



Rep. Keith Farnham

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1 AMENDMENT TO HOUSE BILL 3895

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3895 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Section 7-12 as follows:

6 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

7 Sec. 7-12. All petitions for nomination shall be filed by  
8 mail or in person as follows:

9 (1) Where the nomination is to be made for a State,  
10 congressional, or judicial office, or for any office a  
11 nomination for which is made for a territorial division or  
12 district which comprises more than one county or is partly  
13 in one county and partly in another county or counties,  
14 then, except as otherwise provided in this Section, such  
15 petition for nomination shall be filed in the principal  
16 office of the State Board of Elections not more than 113

1 and not less than 106 days prior to the date of the  
2 primary, but, in the case of petitions for nomination to  
3 fill a vacancy by special election in the office of  
4 representative in Congress from this State, such petition  
5 for nomination shall be filed in the principal office of  
6 the State Board of Elections not more than 57 days and not  
7 less than 50 days prior to the date of the primary.

8 Where a vacancy occurs in the office of Supreme,  
9 Appellate or Circuit Court Judge within the 3-week period  
10 preceding the 106th day before a general primary election,  
11 petitions for nomination for the office in which the  
12 vacancy has occurred shall be filed in the principal office  
13 of the State Board of Elections not more than 92 nor less  
14 than 85 days prior to the date of the general primary  
15 election.

16 Where the nomination is to be made for delegates or  
17 alternate delegates to a national nominating convention,  
18 then such petition for nomination shall be filed in the  
19 principal office of the State Board of Elections not more  
20 than 113 and not less than 106 days prior to the date of  
21 the primary; provided, however, that if the rules or  
22 policies of a national political party conflict with such  
23 requirements for filing petitions for nomination for  
24 delegates or alternate delegates to a national nominating  
25 convention, the chairman of the State central committee of  
26 such national political party shall notify the Board in

1 writing, citing by reference the rules or policies of the  
2 national political party in conflict, and in such case the  
3 Board shall direct such petitions to be filed in accordance  
4 with the delegate selection plan adopted by the state  
5 central committee of such national political party.

6 (2) Where the nomination is to be made for a county  
7 office or trustee of a sanitary district or the Fox River  
8 Water Reclamation District then such petition shall be  
9 filed in the office of the county clerk not more than 113  
10 nor less than 106 days prior to the date of the primary.

11 (3) Where the nomination is to be made for a municipal  
12 or township office, such petitions for nomination shall be  
13 filed in the office of the local election official, not  
14 more than 99 nor less than 92 days prior to the date of the  
15 primary; provided, where a municipality's or township's  
16 boundaries are coextensive with or are entirely within the  
17 jurisdiction of a municipal board of election  
18 commissioners, the petitions shall be filed in the office  
19 of such board; and provided, that petitions for the office  
20 of multi-township assessor shall be filed with the election  
21 authority.

22 (4) The petitions of candidates for State central  
23 committeeman shall be filed in the principal office of the  
24 State Board of Elections not more than 113 nor less than  
25 106 days prior to the date of the primary.

26 (5) Petitions of candidates for precinct, township or

1 ward committeemen shall be filed in the office of the  
2 county clerk not more than 113 nor less than 106 days prior  
3 to the date of the primary.

4 (6) The State Board of Elections and the various  
5 election authorities and local election officials with  
6 whom such petitions for nominations are filed shall specify  
7 the place where filings shall be made and upon receipt  
8 shall endorse thereon the day and hour on which each  
9 petition was filed. All petitions filed by persons waiting  
10 in line as of 8:00 a.m. on the first day for filing, or as  
11 of the normal opening hour of the office involved on such  
12 day, shall be deemed filed as of 8:00 a.m. or the normal  
13 opening hour, as the case may be. Petitions filed by mail  
14 and received after midnight of the first day for filing and  
15 in the first mail delivery or pickup of that day shall be  
16 deemed as filed as of 8:00 a.m. of that day or as of the  
17 normal opening hour of such day, as the case may be. All  
18 petitions received thereafter shall be deemed as filed in  
19 the order of actual receipt. Where 2 or more petitions are  
20 received simultaneously, the State Board of Elections or  
21 the various election authorities or local election  
22 officials with whom such petitions are filed shall break  
23 ties and determine the order of filing, by means of a  
24 lottery or other fair and impartial method of random  
25 selection approved by the State Board of Elections. Such  
26 lottery shall be conducted within 9 days following the last

