



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1140**

Introduced 02/08/05, by Rep. Mike Boland

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/10-2  
10 ILCS 5/10-3

from Ch. 46, par. 10-2  
from Ch. 46, par. 10-3

Amends the Election Code. Changes the petition signature requirement for a new political party to at least twice the minimum number required for an established party candidate for the office on the slate with the lowest signature requirement. Changes the petition signature requirement for an independent candidate to at least twice the minimum number required for an established party candidate for that office.

LRB094 10461 JAM 40731 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 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 used  
8 in this Article 10, shall mean any "established political  
9 party", as hereinafter defined and shall also mean any  
10 political group which shall hereafter undertake to form an  
11 established political party in the manner provided for in this  
12 Article 10: Provided, that no political organization or group  
13 shall be qualified as a political party hereunder, or given a  
14 place on a ballot, which organization or group is associated,  
15 directly or indirectly, with Communist, Fascist, Nazi or other  
16 un-American principles and engages in activities or propaganda  
17 designed to teach subservience to the political principles and  
18 ideals of foreign nations or the overthrow by violence of the  
19 established constitutional form of government of the United  
20 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, is  
24 hereby declared to be an "established political party" as to  
25 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, as  
32 the case may be, has voted as a unit for the election of

1 officers to serve the respective territorial area of such  
2 district or political subdivision, is hereby declared to be an  
3 "established political party" within the meaning of this  
4 Article as to such district or political subdivision.

5 Any group of persons hereafter desiring to form a new  
6 political party throughout the State, or in any congressional,  
7 legislative or judicial district, or in any other district or  
8 in any political subdivision (other than a municipality) not  
9 entirely within a single county, shall file with the State  
10 Board of Elections a petition, as hereinafter provided; and any  
11 such group of persons hereafter desiring to form a new  
12 political party within any county shall file such petition with  
13 the county clerk; and any such group of persons hereafter  
14 desiring to form a new political party within any municipality  
15 or township or within any district of a unit of local  
16 government other than a county shall file such petition with  
17 the local election official or Board of Election Commissioners  
18 of such municipality, township or other unit of local  
19 government, as the case may be. Any such petition for the  
20 formation of a new political party throughout the State, or in  
21 any such district or political subdivision, as the case may be,  
22 shall declare as concisely as may be the intention of the  
23 signers thereof to form such new political party in the State,  
24 or in such district or political subdivision; shall state in  
25 not more than 5 words the name of such new political party;  
26 shall at the time of filing contain a complete list of  
27 candidates of such party for all offices to be filled in the  
28 State, or such district or political subdivision as the case  
29 may be, at the next ensuing election then to be held; and, ~~if~~  
30 ~~such new political party shall be formed for the entire State,~~  
31 shall be signed by at least twice the minimum number of  
32 qualified voters of the State, district, or political  
33 subdivision, as the case may be, required to sign a petition  
34 for a candidate of an established political party for the  
35 office with the lowest signature requirement of those offices  
36 slated by the new party. 1% of the number of voters who voted

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

17 ~~For the first election following a redistricting of~~  
18 ~~congressional districts, a petition to form a new political~~  
19 ~~party in a congressional district shall be signed by at least~~  
20 ~~5,000 qualified voters of the congressional district. For the~~  
21 ~~first election following a redistricting of legislative~~  
22 ~~districts, a petition to form a new political party in a~~  
23 ~~legislative district shall be signed by at least 3,000~~  
24 ~~qualified voters of the legislative district. For the first~~  
25 ~~election following a redistricting of representative~~  
26 ~~districts, a petition to form a new political party in a~~  
27 ~~representative district shall be signed by at least 1,500~~  
28 ~~qualified voters of the representative district.~~

29 ~~For the first election following redistricting of county~~  
30 ~~board districts, or of municipal wards or districts, or for the~~  
31 ~~first election following the initial establishment of such~~  
32 ~~districts or wards in a county or municipality, a petition to~~  
33 ~~form a new political party in a county board district or in a~~  
34 ~~municipal ward or district shall be signed by qualified voters~~  
35 ~~of the district or ward equal to not less than 5% of the total~~  
36 ~~number of votes cast at the preceding general or municipal~~

1 ~~election, as the case may be, for the county or municipal~~  
2 ~~office voted on throughout the county or municipality for which~~  
3 ~~the greatest total number of votes were cast for all~~  
4 ~~candidates, divided by the number of districts or wards, but in~~  
5 ~~any event not less than 25 qualified voters of the district or~~  
6 ~~ward.~~

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

33 The filing of such petition shall constitute the political  
34 group a new political party, for the purpose only of placing  
35 upon the ballot at such next ensuing election such list or an  
36 adjusted list in accordance with Section 10-11, of party

1 candidates for offices to be voted for throughout the State, or  
2 for offices to be voted for in such district or political  
3 subdivision less than the State, as the case may be, under the  
4 name of and as the candidates of such new political party.

