



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2659

Introduced 1/20/2006, by Sen. Frank C. Watson

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-10
10 ILCS 5/7A-1

from Ch. 46, par. 7-10
from Ch. 46, par. 7A-1

Amends the Election Code. Prohibits a Supreme, Appellate, or Circuit Judge who fails to file a declaration of candidacy for retention from filing petitions as a candidate for the judicial vacancy created by that failure.

LRB094 18467 JAM 53786 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 7-10 and 7A-1 as follows:

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

7 Sec. 7-10. Form of petition for nomination. The name of no
8 candidate for nomination, or State central committeeman, or
9 township committeeman, or precinct committeeman, or ward
10 committeeman or candidate for delegate or alternate delegate to
11 national nominating conventions, shall be printed upon the
12 primary ballot unless a petition for nomination has been filed
13 in his behalf as provided in this Article in substantially the
14 following form:

15 We, the undersigned, members of and affiliated with the
16 party and qualified primary electors of the party, in
17 the of, in the county of and State of Illinois,
18 do hereby petition that the following named person or persons
19 shall be a candidate or candidates of the party for the
20 nomination for (or in case of committeemen for election to) the
21 office or offices hereinafter specified, to be voted for at the
22 primary election to be held on (insert date).

23	Name	Office	Address
24	John Jones	Governor	Belvidere, Ill.
25	Thomas Smith	Attorney General	Oakland, Ill.

26 Name..... Address.....

27 State of Illinois)

28) ss.

29 County of.....)

30 I,, do hereby certify that I reside at No.

1 street, in the of, county of, and State of
 2, that I am 18 years of age or older, that I am a citizen
 3 of the United States, and that the signatures on this sheet
 4 were signed in my presence, and are genuine, and that to the
 5 best of my knowledge and belief the persons so signing were at
 6 the time of signing the petitions qualified voters of the
 7 party, and that their respective residences are correctly
 8 stated, as above set forth.

9

10 Subscribed and sworn to before me on (insert date).

11

12

13 Each sheet of the petition other than the statement of
 14 candidacy and candidate's statement shall be of uniform size
 15 and shall contain above the space for signatures an appropriate
 16 heading giving the information as to name of candidate or
 17 candidates, in whose behalf such petition is signed; the
 18 office, the political party represented and place of residence;
 19 and the heading of each sheet shall be the same.

20 Such petition shall be signed by qualified primary electors
 21 residing in the political division for which the nomination is
 22 sought in their own proper persons only and opposite the
 23 signature of each signer, his residence address shall be
 24 written or printed. The residence address required to be
 25 written or printed opposite each qualified primary elector's
 26 name shall include the street address or rural route number of
 27 the signer, as the case may be, as well as the signer's county,
 28 and city, village or town, and state. However the county or
 29 city, village or town, and state of residence of the electors
 30 may be printed on the petition forms where all of the electors
 31 signing the petition reside in the same county or city, village
 32 or town, and state. Standard abbreviations may be used in
 33 writing the residence address, including street number, if any.
 34 At the bottom of each sheet of such petition shall be added a
 35 circulator statement signed by a person 18 years of age or

1 older who is a citizen of the United States, stating the street
2 address or rural route number, as the case may be, as well as
3 the county, city, village or town, and state; and certifying
4 that the signatures on that sheet of the petition were signed
5 in his or her presence and certifying that the signatures are
6 genuine; and either (1) indicating the dates on which that
7 sheet was circulated, or (2) indicating the first and last
8 dates on which the sheet was circulated, or (3) certifying that
9 none of the signatures on the sheet were signed more than 90
10 days preceding the last day for the filing of the petition and
11 certifying that to the best of his or her knowledge and belief
12 the persons so signing were at the time of signing the
13 petitions qualified voters of the political party for which a
14 nomination is sought. Such statement shall be sworn to before
15 some officer authorized to administer oaths in this State.

16 No petition sheet shall be circulated more than 90 days
17 preceding the last day provided in Section 7-12 for the filing
18 of such petition.

19 The person circulating the petition, or the candidate on
20 whose behalf the petition is circulated, may strike any
21 signature from the petition, provided that:

22 (1) the person striking the signature shall initial the
23 petition at the place where the signature is struck; and

24 (2) the person striking the signature shall sign a
25 certification listing the page number and line number of
26 each signature struck from the petition. Such
27 certification shall be filed as a part of the petition.