1 day for petition filing and shall be open to the public.  
2 Seven days written notice of the time and place of  
3 conducting such random selection shall be given by the  
4 State Board of Elections to the chairman of the State  
5 central committee of each established political party, and  
6 by each election authority or local election official, to  
7 the County Chairman of each established political party,  
8 and to each organization of citizens within the election  
9 jurisdiction which was entitled, under this Article, at the  
10 next preceding election, to have pollwatchers present on  
11 the day of election. The State Board of Elections, election  
12 authority or local election official shall post in a  
13 conspicuous, open and public place, at the entrance of the  
14 office, notice of the time and place of such lottery. The  
15 State Board of Elections shall adopt rules and regulations  
16 governing the procedures for the conduct of such lottery.  
17 All candidates shall be certified in the order in which  
18 their petitions have been filed. Where candidates have  
19 filed simultaneously, they shall be certified in the order  
20 determined by lot and prior to candidates who filed for the  
21 same office at a later time.

22 (7) The State Board of Elections or the appropriate  
23 election authority or local election official with whom  
24 such a petition for nomination is filed shall notify the  
25 person for whom a petition for nomination has been filed of  
26 the obligation to file statements of organization, reports

1 of campaign contributions, and annual reports of campaign  
2 contributions and expenditures under Article 9 of this Act.  
3 Such notice shall be given in the manner prescribed by  
4 paragraph (7) of Section 9-16 of this Code.

5 (8) Nomination papers filed under this Section are not  
6 valid if the candidate named therein fails to file a  
7 statement of economic interests as required by the Illinois  
8 Governmental Ethics Act in relation to his candidacy with  
9 the appropriate officer by the end of the period for the  
10 filing of nomination papers unless he has filed a statement  
11 of economic interests in relation to the same governmental  
12 unit with that officer within a year preceding the date on  
13 which such nomination papers were filed. If the nomination  
14 papers of any candidate and the statement of economic  
15 interest of that candidate are not required to be filed  
16 with the same officer, the candidate must file with the  
17 officer with whom the nomination papers are filed a receipt  
18 from the officer with whom the statement of economic  
19 interests is filed showing the date on which such statement  
20 was filed. Such receipt shall be so filed not later than  
21 the last day on which nomination papers may be filed.

22 (9) Any person for whom a petition for nomination, or  
23 for committeeman or for delegate or alternate delegate to a  
24 national nominating convention has been filed may cause his  
25 name to be withdrawn by request in writing, signed by him  
26 and duly acknowledged before an officer qualified to take

1       acknowledgments of deeds, and filed in the principal or  
2       permanent branch office of the State Board of Elections or  
3       with the appropriate election authority or local election  
4       official, not later than the date of certification of  
5       candidates for the consolidated primary or general primary  
6       ballot. No names so withdrawn shall be certified or printed  
7       on the primary ballot. If petitions for nomination have  
8       been filed for the same person with respect to more than  
9       one political party, his name shall not be certified nor  
10      printed on the primary ballot of any party. If petitions  
11      for nomination have been filed for the same person for 2 or  
12      more offices which are incompatible so that the same person  
13      could not serve in more than one of such offices if  
14      elected, that person must withdraw as a candidate for all  
15      but one of such offices within the 5 business days  
16      following the last day for petition filing. A candidate in  
17      a judicial election may file petitions for nomination for  
18      only one vacancy in a subcircuit and only one vacancy in a  
19      circuit in any one filing period, and if petitions for  
20      nomination have been filed for the same person for 2 or  
21      more vacancies in the same circuit or subcircuit in the  
22      same filing period, his or her name shall be certified only  
23      for the first vacancy for which the petitions for  
24      nomination were filed. If he fails to withdraw as a  
25      candidate for all but one of such offices within such time  
26      his name shall not be certified, nor printed on the primary

1 ballot, for any office. For the purpose of the foregoing  
2 provisions, an office in a political party is not  
3 incompatible with any other office.