5 If, at such ensuing election, the new political party's  
6 candidate for Governor shall receive more than 5% of the entire  
7 votes cast for Governor, then such new political party shall  
8 become an "established political party" as to the State and as  
9 to every district or political subdivision thereof. If, at such  
10 ensuing election, the other candidates of the new political  
11 party, or any other candidate or candidates of the new  
12 political party shall receive more than 5% of all the votes  
13 cast for the office or offices for which they were candidates  
14 at such election, in the State, or in any district or political  
15 subdivision, as the case may be, then and in that event, such  
16 new political party shall become an "established political  
17 party" within the State or within such district or political  
18 subdivision less than the State, as the case may be, in which  
19 such candidate or candidates received more than 5% of the votes  
20 cast for the office or offices for which they were candidates.  
21 It shall thereafter nominate its candidates for public offices  
22 to be filled in the State, or such district or political  
23 subdivision, as the case may be, under the provisions of the  
24 laws regulating the nomination of candidates of established  
25 political parties at primary elections and political party  
26 conventions, as now or hereafter in force.

27 A political party which continues to receive for its  
28 candidate for Governor more than 5% of the entire vote cast for  
29 Governor, shall remain an "established political party" as to  
30 the State and as to every district or political subdivision  
31 thereof. But if the political party's candidate for Governor  
32 fails to receive more than 5% of the entire vote cast for  
33 Governor, or if the political party does not nominate a  
34 candidate for Governor, the political party shall remain an  
35 "established political party" within the State or within such  
36 district or political subdivision less than the State, as the

1 case may be, only so long as, and only in those districts or  
2 political subdivisions in which, the candidates of that  
3 political party, or any candidate or candidates of that  
4 political party, continue to receive more than 5% of all the  
5 votes cast for the office or offices for which they were  
6 candidates at succeeding general or consolidated elections  
7 within the State or within any district or political  
8 subdivision, as the case may be.

9 Any such petition shall be filed at the same time and shall  
10 be subject to the same requirements and to the same provisions  
11 in respect to objections thereto and to any hearing or hearings  
12 upon such objections that are hereinafter in this Article 10  
13 contained in regard to the nomination of any other candidate or  
14 candidates by petition. If any such new political party shall  
15 become an "established political party" in the manner herein  
16 provided, the candidate or candidates of such new political  
17 party nominated by the petition hereinabove referred to for  
18 such initial election, shall have power to select any such  
19 party committeeman or committeemen as shall be necessary for  
20 the creation of a provisional party organization and  
21 provisional managing committee or committees for such party  
22 within the State, or in any district or political subdivision  
23 in which the new political party has become established; and  
24 the party committeeman or committeemen so selected shall  
25 constitute a provisional party organization for the new  
26 political party and shall have and exercise the powers  
27 conferred by law upon any party committeeman or committeemen to  
28 manage and control the affairs of such new political party  
29 until the next ensuing primary election at which the new  
30 political party shall be entitled to nominate and elect any  
31 party committeeman or committeemen in the State, or in such  
32 district or political subdivision under any parts of this Act  
33 relating to the organization of political parties.

34 A candidate for whom a nomination paper has been filed as a  
35 partisan candidate at a primary election, and who is defeated  
36 for his or her nomination at the primary election, is

1 ineligible for nomination as a candidate of a new political  
2 party for election in that general election.

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

4 (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

5 Sec. 10-3. Nomination of independent candidates (not  
6 candidates of any political party), for any office ~~to be filled~~  
7 ~~by the voters of the State at large~~ may also be made by  
8 nomination papers signed in the aggregate for each candidate by  
9 at least twice the minimum number of voters required to sign  
10 petitions for a candidate of an established political party for  
11 the same office. 1% of the number of voters who voted in the  
12 ~~next preceding Statewide general election or 25,000 qualified~~  
13 ~~voters of the State, whichever is less. Nominations of~~  
14 ~~independent candidates for public office within any district or~~  
15 ~~political subdivision less than the State, may be made by~~  
16 ~~nomination papers signed in the aggregate for each candidate by~~  
17 ~~qualified voters of such district, or political subdivision,~~  
18 ~~equaling not less than 5%, nor more than 8% (or 50 more than~~  
19 ~~the minimum, whichever is greater) of the number of persons,~~  
20 ~~who voted at the next preceding regular election in such~~  
21 ~~district or political subdivision in which such district or~~  
22 ~~political subdivision voted as a unit for the election of~~  
23 ~~officers to serve its respective territorial area, except that~~  
24 ~~independent candidates for the General Assembly shall require~~  
25 ~~not less than 10%, nor more than 16% of the number of persons~~  
26 ~~who voted at the next preceding general election in such~~  
27 ~~district or political subdivision in which such district or~~  
28 ~~political subdivision voted as a unit for the election of~~  
29 ~~officers to serve its respective territorial area. However,~~  
30 ~~whenever the minimum signature requirement for an independent~~  
31 ~~candidate petition for a district or political subdivision~~  
32 ~~office shall exceed the minimum number of signatures for an~~  
33 ~~independent candidate petition for an office to be filled by~~  
34 ~~the voters of the State at large at the next preceding~~  
35 ~~State wide general election, such State wide petition~~



