



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1619

Introduced 2/22/2007, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

10 ILCS 5/16-3

from Ch. 46, par. 16-3

Amends the Election Code. With respect to electronic voting equipment that uses a ballot sheet, provides that the space for write-in voting may appear (i) below each office on the sheet or (ii) after all ballot questions in the form specified for write-in voting on ballot card envelope flaps (now, below each office on the sheet).

LRB095 08861 JAM 29047 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 16-3 as follows:

6 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

7 (Text of Section before amendment by P.A. 94-1090)

8 Sec. 16-3. (a) The names of all candidates to be voted for
9 in each election district or precinct shall be printed on one
10 ballot, except as is provided in Sections 16-6.1 and 21-1.01 of
11 this Act and except as otherwise provided in this Act with
12 respect to the odd year regular elections and the emergency
13 referenda; all nominations of any political party being placed
14 under the party appellation or title of such party as
15 designated in the certificates of nomination or petitions. The
16 names of all independent candidates shall be printed upon the
17 ballot in a column or columns under the heading "independent"
18 arranged under the names or titles of the respective offices
19 for which such independent candidates shall have been nominated
20 and so far as practicable, the name or names of any independent
21 candidate or candidates for any office shall be printed upon
22 the ballot opposite the name or names of any candidate or
23 candidates for the same office contained in any party column or

1 columns upon said ballot. The ballot shall contain no other
2 names, except that in cases of electors for President and
3 Vice-President of the United States, the names of the
4 candidates for President and Vice-President may be added to the
5 party designation and words calculated to aid the voter in his
6 choice of candidates may be added, such as "Vote for one,"
7 "Vote for three." When an electronic voting system is used
8 which utilizes a ballot label booklet, the candidates and
9 questions shall appear on the pages of such booklet in the
10 order provided by this Code; and, in any case where candidates
11 for an office appear on a page which does not contain the name
12 of any candidate for another office, and where less than 50% of
13 the page is utilized, the name of no candidate shall be printed
14 on the lowest 25% of such page. On the back or outside of the
15 ballot, so as to appear when folded, shall be printed the words
16 "Official Ballot", followed by the designation of the polling
17 place for which the ballot is prepared, the date of the
18 election and a facsimile of the signature of the election
19 authority who has caused the ballots to be printed. The ballots
20 shall be of plain white paper, through which the printing or
21 writing cannot be read. However, ballots for use at the
22 nonpartisan and consolidated elections may be printed on
23 different color paper, except blue paper, whenever necessary or
24 desirable to facilitate distinguishing between ballots for
25 different political subdivisions. In the case of nonpartisan
26 elections for officers of a political subdivision, unless the

1 statute or an ordinance adopted pursuant to Article VII of the
2 Constitution providing the form of government therefor
3 requires otherwise, the column listing such nonpartisan
4 candidates shall be printed with no appellation or circle at
5 its head. The party appellation or title, or the word
6 "independent" at the head of any column provided for
7 independent candidates, shall be printed in letters not less
8 than one-fourth of an inch in height and a circle one-half inch
9 in diameter shall be printed at the beginning of the line in
10 which such appellation or title is printed, provided, however,
11 that no such circle shall be printed at the head of any column
12 or columns provided for such independent candidates. The names
13 of candidates shall be printed in letters not less than
14 one-eighth nor more than one-fourth of an inch in height, and
15 at the beginning of each line in which a name of a candidate is
16 printed a square shall be printed, the sides of which shall be
17 not less than one-fourth of an inch in length. However, the
18 names of the candidates for Governor and Lieutenant Governor on
19 the same ticket shall be printed within a bracket and a single
20 square shall be printed in front of the bracket. The list of
21 candidates of the several parties and any such list of
22 independent candidates shall be placed in separate columns on
23 the ballot in such order as the election authorities charged
24 with the printing of the ballots shall decide; provided, that
25 the names of the candidates of the several political parties,
26 certified by the State Board of Elections to the several county

1 clerks shall be printed by the county clerk of the proper
2 county on the official ballot in the order certified by the
3 State Board of Elections. Any county clerk refusing, neglecting
4 or failing to print on the official ballot the names of
5 candidates of the several political parties in the order
6 certified by the State Board of Elections, and any county clerk
7 who prints or causes to be printed upon the official ballot the
8 name of a candidate, for an office to be filled by the Electors
9 of the entire State, whose name has not been duly certified to
10 him upon a certificate signed by the State Board of Elections
11 shall be guilty of a Class C misdemeanor.

