



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3266

by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12  
10 ILCS 5/25-7

from Ch. 46, par. 7-12  
from Ch. 46, par. 25-7

Amends the Election Code. In a Section concerning vacancies in the office of Representative in Congress, provides that the Governor shall issue a Writ of Election if the vacancy occurs more than 240 days (instead of 180 days) before the next general election. Provides that the special election shall be held within 180 days (instead of 115 days) after the issuance of the Writ of Election. Provides that the Governor shall temporarily fill the vacancy, by appointment, within 30 days of the issuance of the Writ of Election. Provides that petitions for nomination shall be filed not more than 85 and not less than 82 days prior to the date of the special primary election, except that petitions of independent candidates and candidates of new political parties shall be filed not more than 93 and not less than 90 days prior to the date of the special election. Effective immediately.

LRB098 06148 HLH 36189 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 7-12 and 25-7 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  
17 and not less than 106 days prior to the date of the  
18 primary, but, in the case of petitions for nomination to  
19 fill a vacancy by special election in the office of  
20 representative in Congress from this State, such petition  
21 for nomination shall be filed in the principal office of  
22 the State Board of Elections not more than 85 ~~57~~ days and  
23 not less than 82 ~~50~~ days prior to the date of the primary.

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

9           Where the nomination is to be made for delegates or  
10          alternate delegates to a national nominating convention,  
11          then such petition for nomination shall be filed in the  
12          principal office of the State Board of Elections not more  
13          than 113 and not less than 106 days prior to the date of  
14          the primary; provided, however, that if the rules or  
15          policies of a national political party conflict with such  
16          requirements for filing petitions for nomination for  
17          delegates or alternate delegates to a national nominating  
18          convention, the chairman of the State central committee of  
19          such national political party shall notify the Board in  
20          writing, citing by reference the rules or policies of the  
21          national political party in conflict, and in such case the  
22          Board shall direct such petitions to be filed in accordance  
23          with the delegate selection plan adopted by the state  
24          central committee of such national political party.

25          (2) Where the nomination is to be made for a county  
26          office or trustee of a sanitary district then such petition

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

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

15 (4) The petitions of candidates for State central  
16 committeeman shall be filed in the principal office of the  
17 State Board of Elections not more than 113 nor less than  
18 106 days prior to the date of the primary.

19 (5) Petitions of candidates for precinct, township or  
20 ward committeemen shall be filed in the office of the  
21 county clerk not more than 113 nor less than 106 days prior  
22 to the date of the primary.

23 (6) The State Board of Elections and the various  
24 election authorities and local election officials with  
25 whom such petitions for nominations are filed shall specify  
26 the place where filings shall be made and upon receipt

1 shall endorse thereon the day and hour on which each  
2 petition was filed. All petitions filed by persons waiting  
3 in line as of 8:00 a.m. on the first day for filing, or as  
4 of the normal opening hour of the office involved on such  
5 day, shall be deemed filed as of 8:00 a.m. or the normal  
6 opening hour, as the case may be. Petitions filed by mail  
7 and received after midnight of the first day for filing and  
8 in the first mail delivery or pickup of that day shall be  
9 deemed as filed as of 8:00 a.m. of that day or as of the  
10 normal opening hour of such day, as the case may be. All  
11 petitions received thereafter shall be deemed as filed in  
12 the order of actual receipt. However, 2 or more petitions  
13 filed within the last hour of the filing deadline shall be  
14 deemed filed simultaneously. Where 2 or more petitions are  
15 received simultaneously, the State Board of Elections or  
16 the various election authorities or local election  
17 officials with whom such petitions are filed shall break  
18 ties and determine the order of filing, by means of a  
19 lottery or other fair and impartial method of random  
20 selection approved by the State Board of Elections. Such  
21 lottery shall be conducted within 9 days following the last  
22 day for petition filing and shall be open to the public.  
23 Seven days written notice of the time and place of  
24 conducting such random selection shall be given by the  
25 State Board of Elections to the chairman of the State  
26 central committee of each established political party, and

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

17 (7) The State Board of Elections or the appropriate  
18 election authority or local election official with whom  
19 such a petition for nomination is filed shall notify the  
20 person for whom a petition for nomination has been filed of  
21 the obligation to file statements of organization, reports  
22 of campaign contributions, and annual reports of campaign  
23 contributions and expenditures under Article 9 of this Act.  
24 Such notice shall be given in the manner prescribed by  
25 paragraph (7) of Section 9-16 of this Code.

