

1 AN ACT concerning voters' guides.

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 adding
5 Article 12A as follows:

6 (10 ILCS 5/Art. 12A heading new)

7 ARTICLE 12A. VOTERS' GUIDES

8 (10 ILCS 5/12A-2 new)

9 Sec. 12A-2. Definitions. As used in this Article, unless
10 the context otherwise requires:

11 "Board" means the State Board of Elections.

12 "Internet Guide" refers to information disseminated by
13 the State Board of Elections on a website, pursuant to
14 Section 12A-5.

15 "Local election authority" means a county clerk or board
16 of election commissioners.

17 "Local insert" refers to information disseminated by the
18 State Board of Elections in printed form, pursuant to Section
19 12A-30.

20 "Public question" or "question" means any question,
21 proposition, or referendum submitted to the voters under
22 Article 28 of this Code.

23 "Publication date of the Statewide Guide" shall be set by
24 the State Board of Elections, in reference to the date after
25 which the publication schedule forbids further edits to the
26 Statewide Guide.

27 "Statewide candidate" means any candidate who runs for a
28 statewide office, including Governor, Lieutenant Governor,
29 Attorney General, Secretary of State, Treasurer, Comptroller,
30 United States President, or United States Senator.

1 "Statewide Guide" refers to information disseminated by
2 the State Board of Elections in printed form, pursuant to
3 Section 12A-20.

4 "Voters' guide" means any information disseminated by the
5 State Board of Elections pursuant to Section 12A-5, 12A-20,
6 or 12A-30.

7 (10 ILCS 5/12A-5 new)

8 Sec. 12A-5. Internet Guide. The Board shall publish, no
9 later than the 45th day before a general election in which a
10 statewide candidate appears on the ballot, an Internet
11 website with the following information:

12 (1) The date and time of the general election.

13 (2) Requirements for a citizen to qualify as an
14 elector.

15 (3) The deadline for registering as an elector in
16 the State of Illinois for the next election.

17 (4) Contact information for local election
18 authorities.

19 (5) A description of the following offices, when
20 they appear on the ballot, including their term of
21 office, basic duties, and base salary: United States
22 President, United States Senator, United States
23 Representative, Governor, Lieutenant Governor, Attorney
24 General, Secretary of State, Treasurer, Comptroller,
25 Illinois Supreme Court Justice, Illinois Appellate Court
26 Judge, and other offices at the Board's discretion.

27 (6) The names and party affiliations of qualified
28 candidates for the following offices, when these offices
29 appear on the ballot: United States President, United
30 States Senator, United States Representative, Governor,
31 Lieutenant Governor, Attorney General, Secretary of
32 State, Treasurer, Comptroller, Illinois Supreme Court
33 Justice, Illinois Appellate Court Judge, and other

1 offices at the Board's discretion.

2 (7) Challenged candidates. Where a candidate's
3 right to appear on the general election ballot has been
4 challenged, and any appeal remains pending regarding
5 those challenges, the challenged candidate may appear on
6 the Internet Guide, subject to the other provisions of
7 Section 12A-10. In this instance, the Board may note that
8 the candidate's candidacy has been challenged and that he
9 or she may be removed from the ballot prior to election
10 day. If the candidate is removed from the ballot prior to
11 election day, the Board shall remove the candidate's name
12 and other information from the Internet Guide.

13 (8) Any personal statement and photograph submitted
14 by a candidate named in the Internet Guide, subject to
15 Sections 12A-10 and 12A-35.

16 (9) A means by which an elector may determine what
17 type of balloting equipment is used by his or her local
18 election authority, and the instructions for properly
19 using that equipment.

20 (10) The text of any public question that may
21 appear on the ballot.

22 (11) A mechanism by which electors may determine in
23 which congressional, legislative, and judicial districts
24 they reside. The Internet Guide shall allow visitors to
25 search for candidates by office group (e.g., statewide
26 executive, or General Assembly), office (e.g., Governor
27 or State Senator), district (e.g., specific legislative
28 seats), and candidate's name.