12 (b) When an electronic voting system is used which utilizes
13 a ballot card, on the inside flap of each ballot card envelope
14 there shall be printed a form for write-in voting which shall
15 be substantially as follows:

16 WRITE-IN VOTES

17 (See card of instructions for specific information.
18 Duplicate form below by hand for additional write-in votes.)

19 _____

20 Title of Office

21 () _____

22 Name of Candidate

23 (c) When an electronic voting system is used which uses a
24 ballot sheet, the instructions to voters on the ballot sheet
25 shall refer the voter to the card of instructions for specific
26 information on write-in voting. A provision for the casting of

1 a write-in vote shall be made either (i) below each office
2 appearing on the ballot sheet or (ii) in the space following
3 all ballot questions, using the form for write-in voting set
4 forth in subsection (b). ~~Below each office appearing on such~~
5 ~~ballot sheet there shall be a provision for the casting of a~~
6 ~~write in vote.~~

7 (d) When such electronic system is used, there shall be
8 printed on the back of each ballot card, each ballot card
9 envelope, and the first page of the ballot label when a ballot
10 label is used, the words "Official Ballot," followed by the
11 number of the precinct or other precinct identification, which
12 may be stamped, in lieu thereof and, as applicable, the number
13 and name of the township, ward or other election district for
14 which the ballot card, ballot card envelope, and ballot label
15 are prepared, the date of the election and a facsimile of the
16 signature of the election authority who has caused the ballots
17 to be printed. The back of the ballot card shall also include a
18 method of identifying the ballot configuration such as a
19 listing of the political subdivisions and districts for which
20 votes may be cast on that ballot, or a number code identifying
21 the ballot configuration or color coded ballots, except that
22 where there is only one ballot configuration in a precinct, the
23 precinct identification, and any applicable ward
24 identification, shall be sufficient. Ballot card envelopes
25 used in punch card systems shall be of paper through which no
26 writing or punches may be discerned and shall be of sufficient

1 length to enclose all voting positions. However, the election
2 authority may provide ballot card envelopes on which no
3 precinct number or township, ward or other election district
4 designation, or election date are preprinted, if space and a
5 preprinted form are provided below the space provided for the
6 names of write-in candidates where such information may be
7 entered by the judges of election. Whenever an election
8 authority utilizes ballot card envelopes on which the election
9 date and precinct is not preprinted, a judge of election shall
10 mark such information for the particular precinct and election
11 on the envelope in ink before tallying and counting any
12 write-in vote written thereon. If some method of insuring
13 ballot secrecy other than an envelope is used, such information
14 must be provided on the ballot itself.

15 (e) In the designation of the name of a candidate on the
16 ballot, the candidate's given name or names, initial or
17 initials, a nickname by which the candidate is commonly known,
18 or a combination thereof, may be used in addition to the
19 candidate's surname. No other designation such as a political
20 slogan, title, or degree or nickname suggesting or implying
21 possession of a title, degree or professional status, or
22 similar information may be used in connection with the
23 candidate's surname, except that the title "Mrs." may be used
24 in the case of a married woman. For purposes of this Section, a
25 "political slogan" is defined as any word or words expressing
26 or connoting a position, opinion, or belief that the candidate

1 may espouse, including but not limited to, any word or words
2 conveying any meaning other than that of the personal identity
3 of the candidate. A candidate may not use a political slogan as
4 part of his or her name on the ballot, notwithstanding that the
5 political slogan may be part of the candidate's name.

6 (f) The State Board of Elections, a local election
7 official, or an election authority shall remove any candidate's
8 name designation from a ballot that is inconsistent with
9 subsection (e) of this Section. In addition, the State Board of
10 Elections, a local election official, or an election authority
11 shall not certify to any election authority any candidate name
12 designation that is inconsistent with subsection (e) of this
13 Section.

14 (g) If the State Board of Elections, a local election
15 official, or an election authority removes a candidate's name
16 designation from a ballot under subsection (f) of this Section,
17 then the aggrieved candidate may seek appropriate relief in
18 circuit court.

19 Where voting machines or electronic voting systems are
20 used, the provisions of this Section may be modified as
21 required or authorized by Article 24 or Article 24A, whichever
22 is applicable.

23 Nothing in this Section shall prohibit election
24 authorities from using or reusing ballot card envelopes which
25 were printed before the effective date of this amendatory Act
26 of 1985.

1 (Source: P.A. 92-178, eff. 1-1-02; 93-574, eff. 8-21-03.)

