



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0187

Introduced 2/2/2005, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

10 ILCS 5/Art. 12A heading new
10 ILCS 5/12A-2 new
10 ILCS 5/12A-5 new
10 ILCS 5/12A-10 new
10 ILCS 5/12A-15 new
10 ILCS 5/12A-20 new
10 ILCS 5/12A-25 new
10 ILCS 5/12A-30 new
10 ILCS 5/12A-35 new
10 ILCS 5/12A-40 new
10 ILCS 5/12A-45 new
10 ILCS 5/12A-50 new
10 ILCS 5/12A-55 new

Amends the Election Code. Requires the State Board of Elections to produce an Internet voters' guide before each general election containing (i) information as to statewide and certain other offices to be filled at the election, (ii) information on candidates for those offices, (iii) public questions to appear on the ballot, and (iv) voting information. Permits candidates to submit photographs and personal statements for inclusion in the guide upon payment of specified fees. Sets standards for photographs and statements. Permits the Board to issue a similar guide in print format. Requires that any printed guide be mailed to each household in the State. Authorizes local election authorities to produce or to arrange with the Board for production of local inserts into the printed guide to contain information on local candidates, questions, and voting. Authorizes the Board to charge fees for local inserts and to assess a fine of up to \$1,000 for the unauthorized submission of a candidate photograph or statement.

LRB094 06368 JAM 36449 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 adding Article
5 12A as follows:

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

7 ARTICLE 12A.

8 VOTERS' GUIDES

9 (10 ILCS 5/12A-2 new)

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

12 "Board" means the State Board of Elections.

13 "Internet Guide" refers to information disseminated by the
14 State Board of Elections on a website, pursuant to Section
15 12A-5.

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

18 "Local insert" refers to information disseminated by the
19 State Board of Elections in printed form, pursuant to Section
20 12A-30.

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

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

28 "Statewide candidate" means any candidate who runs for a
29 statewide office, including Governor, Lieutenant Governor,
30 Attorney General, Secretary of State, Treasurer, Comptroller,
31 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, or
6 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 website
11 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 the
16 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 they
20 appear on the ballot, including their term of office, basic
21 duties, and base salary: United States President, United
22 States Senator, United States Representative, Governor,
23 Lieutenant Governor, Attorney General, Secretary of State,
24 Treasurer, Comptroller, Illinois Supreme Court Justice,
25 Illinois Appellate Court Judge, and other offices at the
26 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 State,
32 Treasurer, Comptroller, Illinois Supreme Court Justice,
33 Illinois Appellate Court Judge, and other offices at the
34 Board's discretion.

35 (7) Challenged candidates. Where a candidate's right

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

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

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

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

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

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

29 (10 ILCS 5/12A-10 new)

30 Sec. 12A-10. Candidate statements and photographs in the
31 Internet Guide.

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

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

1 (2) Personal statements may include contact
2 information for the candidate, including the address and
3 phone number of the campaign headquarters, and the
4 candidate's website.

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

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

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

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

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

20 (c) Where a candidate declines to submit a statement, the
21 Board may note that the candidate declined to submit a
22 statement.

23 (d) The candidate must pay \$200 for inclusion of his or her
24 personal statement and photograph, and the Board shall not
25 include photographs or statements from candidates who do not
26 pay the fee. The Board may adopt rules for refunding that fee
27 at the candidate's request, provided that the Board may not
28 include a statement or photograph from a candidate who has
29 requested a refund of a fee, and provided also that the Board
30 may not refund a fee for inclusion in the Internet Guide after
31 the publication date of the Statewide Guide.

32 (e) Anyone other than the candidate submitting a statement
33 or photograph from a candidate must attest that he or she is
34 doing so on behalf and at the direction of the candidate. The
35 Board may assess a civil fine of no more than \$1,000 against a
36 person or entity who falsely submits a statement or photograph

1 not authorized by the candidate.

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

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

14 (h) The Board may set formats for the submission of
15 statements and photographs. The Board may require that
16 statements and photographs are submitted in an electronic
17 format.