4 (10) (a) Notwithstanding the provisions of any other  
5 statute, no primary shall be held for an established  
6 political party in any township, municipality, or ward  
7 thereof, where the nomination of such party for every  
8 office to be voted upon by the electors of such township,  
9 municipality, or ward thereof, is uncontested. Whenever a  
10 political party's nomination of candidates is uncontested  
11 as to one or more, but not all, of the offices to be voted  
12 upon by the electors of a township, municipality, or ward  
13 thereof, then a primary shall be held for that party in  
14 such township, municipality, or ward thereof; provided  
15 that the primary ballot shall not include those offices  
16 within such township, municipality, or ward thereof, for  
17 which the nomination is uncontested. For purposes of this  
18 Article, the nomination of an established political party  
19 of a candidate for election to an office shall be deemed to  
20 be uncontested where not more than the number of persons to  
21 be nominated have timely filed valid nomination papers  
22 seeking the nomination of such party for election to such  
23 office.

24 (b) Notwithstanding the provisions of any other  
25 statute, no primary election shall be held for an  
26 established political party for any special primary



1 election called for the purpose of filling a vacancy in the  
2 office of representative in the United States Congress  
3 where the nomination of such political party for said  
4 office is uncontested. For the purposes of this Article,  
5 the nomination of an established political party of a  
6 candidate for election to said office shall be deemed to be  
7 uncontested where not more than the number of persons to be  
8 nominated have timely filed valid nomination papers  
9 seeking the nomination of such established party for  
10 election to said office. This subsection (b) shall not  
11 apply if such primary election is conducted on a regularly  
12 scheduled election day.

13 (c) Notwithstanding the provisions in subparagraph (a)  
14 and (b) of this paragraph (10), whenever a person who has  
15 not timely filed valid nomination papers and who intends to  
16 become a write-in candidate for a political party's  
17 nomination for any office for which the nomination is  
18 uncontested files a written statement or notice of that  
19 intent with the State Board of Elections or the local  
20 election official with whom nomination papers for such  
21 office are filed, a primary ballot shall be prepared and a  
22 primary shall be held for that office. Such statement or  
23 notice shall be filed on or before the date established in  
24 this Article for certifying candidates for the primary  
25 ballot. Such statement or notice shall contain (i) the name  
26 and address of the person intending to become a write-in

1 candidate, (ii) a statement that the person is a qualified  
2 primary elector of the political party from whom the  
3 nomination is sought, (iii) a statement that the person  
4 intends to become a write-in candidate for the party's  
5 nomination, and (iv) the office the person is seeking as a  
6 write-in candidate. An election authority shall have no  
7 duty to conduct a primary and prepare a primary ballot for  
8 any office for which the nomination is uncontested unless a  
9 statement or notice meeting the requirements of this  
10 Section is filed in a timely manner.

11 (11) If multiple sets of nomination papers are filed  
12 for a candidate to the same office, the State Board of  
13 Elections, appropriate election authority or local  
14 election official where the petitions are filed shall  
15 within 2 business days notify the candidate of his or her  
16 multiple petition filings and that the candidate has 3  
17 business days after receipt of the notice to notify the  
18 State Board of Elections, appropriate election authority  
19 or local election official that he or she may cancel prior  
20 sets of petitions. If the candidate notifies the State  
21 Board of Elections, appropriate election authority or  
22 local election official, the last set of petitions filed  
23 shall be the only petitions to be considered valid by the  
24 State Board of Elections, election authority or local  
25 election official. If the candidate fails to notify the  
26 State Board of Elections, election authority or local

1 election official then only the first set of petitions  
2 filed shall be valid and all subsequent petitions shall be  
3 void.

4 (12) All nominating petitions shall be available for  
5 public inspection and shall be preserved for a period of  
6 not less than 6 months.

7 (Source: P.A. 96-1008, eff. 7-6-10; 97-81, eff. 7-5-11.)

8 Section 10. The Sanitary District Act of 1917 is amended by  
9 changing Section 3 as follows:

10 (70 ILCS 2405/3) (from Ch. 42, par. 301)

11 Sec. 3. Board of trustees; creation; term. A board of  
12 trustees shall be created, consisting of 5 members in any  
13 sanitary district which includes one or more municipalities  
14 with a population of over 90,000 but less than 500,000  
15 according to the most recent Federal census, and consisting of  
16 3 members in any other district. However, the board of trustees  
17 for the Fox River Water Reclamation District, the Sanitary  
18 District of Decatur, and the Northern Moraine Wastewater  
19 Reclamation District shall each consist of 5 members. Each  
20 board of trustees shall be created for the government, control  
21 and management of the affairs and business of each sanitary  
22 district organized under this Act shall be created in the  
23 following manner:

24 (1) If the district is located wholly within a single

1 county, the presiding officer of the county board, with the  
2 advice and consent of the county board, shall appoint the  
3 trustees for the district;

4 (2) If the district is located in more than one county,  
5 the members of the General Assembly whose legislative  
6 districts encompass any portion of the district shall  
7 appoint the trustees for the district.