2 (Text of Section after amendment by P.A. 94-1090)

3 Sec. 16-3. (a) The names of all candidates to be voted for
4 in each election district or precinct shall be printed on one
5 ballot, except as is provided in Sections 16-6.1 and 21-1.01 of
6 this Act and except as otherwise provided in this Act with
7 respect to the odd year regular elections and the emergency
8 referenda; all nominations of any political party being placed
9 under the party appellation or title of such party as
10 designated in the certificates of nomination or petitions. The
11 names of all independent candidates shall be printed upon the
12 ballot in a column or columns under the heading "independent"
13 arranged under the names or titles of the respective offices
14 for which such independent candidates shall have been nominated
15 and so far as practicable, the name or names of any independent
16 candidate or candidates for any office shall be printed upon
17 the ballot opposite the name or names of any candidate or
18 candidates for the same office contained in any party column or
19 columns upon said ballot. The ballot shall contain no other
20 names, except that in cases of electors for President and
21 Vice-President of the United States, the names of the
22 candidates for President and Vice-President may be added to the
23 party designation and words calculated to aid the voter in his
24 choice of candidates may be added, such as "Vote for one,"
25 "Vote for three." When an electronic voting system is used

1 which utilizes a ballot label booklet, the candidates and
2 questions shall appear on the pages of such booklet in the
3 order provided by this Code; and, in any case where candidates
4 for an office appear on a page which does not contain the name
5 of any candidate for another office, and where less than 50% of
6 the page is utilized, the name of no candidate shall be printed
7 on the lowest 25% of such page. On the back or outside of the
8 ballot, so as to appear when folded, shall be printed the words
9 "Official Ballot", followed by the designation of the polling
10 place for which the ballot is prepared, the date of the
11 election and a facsimile of the signature of the election
12 authority who has caused the ballots to be printed. The ballots
13 shall be of plain white paper, through which the printing or
14 writing cannot be read. However, ballots for use at the
15 nonpartisan and consolidated elections may be printed on
16 different color paper, except blue paper, whenever necessary or
17 desirable to facilitate distinguishing between ballots for
18 different political subdivisions. In the case of nonpartisan
19 elections for officers of a political subdivision, unless the
20 statute or an ordinance adopted pursuant to Article VII of the
21 Constitution providing the form of government therefor
22 requires otherwise, the column listing such nonpartisan
23 candidates shall be printed with no appellation or circle at
24 its head. The party appellation or title, or the word
25 "independent" at the head of any column provided for
26 independent candidates, shall be printed in letters not less

1 than one-fourth of an inch in height and a circle one-half inch
2 in diameter shall be printed at the beginning of the line in
3 which such appellation or title is printed, provided, however,
4 that no such circle shall be printed at the head of any column
5 or columns provided for such independent candidates. The names
6 of candidates shall be printed in letters not less than
7 one-eighth nor more than one-fourth of an inch in height, and
8 at the beginning of each line in which a name of a candidate is
9 printed a square shall be printed, the sides of which shall be
10 not less than one-fourth of an inch in length. However, the
11 names of the candidates for Governor and Lieutenant Governor on
12 the same ticket shall be printed within a bracket and a single
13 square shall be printed in front of the bracket. The list of
14 candidates of the several parties and any such list of
15 independent candidates shall be placed in separate columns on
16 the ballot in such order as the election authorities charged
17 with the printing of the ballots shall decide; provided, that
18 the names of the candidates of the several political parties,
19 certified by the State Board of Elections to the several county
20 clerks shall be printed by the county clerk of the proper
21 county on the official ballot in the order certified by the
22 State Board of Elections. Any county clerk refusing, neglecting
23 or failing to print on the official ballot the names of
24 candidates of the several political parties in the order
25 certified by the State Board of Elections, and any county clerk
26 who prints or causes to be printed upon the official ballot the

1 name of a candidate, for an office to be filled by the Electors
 2 of the entire State, whose name has not been duly certified to
 3 him upon a certificate signed by the State Board of Elections
 4 shall be guilty of a Class C misdemeanor.

5 (b) When an electronic voting system is used which utilizes
 6 a ballot card, on the inside flap of each ballot card envelope
 7 there shall be printed a form for write-in voting which shall
 8 be substantially as follows:

9 WRITE-IN VOTES

10 (See card of instructions for specific information.
 11 Duplicate form below by hand for additional write-in votes.)