18 (10 ILCS 5/12A-15 new)

19 Sec. 12A-15. Language. The Board may translate all of the
20 material it is required to provide for the Internet Guide into
21 other languages as it deems necessary to comply with the
22 federal Voting Rights Act or at its discretion. Visitors to the
23 site shall have the option of viewing the Guide in all
24 languages into which the Guide has been translated. Candidates
25 may, at their option and expense, submit statements in
26 languages other than English. The Board shall not be
27 responsible for translating candidate statements.

28 (10 ILCS 5/12A-20 new)

29 Sec 12A-20. Statewide Guide.

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

32 (b) The Board shall print at least as many copies of the
33 guide as are necessary to mail one copy to every household in
34 Illinois. The Board may also print additional copies for

1 distribution through other means.

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

5 (d) A Statewide Guide must include:

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

7 (2) Qualifications for becoming a registered elector
8 in the State of Illinois.

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

11 (4) Instructions for electors who have moved between
12 jurisdictions of different local election authorities and who
13 wish to maintain their registration.

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

16 (6) A description of the following offices, when they
17 appear on the ballot, including their term of office, basic
18 duties, and base salary: United States President, United States
19 Senator, Governor, Lieutenant Governor, Attorney General,
20 Secretary of State, Treasurer, Comptroller, and Illinois
21 Supreme Court Justice.

22 (7) The names and party affiliations of qualified
23 candidates for the following offices, when these offices appear
24 on the ballot: United States President, United States Senator,
25 Governor, Lieutenant Governor, Attorney General, Secretary of
26 State, Treasurer, Comptroller, and Illinois Supreme Court
27 Justice.

28 (8) Challenged candidates. Where a candidate's right to
29 appear on the ballot has been challenged, and any appeal
30 remains pending regarding those challenges, the challenged
31 candidate may appear in the Statewide Guide, subject to the
32 other provisions of Section 12A-10. In this instance, the Board
33 may note that the candidate's candidacy has been challenged and
34 that he or she may be removed from the ballot prior to election
35 day. If a challenged candidate is removed from the ballot prior
36 to the publication date of the Statewide Guide, the Board shall

1 remove that candidate from the Statewide Guide and shall refund
2 any fees paid by that candidate to include statements or
3 photographs in the Statewide Guide.

4 (9) Any personal statement and photograph submitted by
5 a candidate listed in the Statewide Guide, subject to Sections
6 12A-25 and 12A-35.

7 (10) A description of the different types of balloting
8 equipment used in Illinois and instructions for using that
9 equipment.

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

12 (12) A voter registration form.

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

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

16 Sec. 12A-25. Candidate statements and photographs in the
17 Statewide Guide.

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

21 (1) No candidate statement or photograph may appear in
22 the Statewide Guide if the candidate declines to submit a
23 statement or photograph to the Internet Guide or if he or
24 she seek a refund of the fee for the Internet Guide.

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

26 (3) Personal statements may include contact
27 information for the candidate, including the address and
28 phone number of the campaign headquarters, and the
29 candidate's website.

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

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

34 (6) The photograph shall be a conventional photograph
35 with a plain background and shall show only the face, or

1 the head, neck, and shoulders, of the candidate.

2 (7) The photograph shall not (i) show the candidate's
3 hands, anything in the candidate's hands, or the candidate
4 wearing a judicial robe, a hat, or a military, police, or
5 fraternal uniform or (ii) include the uniform or insignia
6 of any organization.

7 (b) The Board must note in the text of the Statewide Guide
8 the name of the person or organization that submitted the
9 personal statements and photographs and that the statement was
10 not edited by the Board.

11 (c) Where a candidate declines to submit a statement, the
12 Board may note that the candidate declined to submit a
13 statement.

14 (d) The candidate or his or her designee must pay \$300 for
15 inclusion of his or her personal statement and photograph. The
16 Board shall not include photographs or statements from
17 candidates who do not pay the fee. The Board may adopt rules
18 for refunding that fee at the candidate's request, provided
19 that the Board may not include a statement or photograph from a
20 candidate who has requested a refund of a fee.