29 The Board shall archive the contents of the Internet
30 Guide for a period of at least 5 years.

31 (10 ILCS 5/12A-10 new)

32 Sec. 12A-10. Candidate statements and photographs in the
33 Internet Guide.

1 (a) Any candidate whose name appears in the Internet
2 Guide may submit a written statement and a photograph to
3 appear in the Internet Guide, provided that:

4 (1) No personal statement may exceed 400 words.

5 (2) Personal statements may include contact
6 information for the candidate, including the address and
7 phone number of the campaign headquarters, and the
8 candidate's website.

9 (3) Personal statements may not mention a
10 candidate's opponents by name.

11 (4) No personal statement may include language that
12 may not be legally sent through the mail.

13 (5) The photograph shall be a conventional
14 photograph with a plain background and show only the
15 face, or the head, neck, and shoulders, of the candidate.

16 (6) The photograph shall not (i) show the
17 candidate's hands, anything in the candidate's hands, or
18 the candidate wearing a judicial robe, a hat, or a
19 military, police, or fraternal uniform or (ii) include
20 the uniform or insignia of any organization.

21 (b) The Board must note in the text of the Internet
22 Guide that personal statements were submitted by the
23 candidate or his or her designee and were not edited by the
24 Board.

25 (c) Where a candidate declines to submit a statement,
26 the Board may note that the candidate declined to submit a
27 statement.

28 (d) The candidate must pay \$200 for inclusion of his or
29 her personal statement and photograph, and the Board shall
30 not include photographs or statements from candidates who do
31 not pay the fee. The Board may adopt rules for refunding that
32 fee at the candidate's request, provided that the Board may
33 not include a statement or photograph from a candidate who
34 has requested a refund of a fee, and provided also that the

1 Board may not refund a fee for inclusion in the Internet
2 Guide after the publication date of the Statewide Guide.

3 (e) Anyone other than the candidate submitting a
4 statement or photograph from a candidate must attest that he
5 or she is doing so on behalf and at the direction of the
6 candidate. The Board may assess a civil fine of no more than
7 \$1,000 against a person or entity who falsely submits a
8 statement or photograph not authorized by the candidate.

9 (f) Nothing in this Article makes the author of any
10 statement exempt from any civil or criminal action because of
11 any defamatory statements offered for posting or contained in
12 the Internet Guide. The persons writing, signing, or offering
13 a statement for inclusion in the Internet Guide are deemed to
14 be its authors and publishers, and the Board shall not be
15 liable in any case or action relating to the content of any
16 material submitted by any candidate.

17 (g) The Board may set reasonable deadlines for the
18 submission of personal statements and photographs, provided
19 that a deadline may not be less than 5 business days after
20 the last day for filing new party petitions.

21 (h) The Board may set formats for the submission of
22 statements and photographs. The Board may require that
23 statements and photographs are submitted in an electronic
24 format.

25 (10 ILCS 5/12A-15 new)

26 Sec. 12A-15. Language. The Board may translate all of the
27 material it is required to provide for the Internet Guide
28 into other languages as it deems necessary to comply with the
29 federal Voting Rights Act or at its discretion. Visitors to
30 the site shall have the option of viewing the Guide in all
31 languages into which the Guide has been translated.
32 Candidates may, at their option and expense, submit
33 statements in languages other than English. The Board shall

1 not be responsible for translating candidate statements.

2 (10 ILCS 5/12A-20 new)

3 Sec 12A-20. Statewide Guide.

4 (a) By majority vote of the members of the State Board
5 of Elections, the Board may publish a printed voters' guide.

6 (b) The Board shall print at least as many copies of the
7 guide as are necessary to mail one copy to every household in
8 Illinois. The Board may also print additional copies for
9 distribution through other means.

10 (c) A copy of the Statewide Guide shall be mailed to
11 every household in Illinois no later than 45 days prior to
12 the general election.

13 (d) A Statewide Guide must include:

14 (1) The date and time of the election.

15 (2) Qualifications for becoming a registered
16 elector in the State of Illinois.

17 (3) The deadline for registering as an elector in
18 the State of Illinois for the next election.

