



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6214

Introduced 2/11/2010, by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

| | |
|----------------|------------------------|
| 10 ILCS 5/10-3 | from Ch. 46, par. 10-3 |
| 10 ILCS 5/10-6 | from Ch. 46, par. 10-6 |

Amends the Election Code. With respect to nomination petitions for independent candidates to appear on the general election ballot, (i) makes the minimum signature requirement the same as that for an established party candidate seeking the same office (now, a higher minimum), (ii) permits circulation not more than 75 (now, 90) days before the filing deadline, and (iii) makes the filing deadline 75 days after the general primary (now, between 141 and 134 days before the general election).

LRB096 20800 JAM 36558 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 10-3 and 10-6 as follows:

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

7 Sec. 10-3. Independent candidate petitions.

8 (a) Nomination of independent candidates (not candidates
9 of any political party), for any office to be filled by the
10 voters of the State at large may also be made by nomination
11 papers signed in the aggregate for each candidate by qualified
12 voters at least equal in number to the minimum petition
13 signature requirement of Section 7-10 for a State office
14 candidate of an established political party ~~1% of the number of~~
15 ~~voters who voted in the next preceding Statewide general~~
16 ~~election or 25,000 qualified voters of the State, whichever is~~
17 less.

18 (b) Nominations of independent candidates for a public
19 office to be filled at a general election from within any
20 district or political subdivision less than the State may be
21 made by nomination petitions signed in the aggregate for each
22 candidate by qualified voters of that district or political
23 subdivision equaling not less than the minimum petition

1 signature requirement for an established political party
2 candidate for that office.

3 (c) Nominations of independent candidates for a public
4 office to be filled at a consolidated or special election from
5 within any district or political subdivision less than the
6 State⁷ may be made by nomination papers signed in the aggregate
7 for each candidate by qualified voters of such district, or
8 political subdivision, equaling not less than 5%, nor more than
9 8% (or 50 more than the minimum, whichever is greater) of the
10 number of persons, who voted at the next preceding regular
11 election in such district or political subdivision in which
12 such district or political subdivision voted as a unit for the
13 election of officers to serve its respective territorial area.
14 However, whenever the minimum signature requirement for an
15 independent candidate petition for a district or political
16 subdivision office shall exceed the minimum number of
17 signatures for an independent candidate petition for an office
18 to be filled by the voters of the State at large at the next
19 preceding State-wide general election, such State-wide
20 petition signature requirement shall be the minimum for an
21 independent candidate petition for such district or political
22 subdivision office. For a special election after redistricting
23 of a congressional district but before the first general ~~the~~
24 ~~first~~ election following a redistricting of a congressional
25 district ~~districts~~, nomination papers for an independent
26 candidate for congressman shall be signed by at least 5,000

1 qualified voters of the congressional district. ~~For the first~~
2 ~~election following a redistricting of legislative districts,~~
3 ~~nomination papers for an independent candidate for State~~
4 ~~Senator in the General Assembly shall be signed by at least~~
5 ~~3,000 qualified voters of the legislative district. For the~~
6 ~~first election following a redistricting of representative~~
7 ~~districts, nomination papers for an independent candidate for~~
8 ~~State Representative in the General Assembly shall be signed by~~
9 ~~at least 1,500 qualified voters of the representative district.~~
10 For the first election following redistricting of ~~county board~~
11 ~~districts, or of~~ municipal wards or districts, or for the first
12 election following the initial establishment of such districts
13 or wards in a ~~county or~~ municipality, nomination papers for an
14 independent candidate for ~~county board member, or for~~ alderman
15 or trustee of such municipality, shall be signed by qualified
16 voters of the district or ward equal to not less than 5% nor
17 more than 8% (or 50 more than the minimum, whichever is
18 greater) of the total number of votes cast at the preceding
19 ~~general or general municipal election, as the case may be,~~ for
20 the ~~county or~~ municipal office voted on throughout such ~~county~~
21 ~~or~~ municipality for which the greatest total number of votes
22 were cast for all candidates, divided by the number of
23 districts or wards, but in any event not less than 25 qualified
24 voters of the district or ward.

25 (d) Each voter signing a nomination paper shall add to his
26 signature his place of residence, and each voter may subscribe

1 to one nomination for such office to be filled, and no more:
2 Provided that the name of any candidate whose name may appear
3 in any other place upon the ballot shall not be so added by
4 petition for the same office.