8 In any sanitary district which shall have a 3 member board  
9 of trustees, within 60 days after the adoption of such act, the  
10 appropriate appointing authority shall appoint three trustees  
11 not more than 2 of whom shall be from one incorporated city,  
12 town or village in districts in which are included 2 or more  
13 incorporated cities, towns or villages, or parts of 2 or more  
14 incorporated cities, towns or villages, who shall hold their  
15 office respectively for 1, 2 and 3 years, from the first Monday  
16 of May next after their appointment and until their successors  
17 are appointed and have qualified, and thereafter on or before  
18 the second Monday in April of each year the appropriate  
19 appointing authority shall appoint one trustee whose term shall  
20 be for 3 years commencing the first Monday in May of the year  
21 in which he is appointed. The length of the term of the first  
22 trustees shall be determined by lot at their first meeting.

23 In the case of any sanitary district created after January  
24 1, 1978 in which a 5 member board of trustees is required, the  
25 appropriate appointing authority shall appoint 5 trustees, one  
26 of whom shall hold office for one year, two of whom shall hold

1 office for 2 years, and 2 of whom shall hold office for 3 years  
2 from the first Monday of May next after their respective  
3 appointments and until their successors are appointed and have  
4 qualified. Thereafter, on or before the second Monday in April  
5 of each year the appropriate appointing authority shall appoint  
6 one trustee or 2 trustees, as shall be necessary to maintain a  
7 5 member board of trustees, whose terms shall be for 3 years  
8 commencing the first Monday in May of the year in which they  
9 are respectively appointed. The length of the terms of the  
10 first trustees shall be determined by lot at their first  
11 meeting.

12 In any sanitary district created prior to January 1, 1978  
13 in which a 5 member board of trustees is required as of January  
14 1, 1978, the two trustees already serving terms which do not  
15 expire on May 1, 1978 shall continue to hold office for the  
16 remainders of their respective terms, and 3 trustees shall be  
17 appointed by the appropriate appointing authority by April 10,  
18 1978 and shall hold office for terms beginning May 1, 1978. Of  
19 the three new trustees, one shall hold office for 2 years and 2  
20 shall hold office for 3 years from May 1, 1978 and until their  
21 successors are appointed and have qualified. Thereafter, on or  
22 before the second Monday in April of each year the appropriate  
23 appointing authority shall appoint one trustee or 2 trustees,  
24 as shall be necessary to maintain a 5 member board of trustees,  
25 whose terms shall be for 3 years commencing the first Monday in  
26 May of the year in which they are respectively appointed. The

1 lengths of the terms of the trustees who are to hold office  
2 beginning May 1, 1978 shall be determined by lot at their first  
3 meeting after May 1, 1978.

4 No more than 3 members of a 5 member board of trustees may  
5 be of the same political party; except that in any sanitary  
6 district which otherwise meets the requirements of this Section  
7 and which lies within 4 counties of the State of Illinois or,  
8 prior to April 30, 2008, in the Fox River Water Reclamation  
9 District; the appointments of the 5 members of the board of  
10 trustees shall be made without regard to political party.  
11 Beginning with the appointments made on April 30, 2008, all  
12 appointments to the board of trustees of the Fox River Water  
13 Reclamation District shall be made so that no more than 3 of  
14 the 5 members are from the same political party.