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

26 (f) Nothing in this Article makes the author of any
27 statement exempt from any civil or criminal action because of
28 any defamatory statements offered for publication or contained
29 in the Statewide Guide. The persons writing, signing, or
30 offering a statement for inclusion in the Statewide Guide are
31 deemed to be its authors and publishers.

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

36 (h) The Board may set reasonable formats for the submission

1 of statements and photographs. The Board may require that
2 statements and photographs are submitted in an electronic
3 format.

4 (10 ILCS 5/12A-30 new)

5 Sec. 12A-30. Local inserts.

6 (a) Notwithstanding any other law to the contrary, if the
7 Board chooses to issue a Statewide Guide, the Board may also
8 choose to enter into intergovernmental agreements with local
9 election authorities, to include a local insert with the copies
10 of the Statewide Guide mailed to addresses within the
11 jurisdiction of the local election authority.

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

14 (1) The names and party affiliations of qualified
15 candidates for United States Representative, Illinois
16 Appellate Court Judge, State Senator, and State
17 Representative.

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

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

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

24 (5) The rights of handicapped voters in non-accessible
25 polling places.

26 (6) A change of address form, for electors who have
27 moved within the boundaries of the jurisdiction of the
28 local election authority.

29 (7) A judge of elections application.

30 (8) How an elector can qualify for and obtain an
31 absentee ballot.

32 (9) A description of the type of balloting equipment
33 used by the local election authority and the instructions
34 for using that equipment.

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

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

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

5 (2) No candidate may appear in a local insert if he or
6 she declines to submit a statement to the Internet Guide or
7 if he or she seeks a refund of the fee for the Internet
8 Guide.

9 (3) The fee for submitting a personal statement and
10 photograph for the local insert is \$100. The fee must be
11 paid to the Board, and the Board must credit that
12 proportion of the candidate's fee equal to the proportion
13 of the candidate's district that lies within the
14 jurisdiction of the local election authority against any
15 fees due to the Board from the local election authority.

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

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

21 (2) The division follows a rational basis related to
22 the work of the local election authority, such as dividing
23 the jurisdiction along congressional district lines.

24 (3) The division serves to reduce the size of the
25 insert and to tailor the information included to the
26 individual ballots of voters in different parts of the
27 jurisdiction.

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

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

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

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

35 The Board may, at its discretion, allow local election
36 authorities to print their own inserts. If the Board chooses to

1 allow local election authorities to print their own inserts,
2 the Board may charge the local election authority the cost of
3 collating the insert with the Statewide Guide. Inserts printed
4 by local election authorities must comply with all rules set
5 for inserts printed by the Board.

6 (10 ILCS 5/12A-35 new)

7 Sec. 12A-35. Board's review of candidate photograph and
8 statement; procedure for revision.

9 (a) If a candidate files a photograph and statement under
10 item (8) of Section 12A-5 or item (9) of subsection (d) of
11 Section 12A-20 for inclusion in a voters' guide, the Board
12 shall review the photograph and statement to ensure that they
13 comply with the requirements of Section 12A-10 or Section
14 12A-25, as applicable. Review by the Board under this Section
15 shall be limited to determining whether the photograph and
16 statement comply with the requirements of Section 12A-10 or
17 Section 12A-25 and may not include any determination relating
18 to the accuracy or truthfulness of the substance or contents of
19 the materials filed.

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

31 (c) If the Board is required to attempt to contact a
32 candidate under subsection (b) of this Section, the Board shall
33 attempt to contact the candidate by telephone or by using an
34 electronic transmission facsimile machine, if such contact
35 information is provided by the candidate.

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

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

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

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

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

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

27 (10 ILCS 5/12A-40 new)

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

34 (10 ILCS 5/12A-45 new)

1 Sec. 12A-45. Material submitted for inclusion in any
2 voters' guide may not be admitted as evidence in any suit or
3 action against the Board to restrain or enjoin the publication
4 of a voters' guide.

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

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

15 (10 ILCS 5/12A-55 new)

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

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