28 Such sheets before being filed shall be neatly fastened
29 together in book form, by placing the sheets in a pile and
30 fastening them together at one edge in a secure and suitable
31 manner, and the sheets shall then be numbered consecutively.
32 The sheets shall not be fastened by pasting them together end
33 to end, so as to form a continuous strip or roll. All petition
34 sheets which are filed with the proper local election
35 officials, election authorities or the State Board of Elections
36 shall be the original sheets which have been signed by the

1 voters and by the circulator thereof, and not photocopies or
 2 duplicates of such sheets. Each petition must include as a part
 3 thereof, a statement of candidacy for each of the candidates
 4 filing, or in whose behalf the petition is filed. This
 5 statement shall set out the address of such candidate, the
 6 office for which he is a candidate, shall state that the
 7 candidate is a qualified primary voter of the party to which
 8 the petition relates and is qualified for the office specified
 9 (in the case of a candidate for State's Attorney it shall state
 10 that the candidate is at the time of filing such statement a
 11 licensed attorney-at-law of this State), shall state that he
 12 has filed (or will file before the close of the petition filing
 13 period) a statement of economic interests as required by the
 14 Illinois Governmental Ethics Act, shall request that the
 15 candidate's name be placed upon the official ballot, and shall
 16 be subscribed and sworn to by such candidate before some
 17 officer authorized to take acknowledgment of deeds in the State
 18 and shall be in substantially the following form:

19 Statement of Candidacy

20	Name	Address	Office	District	Party
21	John Jones	102 Main St.	Governor	Statewide	Republican
22		Belvidere,			
23		Illinois			

24 State of Illinois)

25) ss.

26 County of)

27 I,, being first duly sworn, say that I reside at
 28 Street in the city (or village) of, in the county of,
 29 State of Illinois; that I am a qualified voter therein and am a
 30 qualified primary voter of the party; that I am a
 31 candidate for nomination (for election in the case of
 32 committeeman and delegates and alternate delegates) to the
 33 office of to be voted upon at the primary election to be
 34 held on (insert date); that I am legally qualified (including
 35 being the holder of any license that may be an eligibility

1 requirement for the office I seek the nomination for) to hold
 2 such office and that I have filed (or I will file before the
 3 close of the petition filing period) a statement of economic
 4 interests as required by the Illinois Governmental Ethics Act
 5 and I hereby request that my name be printed upon the official
 6 primary ballot for nomination for (or election to in the case
 7 of committeemen and delegates and alternate delegates) such
 8 office.

9 Signed

10 Subscribed and sworn to (or affirmed) before me by,
 11 who is to me personally known, on (insert date).

12 Signed

13 (Official Character)
 14 (Seal, if officer has one.)

15 The petitions, when filed, shall not be withdrawn or added
 16 to, and no signatures shall be revoked except by revocation
 17 filed in writing with the State Board of Elections, election
 18 authority or local election official with whom the petition is
 19 required to be filed, and before the filing of such petition.
 20 Whoever forges the name of a signer upon any petition required
 21 by this Article is deemed guilty of a forgery and on conviction
 22 thereof shall be punished accordingly.

23 A candidate for the offices listed in this Section must
 24 obtain the number of signatures specified in this Section on
 25 his or her petition for nomination.

26 (a) Statewide office or delegate to a national nominating
 27 convention. If a candidate seeks to run for statewide office or
 28 as a delegate or alternate delegate to a national nominating
 29 convention elected from the State at-large, then the
 30 candidate's petition for nomination must contain at least 5,000
 31 but not more than 10,000 signatures.

32 (b) Congressional office or congressional delegate to a
 33 national nominating convention. If a candidate seeks to run for
 34 United States Congress or as a congressional delegate or
 35 alternate congressional delegate to a national nominating

1 convention elected from a congressional district, then the
2 candidate's petition for nomination must contain at least the
3 number of signatures equal to 0.5% of the qualified primary
4 electors of his or her party in his or her congressional
5 district. In the first primary election following a
6 redistricting of congressional districts, a candidate's
7 petition for nomination must contain at least 600 signatures of
8 qualified primary electors of the candidate's political party
9 in his or her congressional district.

10 (c) County office. If a candidate seeks to run for any
11 countywide office, including but not limited to county board
12 chairperson or county board member, elected on an at-large
13 basis, in a county other than Cook County, then the candidate's
14 petition for nomination must contain at least the number of
15 signatures equal to 0.5% of the qualified electors of his or
16 her party who cast votes at the last preceding general election
17 in his or her county. If a candidate seeks to run for county
18 board member elected from a county board district, then the
19 candidate's petition for nomination must contain at least the
20 number of signatures equal to 0.5% of the qualified primary
21 electors of his or her party in the county board district. In
22 the first primary election following a redistricting of county
23 board districts or the initial establishment of county board
24 districts, a candidate's petition for nomination must contain
25 at least the number of signatures equal to 0.5% of the
26 qualified electors of his or her party in the entire county who
27 cast votes at the last preceding general election divided by
28 the total number of county board districts comprising the
29 county board; provided that in no event shall the number of
30 signatures be less than 25.