26 (8) Nomination papers filed under this Section are not

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

17 (9) Any person for whom a petition for nomination, or  
18 for committeeman or for delegate or alternate delegate to a  
19 national nominating convention has been filed may cause his  
20 name to be withdrawn by request in writing, signed by him  
21 and duly acknowledged before an officer qualified to take  
22 acknowledgments of deeds, and filed in the principal or  
23 permanent branch office of the State Board of Elections or  
24 with the appropriate election authority or local election  
25 official, not later than the date of certification of  
26 candidates for the consolidated primary or general primary

1 ballot. No names so withdrawn shall be certified or printed  
2 on the primary ballot. If petitions for nomination have  
3 been filed for the same person with respect to more than  
4 one political party, his name shall not be certified nor  
5 printed on the primary ballot of any party. If petitions  
6 for nomination have been filed for the same person for 2 or  
7 more offices which are incompatible so that the same person  
8 could not serve in more than one of such offices if  
9 elected, that person must withdraw as a candidate for all  
10 but one of such offices within the 5 business days  
11 following the last day for petition filing. A candidate in  
12 a judicial election may file petitions for nomination for  
13 only one vacancy in a subcircuit and only one vacancy in a  
14 circuit in any one filing period, and if petitions for  
15 nomination have been filed for the same person for 2 or  
16 more vacancies in the same circuit or subcircuit in the  
17 same filing period, his or her name shall be certified only  
18 for the first vacancy for which the petitions for  
19 nomination were filed. If he fails to withdraw as a  
20 candidate for all but one of such offices within such time  
21 his name shall not be certified, nor printed on the primary  
22 ballot, for any office. For the purpose of the foregoing  
23 provisions, an office in a political party is not  
24 incompatible with any other office.

25 (10) (a) Notwithstanding the provisions of any other  
26 statute, no primary shall be held for an established



1 political party in any township, municipality, or ward  
2 thereof, where the nomination of such party for every  
3 office to be voted upon by the electors of such township,  
4 municipality, or ward thereof, is uncontested. Whenever a  
5 political party's nomination of candidates is uncontested  
6 as to one or more, but not all, of the offices to be voted  
7 upon by the electors of a township, municipality, or ward  
8 thereof, then a primary shall be held for that party in  
9 such township, municipality, or ward thereof; provided  
10 that the primary ballot shall not include those offices  
11 within such township, municipality, or ward thereof, for  
12 which the nomination is uncontested. For purposes of this  
13 Article, the nomination of an established political party  
14 of a candidate for election to an office shall be deemed to  
15 be uncontested where not more than the number of persons to  
16 be nominated have timely filed valid nomination papers  
17 seeking the nomination of such party for election to such  
18 office.

19 (b) Notwithstanding the provisions of any other  
20 statute, no primary election shall be held for an  
21 established political party for any special primary  
22 election called for the purpose of filling a vacancy in the  
23 office of representative in the United States Congress  
24 where the nomination of such political party for said  
25 office is uncontested. For the purposes of this Article,  
26 the nomination of an established political party of a

1 candidate for election to said office shall be deemed to be  
2 uncontested where not more than the number of persons to be  
3 nominated have timely filed valid nomination papers  
4 seeking the nomination of such established party for  
5 election to said office. This subsection (b) shall not  
6 apply if such primary election is conducted on a regularly  
7 scheduled election day.

