



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4241**

Introduced 12/09/05, by Rep. David Reis

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/8-9	from Ch. 46, par. 8-9
10 ILCS 5/10-6.2	from Ch. 46, par. 10-6.2

Amends the Election Code. Provides that on the first day for filing candidate petitions, the entity with which petitions are filed may not file petitions on behalf of a candidate other than himself or herself.

LRB094 12952 JAM 50978 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 7-12, 8-9, and 10-6.2 as follows:

6 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

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

9 (1) Where the nomination is to be made for a State,  
10 congressional, or judicial office, or for any office a  
11 nomination for which is made for a territorial division or  
12 district which comprises more than one county or is partly in  
13 one county and partly in another county or counties, then,  
14 except as otherwise provided in this Section, such petition for  
15 nomination shall be filed in the principal office of the State  
16 Board of Elections not more than 99 and not less than 92 days  
17 prior to the date of the primary, but, in the case of petitions  
18 for nomination to fill a vacancy by special election in the  
19 office of representative in Congress from this State, such  
20 petition for nomination shall be filed in the principal office  
21 of the State Board of Elections not more than 57 days and not  
22 less than 50 days prior to the date of the primary.

23 Where a vacancy occurs in the office of Supreme, Appellate  
24 or Circuit Court Judge within the 3-week period preceding the  
25 92nd day before a general primary election, petitions for  
26 nomination for the office in which the vacancy has occurred  
27 shall be filed in the principal office of the State Board of  
28 Elections not more than 78 nor less than 71 days prior to the  
29 date of the general primary election.

30 Where the nomination is to be made for delegates or  
31 alternate delegates to a national nominating convention, then  
32 such petition for nomination shall be filed in the principal

1 office of the State Board of Elections not more than 99 and not  
2 less than 92 days prior to the date of the primary; provided,  
3 however, that if the rules or policies of a national political  
4 party conflict with such requirements for filing petitions for  
5 nomination for delegates or alternate delegates to a national  
6 nominating convention, the chairman of the State central  
7 committee of such national political party shall notify the  
8 Board in writing, citing by reference the rules or policies of  
9 the national political party in conflict, and in such case the  
10 Board shall direct such petitions to be filed not more than 69  
11 and not less than 62 days prior to the date of the primary.

12 (2) Where the nomination is to be made for a county office  
13 or trustee of a sanitary district then such petition shall be  
14 filed in the office of the county clerk not more than 99 nor  
15 less than 92 days prior to the date of the primary.

16 (3) Where the nomination is to be made for a municipal or  
17 township office, such petitions for nomination shall be filed  
18 in the office of the local election official, not more than 78  
19 nor less than 71 days prior to the date of the primary;  
20 provided, where a municipality's or township's boundaries are  
21 coextensive with or are entirely within the jurisdiction of a  
22 municipal board of election commissioners, the petitions shall  
23 be filed in the office of such board; and provided, that  
24 petitions for the office of multi-township assessor shall be  
25 filed with the election authority.

26 (4) The petitions of candidates for State central  
27 committeeman shall be filed in the principal office of the  
28 State Board of Elections not more than 99 nor less than 92 days  
29 prior to the date of the primary.

30 (5) Petitions of candidates for precinct, township or ward  
31 committeemen shall be filed in the office of the county clerk  
32 not more than 99 nor less than 92 days prior to the date of the  
33 primary.

34 (6) The State Board of Elections and the various election  
35 authorities and local election officials with whom such  
36 petitions for nominations are filed shall specify the place