19 (4) Instructions for electors who have moved
20 between jurisdictions of different local election
21 authorities and who wish to maintain their registration.

22 (5) How Illinois residents may contact the Board by
23 telephone, by mail, and by Internet.

24 (6) A description of the following offices, when
25 they appear on the ballot, including their term of
26 office, basic duties, and base salary: United States
27 President, United States Senator, Governor, Lieutenant
28 Governor, Attorney General, Secretary of State,
29 Treasurer, Comptroller, and Illinois Supreme Court
30 Justice.

31 (7) The names and party affiliations of qualified
32 candidates for the following offices, when these offices
33 appear on the ballot: United States President, United

1 States Senator, Governor, Lieutenant Governor, Attorney
2 General, Secretary of State, Treasurer, Comptroller, and
3 Illinois Supreme Court Justice.

4 (8) Challenged candidates. Where a candidate's right to
5 appear on the ballot has been challenged, and any appeal
6 remains pending regarding those challenges, the challenged
7 candidate may appear in the Statewide Guide, subject to the
8 other provisions of Section 12A-10. In this instance, the
9 Board may note that the candidate's candidacy has been
10 challenged and that he or she may be removed from the ballot
11 prior to election day. If a challenged candidate is removed
12 from the ballot prior to the publication date of the
13 Statewide Guide, the Board shall remove that candidate from
14 the Statewide Guide and shall refund any fees paid by that
15 candidate to include statements or photographs in the
16 Statewide Guide.

17 (9) Any personal statement and photograph submitted
18 by a candidate listed in the Statewide Guide, subject to
19 Sections 12A-25 and 12A-35.

20 (10) A description of the different types of
21 balloting equipment used in Illinois and instructions for
22 using that equipment.

23 (11) The text of any public question that may
24 appear on the ballot.

25 (12) A voter registration form.

26 (13) Reference to the website address of the
27 Internet Guide.

28 (10 ILCS 5/12A-25 new)

29 Sec. 12A-25. Candidate statements and photographs in the
30 Statewide Guide.

31 (a) Any candidate whose name appears in the Statewide
32 Guide may submit a written statement and a photograph to
33 appear in the Statewide Guide, provided that:

1 (1) No candidate statement or photograph may appear
2 in the Statewide Guide if the candidate declines to
3 submit a statement or photograph to the Internet Guide or
4 if he or she seek a refund of the fee for the Internet
5 Guide.

6 (2) No personal statement may exceed 400 words.

7 (3) Personal statements may include contact
8 information for the candidate, including the address and
9 phone number of the campaign headquarters, and the
10 candidate's website.

11 (4) Personal statements may not mention a
12 candidate's opponents by name.

13 (5) No personal statement may include language that
14 may not be legally sent through the mail.

15 (6) The photograph shall be a conventional
16 photograph with a plain background and shall show only
17 the face, or the head, neck, and shoulders, of the
18 candidate.

19 (7) The photograph shall not (i) show the
20 candidate's hands, anything in the candidate's hands, or
21 the candidate wearing a judicial robe, a hat, or a
22 military, police, or fraternal uniform or (ii) include
23 the uniform or insignia of any organization.

24 (b) The Board must note in the text of the Statewide
25 Guide the name of the person or organization that submitted
26 the personal statements and photographs and that the
27 statement was not edited by the Board.

28 (c) Where a candidate declines to submit a statement,
29 the Board may note that the candidate declined to submit a
30 statement.

31 (d) The candidate or his or her designee must pay \$300
32 for inclusion of his or her personal statement and
33 photograph. The Board shall not include photographs or
34 statements from candidates who do not pay the fee. The Board

1 may adopt rules for refunding that fee at the candidate's
2 request, provided that the Board may not include a statement
3 or photograph from a candidate who has requested a refund of
4 a fee.

5 (e) Anyone submitting a statement or photograph from a
6 candidate must attest that he or she is doing so on behalf of
7 the candidate. The Board may assess a civil fine of no more
8 than \$1,000 against a person or entity who falsely submits a
9 statement or photograph not authorized by the candidate.

