



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB2010

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).

LRB097 06361 HLH 46442 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 State<sup>7</sup> 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 113 nor less than 106 days prior to  
5 the consolidated election; or

6 (3) not more than 113 nor less than 106 days prior to  
7 the general primary in the case of municipal offices to be  
8 filled at the general primary election; or

9 (4) not more than 99 nor less than 92 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 113 nor less than 106 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 113 nor less than  
21 106 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; 96-1008, eff. 7-6-10.)