such district or political
12 subdivision voted as a unit for the election of officers to
13 serve its respective territorial area. However, whenever the
14 minimum signature requirement for an independent candidate
15 petition for a district or political subdivision office shall
16 exceed the minimum number of signatures for an independent
17 candidate petition for an office to be filled by the voters
18 of the State at large at the next preceding State-wide
19 general election, such State-wide petition signature
20 requirement shall be the minimum for an independent candidate
21 petition for such district or political subdivision office.
22 For the first election following a redistricting of
23 congressional districts, nomination papers for an independent
24 candidate for congressman shall be signed by at least 5,000
25 qualified voters of the congressional district. For the first
26 election following a redistricting of legislative districts,
27 nomination papers for an independent candidate for State
28 Senator in the General Assembly shall be signed by at least
29 3,000 qualified voters of the legislative district. For the
30 first election following a redistricting of representative
31 districts, nomination papers for an independent candidate for
32 State Representative in the General Assembly shall be signed
33 by at least 1,500 qualified voters of the representative
34 district. For the first election following redistricting of

1 county-board-districts, or of municipal wards or districts,
 2 or for the first election following the initial establishment
 3 of such districts or wards in a county or municipality,
 4 nomination papers for an independent candidate for county
 5 board member, or for alderman or trustee of such
 6 municipality, shall be signed by qualified voters of the
 7 district or ward equal to not less than 5% nor more than 8%
 8 (or 50 more than the minimum, whichever is greater) of the
 9 total number of votes cast at the preceding general or
 10 general municipal election, as the case may be, for the
 11 county or municipal office voted on throughout such county or
 12 municipality for which the greatest total number of votes
 13 were cast for all candidates, divided by the number of
 14 districts or wards, but in any event not less than 25
 15 qualified voters of the district or ward. Each voter signing
 16 a nomination paper shall add to his signature his place of
 17 residence, and each voter may subscribe to one nomination for
 18 such office to be filled, and no more: Provided that the name
 19 of any candidate whose name may appear in any other place
 20 upon the ballot shall not be so added by petition for the
 21 same office.

22 The person circulating the petition, or the candidate on
 23 whose behalf the petition is circulated, may strike any
 24 signature from the petition, provided that;

25 (1) the person striking the signature shall initial
 26 the petition at the place where the signature is struck;
 27 and

28 (2) the person striking the signature shall sign a
 29 certification listing the page number and line number of
 30 each signature struck from the petition. Such
 31 certification shall be filed as a part of the petition.

32 (3) the persons striking signatures from the
 33 petition shall each sign an additional certificate
 34 specifying the number of certification pages listing

1 stricken signatures which are attached to the petition
2 and the page numbers indicated on such certifications.
3 The certificate shall be filed as a part of the petition,
4 shall be numbered, and shall be attached immediately
5 following the last page of voters' signatures and before
6 the certifications of stricken signatures.

7 (4) all of the foregoing requirements shall be
8 necessary to effect a valid striking of any signature.
9 The provisions of this Section authorizing the striking
10 of signatures shall not impose any criminal liability on
11 any person so authorized for signatures which may be
12 fraudulent.

13 In the case of the offices of Governor and Lieutenant
14 Governor a joint petition including one candidate for each of
15 those offices must be filed.

16 Every petition for nomination of an independent candidate
17 for any office for which candidates of established political
18 parties are nominated at the general primary shall be filed
19 within the time designated in Section 7-12 of this Act in
20 regard to nomination at the general primary of any other
21 candidate for such office.

22 A candidate for whom a nomination paper has been filed as
23 a partisan candidate at a primary election, and who is
24 defeated for his or her nomination at the primary election,
25 is ineligible to be placed on the ballot as an independent
26 candidate for election in that general or consolidated
27 election.

28 A candidate seeking election to an office for which
29 candidates of political parties are nominated by caucus who
30 is a participant in the caucus and who is defeated for his or
31 her nomination at such caucus, is ineligible to be listed on
32 the ballot at that general or consolidated election as an
33 independent candidate.

34 (Source: P.A. 86-867; 86-875; 86-1028; 86-1348.)