15 Beginning with the 2016 general election, the board of  
16 trustees of the Fox River Water Reclamation District shall be  
17 elected. The election of trustees shall be in accordance with  
18 the provisions of general election law. Any current board  
19 members whose terms do not expire in 2016 shall serve out the  
20 remainder of their term. The board of trustees shall consist of  
21 5 elected members. The trustees shall be elected for staggered  
22 terms at the election as provided by the general election law.  
23 Three trustees shall be elected at the 2016 election, and 2  
24 trustees shall be elected at the following election. Elected  
25 trustees shall take office on the first Tuesday after the first  
26 Monday in the month following the month of their election and

1 shall hold their offices for 4 years and until their successors  
2 shall be elected and qualified. In all elections for trustees,  
3 each elector may vote for as many candidates as there are  
4 trustees to be elected, but no elector may give to the  
5 candidates more than one vote. When a vacancy exists on the  
6 board of trustees of the Fox River Water Reclamation District,  
7 the vacancy shall be filled by appointment by the president of  
8 the board of trustees, with the advice and consent of the  
9 members of the board of trustees, until the next regular  
10 election at which trustees of the district are elected, and  
11 shall be made a matter of record in the office of the county  
12 clerk in the county where the district is located.

13       Within 60 days after the release of Federal census  
14 statistics showing that a sanitary district having a 3 member  
15 board of trustees contains one or more municipalities with a  
16 population over 90,000 but less than 500,000, or, for the  
17 Northern Moraine Wastewater Reclamation District, within 60  
18 days after the effective date of this amendatory Act of the  
19 95th General Assembly, the appropriate appointing authority  
20 shall appoint 2 additional trustees to the board of trustees,  
21 one to hold office for 2 years and one to hold office for 3  
22 years from the first Monday of May next after their appointment  
23 and until their successors are appointed and have qualified.  
24 The lengths of the terms of these two additional members shall  
25 be determined by lot at the first meeting of the board of  
26 trustees held after the additional members take office. The

1 three trustees already holding office in the sanitary district  
2 shall continue to hold office for the remainders of their  
3 respective terms. Thereafter, on or before the second Monday in  
4 April of each year the appropriate appointing authority shall  
5 appoint one trustee or 2 trustees, as shall be necessary to  
6 maintain a 5 member board of trustees, whose terms shall be for  
7 3 years commencing the first Monday in May of the year in which  
8 they are respectively appointed.

9 If any sanitary district having a 5 member board of  
10 trustees shall cease to contain one or more municipalities with  
11 a population over 90,000 but less than 500,000 according to the  
12 most recent Federal census, then, for so long as that sanitary  
13 district does not contain one or more such municipalities, on  
14 or before the second Monday in April of each year the  
15 appropriate appointing authority shall appoint one trustee  
16 whose term shall be for 3 years commencing the first Monday in  
17 May of the year in which he is appointed. In districts which  
18 include 2 or more incorporated cities, towns, or villages, or  
19 parts of 2 or more incorporated cities, towns, or villages, all  
20 of the trustees shall not be from one incorporated city, town  
21 or village.

22 If a vacancy occurs on any board of trustees, the  
23 appropriate appointing authority shall within 60 days appoint a  
24 trustee who shall hold office for the remainder of the vacated  
25 term.

26 The appointing authority shall require each of the trustees



1 to enter into bond, with security to be approved by the  
2 appointing authority, in such sum as the appointing authority  
3 may determine.

4 A majority of the board of trustees shall constitute a  
5 quorum but a smaller number may adjourn from day to day. No  
6 trustee or employee of such district shall be directly or  
7 indirectly interested in any contract, work or business of the  
8 district, or the sale of any article, the expense, price or  
9 consideration of which is paid by such district; nor in the  
10 purchase of any real estate or property belonging to the  
11 district, or which shall be sold for taxes or assessments, or  
12 by virtue of legal process at the suit of the district.  
13 Provided, that nothing herein shall be construed as prohibiting  
14 the appointment or selection of any person as trustee or  
15 employee whose only interest in the district is as owner of  
16 real estate in the district or of contributing to the payment  
17 of taxes levied by the district. The trustees shall have the  
18 power to provide and adopt a corporate seal for the district.

19 Notwithstanding any other provision in this Section, in any  
20 sanitary district created prior to the effective date of this  
21 amendatory Act of 1985, in which a five member board of  
22 trustees has been appointed and which currently includes one or  
23 more municipalities with a population of over 90,000 but less  
24 than 500,000, the board of trustees shall consist of five  
25 members.

26 (Source: P.A. 95-608, eff. 9-11-07; 96-1065, eff. 7-16-10.)

1           Section 99. Effective date. This Act takes effect January  
2    1, 2013."