



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB2785

Introduced 2/26/2007, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code. Requires that election ballots listing candidates for office include a choice "None of the Above; For a New Election". Requires that for any office for which "none of the above" receives the greatest number of votes, a None of the Above (NOTA) election must be held within 60 to 80 days. Prohibits any of the losing candidates from running in the NOTA election for that office. Provides for the nomination of NOTA election candidates and the distribution to voters of NOTA election candidate statements. Provides for temporary appointments to offices pending NOTA elections. Does not apply to candidates and electors for President and Vice President, but requires that a "Prefer None of the Above" choice appear on the ballot for those offices. Does not apply to primary ballots.

LRB095 03842 JAM 23873 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding the
5 heading of Article 19B and Sections 19B-5, 19B-10, 19B-15,
6 19B-20, 19B-25, 19B-30, 19B-35, 19B-40, 19B-45, 19B-50,
7 19B-55, 19B-60, 19B-65, 19B-70, 19B-75, 19B-80, 19B-85,
8 19B-90, 19B-95, 19B-145, 19B-150, and 19B-200 as follows:

9 (10 ILCS 5/Art. 19B heading new)

10 ARTICLE 19B. ELECTIONS WITH VOTER CONSENT

11 "NONE OF THE ABOVE" OPTIONS

12 (10 ILCS 5/19B-5 new)

13 Sec. 19B-5. None of the Above on the ballot. On all ballots
14 electing a candidate to office, other than primary ballots and
15 other than the offices of United States President and Vice
16 President and their electors, there shall appear, after the
17 list of candidates for each office, a votable line identified
18 with the words "None of the Above; For a New Election".

19 A voter may choose to vote for "None of the Above; For a
20 New Election" instead of voting for a candidate. If a voter may
21 vote for multiple candidates for an office, a vote for "None of
22 the Above; For a New Election" counts as one vote. Votes cast

1 for "None of the Above; For a New Election" shall be counted
2 and reported as are votes for listed candidates.

3 (10 ILCS 5/19B-10 new)

4 Sec. 19B-10. When a candidate receives fewer votes than
5 None of the Above. Any candidate for office who receives fewer
6 votes than the votes cast for "None of the Above; For a New
7 Election" for that office shall not be elected.

8 (10 ILCS 5/19B-15 new)

9 Sec. 19B-15. None of the Above (NOTA) election. In any
10 election where no candidate is elected to an office because of
11 votes cast for "None of the Above; For a New Election", a None
12 of the Above (NOTA) election shall be held to fill that office
13 not less than 60 days and not more than 80 days after the prior
14 election.

15 (10 ILCS 5/19B-20 new)

16 Sec. 19B-20. Election of the President of the United
17 States. In elections to the offices of President and Vice
18 President of the United States and their electors, "Prefer None
19 of the Above" shall appear after the list of candidates. Voters
20 may choose to vote both for "Prefer None of the Above" as well
21 as for a candidate. Votes cast for "Prefer None of the Above"
22 shall be counted and reported in the same manner as are votes
23 for listed candidates but shall not otherwise affect the

1 election outcome.

2 (10 ILCS 5/19B-25 new)

3 Sec. 19B-25. Statement about NOTA options. The State Board
4 of Elections shall prepare a statement titled "Your Voter
5 Consent Ballot Options", to be displayed so it is legible to
6 voters at the polling place prior to voting as well as within
7 each voting booth, indicating the options available to the
8 voter. For example, the statement may contain the following:

9 "Your Voter Consent Ballot Options:

10 YOU MAY VOTE FOR A CANDIDATE OR "None of the Above; For a
11 New Election".

12 O Candidate A

13 O Candidate B

14 O None of the Above; For a New Election

15 When "None of the Above; For a New Election" appears on the
16 ballot after the list of candidates for an office, then you may
17 vote for "None of the Above; For a New Election" instead of
18 voting for a candidate. If you may vote for more than one
19 candidate for an office, then a vote for "None of the Above;
20 For a New Election" counts as one vote.