31 (d) County office; Cook County only.

32 (1) If a candidate seeks to run for countywide office
33 in Cook County, then the candidate's petition for
34 nomination must contain at least the number of signatures
35 equal to 0.5% of the qualified electors of his or her party
36 who cast votes at the last preceding general election in

1 Cook County.

2 (2) If a candidate seeks to run for Cook County Board
3 Commissioner, then the candidate's petition for nomination
4 must contain at least the number of signatures equal to
5 0.5% of the qualified primary electors of his or her party
6 in his or her county board district. In the first primary
7 election following a redistricting of Cook County Board of
8 Commissioners districts, a candidate's petition for
9 nomination must contain at least the number of signatures
10 equal to 0.5% of the qualified electors of his or her party
11 in the entire county who cast votes at the last preceding
12 general election divided by the total number of county
13 board districts comprising the county board; provided that
14 in no event shall the number of signatures be less than 25.

15 (3) If a candidate seeks to run for Cook County Board
16 of Review Commissioner, which is elected from a district
17 pursuant to subsection (c) of Section 5-5 of the Property
18 Tax Code, then the candidate's petition for nomination must
19 contain at least the number of signatures equal to 0.5% of
20 the total number of registered voters in his or her board
21 of review district in the last general election at which a
22 commissioner was regularly scheduled to be elected from
23 that board of review district. In no event shall the number
24 of signatures required be greater than the requisite number
25 for a candidate who seeks countywide office in Cook County
26 under subsection (d)(1) of this Section. In the first
27 primary election following a redistricting of Cook County
28 Board of Review districts, a candidate's petition for
29 nomination must contain at least 4,000 signatures or at
30 least the number of signatures required for a countywide
31 candidate in Cook County, whichever is less, of the
32 qualified electors of his or her party in the district.

33 (e) Municipal or township office. If a candidate seeks to
34 run for municipal or township office, then the candidate's
35 petition for nomination must contain at least the number of
36 signatures equal to 0.5% of the qualified primary electors of

1 his or her party in the municipality or township. If a
2 candidate seeks to run for alderman of a municipality, then the
3 candidate's petition for nomination must contain at least the
4 number of signatures equal to 0.5% of the qualified primary
5 electors of his or her party of the ward. In the first primary
6 election following redistricting of aldermanic wards or
7 trustee districts of a municipality or the initial
8 establishment of wards or districts, a candidate's petition for
9 nomination must contain the number of signatures equal to at
10 least 0.5% of the total number of votes cast for the candidate
11 of that political party who received the highest number of
12 votes in the entire municipality at the last regular election
13 at which an officer was regularly scheduled to be elected from
14 the entire municipality, divided by the number of wards or
15 districts. In no event shall the number of signatures be less
16 than 25.

17 (f) State central committeeperson. If a candidate seeks to
18 run for State central committeeperson, then the candidate's
19 petition for nomination must contain at least 100 signatures of
20 the primary electors of his or her party of his or her
21 congressional district.

22 (g) Sanitary district trustee. If a candidate seeks to run
23 for trustee of a sanitary district in which trustees are not
24 elected from wards, then the candidate's petition for
25 nomination must contain at least the number of signatures equal
26 to 0.5% of the primary electors of his or her party from the
27 sanitary district. If a candidate seeks to run for trustee of a
28 sanitary district in which trustees are elected from wards,
29 then the candidate's petition for nomination must contain at
30 least the number of signatures equal to 0.5% of the primary
31 electors of his or her party in the ward of that sanitary
32 district. In the first primary election following
33 redistricting of sanitary districts elected from wards, a
34 candidate's petition for nomination must contain at least the
35 signatures of 150 qualified primary electors of his or her ward
36 of that sanitary district.

1 (h) Judicial office. If a candidate seeks to run for
2 judicial office in a district, then the candidate's petition
3 for nomination must contain the number of signatures equal to
4 0.4% of the number of votes cast in that district for the
5 candidate for his or her political party for the office of
6 Governor at the last general election at which a Governor was
7 elected, but in no event less than 500 signatures. If a
8 candidate seeks to run for judicial office in a circuit or
9 subcircuit, then the candidate's petition for nomination must
10 contain the number of signatures equal to 0.25% of the number
11 of votes cast for the judicial candidate of his or her
12 political party who received the highest number of votes at the
13 last general election at which a judicial officer from the same
14 circuit or subcircuit was regularly scheduled to be elected,
15 but in no event less than 500 signatures. A Supreme, Appellate,
16 or Circuit Judge who fails to timely file a declaration of
17 candidacy to succeed himself or herself in office may not file
18 petitions of candidacy for the vacancy in that office created
19 by that failure.

