



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2855

Introduced 2/22/2011, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-16.1

from Ch. 46, par. 17-16.1

Amends the Election Code. Provides that notarized declarations of intent shall include a sworn statement affirming the person filing the declaration is, at the time of filing, eligible to hold the office being sought. Sets forth the requirements on filing an objection to a declaration of intent. Effective immediately.

LRB097 06722 HLH 46809 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 17-16.1 as follows:

6 (10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

7 Sec. 17-16.1. Write-in votes shall be counted only for
8 persons who have filed notarized declarations of intent to be
9 write-in candidates with the proper election authority or
10 authorities not later than 61 days prior to the election.
11 However, whenever an objection to a candidate's nominating
12 papers or petitions for any office is sustained under Section
13 10-10 after the 61st day before the election, then write-in
14 votes shall be counted for that candidate if he or she has
15 filed a notarized declaration of intent to be a write-in
16 candidate for that office with the proper election authority or
17 authorities not later than 7 days prior to the election.

18 Forms for the declaration of intent to be a write-in
19 candidate shall be supplied by the election authorities. Such
20 declaration shall specify the office for which the person seeks
21 election as a write-in candidate.

22 Notarized declarations of intent shall include a sworn
23 statement affirming the person filing the declaration is, at

1 the time of filing, eligible to hold the office being sought.
2 An objection may be filed on a declaration of intent filed not
3 later than 61 days prior to the election.

4 The election authority or authorities shall deliver a list
5 of all persons who have filed such declarations to the election
6 judges in the appropriate precincts prior to the election.

7 A candidate for whom a nomination paper has been filed as a
8 partisan candidate at a primary election, and who is defeated
9 for his or her nomination at the primary election is ineligible
10 to file a declaration of intent to be a write-in candidate for
11 election in that general or consolidated election.

12 A candidate seeking election to an office for which
13 candidates of political parties are nominated by caucus who is
14 a participant in the caucus and who is defeated for his or her
15 nomination at such caucus is ineligible to file a declaration
16 of intent to be a write-in candidate for election in that
17 general or consolidated election.

18 A candidate seeking election to an office for which
19 candidates are nominated at a primary election on a nonpartisan
20 basis and who is defeated for his or her nomination at the
21 primary election is ineligible to file a declaration of intent
22 to be a write-in candidate for election in that general or
23 consolidated election.

24 Nothing in this Section shall be construed to apply to
25 votes cast under the provisions of subsection (b) of Section
26 16-5.01.

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.