21 If "None of the Above; For a New Election" receives more

1 votes for an office than any candidate, then no one is elected
2 to that office and a new election with new candidates must be
3 held, not less than 60 days and not more that 80 days after
4 this election, to fill the office.

5 YOU MAY VOTE FOR A CANDIDATE AND FOR "Prefer None of the
6 Above".

7 O Candidate A

8 O Candidate B

9 O Prefer None of the Above

10 When "Prefer None of the Above" appears on the ballot after
11 the list of candidates for an office, you may vote for a
12 candidate and also vote for "Prefer None of the Above". Voting
13 for "Prefer None of the Above" indicates you found no listed
14 candidate acceptable.

15 The "Prefer None of the Above" votes are counted and
16 reported; however, the candidate for an office with the most
17 votes is elected whatever the "Prefer None of the Above"
18 vote."

19 (10 ILCS 5/19B-30 new)

20 Sec. 19B-30. Temporary appointment to offices and
21 assignment of duties. Temporary appointment to offices,
22 pending NOTA elections and an elected candidate taking office,

1 required to execute the duties of an office, may be made by
2 majority vote of the governing body of a political subdivision,
3 for offices of that political subdivision, or by the Governor,
4 for all other offices; provided that the person so appointed is
5 either the office's current incumbent or would be otherwise
6 eligible for election to that office. Temporary appointment to
7 the office of Governor shall be by joint resolution of the
8 General Assembly adopted by majority vote of the elected
9 members of each house. No temporary appointment under this
10 Section shall be made to the offices of State Representative,
11 State Senator, United States Representative, and United States
12 Senator.

13 If no appointment is made by the day before expiration of
14 an office's current term, the office's incumbent is appointed
15 by default.

16 In elections to the office of county clerk, or an office
17 for which the incumbent county clerk is a candidate, in
18 election jurisdictions where the county clerk is the election
19 authority the duties normally performed by the election
20 authority under this Code shall be performed by the office of
21 the county clerk under the direction of the State's Attorney
22 for that election jurisdiction.

23 (10 ILCS 5/19B-35 new)

24 Sec. 19B-35. Campaign finance reporting. Candidates in a
25 NOTA election must conform to the same, or equivalent, campaign

1 financing and reporting requirements as a candidate for that
2 office in a non-NOTA election. Campaign financing and reporting
3 for activities related to the issue of voters voting for "None
4 of the Above; For a New Election", or for "Prefer None of the
5 Above", shall have the same, or equivalent, requirements as a
6 ballot question. All such requirements shall be subject to
7 those changes necessary, as determined by the State Board of
8 Elections, to adjust for the varying election dates and
9 campaign durations of NOTA elections, provided those changes
10 adhere to the original intent of those requirements and avoid
11 unreasonable burden to election participants.

12 (10 ILCS 5/19B-40 new)

13 Sec. 19B-40. Nomination of candidates. Any person who is
14 eligible for nomination as a candidate in a non-NOTA election
15 for an office shall be eligible for nomination as a candidate
16 in a NOTA election for that office, provided the person did not
17 receive, as a listed candidate in a prior election for the same
18 office and term, fewer votes than those cast for "None of the
19 Above; For a New Election" for the office.

20 All candidates for office in NOTA elections shall be
21 nominated to be listed on the ballot either by nominating
22 petition or by receiving a requisite number of write-in votes
23 in the prior election for that office.

24 (10 ILCS 5/19B-45 new)

1 Sec. 19B-45. Nomination by petition; eligibility to sign
2 petitions; collecting signatures at polling places. The
3 nomination period for a NOTA election shall commence on the day
4 of the prior election. The nomination period shall continue for
5 14 days after the results of the prior election for that office
6 are officially announced as provided in this Code.

7 Voters eligible to vote in the NOTA election for an office
8 are eligible to sign, once for each nomination, one or more
9 nominating petitions for one or more candidates for that office
10 during the nomination period.