10 (f) Nothing in this Article makes the author of any
11 statement exempt from any civil or criminal action because of
12 any defamatory statements offered for publication or
13 contained in the Statewide Guide. The persons writing,
14 signing, or offering a statement for inclusion in the
15 Statewide Guide are deemed to be its authors and publishers.

16 (g) The Board may set deadlines for the submission of
17 personal statements and photographs, provided that the
18 deadline is not less than 5 business days after the filing
19 deadline for new party petitions.

20 (h) The Board may set reasonable formats for the
21 submission of statements and photographs. The Board may
22 require that statements and photographs are submitted in an
23 electronic format.

24 (10 ILCS 5/12A-30 new)

25 Sec. 12A-30. Local inserts.

26 (a) Notwithstanding any other law to the contrary, if
27 the Board chooses to issue a Statewide Guide, the Board may
28 also choose to enter into intergovernmental agreements with
29 local election authorities, to include a local insert with
30 the copies of the Statewide Guide mailed to addresses within
31 the jurisdiction of the local election authority.

32 (b) Local inserts qualifying for inclusion with the
33 Statewide Guide must include the following information:

1 (1) The names and party affiliations of qualified
2 candidates for United States Representative, Illinois
3 Appellate Court Judge, State Senator, and State
4 Representative.

5 (2) Other offices on the ballot, at the discretion
6 of the local election authority.

7 (3) Personal statements of candidates named in the
8 Guide, submitted in accordance with subsection (c).

9 (4) The location of polling places. This list may
10 indicate which polling places are handicapped accessible.

11 (5) The rights of handicapped voters in
12 non-accessible polling places.

13 (6) A change of address form, for electors who have
14 moved within the boundaries of the jurisdiction of the
15 local election authority.

16 (7) A judge of elections application.

17 (8) How an elector can qualify for and obtain an
18 absentee ballot.

19 (9) A description of the type of balloting
20 equipment used by the local election authority and the
21 instructions for using that equipment.

22 (10) Other information at the Board's discretion.

23 (c) The Board may set standards for including candidate
24 statements and photographs, provided that:

25 (1) The standards are substantially similar to the
26 standards for inclusion in the Statewide Guide.

27 (2) No candidate may appear in a local insert if he
28 or she declines to submit a statement to the Internet
29 Guide or if he or she seeks a refund of the fee for the
30 Internet Guide.

31 (3) The fee for submitting a personal statement and
32 photograph for the local insert is \$100. The fee must be
33 paid to the Board, and the Board must credit that
34 proportion of the candidate's fee equal to the proportion

1 of the candidate's district that lies within the
2 jurisdiction of the local election authority against any
3 fees due to the Board from the local election authority.

4 (d) The Board may allow a local election authority to
5 submit different inserts for different portions of its
6 jurisdiction, provided that:

7 (1) Every part of the jurisdiction receives
8 information about the same offices on the ballot.

9 (2) The division follows a rational basis related
10 to the work of the local election authority, such as
11 dividing the jurisdiction along congressional district
12 lines.

13 (3) The division serves to reduce the size of the
14 insert and to tailor the information included to the
15 individual ballots of voters in different parts of the
16 jurisdiction.

17 (d) The Board may specify the style, format, and design
18 of the local insert to ensure uniformity with the Statewide
19 Guide.

20 (e) The Board may charge local election authorities who
21 agree to submit local inserts the following fees:

22 (1) The incremental postage cost of mailing the
23 additional pages associated with the local insert.

24 (2) The cost of printing the local insert.

25 The Board may, at its discretion, allow local election
26 authorities to print their own inserts. If the Board chooses
27 to allow local election authorities to print their own
28 inserts, the Board may charge the local election authority
29 the cost of collating the insert with the Statewide Guide.
30 Inserts printed by local election authorities must comply
31 with all rules set for inserts printed by the Board.

32 (10 ILCS 5/12A-35 new)

33 Sec. 12A-35. Board's review of candidate photograph and

1 statement; procedure for revision.

