

HB0611



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0611

Introduced 2/5/2007, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

10 ILCS 5/12A-10
10 ILCS 5/12A-35

Amends the Election Code. With respect to the Internet Voters' Guide, (i) removes the \$600 fee for inclusion of a candidate's personal statement and photograph and (ii) changes various deadlines for the submission, review, and revision of statements and photographs.

LRB095 04001 JAM 24034 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 changing
5 Sections 12A-10 and 12A-35 as follows:

6 (10 ILCS 5/12A-10)

7 Sec. 12A-10. Candidate statements and photographs in the
8 Internet Guide.

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

12 (1) No personal statement may exceed a brief biography
13 (name, age, education, and current employment) and an
14 additional 400 words.

15 (2) Personal statements may include contact
16 information for the candidate, including the address and
17 phone number of the campaign headquarters, and the
18 candidate's website.

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

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

23 (5) The photograph shall be a conventional photograph

1 with a plain background and show only the face, or the
2 head, neck, and shoulders, of the candidate.

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

8 (b) The Board must note in the text of the Internet Guide
9 that personal statements were submitted by the candidate or his
10 or her designee and were 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) (Blank.) ~~The candidate must pay \$600 for inclusion of~~
15 ~~his or her personal statement and photograph, and the Board~~
16 ~~shall not include photographs or statements from candidates who~~
17 ~~do not pay the fee. The Board may adopt rules for refunding~~
18 ~~that fee at the candidate's request, provided that the Board~~
19 ~~may not include a statement or photograph from a candidate who~~
20 ~~has requested a refund of a fee. Fees collected pursuant to~~
21 ~~this subsection shall be deposited into the Voters' Guide Fund,~~
22 ~~a special fund created in the State treasury. Moneys in the~~
23 ~~Voters' Guide Fund shall be appropriated solely to the State~~
24 ~~Board of Elections for use in the implementation and~~
25 ~~administration of this Article 12A.~~

26 (e) Anyone other than the candidate submitting a statement

1 or photograph from a candidate must attest that he or she is
2 doing so on behalf and at the direction of the candidate. The
3 Board may assess a civil fine of no more than \$1,000 against a
4 person or entity who falsely submits a statement or photograph
5 not authorized by the candidate.

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

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

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

22 (i) Fines ~~Fees and fines~~ collected pursuant to subsection
23 ~~subsections (d) and (e), respectively,~~ of this Section shall be
24 deposited into the Voters' Guide Fund, a special fund created
25 in the State treasury. Moneys in the Voters' Guide Fund shall
26 be appropriated solely to the State Board of Elections for use

1 in the implementation and administration of this Article 12A.

2 (Source: P.A. 94-645, eff. 8-22-05.)

3 (10 ILCS 5/12A-35)

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

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

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

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

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

10 (1) If a photograph does not comply with Section
11 12A-10, the Board may modify the photograph. The candidate
12 shall pay the expense of any modification before
13 publication of the photograph in the voters' guide. If the
14 photograph cannot be modified to comply with Section
15 12A-10, the photograph shall not be printed in the guide.

16 (2) If a statement does not comply with Section 12A-10,
17 the statement shall not be published in the voters' guide.

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

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

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

3 (Source: P.A. 94-645, eff. 8-22-05.)