11 Signatures for nominating petitions may be gathered at
12 polling places, provided they are gathered in one, or 2 if
13 required, petition areas that shall be reserved at each polling
14 place for that purpose, in a manner that provides easy access
15 for voters wishing to sign the petitions or not, and in a
16 manner so that voters shall pass by those collecting nominating
17 signatures before and after voting.

18 Any person collecting nominating signatures at a polling
19 place for one or more petitions, referred to in this Article as
20 a collector, must be registered to vote at that polling place.
21 A collector may assist in the gathering of signatures for any
22 nominating petition. No signed petition may be removed from a
23 petition area, except, after the polls close, by the election
24 judges, who shall deliver all signed petitions to the election
25 authority for signature verification.

26 The collector shall be seated in a chair behind a table,

1 provided at no cost to the collector, upon which the petitions
2 shall be placed and kept while collecting signatures. The
3 collector shall not speak to, or otherwise communicate with,
4 any voter unless addressed first by that voter, and shall
5 display no sign except, optionally, one reading "Nominating
6 Petition: <office>", where <office> shall be the name of the
7 office for which the petition is being gathered, using letters
8 no greater than 3 inches in height and affixed to the table in
9 such a manner as to be visible to passing voters. The number of
10 collectors in each petition area shall be no more than 2 per
11 one or more petition sheets with the same candidate and party
12 designation. A petition may be brought into and left unattended
13 in the petition area by any person.

14 The petition area shall be part of the polling place, and
15 any person failing to conform to its requirements shall be
16 considered a disorderly person.

17 (10 ILCS 5/19B-50 new)

18 Sec. 19B-50. Nomination by write-in. An unlisted write-in
19 candidate in the prior election may be nominated to be listed
20 as a candidate for an office in the following NOTA election by
21 receiving write-in votes equal to at least 10% of either: (i)
22 the number of nominating signatures required for that office;
23 or (ii) the total votes cast for the office in the current
24 election. That candidate shall submit to the appropriate
25 election authority, by the last day of the nomination period, a

1 completed nominating petition, containing no filled in
2 signature lines, with an attached affirmation by the candidate,
3 stating the candidate received the requisite write-in votes for
4 that office in the prior election. Unlisted write-in candidates
5 who do not receive the number of write-in votes needed for
6 nomination may seek nomination by petition.

7 (10 ILCS 5/19B-55 new)

8 Sec. 19B-55. Signature verification; number of signatures
9 required; submitting petitions. The election authority
10 responsible for signature verification for nominations for an
11 office in a non-NOTA election shall be responsible for
12 verifying that the signatures on the nominating petitions for a
13 NOTA election are valid and of the requisite number within 14
14 days after the end of the nomination period.

15 The number of valid signatures required for nomination by
16 petition shall be the same for all candidates for the same
17 office and shall be the greater of (i) the number of the most
18 signatures required for a non-NOTA election nomination for the
19 office, divided by the number of days in the non-NOTA election
20 nomination period, and then multiplied by the number of days in
21 the current nomination period, and then divided by 3; or (ii)
22 20.

23 Each original nominating petition sheet shall be submitted
24 to the offices of the same election authority as for non-NOTA
25 elections within 3 days after the end of the nomination period.

1 (10 ILCS 5/19B-60 new)

2 Sec. 19B-60. Multiple nominations of a candidate. This
3 Section applies to a NOTA election following a general
4 election. In a NOTA election, if a candidate has been
5 separately nominated with different political party
6 designations, the candidate shall appear on the ballot
7 separately for each nomination. The same political party
8 designation may not appear with more candidates for an office
9 than the number of persons to be elected to that office. The
10 party designation of either "No Party" or "Write-In" shall be
11 allowed once each for a candidate so nominated.

12 (10 ILCS 5/19B-65 new)

13 Sec. 19B-65. Nomination notification and acceptance. The
14 election authority shall have delivered to each nominee, within
15 3 days after the nominee qualifies for the nomination, a
16 nomination notification, notifying the nominee of the
17 nomination, along with other materials determined by the
18 election authority. The nominee shall respond to the nomination
19 notification within 5 days by returning the nomination
20 acceptance, as defined by the State Board of Elections, to the
21 offices of the notifying election authority. Failure to respond
22 shall be deemed an acceptance of the nomination.