12 _____

13 Title of Office

14 () _____

15 Name of Candidate

16 (c) When an electronic voting system is used which uses a
 17 ballot sheet, the instructions to voters on the ballot sheet
 18 shall refer the voter to the card of instructions for specific
 19 information on write-in voting. A provision for the casting of
 20 a write-in vote shall be made either (i) below each office
 21 appearing on the ballot sheet or (ii) in the space following
 22 all ballot questions, using the form for write-in voting set
 23 forth in subsection (b). ~~Below each office appearing on such~~
 24 ~~ballot sheet there shall be a provision for the casting of a~~
 25 ~~write-in vote.~~

26 (d) When such electronic system is used, there shall be

1 printed on the back of each ballot card, each ballot card
2 envelope, and the first page of the ballot label when a ballot
3 label is used, the words "Official Ballot," followed by the
4 number of the precinct or other precinct identification, which
5 may be stamped, in lieu thereof and, as applicable, the number
6 and name of the township, ward or other election district for
7 which the ballot card, ballot card envelope, and ballot label
8 are prepared, the date of the election and a facsimile of the
9 signature of the election authority who has caused the ballots
10 to be printed. The back of the ballot card shall also include a
11 method of identifying the ballot configuration such as a
12 listing of the political subdivisions and districts for which
13 votes may be cast on that ballot, or a number code identifying
14 the ballot configuration or color coded ballots, except that
15 where there is only one ballot configuration in a precinct, the
16 precinct identification, and any applicable ward
17 identification, shall be sufficient. Ballot card envelopes
18 used in punch card systems shall be of paper through which no
19 writing or punches may be discerned and shall be of sufficient
20 length to enclose all voting positions. However, the election
21 authority may provide ballot card envelopes on which no
22 precinct number or township, ward or other election district
23 designation, or election date are preprinted, if space and a
24 preprinted form are provided below the space provided for the
25 names of write-in candidates where such information may be
26 entered by the judges of election. Whenever an election

1 authority utilizes ballot card envelopes on which the election
2 date and precinct is not preprinted, a judge of election shall
3 mark such information for the particular precinct and election
4 on the envelope in ink before tallying and counting any
5 write-in vote written thereon. If some method of insuring
6 ballot secrecy other than an envelope is used, such information
7 must be provided on the ballot itself.

8 (e) In the designation of the name of a candidate on the
9 ballot, the candidate's given name or names, initial or
10 initials, a nickname by which the candidate is commonly known,
11 or a combination thereof, may be used in addition to the
12 candidate's surname. If a candidate has changed his or her
13 name, whether by a statutory or common law procedure in
14 Illinois or any other jurisdiction, within 3 years before the
15 last day for filing the petition for nomination, nomination
16 papers, or certificate of nomination for that office, whichever
17 is applicable, then (i) the candidate's name on the ballot must
18 be followed by "formerly known as (list all prior names during
19 the 3-year period) until name changed on (list date of each
20 such name change)" and (ii) the petition, papers, or
21 certificate must be accompanied by the candidate's affidavit
22 stating the candidate's previous names during the period
23 specified in (i) and the date or dates each of those names was
24 changed; failure to meet these requirements shall be grounds
25 for denying certification of the candidate's name for the
26 ballot or removing the candidate's name from the ballot, as

1 appropriate, but these requirements do not apply to name
2 changes resulting from adoption to assume an adoptive parent's
3 or parents' surname, marriage to assume a spouse's surname, or
4 dissolution of marriage or declaration of invalidity of
5 marriage to assume a former surname. No other designation such
6 as a political slogan, title, or degree or nickname suggesting
7 or implying possession of a title, degree or professional
8 status, or similar information may be used in connection with
9 the candidate's surname. For purposes of this Section, a
10 "political slogan" is defined as any word or words expressing
11 or connoting a position, opinion, or belief that the candidate
12 may espouse, including but not limited to, any word or words
13 conveying any meaning other than that of the personal identity
14 of the candidate. A candidate may not use a political slogan as
15 part of his or her name on the ballot, notwithstanding that the
16 political slogan may be part of the candidate's name.

17 (f) The State Board of Elections, a local election
18 official, or an election authority shall remove any candidate's
19 name designation from a ballot that is inconsistent with
20 subsection (e) of this Section. In addition, the State Board of
21 Elections, a local election official, or an election authority
22 shall not certify to any election authority any candidate name
23 designation that is inconsistent with subsection (e) of this
24 Section.

25 (g) If the State Board of Elections, a local election
26 official, or an election authority removes a candidate's name

1 designation from a ballot under subsection (f) of this Section,
2 then the aggrieved candidate may seek appropriate relief in
3 circuit court.

4 Where voting machines or electronic voting systems are
5 used, the provisions of this Section may be modified as
6 required or authorized by Article 24 or Article 24A, whichever
7 is applicable.

8 Nothing in this Section shall prohibit election
9 authorities from using or reusing ballot card envelopes which
10 were printed before the effective date of this amendatory Act
11 of 1985.

12 (Source: P.A. 93-574, eff. 8-21-03; 94-1090, eff. 6-1-07.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.