



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0158

Introduced 1/19/2007, by Rep. William B. Black

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-2

from Ch. 46, par. 10-2

Amends the Election Code. Makes the minimum petition signature requirement for a new State political party the same as that for a State office candidate of an established political party (now, the lesser of 25,000 or 1% of the number of voters voting in the most recent general election). Makes the minimum petition signature requirement for a new local political party the same as that for an established party candidate for the local office on the slate with the highest petition signature requirement (now, 5% of the number of voters in the relevant district or political subdivision who voted in the most recent election when district or subdivision officers were elected by the district or subdivision as a unit).

LRB095 03352 JAM 23356 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 Section  
5 10-2 as follows:

6 (10 ILCS 5/10-2) (from Ch. 46, par. 10-2)

7 Sec. 10-2. The term "political party", as hereinafter used  
8 in this Article 10, shall mean any "established political  
9 party", as hereinafter defined and shall also mean any  
10 political group which shall hereafter undertake to form an  
11 established political party in the manner provided for in this  
12 Article 10: Provided, that no political organization or group  
13 shall be qualified as a political party hereunder, or given a  
14 place on a ballot, which organization or group is associated,  
15 directly or indirectly, with Communist, Fascist, Nazi or other  
16 un-American principles and engages in activities or propaganda  
17 designed to teach subservience to the political principles and  
18 ideals of foreign nations or the overthrow by violence of the  
19 established constitutional form of government of the United  
20 States and the State of Illinois.

21 A political party which, at the last general election for  
22 State and county officers, polled for its candidate for  
23 Governor more than 5% of the entire vote cast for Governor, is

1 hereby declared to be an "established political party" as to  
2 the State and as to any district or political subdivision  
3 thereof.

4 A political party which, at the last election in any  
5 congressional district, legislative district, county,  
6 township, municipality or other political subdivision or  
7 district in the State, polled more than 5% of the entire vote  
8 cast within such territorial area or political subdivision, as  
9 the case may be, has voted as a unit for the election of  
10 officers to serve the respective territorial area of such  
11 district or political subdivision, is hereby declared to be an  
12 "established political party" within the meaning of this  
13 Article as to such district or political subdivision.

14 Any group of persons hereafter desiring to form a new  
15 political party throughout the State, or in any congressional,  
16 legislative or judicial district, or in any other district or  
17 in any political subdivision (other than a municipality) not  
18 entirely within a single county, shall file with the State  
19 Board of Elections a petition, as hereinafter provided; and any  
20 such group of persons hereafter desiring to form a new  
21 political party within any county shall file such petition with  
22 the county clerk; and any such group of persons hereafter  
23 desiring to form a new political party within any municipality  
24 or township or within any district of a unit of local  
25 government other than a county shall file such petition with  
26 the local election official or Board of Election Commissioners

1 of such municipality, township or other unit of local  
2 government, as the case may be. Any such petition for the  
3 formation of a new political party throughout the State, or in  
4 any such district or political subdivision, as the case may be,  
5 shall declare as concisely as may be the intention of the  
6 signers thereof to form such new political party in the State,  
7 or in such district or political subdivision; shall state in  
8 not more than 5 words the name of such new political party;  
9 shall at the time of filing contain a complete list of  
10 candidates of such party for all offices to be filled in the  
11 State, or such district or political subdivision as the case  
12 may be, at the next ensuing election then to be held; and, if  
13 such new political party shall be formed for the entire State,  
14 shall be signed by qualified voters at least equal in number to  
15 the minimum petition signature requirement of Section 7-10 for  
16 a State office candidate of an established political party ~~1%~~  
17 ~~of the number of voters who voted at the next preceding~~  
18 ~~Statewide general election or 25,000 qualified voters,~~  
19 ~~whichever is less.~~ If such new political party shall be formed  
20 for any district or political subdivision less than the entire  
21 State, such petition shall be signed by qualified voters of the  
22 district or political subdivision equaling in number not less  
23 than the minimum petition signature requirement for an  
24 established party candidate for the office on the slate with  
25 the highest minimum petition signature requirement. ~~5% of the~~  
26 ~~number of voters who voted at the next preceding regular~~

1 ~~election in such district or political subdivision in which~~  
2 ~~such district or political subdivision voted as a unit for the~~  
3 ~~election of officers to serve its respective territorial area.~~  
4 ~~However, whenever the minimum signature requirement for a~~  
5 ~~district or political subdivision new political party petition~~  
6 ~~shall exceed the minimum number of signatures for State wide~~  
7 ~~new political party petitions at the next preceding State wide~~  
8 ~~general election, such State wide petition signature~~  
9 ~~requirement shall be the minimum for such district or political~~  
10 ~~subdivision new political party petition.~~

11 ~~For the first election following a redistricting of~~  
12 ~~congressional districts, a petition to form a new political~~  
13 ~~party in a congressional district shall be signed by at least~~  
14 ~~5,000 qualified voters of the congressional district. For the~~  
15 ~~first election following a redistricting of legislative~~  
16 ~~districts, a petition to form a new political party in a~~  
17 ~~legislative district shall be signed by at least 3,000~~  
18 ~~qualified voters of the legislative district. For the first~~  
19 ~~election following a redistricting of representative~~  
20 ~~districts, a petition to form a new political party in a~~  
21 ~~representative district shall be signed by at least 1,500~~  
22 ~~qualified voters of the representative district.~~

23 ~~For the first election following redistricting of county~~  
24 ~~board districts, or of municipal wards or districts, or for the~~  
25 ~~first election following the initial establishment of such~~  
26 ~~districts or wards in a county or municipality, a petition to~~