1 where filings shall be made and upon receipt shall endorse  
2 thereon the day and hour on which each petition was filed. All  
3 petitions filed by persons waiting in line as of 8:00 a.m. on  
4 the first day for filing, or as of the normal opening hour of  
5 the office involved on such day, shall be deemed filed as of  
6 8:00 a.m. or the normal opening hour, as the case may be. On  
7 the first day for filing petitions, the State Board of  
8 Elections and its employees, an election authority and its  
9 employees, and a local election official and his or her  
10 employees shall not file petitions with the State Board, that  
11 election authority, or that local election official,  
12 respectively, on behalf of a person (other than on behalf of  
13 himself or herself, in the case of a county clerk or local  
14 election official). Petitions filed by mail and received after  
15 midnight of the first day for filing and in the first mail  
16 delivery or pickup of that day shall be deemed as filed as of  
17 8:00 a.m. of that day or as of the normal opening hour of such  
18 day, as the case may be. All petitions received thereafter  
19 shall be deemed as filed in the order of actual receipt. Where  
20 2 or more petitions are received simultaneously, the State  
21 Board of Elections or the various election authorities or local  
22 election officials with whom such petitions are filed shall  
23 break ties and determine the order of filing, by means of a  
24 lottery or other fair and impartial method of random selection  
25 approved by the State Board of Elections. Such lottery shall be  
26 conducted within 9 days following the last day for petition  
27 filing and shall be open to the public. Seven days written  
28 notice of the time and place of conducting such random  
29 selection shall be given by the State Board of Elections to the  
30 chairman of the State central committee of each established  
31 political party, and by each election authority or local  
32 election official, to the County Chairman of each established  
33 political party, and to each organization of citizens within  
34 the election jurisdiction which was entitled, under this  
35 Article, at the next preceding election, to have pollwatchers  
36 present on the day of election. The State Board of Elections,

1 election authority or local election official shall post in a  
2 conspicuous, open and public place, at the entrance of the  
3 office, notice of the time and place of such lottery. The State  
4 Board of Elections shall adopt rules and regulations governing  
5 the procedures for the conduct of such lottery. All candidates  
6 shall be certified in the order in which their petitions have  
7 been filed. Where candidates have filed simultaneously, they  
8 shall be certified in the order determined by lot and prior to  
9 candidates who filed for the same office at a later time.

10 (7) The State Board of Elections or the appropriate  
11 election authority or local election official with whom such a  
12 petition for nomination is filed shall notify the person for  
13 whom a petition for nomination has been filed of the obligation  
14 to file statements of organization, reports of campaign  
15 contributions, and annual reports of campaign contributions  
16 and expenditures under Article 9 of this Act. Such notice shall  
17 be given in the manner prescribed by paragraph (7) of Section  
18 9-16 of this Code.

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

35 (9) Any person for whom a petition for nomination, or for  
36 committeeman or for delegate or alternate delegate to a

1 national nominating convention has been filed may cause his  
2 name to be withdrawn by request in writing, signed by him and  
3 duly acknowledged before an officer qualified to take  
4 acknowledgments of deeds, and filed in the principal or  
5 permanent branch office of the State Board of Elections or with  
6 the appropriate election authority or local election official,  
7 not later than the date of certification of candidates for the  
8 consolidated primary or general primary ballot. No names so  
9 withdrawn shall be certified or printed on the primary ballot.  
10 If petitions for nomination have been filed for the same person  
11 with respect to more than one political party, his name shall  
12 not be certified nor printed on the primary ballot of any  
13 party. If petitions for nomination have been filed for the same  
14 person for 2 or more offices which are incompatible so that the  
15 same person could not serve in more than one of such offices if  
16 elected, that person must withdraw as a candidate for all but  
17 one of such offices within the 5 business days following the  
18 last day for petition filing. If he fails to withdraw as a  
19 candidate for all but one of such offices within such time his  
20 name shall not be certified, nor printed on the primary ballot,  
21 for any office. For the purpose of the foregoing provisions, an  
22 office in a political party is not incompatible with any other  
23 office.

24 (10) (a) Notwithstanding the provisions of any other  
25 statute, no primary shall be held for an established  
26 political party in any township, municipality, or ward  
27 thereof, where the nomination of such party for every  
28 office to be voted upon by the electors of such township,  
29 municipality, or ward thereof, is uncontested. Whenever a  
30 political party's nomination of candidates is uncontested  
31 as to one or more, but not all, of the offices to be voted  
32 upon by the electors of a township, municipality, or ward  
33 thereof, then a primary shall be held for that party in  
34 such township, municipality, or ward thereof; provided  
35 that the primary ballot shall not include those offices  
36 within such township, municipality, or ward thereof, for

1           which the nomination is uncontested. For purposes of this  
2 Article, the nomination of an established political party  
3 of a candidate for election to an office shall be deemed to  
4 be uncontested where not more than the number of persons to  
5 be nominated have timely filed valid nomination papers  
6 seeking the nomination of such party for election to such  
7 office.

