

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

19 "Statewide candidate" means any candidate who runs for a
20 statewide office, including Governor, Lieutenant Governor,
21 Attorney General, Secretary of State, Treasurer, Comptroller,
22 United States President, or United States Senator.

23 "Voters' guide" means any information disseminated by the
24 State Board of Elections pursuant to Section 12A-5.

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

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

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

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

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

5 (4) Contact information for local election
6 authorities.

7 (5) A description of the following offices, when they
8 appear on the ballot, including their term of office, basic
9 duties, and base salary: United States President, United
10 States Senator, United States Representative, Governor,
11 Lieutenant Governor, Attorney General, Secretary of State,
12 Treasurer, Comptroller, Illinois Supreme Court Justice,
13 Illinois Appellate Court Judge, and other offices at the
14 Board's discretion.

15 (6) The names and party affiliations of qualified
16 candidates for the following offices, when these offices
17 appear on the ballot: United States President, United
18 States Senator, United States Representative, Governor,
19 Lieutenant Governor, Attorney General, Secretary of State,
20 Treasurer, Comptroller, Illinois Supreme Court Justice,
21 Illinois Appellate Court Judge, and other offices at the
22 Board's discretion.

23 (7) Challenged candidates. Where a candidate's right
24 to appear on the general election ballot has been
25 challenged, and any appeal remains pending regarding those
26 challenges, the challenged candidate may appear on the
27 Internet Guide, subject to the other provisions of Section
28 12A-10. In this instance, the Board may note that the
29 candidate's candidacy has been challenged and that he or
30 she may be removed from the ballot prior to election day.
31 If the candidate is removed from the ballot prior to
32 election day, the Board shall remove the candidate's name
33 and other information from the Internet Guide.

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

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

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

7 (11) A mechanism by which electors may determine in
8 which congressional, legislative, and judicial districts
9 they reside. The Internet Guide shall allow visitors to
10 search for candidates by office group (e.g., statewide
11 executive, or General Assembly), office (e.g., Governor or
12 State Senator), district (e.g., specific legislative
13 seats), and candidate's name.

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

16 (10 ILCS 5/12A-10 new)

17 Sec. 12A-10. Candidate statements and photographs in the
18 Internet Guide.

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

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

23 (2) Personal statements may include contact
24 information for the candidate, including the address and
25 phone number of the campaign headquarters, and the
26 candidate's website.

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

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

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

34 (6) The photograph shall not (i) show the candidate's
35 hands, anything in the candidate's hands, or the candidate

1 wearing a judicial robe, a hat, or a military, police, or
2 fraternal uniform or (ii) include the uniform or insignia
3 of any organization.

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

7 (c) Where a candidate declines to submit a statement, the
8 Board may note that the candidate declined to submit a
9 statement.

10 (d) The candidate must pay \$200 for inclusion of his or her
11 personal statement and photograph, and the Board shall not
12 include photographs or statements from candidates who do not
13 pay the fee. The Board may adopt rules for refunding that fee
14 at the candidate's request, provided that the Board may not
15 include a statement or photograph from a candidate who has
16 requested a refund of a fee, and provided also that the Board
17 may not refund a fee for inclusion in the Internet Guide after
18 the publication date of the Statewide Guide.

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

25 (f) Nothing in this Article makes the author of any
26 statement exempt from any civil or criminal action because of
27 any defamatory statements offered for posting or contained in
28 the Internet Guide. The persons writing, signing, or offering a
29 statement for inclusion in the Internet Guide are deemed to be
30 its authors and publishers, and the Board shall not be liable
31 in any case or action relating to the content of any material
32 submitted by any candidate.

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

1 (h) The Board may set formats for the submission of
2 statements and photographs. The Board may require that
3 statements and photographs are submitted in an electronic
4 format.

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

6 Sec. 12A-15. Language. The Board may translate all of the
7 material it is required to provide for the Internet Guide into
8 other languages as it deems necessary to comply with the
9 federal Voting Rights Act or at its discretion. Visitors to the
10 site shall have the option of viewing the Guide in all
11 languages into which the Guide has been translated. Candidates
12 may, at their option and expense, submit statements in
13 languages other than English. The Board shall not be
14 responsible for translating candidate statements.

15 (10 ILCS 5/12A-35 new)

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

18 (a) If a candidate files a photograph and statement under
19 item (8) of Section 12A-5 for inclusion in a voters' guide, the
20 Board shall review the photograph and statement to ensure that
21 they comply with the requirements of Section 12A-10. Review by
22 the Board under this Section shall be limited to determining
23 whether the photograph and statement comply with the
24 requirements of Section 12A-10 and may not include any
25 determination relating to the accuracy or truthfulness of the
26 substance or contents of the materials filed.

27 (b) The Board shall review each photograph and statement
28 not later than 3 business days following the deadline for
29 filing a photograph and statement. If the Board determines that
30 the photograph or statement of a candidate must be revised in
31 order to comply with the requirements of Section 12A-10, the
32 Board shall attempt to contact the candidate not later than the
33 5th day after the deadline for filing a photograph and
34 statement. A candidate contacted by the Board under this

1 Section may file a revised photograph or statement no later
2 than the 7th business day following the deadline for filing a
3 photograph and statement.

4 (c) If the Board is required to attempt to contact a
5 candidate under subsection (b) of this Section, the Board shall
6 attempt to contact the candidate by telephone or by using an
7 electronic transmission facsimile machine, if such contact
8 information is provided by the candidate.

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

13 (1) If a photograph does not comply with Section
14 12A-10, the Board may modify the photograph. The candidate
15 shall pay the expense of any modification before
16 publication of the photograph in the voters' guide. If the
17 photograph cannot be modified to comply with Section
18 12A-10, the photograph shall not be printed in the guide.

19 (2) If a statement does not comply with Section 12A-10,
20 the statement shall not be included in the guide.

21 (e) If the photograph or statement of a candidate filed
22 under item (8) of Section 12A-5 does not comply with a
23 requirement of Section 12A-10 and the Board does not attempt to
24 contact the candidate by the deadline specified in subsection
25 (b) of this Section, for purposes of this Section only the
26 photograph or statement shall be included as filed.

27 (f) A candidate revising a photograph or statement under
28 this Section shall make only those revisions necessary to
29 comply with Section 12A-10.

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

32 (10 ILCS 5/12A-40 new)

33 Sec. 12A-40. Exemption from public records laws.
34 Notwithstanding any other provision of law, materials filed by
35 a candidate, political party, political committee, or other

1 person for inclusion in a voters' guide are exempt from public
2 inspection until the 4th business day after the final date for
3 filing the materials.

4 (10 ILCS 5/12A-45 new)

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

9 (10 ILCS 5/12A-50 new)

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

18 (10 ILCS 5/12A-55 new)

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

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