5 (e) A nominating petition for a candidate subject to
6 subsection (a) or (b) may not be circulated and signed more
7 than 75 days before the last day for filing the petition.

8 (f) The person circulating the petition, or the candidate
9 on whose behalf the petition is circulated, may strike any
10 signature from the petition, provided that;

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

13 (2) the person striking the signature shall sign a
14 certification listing the page number and line number of
15 each signature struck from the petition. Such
16 certification shall be filed as a part of the petition.

17 (3) the persons striking signatures from the petition
18 shall each sign an additional certificate specifying the
19 number of certification pages listing stricken signatures
20 which are attached to the petition and the page numbers
21 indicated on such certifications. The certificate shall be
22 filed as a part of the petition, shall be numbered, and
23 shall be attached immediately following the last page of
24 voters' signatures and before the certifications of
25 stricken signatures.

26 (4) all of the foregoing requirements shall be

1 necessary to effect a valid striking of any signature. The
2 provisions of this Section authorizing the striking of
3 signatures shall not impose any criminal liability on any
4 person so authorized for signatures which may be
5 fraudulent.

6 In the case of the offices of Governor and Lieutenant
7 Governor a joint petition including one candidate for each of
8 those offices must be filed.

9 A candidate for whom a nomination paper has been filed as a
10 partisan candidate at a primary election, and who is defeated
11 for his or her nomination at the primary election, is
12 ineligible to be placed on the ballot as an independent
13 candidate for election in that general or consolidated
14 election.

15 A candidate seeking election to an office for which
16 candidates of political parties are nominated by caucus who is
17 a participant in the caucus and who is defeated for his or her
18 nomination at such caucus, is ineligible to be listed on the
19 ballot at that general or consolidated election as an
20 independent candidate.

21 (Source: P.A. 95-699, eff. 11-9-07.)

22 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

23 Sec. 10-6. Time and manner of filing new party and
24 independent petitions.

25 (a) Within 75 days after the day of the general primary,

1 nomination petitions subject to subsection (a) or (b) of
2 Section 10-3 of an independent candidate for an office to be
3 elected immediately following general election shall be filed
4 at the same location as provided in Section 7-12. The electoral
5 board having jurisdiction under Section 10-9 to hear and pass
6 upon objections to nomination petitions also shall hear and
7 pass upon objections to nomination petitions filed by a
8 candidate under this subsection.

9 (b) When subsection (a) does not apply, certificates
10 ~~Certificates~~ of nomination and nomination papers for the
11 nomination of candidates for offices to be filled by electors
12 of the entire State, or any district not entirely within a
13 county, or for congressional, state legislative or judicial
14 offices, shall be presented to the principal office of the
15 State Board of Elections not more than 141 nor less than 134
16 days previous to the day of election for which the candidates
17 are nominated. The State Board of Elections shall endorse the
18 certificates of nomination or nomination papers, as the case
19 may be, and the date and hour of presentment to it. Except as
20 otherwise provided in this section, all other certificates for
21 the nomination of candidates shall be filed with the county
22 clerk of the respective counties not more than 141 but at least
23 134 days previous to the day of such election. Certificates of
24 nomination and nomination papers for the nomination of
25 candidates for the offices of political subdivisions to be
26 filled at regular elections other than the general election

1 shall be filed with the local election official of such
2 subdivision:

3 (1) (Blank);

4 (2) not more than 78 nor less than 71 days prior to the
5 consolidated election; or

6 (3) not more than 78 nor less than 71 days prior to the
7 general primary in the case of municipal offices to be
8 filled at the general primary election; or

9 (4) not more than 78 nor less than 71 days before the
10 consolidated primary in the case of municipal offices to be
11 elected on a nonpartisan basis pursuant to law (including
12 without limitation, those municipal offices subject to
13 Articles 4 and 5 of the Municipal Code); or

14 (5) not more than 78 nor less than 71 days before the
15 municipal primary in even numbered years for such
16 nonpartisan municipal offices where annual elections are
17 provided; or

18 (6) in the case of petitions for the office of
19 multi-township assessor, such petitions shall be filed
20 with the election authority not more than 78 nor less than
21 71 days before the consolidated election.

22 However, where a political subdivision's boundaries are
23 co-extensive with or are entirely within the jurisdiction of a
24 municipal board of election commissioners, the certificates of
25 nomination and nomination papers for candidates for such
26 political subdivision offices shall be filed in the office of

1 such Board.

2 (Source: P.A. 95-699, eff. 11-9-07.)