2 (a) If a candidate files a photograph and statement
3 under item (8) of Section 12A-5 or item (9) of subsection (d)
4 of Section 12A-20 for inclusion in a voters' guide, the Board
5 shall review the photograph and statement to ensure that they
6 comply with the requirements of Section 12A-10 or Section
7 12A-25, as applicable. Review by the Board under this Section
8 shall be limited to determining whether the photograph and
9 statement comply with the requirements of Section 12A-10 or
10 Section 12A-25 and may not include any determination relating
11 to the accuracy or truthfulness of the substance or contents
12 of the materials filed.

13 (b) The Board shall review each photograph and statement
14 not later than 3 business days following the deadline for
15 filing a photograph and statement. If the Board determines
16 that the photograph or statement of a candidate must be
17 revised in order to comply with the requirements of Section
18 12A-10 or Section 12A-25, as applicable, the Board shall
19 attempt to contact the candidate not later than the 5th day
20 after the deadline for filing a photograph and statement. A
21 candidate contacted by the Board under this Section may file
22 a revised photograph or statement no later than the 7th
23 business day following the deadline for filing a photograph
24 and statement.

25 (c) If the Board is required to attempt to contact a
26 candidate under subsection (b) of this Section, the Board
27 shall attempt to contact the candidate by telephone or by
28 using an electronic transmission facsimile machine, if such
29 contact information is provided by the candidate.

30 (d) If the Board is unable to contact a candidate, if
31 the candidate does not file a revised photograph or
32 statement, or if the revised filing under subsection (b)
33 again fails to meet the standards of review set by the Board:

34 (1) If a photograph does not comply with Section

1 12A-10 or Section 12A-25, as applicable, the Board may
2 modify the photograph. The candidate shall pay the
3 expense of any modification before publication of the
4 photograph in the voters' guide. If the photograph cannot
5 be modified to comply with Section 12A-10 or 12A-25, as
6 applicable, the photograph shall not be printed in the
7 guide.

8 (2) If a statement does not comply with Section
9 12A-10 or Section 12A-25, as applicable, the statement
10 shall not be printed in the guide.

11 (e) If the photograph or statement of a candidate filed
12 under item (8) of Section 12A-5 or item (9) of subsection (d)
13 of Section 12A-20 does not comply with a requirement of
14 Section 12A-10 or Section 12A-25, as applicable, and the
15 Board does not attempt to contact the candidate by the
16 deadline specified in subsection (b) of this Section, for
17 purposes of this Section only the photograph or statement
18 shall be printed as filed.

19 (f) A candidate revising a photograph or statement under
20 this Section shall make only those revisions necessary to
21 comply with Section 12A-10 or Section 12A-25, as applicable.

22 (g) The Board may by rule define the term "contact" as
23 used in this Section.

24 (10 ILCS 5/12A-40 new)

25 Sec. 12A-40. Exemption from public records laws.
26 Notwithstanding any other provision of law, materials filed
27 by a candidate, political party, political committee, or
28 other person for inclusion in a voters' guide are exempt from
29 public inspection until the 4th business day after the final
30 date for filing the materials.

31 (10 ILCS 5/12A-45 new)

32 Sec. 12A-45. Material submitted for inclusion in any

1 voters' guide may not be admitted as evidence in any suit or
2 action against the Board to restrain or enjoin the
3 publication of a voters' guide.

4 (10 ILCS 5/12A-50 new)

5 Sec. 12A-50. Order of appearance within the guides. For
6 all guides disseminated by the Board, all information about
7 offices and candidates on the ballot shall be listed together
8 in the same part of the guide or insert. All candidates for
9 one office, together with their statements and photographs if
10 any, shall be listed before information on other offices and
11 candidates is listed. To the extent possible, offices and
12 candidates shall be listed in the same order in which they
13 appear on the ballot.

14 (10 ILCS 5/12A-55 new)

15 Sec. 12A-55. Constitutional issues. If a constitutional
16 amendment appears on the ballot, the contents of the pamphlet
17 issued by the Secretary of State under Section 2 of the
18 Illinois Constitutional Amendment Act may be included in any
19 guide issued by the Board.

20 Section 95. Severability. The provisions of this Act
21 are severable under Section 1.31 of the Statute on Statutes.