



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1799

Introduced 2/20/2009, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

10 ILCS 5/16-6

from Ch. 46, par. 16-6

Amends the Election Code. Provides that the Code's electronic voting equipment provisions that modify the Code's requirement of a separate ballot for constitutional amendments and constitutional convention calls supersede that separate ballot requirement. Removes the requirement that constitutional amendment and constitutional convention call ballots be printed on blue paper. Removes the requirement that a constitutional convention call ballot include language concerning the effect of not voting.

LRB096 04115 JAM 14155 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 16-6 as follows:

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

7 Sec. 16-6. Whenever one or more proposals for amendment of
8 the constitution or the calling of a constitutional convention
9 or any combination thereof is or are to be voted upon by the
10 people, the proposition or propositions for the adoption or
11 rejection of such amendment or amendments or convention shall
12 be submitted upon a ballot separate from the "Official Ballot"
13 containing the names of candidates for State and other offices
14 to be voted at such election. Such separate ballot shall ~~be~~
15 ~~printed upon paper of a distinctly blue color and shall, as~~
16 ~~near as may be practicable, be of uniform size and blue color,~~
17 ~~but any variation in the size of such ballots or in the~~
18 ~~tincture of blue employed~~ shall not affect or impair the
19 validity thereof. Preceding each proposal to amend the
20 constitution shall be printed the brief explanation of the
21 amendment, prepared by the General Assembly, or in the case of
22 a proposed amendment initiated by petition pursuant to Section
23 3 of Article XIV of the Constitution of the State of Illinois

1 by the principal proponents of the amendment as approved by the
 2 Attorney General, and immediately below the explanation, the
 3 proposition shall be printed in substantially the following
 4 form:

5 -----
 6 YES For the proposed amendment
 7 ----- to Article _____ (or Section
 8 NO _____ of Article _____) of
 9 the Constitution.
 10 -----

11 In the case of a proposition for the calling of a
 12 constitutional convention, such proposition shall be printed
 13 in substantially the following form:

14 -----
 15 YES For the calling
 16 ----- of a Constitutional
 17 NO Convention.
 18 -----

19 On the back or outside of the ballot so as to appear when
 20 folded, shall be printed the words "CONSTITUTION BALLOT",
 21 followed by the designation of the polling place for which the
 22 ballot is prepared, the date of the election and a facsimile of
 23 the signature of the clerk or other officer who has caused the
 24 ballots to be printed. ~~Immediately above the words~~
 25 ~~"CONSTITUTION BALLOT" in the case of a proposition for the~~
 26 ~~calling of a constitutional convention the following legend~~

1 ~~shall be printed in bold face type:~~

2 ~~"NOTICE~~

3 ~~THE FAILURE TO VOTE THIS BALLOT IS THE EQUIVALENT OF A~~
4 ~~NEGATIVE VOTE. (THIS IS NOT TO BE CONSTRUED AS A DIRECTION THAT~~
5 ~~YOUR VOTE IS REQUIRED TO BE CAST EITHER IN FAVOR OF OR IN~~
6 ~~OPPOSITION TO THE PROPOSITION HEREIN CONTAINED.)~~

7 ~~WHETHER YOU VOTE THIS BALLOT OR NOT YOU MUST RETURN IT TO~~
8 ~~THE ELECTION JUDGE WHEN YOU LEAVE THE VOTING BOOTH".~~

9 Immediately above the words "CONSTITUTION BALLOT", in the
10 case of a proposition to amend the Constitution or for the
11 calling of a constitutional convention, the following legend
12 shall be printed in bold face type:

13 "NOTICE

14 WHETHER YOU VOTE THIS BALLOT OR NOT YOU MUST RETURN IT TO
15 THE ELECTION JUDGE WHEN YOU LEAVE THE VOTING BOOTH."

16 If a proposition for the calling of a constitutional
17 convention is submitted at the same election as one or more
18 propositions to amend the constitution, the proposition for the
19 calling of a constitutional convention shall be printed at the
20 top of the ballot. In such case, the back or outside of the
21 ballot shall be printed the same as if it were a proposal
22 solely to amend the constitution.

23 Where voting machines or electronic voting systems are
24 used, the provisions of this Section may be modified as
25 required or authorized by Article 24, ~~or Article~~ 24A, 24B, or
26 24C, whichever is applicable. The provisions of Sections 24A-6,

1 24B-6, and 24C-6 of this Code, to the extent that they modify
2 the separate ballot requirement of this Section, shall
3 supersede the separate ballot requirement of this Section.

4 (Source: P.A. 81-163.)