



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5775

Introduced 03/24/06, by Rep. William B. Black - Raymond Poe

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-43

from Ch. 46, par. 7-43

10 ILCS 5/7-44

from Ch. 46, par. 7-44

Amends the Election Code to eliminate the requirement that a voter declare party affiliation when voting at a primary election. Provides that the voter shall receive the primary ballot of each of the established political parties nominating candidates for office at the primary election, but may cast a ballot of only one political party, except in certain cases involving statewide political parties and political parties established only within a political subdivision.

LRB094 20028 HLH 57558 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 7-43 and 7-44 as follows:

6 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

7 Sec. 7-43. Every person having resided in this State 6
8 months and in the precinct 30 days next preceding any primary
9 therein who shall be a citizen of the United States of the age
10 of 18 or more years, shall be entitled to vote at such primary.

11 The following regulations shall be applicable to
12 primaries:

13 No person shall be entitled to vote at a primary:

14 ~~(a) Unless he declares his party affiliations as required~~
15 ~~by this Article.~~

16 ~~(b) Who shall have signed the petition for nomination of a~~
17 ~~candidate of any party with which he does not affiliate, when~~
18 ~~such candidate is to be voted for at the primary.~~

19 (a) ~~(e)~~ Who shall have signed the nominating papers of an
20 independent candidate for any office for which office
21 candidates for nomination are to be voted for at such primary.

22 (c.5) If that person has participated in the town political
23 party caucus, under Section 45-50 of the Township Code, of
24 another political party by signing an affidavit of voters
25 attending the caucus within 45 days before the first day of the
26 calendar month in which the primary is held.

27 ~~(d) If he has voted at a primary held under this Article 7~~
28 ~~of another political party within a period of 23 calendar~~
29 ~~months next preceding the calendar month in which such primary~~
30 ~~is held: Provided, participation by a primary elector in a~~
31 ~~primary of a political party which, under the provisions of~~
32 ~~Section 7-2 of this Article, is a political party within a~~

1 ~~city, village or incorporated town or town only and entitled~~
2 ~~hereunder to make nominations of candidates for city, village~~
3 ~~or incorporated town or town offices only, and for no other~~
4 ~~office or offices, shall not disqualify such primary elector~~
5 ~~from participating in other primaries of his party: And,~~
6 ~~provided, that no qualified voter shall be precluded from~~
7 ~~participating in the primary of any purely city, village or~~
8 ~~incorporated town or town political party under the provisions~~
9 ~~of Section 7-2 of this Article by reason of such voter having~~
10 ~~voted at the primary of another political party within a period~~
11 ~~of 23 calendar months next preceding the calendar month in~~
12 ~~which he seeks to participate is held.~~

13 (b) ~~(e)~~ In cities, villages and incorporated towns having a
14 board of election commissioners only voters registered as
15 provided by Article 6 of this Act shall be entitled to vote at
16 such primary.

17 (c) ~~(f)~~ No person shall be entitled to vote at a primary
18 unless he is registered under the provisions of Articles 4, 5
19 or 6 of this Act, when his registration is required by any of
20 said Articles to entitle him to vote at the election with
21 reference to which the primary is held.

22 (Source: P.A. 89-331, eff. 8-17-95.)

23 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

24 Sec. 7-44. (a) Any person desiring to vote at a primary
25 shall state his name and, residence ~~and party affiliation~~ to
26 the primary judges, one of whom shall thereupon announce the
27 same in a distinct tone of voice, sufficiently loud to be heard
28 by all persons in the polling place. When article 4, 5 or 6 is
29 applicable the Certificate of Registered Voter therein
30 prescribed shall be made and signed and the official poll
31 record shall be made. If the person desiring to vote is not
32 challenged, one of the primary judges shall give to him one,
33 ~~and only one,~~ primary ballot of each of the established
34 political parties nominating candidates for office at the
35 primary election, but the voter may cast a ballot of only one

1 political party, except as otherwise provided in subsection (b)
2 ~~party with which he declares himself affiliated,~~ on the back of
3 which the ~~such~~ primary judge shall endorse his or her initials
4 in such manner that they may be seen when the primary ballot is
5 properly folded. If the person desiring to vote is challenged
6 he shall not receive a primary ballot from the primary judges
7 until he or she shall have established his or her right to vote
8 as ~~hereinafter~~ provided in this Article. ~~No person who refuses~~
9 ~~to state his party affiliation shall be allowed to vote at a~~
10 ~~primary.~~

11 (b) A person who casts a ballot of ~~declares his party~~
12 ~~affiliation with~~ a statewide established political party ~~and~~
13 ~~requests a primary ballot of such party may nonetheless also~~
14 ~~declare his affiliation with a political party established only~~
15 ~~within a political subdivision, and~~ may also vote in the
16 primary of a ~~such~~ local political party established only within
17 a political subdivision on the same election day, provided that
18 the ~~such~~ voter may not vote in both ~~such~~ party primaries with
19 respect to offices of the same political subdivision. However,
20 no person casting a ballot of ~~declaring his affiliation with~~ a
21 statewide established political party may vote in the primary
22 of any other statewide political party on the same election
23 day. A space shall be provided on the primary ballot indicating
24 for which political party the voter cast his or her votes and
25 the voter may mark the space on the ballot of only one
26 political party indicating that party, except as otherwise
27 provided in this Section. If the voter desires to cast his or
28 her ballot of a statewide political party and a political party
29 established only within a political subdivision, the voter may
30 indicate that choice by marking the space provided on the
31 ballot of the statewide political party and by also marking the
32 space provided on the ballot of the political party established
33 only within a political subdivision. If the voter does not mark
34 the space on the primary ballot indicating the political party
35 in which the voter cast his or her ballot, or marks more than
36 one such space, the judges of election shall count only the

1 votes of the political party in which the voter cast a vote for
2 the office nearest the top of the ballot.

3 (Source: P.A. 81-1535.)