1 ~~form a new political party in a county board district or in a~~  
2 ~~municipal ward or district shall be signed by qualified voters~~  
3 ~~of the district or ward equal to not less than 5% of the total~~  
4 ~~number of votes cast at the preceding general or municipal~~  
5 ~~election, as the case may be, for the county or municipal~~  
6 ~~office voted on throughout the county or municipality for which~~  
7 ~~the greatest total number of votes were cast for all~~  
8 ~~candidates, divided by the number of districts or wards, but in~~  
9 ~~any event not less than 25 qualified voters of the district or~~  
10 ~~ward.~~

11 In the case of a petition to form a new political party  
12 within a political subdivision in which officers are to be  
13 elected from districts and at-large, such petition shall  
14 consist of separate components for each district from which an  
15 officer is to be elected. Each component shall be circulated  
16 only within a district of the political subdivision and signed  
17 only by qualified electors who are residents of such district.  
18 Each sheet of such petition must contain a complete list of the  
19 names of the candidates of the party for all offices to be  
20 filled in the political subdivision at large, but the sheets  
21 comprising each component shall also contain the names of those  
22 candidates to be elected from the particular district. Each  
23 component of the petition for each district from which an  
24 officer is to be elected must be signed by qualified voters of  
25 the district equalling in number not less than the minimum  
26 petition signature requirement for an established party

1 ~~candidate for that office. 5% of the number of voters who voted~~  
2 ~~at the next preceding regular election in such district at~~  
3 ~~which an officer was elected to serve the district.~~ The entire  
4 petition, including all components, must be signed by a total  
5 of qualified voters of the entire political subdivision  
6 equalling in number not less than the minimum petition  
7 signature requirement for an established party candidate for  
8 the office on the slate with the highest minimum petition  
9 signature requirement. ~~5% of the number of voters who voted at~~  
10 ~~the next preceding regular election in such political~~  
11 ~~subdivision at which an officer was elected to serve the~~  
12 ~~political subdivision at large.~~

13 The filing of such petition shall constitute the political  
14 group a new political party, for the purpose only of placing  
15 upon the ballot at such next ensuing election such list or an  
16 adjusted list in accordance with Section 10-11, of party  
17 candidates for offices to be voted for throughout the State, or  
18 for offices to be voted for in such district or political  
19 subdivision less than the State, as the case may be, under the  
20 name of and as the candidates of such new political party.

21 If, at such ensuing election, the new political party's  
22 candidate for Governor shall receive more than 5% of the entire  
23 votes cast for Governor, then such new political party shall  
24 become an "established political party" as to the State and as  
25 to every district or political subdivision thereof. If, at such  
26 ensuing election, the other candidates of the new political

1 party, or any other candidate or candidates of the new  
2 political party shall receive more than 5% of all the votes  
3 cast for the office or offices for which they were candidates  
4 at such election, in the State, or in any district or political  
5 subdivision, as the case may be, then and in that event, such  
6 new political party shall become an "established political  
7 party" within the State or within such district or political  
8 subdivision less than the State, as the case may be, in which  
9 such candidate or candidates received more than 5% of the votes  
10 cast for the office or offices for which they were candidates.  
11 It shall thereafter nominate its candidates for public offices  
12 to be filled in the State, or such district or political  
13 subdivision, as the case may be, under the provisions of the  
14 laws regulating the nomination of candidates of established  
15 political parties at primary elections and political party  
16 conventions, as now or hereafter in force.

17 A political party which continues to receive for its  
18 candidate for Governor more than 5% of the entire vote cast for  
19 Governor, shall remain an "established political party" as to  
20 the State and as to every district or political subdivision  
21 thereof. But if the political party's candidate for Governor  
22 fails to receive more than 5% of the entire vote cast for  
23 Governor, or if the political party does not nominate a  
24 candidate for Governor, the political party shall remain an  
25 "established political party" within the State or within such  
26 district or political subdivision less than the State, as the



1 case may be, only so long as, and only in those districts or  
2 political subdivisions in which, the candidates of that  
3 political party, or any candidate or candidates of that  
4 political party, continue to receive more than 5% of all the  
5 votes cast for the office or offices for which they were  
6 candidates at succeeding general or consolidated elections  
7 within the State or within any district or political  
8 subdivision, as the case may be.

9 Any such petition shall be filed at the same time and shall  
10 be subject to the same requirements and to the same provisions  
11 in respect to objections thereto and to any hearing or hearings  
12 upon such objections that are hereinafter in this Article 10  
13 contained in regard to the nomination of any other candidate or  
14 candidates by petition. If any such new political party shall  
15 become an "established political party" in the manner herein  
16 provided, the candidate or candidates of such new political  
17 party nominated by the petition hereinabove referred to for  
18 such initial election, shall have power to select any such  
19 party committeeman or committeemen as shall be necessary for  
20 the creation of a provisional party organization and  
21 provisional managing committee or committees for such party  
22 within the State, or in any district or political subdivision  
23 in which the new political party has become established; and  
24 the party committeeman or committeemen so selected shall  
25 constitute a provisional party organization for the new  
26 political party and shall have and exercise the powers

1 conferred by law upon any party committeeman or committeemen to  
2 manage and control the affairs of such new political party  
3 until the next ensuing primary election at which the new  
4 political party shall be entitled to nominate and elect any  
5 party committeeman or committeemen in the State, or in such  
6 district or political subdivision under any parts of this Act  
7 relating to the organization of political parties.

8 A candidate for whom a nomination paper has been filed as a  
9 partisan candidate at a primary election, and who is defeated  
10 for his or her nomination at the primary election, is  
11 ineligible for nomination as a candidate of a new political  
12 party for election in that general election.

13 (Source: P.A. 86-875.)