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

23           (c) Notwithstanding the provisions in subparagraph (a)  
24 and (b) of this paragraph (10), whenever a person who has  
25 not timely filed valid nomination papers and who intends to  
26 become a write-in candidate for a political party's  
27 nomination for any office for which the nomination is  
28 uncontested files a written statement or notice of that  
29 intent with the State Board of Elections or the local  
30 election official with whom nomination papers for such  
31 office are filed, a primary ballot shall be prepared and a  
32 primary shall be held for that office. Such statement or  
33 notice shall be filed on or before the date established in  
34 this Article for certifying candidates for the primary  
35 ballot. Such statement or notice shall contain (i) the name  
36 and address of the person intending to become a write-in

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

11 (11) If multiple sets of nomination papers are filed for a  
12 candidate to the same office, the State Board of Elections,  
13 appropriate election authority or local election official  
14 where the petitions are filed shall within 2 business days  
15 notify the candidate of his or her multiple petition filings  
16 and that the candidate has 3 business days after receipt of the  
17 notice to notify the State Board of Elections, appropriate  
18 election authority or local election official that he or she  
19 may cancel prior sets of petitions. If the candidate notifies  
20 the State Board of Elections, appropriate election authority or  
21 local election official, the last set of petitions filed shall  
22 be the only petitions to be considered valid by the State Board  
23 of Elections, election authority or local election official. If  
24 the candidate fails to notify the State Board of Elections,  
25 election authority or local election official then only the  
26 first set of petitions filed shall be valid and all subsequent  
27 petitions shall be void.

28 (12) All nominating petitions shall be available for public  
29 inspection and shall be preserved for a period of not less than  
30 6 months.

31 (Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1089;  
32 87-1052.)

33 (10 ILCS 5/8-9) (from Ch. 46, par. 8-9)

34 Sec. 8-9. All petitions for nomination shall be filed by  
35 mail or in person as follows:



1           (1) Where the nomination is made for a legislative office,  
2 such petition for nomination shall be filed in the principal  
3 office of the State Board of Elections not more than 99 and not  
4 less than 92 days prior to the date of the primary. On the  
5 first day for filing petitions, the State Board of Elections  
6 and its employees shall not file petitions with the State Board  
7 of Elections on behalf of another person.

8           (2) The State Board of Elections shall, upon receipt of  
9 each petition, endorse thereon the day and hour on which it was  
10 filed. Petitions filed by mail and received after midnight on  
11 the first day for filing and in the first mail delivery or  
12 pickup of that day, shall be deemed as filed as of 8:00 a.m. of  
13 that day or as of the normal opening hour of such day as the  
14 case may be, and all petitions received thereafter shall be  
15 deemed as filed in the order of actual receipt. Where 2 or more  
16 petitions are received simultaneously, the State Board of  
17 Elections shall break ties and determine the order of filing,  
18 by means of a lottery as provided in Section 7-12 of this Code.

19           (3) Any person for whom a petition for nomination has been  
20 filed, may cause his name to be withdrawn by a request in  
21 writing, signed by him, duly acknowledged before an officer  
22 qualified to take acknowledgments of deeds, and filed in the  
23 principal or permanent branch office of the State Board of  
24 Elections not later than the date of certification of  
25 candidates for the general primary ballot, and no names so  
26 withdrawn shall be certified by the State Board of Elections to  
27 the county clerk, or printed on the primary ballot. If  
28 petitions for nomination have been filed for the same person  
29 with respect to more than one political party, his name shall  
30 not be certified nor printed on the primary ballot of any  
31 party. If petitions for nomination have been filed for the same  
32 person for 2 or more offices which are incompatible so that the  
33 same person could not serve in more than one of such offices if  
34 elected, that person must withdraw as a candidate for all but  
35 one of such offices within the 5 business days following the  
36 last day for petition filing. If he fails to withdraw as a

1 candidate for all but one of such offices within such time, his  
2 name shall not be certified, nor printed on the primary ballot,  
3 for any office. For the purpose of the foregoing provisions, an  
4 office in a political party is not incompatible with any other  
5 office.

