



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1848

Introduced 2/9/2011, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-20-45

Amends the Illinois Municipal Code. In provisions concerning elections, sets forth the procedure for placing specified candidates on the ballot for the general municipal election. Provides that if one officer is to be elected, then the 2 candidates who receive the highest number of votes shall be placed on the ballot for the next succeeding general municipal election. If 2 aldermen are to be elected at large, then the 4 candidates who receive the highest number of votes shall be placed on the ballot. If 3 aldermen are to be elected at large, then the 6 candidates who receive the highest number of votes shall be placed on the ballot. Provides that the name of a write-in candidate may not be placed on the ballot for the general municipal election unless he or she (i) receives a number of votes in the primary election that equals or exceeds the number of signatures required on a petition for nomination for that office or (ii) receives a number of votes in the primary election that exceeds the number of votes received by at least one of the candidates whose names were printed on the primary ballot for nomination for or election to the same office. Effective immediately.

LRB097 09082 KMW 49217 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 3.1-20-45 as follows:

6 (65 ILCS 5/3.1-20-45)

7 Sec. 3.1-20-45. Nonpartisan primary elections; uncontested
8 office. A city incorporated under this Code that elects
9 municipal officers at nonpartisan primary and general
10 elections shall conduct the elections as provided in the
11 Election Code, except that no office for which nomination is
12 uncontested shall be included on the primary ballot and no
13 primary shall be held for that office. For the purposes of this
14 Section, an office is uncontested when not more than 4 persons
15 to be nominated for each office have timely filed valid
16 nominating papers seeking nomination for the election to that
17 office.

18 Notwithstanding the preceding paragraph, when a person (i)
19 who has not timely filed valid nomination papers and (ii) who
20 intends to become a write-in candidate for nomination for any
21 office for which nomination is uncontested files a written
22 statement or notice of that intent with the proper election
23 official with whom the nomination papers for that office are

1 filed, if the write-in candidate becomes the fifth candidate
2 filed, a primary ballot must be prepared and a primary must be
3 held for the office. The statement or notice must be filed on
4 or before the 61st day before the consolidated primary
5 election. The statement must contain (i) the name and address
6 of the person intending to become a write-in candidate, (ii) a
7 statement that the person intends to become a write-in
8 candidate, and (iii) the office the person is seeking as a
9 write-in candidate. An election authority has no duty to
10 conduct a primary election or prepare a primary ballot unless a
11 statement meeting the requirements of this paragraph is filed
12 in a timely manner.

13 If there is a primary election, then candidates shall be
14 placed on the ballot for the next succeeding general municipal
15 election in the following manner:

16 (1) If one officer is to be elected, then the 2
17 candidates who receive the highest number of votes shall be
18 placed on the ballot for the next succeeding general
19 municipal election.

20 (2) If 2 aldermen are to be elected at large, then the
21 4 candidates who receive the highest number of votes shall
22 be placed on the ballot for the next succeeding general
23 municipal election.

24 (3) If 3 aldermen are to be elected at large, then the
25 6 candidates who receive the highest number of votes shall
26 be placed on the ballot for the next succeeding general

1 municipal election.

2 The name of a write-in candidate may not be placed on the
3 ballot for the next succeeding general municipal election
4 unless he or she receives a number of votes in the primary
5 election that equals or exceeds the number of signatures
6 required on a petition for nomination for that office or that
7 exceeds the number of votes received by at least one of the
8 candidates whose names were printed on the primary ballot for
9 nomination for or election to the same office.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.