20 (i) Precinct, ward, and township committeeperson. If a
21 candidate seeks to run for precinct committeeperson, then the
22 candidate's petition for nomination must contain at least 10
23 signatures of the primary electors of his or her party for the
24 precinct. If a candidate seeks to run for ward committeeperson,
25 then the candidate's petition for nomination must contain no
26 less than the number of signatures equal to 10% of the primary
27 electors of his or her party of the ward, but no more than 16%
28 of those same electors; provided that the maximum number of
29 signatures may be 50 more than the minimum number, whichever is
30 greater. If a candidate seeks to run for township
31 committeeperson, then the candidate's petition for nomination
32 must contain no less than the number of signatures equal to 5%
33 of the primary electors of his or her party of the township,
34 but no more than 8% of those same electors; provided that the
35 maximum number of signatures may be 50 more than the minimum
36 number, whichever is greater.

1 (j) State's attorney or regional superintendent of schools
2 for multiple counties. If a candidate seeks to run for State's
3 attorney or regional Superintendent of Schools who serves more
4 than one county, then the candidate's petition for nomination
5 must contain at least the number of signatures equal to 0.5% of
6 the primary electors of his or her party in the territory
7 comprising the counties.

8 (k) Any other office. If a candidate seeks any other
9 office, then the candidate's petition for nomination must
10 contain at least the number of signatures equal to 0.5% of the
11 registered voters of the political subdivision, district, or
12 division for which the nomination is made or 25 signatures,
13 whichever is greater.

14 For purposes of this Section the number of primary electors
15 shall be determined by taking the total vote cast, in the
16 applicable district, for the candidate for that political party
17 who received the highest number of votes, statewide, at the
18 last general election in the State at which electors for
19 President of the United States were elected. For political
20 subdivisions, the number of primary electors shall be
21 determined by taking the total vote cast for the candidate for
22 that political party who received the highest number of votes
23 in the political subdivision at the last regular election at
24 which an officer was regularly scheduled to be elected from
25 that subdivision. For wards or districts of political
26 subdivisions, the number of primary electors shall be
27 determined by taking the total vote cast for the candidate for
28 that political party who received the highest number of votes
29 in the ward or district at the last regular election at which
30 an officer was regularly scheduled to be elected from that ward
31 or district.

32 A "qualified primary elector" of a party may not sign
33 petitions for or be a candidate in the primary of more than one
34 party.

35 The changes made to this Section of this amendatory Act of
36 the 93rd General Assembly are declarative of existing law,

1 except for item (3) of subsection (d).

2 Petitions of candidates for nomination for offices herein
3 specified, to be filed with the same officer, may contain the
4 names of 2 or more candidates of the same political party for
5 the same or different offices.

6 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

7 (10 ILCS 5/7A-1) (from Ch. 46, par. 7A-1)

8 Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has
9 been elected to that office and who seeks to be retained in
10 that office under subsection (d) of Section 12 of Article VI of
11 the Constitution shall file a declaration of candidacy to
12 succeed himself in the office of the Secretary of State on or
13 before the first Monday in December before the general election
14 preceding the expiration of his term of office. Within 3
15 business days thereafter, the Secretary of State shall certify
16 to the State Board of Elections the names of all incumbent
17 judges who were eligible to stand for retention at the next
18 general election but failed to timely file a declaration of
19 candidacy to succeed themselves in office or, having timely
20 filed such a declaration, withdrew it. The State Board of
21 Elections may rely upon the certification from the Secretary of
22 State (a) to determine when vacancies in judicial office exist
23 and (b) to determine the judicial positions for which elections
24 will be held. The Secretary of State, not less than 63 days
25 before the election, shall certify the Judge's candidacy to the
26 proper election officials.

27 A Supreme, Appellate, or Circuit Judge who fails to timely
28 file a declaration of candidacy to succeed himself or herself
29 in office may not file petitions of candidacy for the vacancy
30 in that office created by that failure.

31 The names of Judges seeking retention shall be submitted to
32 the electors, separately and without party designation, on the
33 sole question whether each Judge shall be retained in office
34 for another term. The retention elections shall be conducted at
35 general elections in the appropriate Judicial District, for

1 Supreme and Appellate Judges, and in the circuit for Circuit
2 Judges. The affirmative vote of three-fifths of the electors
3 voting on the question shall elect the Judge to the office for
4 a term commencing on the first Monday in December following his
5 election.

6 (Source: P.A. 86-1348.)