6 (4) If multiple sets of nomination papers are filed for a  
7 candidate to the same office, the State Board of Elections  
8 shall within 2 business days notify the candidate of his or her  
9 multiple petition filings and that the candidate has 3 business  
10 days after receipt of the notice to notify the State Board of  
11 Elections that he or she may cancel prior sets of petitions. If  
12 the candidate notifies the State Board of Elections the last  
13 set of petitions filed shall be the only petitions to be  
14 considered valid by the State Board of Elections. If the  
15 candidate fails to notify the State Board then only the first  
16 set of petitions filed shall be valid and all subsequent  
17 petitions shall be void.

18 (Source: P.A. 86-875; 87-1052.)

19 (10 ILCS 5/10-6.2) (from Ch. 46, par. 10-6.2)

20 Sec. 10-6.2. The State Board of Elections, the election  
21 authority or the local election official with whom petitions  
22 for nomination are filed pursuant to this Article 10 shall  
23 specify the place where filings shall be made and upon receipt  
24 shall endorse thereon the day and the hour at which each  
25 petition was filed. Except as provided by Article 9 of The  
26 School Code, all petitions filed by persons waiting in line as  
27 of 8:00 a.m. on the first day for filing, or as of the normal  
28 opening hour of the office involved on such day, shall be  
29 deemed filed as of 8:00 a.m. or the normal opening hour, as the  
30 case may be. On the first day for filing petitions, the State  
31 Board of Elections and its employees, an election authority and  
32 its employees, and a local election official and his or her  
33 employees shall not file petitions with the State Board, that  
34 election authority, or that local election official,  
35 respectively, on behalf of a person (other than on behalf of

1 himself or herself, in the case of a county clerk or local  
2 election official). Petitions filed by mail and received after  
3 midnight of the first day for filing and in the first mail  
4 delivery or pickup of that day shall be deemed filed as of 8:00  
5 a.m. of that day or as of the normal opening hour of such day,  
6 as the case may be. All petitions received thereafter shall be  
7 deemed filed in the order of actual receipt. Where 2 or more  
8 petitions are received simultaneously, the State Board of  
9 Elections, the election authority or the local election  
10 official with whom such petitions are filed shall break ties  
11 and determine the order of filing by means of a lottery or  
12 other fair and impartial method of random selection approved by  
13 the State Board of Elections. Such lottery shall be conducted  
14 within 9 days following the last day for petition filing and  
15 shall be open to the public. Seven days written notice of the  
16 time and place of conducting such random selection shall be  
17 given, by the State Board of Elections, the election authority,  
18 or local election official, to the Chairman of each political  
19 party, and to each organization of citizens within the election  
20 jurisdiction which was entitled, under this Code, at the next  
21 preceding election, to have pollwatchers present on the day of  
22 election. The State Board of Elections, the election authority  
23 or local election official shall post in a conspicuous, open  
24 and public place, at the entrance of the office, notice of the  
25 time and place of such lottery. The State Board of Elections  
26 shall adopt rules and regulations governing the procedures for  
27 the conduct of such lottery. All candidates shall be certified  
28 in the order in which their petitions have been filed and in  
29 the manner prescribed by Section 10-14 and 10-15 of this  
30 Article. Where candidates have filed simultaneously, they  
31 shall be certified in the order determined by lot and prior to  
32 candidates who filed for the same office or offices at a later  
33 time. Certificates of nomination filed within the period  
34 prescribed in Section 10-6(2) for candidates nominated by  
35 caucus for township or municipal offices shall be subject to  
36 the ballot placement lottery for established political parties

1 prescribed in Section 7-60 of this Code.

2 If multiple sets of nomination papers are filed for a  
3 candidate to the same office, the State Board of Elections,  
4 appropriate election authority or local election official  
5 where the petitions are filed shall within 2 business days  
6 notify the candidate of his or her multiple petition filings  
7 and that the candidate has 3 business days after receipt of the  
8 notice to notify the State Board of Elections, appropriate  
9 election authority or local election official that he or she  
10 may cancel prior sets of petitions. If the candidate notifies  
11 the State Board of Elections, appropriate election authority or  
12 local election official, the last set of petitions filed shall  
13 be the only petitions to be considered valid by the State Board  
14 of Elections, election authority or local election official. If  
15 the candidate fails to notify the State Board of Elections,  
16 appropriate election authority or local election official then  
17 only the first set of petitions filed shall be valid and all  
18 subsequent petitions shall be void.

19 (Source: P.A. 91-357, eff. 7-29-99.)