1 ~~signature requirement shall be the minimum for an independent~~  
2 ~~candidate petition for such district or political subdivision~~  
3 ~~office. For the first election following a redistricting of~~  
4 ~~congressional districts, nomination papers for an independent~~  
5 ~~candidate for congressman shall be signed by at least 5,000~~  
6 ~~qualified voters of the congressional district. For the first~~  
7 ~~election following a redistricting of legislative districts,~~  
8 ~~nomination papers for an independent candidate for State~~  
9 ~~Senator in the General Assembly shall be signed by at least~~  
10 ~~3,000 qualified voters of the legislative district. For the~~  
11 ~~first election following a redistricting of representative~~  
12 ~~districts, nomination papers for an independent candidate for~~  
13 ~~State Representative in the General Assembly shall be signed by~~  
14 ~~at least 1,500 qualified voters of the representative district.~~  
15 ~~For the first election following redistricting of county board~~  
16 ~~districts, or of municipal wards or districts, or for the first~~  
17 ~~election following the initial establishment of such districts~~  
18 ~~or wards in a county or municipality, nomination papers for an~~  
19 ~~independent candidate for county board member, or for alderman~~  
20 ~~or trustee of such municipality, shall be signed by qualified~~  
21 ~~voters of the district or ward equal to not less than 5% nor~~  
22 ~~more than 8% (or 50 more than the minimum, whichever is~~  
23 ~~greater) of the total number of votes cast at the preceding~~  
24 ~~general or general municipal election, as the case may be, for~~  
25 ~~the county or municipal office voted on throughout such county~~  
26 ~~or municipality for which the greatest total number of votes~~  
27 ~~were cast for all candidates, divided by the number of~~  
28 ~~districts or wards, but in any event not less than 25 qualified~~  
29 ~~voters of the district or ward. Each voter signing a nomination~~  
30 ~~paper shall add to his signature his place of residence, and~~  
31 ~~each voter may subscribe to one nomination for such office to~~  
32 ~~be filled, and no more: Provided that the name of any candidate~~  
33 ~~whose name may appear in any other place upon the ballot shall~~  
34 ~~not be so added by petition for the same office.~~

35       The person circulating the petition, or the candidate on  
36 whose behalf the petition is circulated, may strike any

1 signature from the petition, provided that;

2 (1) the person striking the signature shall initial the  
3 petition at the place where the signature is struck; and

4 (2) the person striking the signature shall sign a  
5 certification listing the page number and line number of  
6 each signature struck from the petition. Such  
7 certification shall be filed as a part of the petition.

8 (3) the persons striking signatures from the petition  
9 shall each sign an additional certificate specifying the  
10 number of certification pages listing stricken signatures  
11 which are attached to the petition and the page numbers  
12 indicated on such certifications. The certificate shall be  
13 filed as a part of the petition, shall be numbered, and  
14 shall be attached immediately following the last page of  
15 voters' signatures and before the certifications of  
16 stricken signatures.

17 (4) all of the foregoing requirements shall be  
18 necessary to effect a valid striking of any signature. The  
19 provisions of this Section authorizing the striking of  
20 signatures shall not impose any criminal liability on any  
21 person so authorized for signatures which may be  
22 fraudulent.

23 In the case of the offices of Governor and Lieutenant  
24 Governor a joint petition including one candidate for each of  
25 those offices must be filed.

26 Every petition for nomination of an independent candidate  
27 for any office for which candidates of established political  
28 parties are nominated at the general primary shall be filed  
29 within the time designated in Section 7-12 of this Act in  
30 regard to nomination at the general primary of any other  
31 candidate for such office.

32 A candidate for whom a nomination paper has been filed as a  
33 partisan candidate at a primary election, and who is defeated  
34 for his or her nomination at the primary election, is  
35 ineligible to be placed on the ballot as an independent  
36 candidate for election in that general or consolidated

1 election.

2 A candidate seeking election to an office for which  
3 candidates of political parties are nominated by caucus who is  
4 a participant in the caucus and who is defeated for his or her  
5 nomination at such caucus, is ineligible to be listed on the  
6 ballot at that general or consolidated election as an  
7 independent candidate.

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