



Sen. Ira I. Silverstein

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1 AMENDMENT TO SENATE BILL 187

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 187 by replacing  
3 everything after the enacting clause with the following:

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

1 State Board of Elections pursuant to Section 12A-5.

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

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

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

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

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

12 (4) Contact information for local election  
13 authorities.

14 (5) A description of the following offices, when they  
15 appear on the ballot, including their term of office, basic  
16 duties, and base salary: United States President, United  
17 States Senator, United States Representative, Governor,  
18 Lieutenant Governor, Attorney General, Secretary of State,  
19 Treasurer, Comptroller, Illinois Supreme Court Justice,  
20 Illinois Appellate Court Judge, and other offices at the  
21 Board's discretion.

22 (6) The names and party affiliations of qualified  
23 candidates for the following offices, when these offices  
24 appear on the ballot: United States President, United  
25 States Senator, United States Representative, Governor,  
26 Lieutenant Governor, Attorney General, Secretary of State,  
27 Treasurer, Comptroller, Illinois Supreme Court Justice,  
28 Illinois Appellate Court Judge, and other offices at the  
29 Board's discretion.

30 (7) Challenged candidates. Where a candidate's right  
31 to appear on the general election ballot has been  
32 challenged, and any appeal remains pending regarding those  
33 challenges, the challenged candidate may appear on the

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

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

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

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

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

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

26 (10 ILCS 5/12A-10 new)

27 Sec. 12A-10. Candidate statements and photographs in the  
28 Internet Guide.

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

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

33 (2) Personal statements may include contact

1 information for the candidate, including the address and  
2 phone number of the campaign headquarters, and the  
3 candidate's website.

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

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

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

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

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

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

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

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

1 person or entity who falsely submits a statement or photograph  
2 not authorized by the candidate.

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

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

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

19 (10 ILCS 5/12A-15 new)

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

29 (10 ILCS 5/12A-35 new)

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

32 (a) If a candidate files a photograph and statement under

1 item (8) of Section 12A-5 for inclusion in a voters' guide, the  
2 Board shall review the photograph and statement to ensure that  
3 they comply with the requirements of Section 12A-10. Review by  
4 the Board under this Section shall be limited to determining  
5 whether the photograph and statement comply with the  
6 requirements of Section 12A-10 and may not include any  
7 determination relating to the accuracy or truthfulness of the  
8 substance or contents of the materials filed.

9 (b) The Board shall review each photograph and statement  
10 not later than 3 business days following the deadline for  
11 filing a photograph and statement. If the Board determines that  
12 the photograph or statement of a candidate must be revised in  
13 order to comply with the requirements of Section 12A-10, the  
14 Board shall attempt to contact the candidate not later than the  
15 5th day after the deadline for filing a photograph and  
16 statement. A candidate contacted by the Board under this  
17 Section may file a revised photograph or statement no later  
18 than the 7th business day following the deadline for filing a  
19 photograph and statement.

20 (c) If the Board is required to attempt to contact a  
21 candidate under subsection (b) of this Section, the Board shall  
22 attempt to contact the candidate by telephone or by using an  
23 electronic transmission facsimile machine, if such contact  
24 information is provided by the candidate.

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

29 (1) If a photograph does not comply with Section  
30 12A-10, the Board may modify the photograph. The candidate  
31 shall pay the expense of any modification before  
32 publication of the photograph in the voters' guide. If the  
33 photograph cannot be modified to comply with Section  
34 12A-10, the photograph shall not be printed in the guide.

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

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

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

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

14           (10 ILCS 5/12A-40 new)

15           Sec. 12A-40. Exemption from public records laws.  
16           Notwithstanding any other provision of law, materials filed by  
17           a candidate, political party, political committee, or other  
18           person for inclusion in a voters' guide are exempt from public  
19           inspection until the 4th business day after the final date for  
20           filing the materials.

21           (10 ILCS 5/12A-45 new)

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

26           (10 ILCS 5/12A-50 new)

27           Sec. 12A-50. Order of appearance within the guides. For all  
28           guides disseminated by the Board, all information about offices  
29           and candidates on the ballot shall be listed together in the  
30           same part of the guide. All candidates for one office, together  
31           with their statements and photographs if any, shall be listed

1 before information on other offices and candidates is listed.  
2 To the extent possible, offices and candidates shall be listed  
3 in the same order in which they appear on the ballot.

4 (10 ILCS 5/12A-55 new)

5 Sec. 12A-55. Constitutional issues. If a constitutional  
6 amendment appears on the ballot, the contents of the pamphlet  
7 issued by the Secretary of State under Section 2 of the  
8 Illinois Constitutional Amendment Act may be included in any  
9 guide issued by the Board.

10 Section 95. Severability. The provisions of this Act are  
11 severable under Section 1.31 of the Statute on Statutes."