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

1 write-in candidate. An election authority shall have no  
2 duty to conduct a primary and prepare a primary ballot for  
3 any office for which the nomination is uncontested unless a  
4 statement or notice meeting the requirements of this  
5 Section is filed in a timely manner.

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

25 (12) All nominating petitions shall be available for  
26 public inspection and shall be preserved for a period of

1 not less than 6 months.

2 (Source: P.A. 96-1008, eff. 7-6-10; 97-81, eff. 7-5-11;  
3 97-1044, eff. 1-1-13.)

4 (10 ILCS 5/25-7) (from Ch. 46, par. 25-7)

5 Sec. 25-7. (a) When any vacancy shall occur in the office  
6 of representative in congress from this state more than 240 ~~180~~  
7 days before the next general election, the Governor shall issue  
8 a writ of election within 5 days after the occurrence of that  
9 vacancy to the county clerks of the several counties in the  
10 district where the vacancy exists, appointing a day within 180  
11 ~~115~~ days of issuance of the writ to hold a special election to  
12 fill such vacancy.

13 (b) ~~Notwithstanding subsection (a) of this Section or any~~  
14 ~~other law to the contrary, a special election to fill a vacancy~~  
15 ~~in the office of representative in congress occurring less than~~  
16 ~~60 days following the 2012 general election shall be held as~~  
17 ~~provided in this subsection (b). A special primary election~~  
18 ~~shall be held on February 26, 2013, and a special election~~  
19 ~~shall be held on April 9, 2013.~~

20 Except as provided in this subsection (b), the provisions  
21 of Article 7 of this Code are applicable to petitions for the  
22 special primary election and special election. Petitions for  
23 nomination in accordance with Article 7 shall be filed in the  
24 principal office of the State Board of Elections not more than  
25 85 ~~54~~ and not less than 82 ~~50~~ days prior to the date of the

1 special primary election, excluding Saturday and Sunday.  
2 Petitions for the nomination of independent candidates and  
3 candidates of new political parties shall be filed in the  
4 principal office of the State Board of Elections not more than  
5 93 ~~68~~ and not less than 90 ~~64~~ days prior to the date of the  
6 special election, excluding Saturday and Sunday.

7 Except as provided in this subsection, the State Board of  
8 Elections shall have authority to establish, in conjunction  
9 with the impacted election authorities, an election calendar  
10 for the special election and special primary.

11 (c) Within 30 days of the issuance of the Writ of Election,  
12 the Governor shall temporarily fill the vacancy by appointment.  
13 Such appointee shall be affiliated with the same political  
14 party as the person whose vacancy the special election is being  
15 conducted to fill and shall be otherwise qualified to hold the  
16 office of U.S. Representative. The preceding requirement of  
17 political party affiliation shall not apply if the Statement of  
18 Candidacy filed by such person immediately preceding the  
19 vacancy was that of an Independent candidate. The person  
20 appointed to temporarily fill the vacancy shall serve until a  
21 replacement candidate is declared elected at the special  
22 election by the State Board of Elections.

23 ~~If an election authority is unable to have a sufficient~~  
24 ~~number of ballots printed so that ballots will be available for~~  
25 ~~mailing at least 46 days prior to the special primary election~~  
26 ~~or special election to persons who have filed an application~~

1 ~~for a ballot under the provisions of Article 20 of this Code,~~  
2 ~~the election authority shall, no later than 45 days prior to~~  
3 ~~each election, mail to each of those persons a Special Write-in~~  
4 ~~Absentee Voter's Blank Ballot in accordance with Section~~  
5 ~~16-5.01 of this Code. The election authority shall advise those~~  
6 ~~persons that the names of candidates to be nominated or elected~~  
7 ~~shall be available on the election authority's website and~~  
8 ~~shall provide a phone number the person may call to request the~~  
9 ~~names of the candidates for nomination or election.~~

10 (Source: P.A. 97-1134, eff. 12-3-12.)

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