23 (10 ILCS 5/19B-70 new)

1 Sec. 19B-70. Candidate statement; requirements and
2 limitations; qualifying for distribution. To assist the voters
3 in assessing candidates for office in NOTA elections, the
4 election authority with whom candidates have filed petitions
5 shall distribute candidate statements by mail to the electorate
6 at least 7 days before the election at no cost to the
7 candidates.

8 When a candidate submits a nomination acceptance for an
9 office, the candidate may also submit a candidate statement for
10 distribution that meets the following requirements and
11 limitations:

12 (1) the statement must be a black and white statement,
13 consisting only of spaces, letters, punctuation marks, and
14 numeric or other textual notation, contained within both
15 sides of a single 8.5 x 11 inch white paper sheet, and,
16 optionally, one photograph of the candidate from the neck
17 up no greater than 3 x 3 inches, for the purpose of
18 allowing the candidate to communicate with the voters;

19 (2) the statement must be limited to identifying the
20 candidate and, optionally, describing the candidate's
21 qualifications for office, party affiliations, proposed
22 policies, and contact information;

23 (3) the statement must be limited to one per candidate,
24 even if the candidate receives multiple nominations for an
25 office; and

26 (4) the statement must contain no solicitation for

1 funds nor refer to other candidates.

2 The requirements and limitations of the candidate
3 statement must be met, in the opinion of the receiving election
4 authority, in order to qualify for distribution as a candidate
5 statement.

6 Across the top inch of the first page of every candidate
7 statement shall be the statement header. The statement header
8 shall be blank except for the State seal and the words, in
9 large font, "Candidate Statement of <candidate name> for
10 <office>", where <candidate name> shall be the name of the
11 candidate as it shall appear on the ballot and <office> as it
12 shall appear on the ballot; then, in a smaller font, "Prepared
13 by the candidate and distributed to voters without cost to the
14 candidate by the Office of the <election authority>."; then, a
15 line at the lower boundary of the statement header; and,
16 anywhere within the statement header, any other content
17 determined by the election authority. At nomination
18 notification, the candidate shall receive sample candidate
19 statements and an assigned statement header from the election
20 authority that the candidate is required to use as the
21 statement header for any candidate statement the candidate
22 submits.

23 The area of the candidate statement apart from the
24 statement header is the candidate content determined by the
25 candidate. The election authority shall take care to distribute
26 candidate content as submitted, except as follows: The election

1 authority shall review each candidate statement submitted to it
2 to ensure the statement qualifies for distribution as a
3 candidate statement. The election authority shall have
4 delivered to the State Board of Elections all candidate
5 statements, along with their candidate instructions, if any,
6 for final review, within 3 days after receipt, along with an
7 election authority opinion, defined by the State Board of
8 Elections, indicating whether the candidate statement meets
9 the requirements and limits of a candidate statement.

10 If, in the opinion of the election authority, a candidate
11 statement does not meet the requirements and limits of a
12 candidate statement, the election authority Opinion shall
13 include an explanation of the nonconformance, along with a
14 proposed deletion notification to make the candidate statement
15 conformant, and any other relevant document. Before submitting
16 the election authority opinion to the State Board of Elections,
17 the election authority may contact the candidate directly to
18 verbally suggest changes to the candidate statement to make it
19 conformant. If the candidate then submits one or more revised
20 drafts, the election authority shall submit the last draft as
21 the candidate statement, retaining prior drafts as part of the
22 candidate statement's record.

23 If the State Board of Elections determine a candidate
24 statement does not qualify for distribution because it does not
25 meet the requirements and limits of a candidate statement, then
26 the State Board of Elections shall have delivered to the

1 candidate, within 10 days after the submission of the candidate
2 statement by the candidate, a deletion notification, defined by
3 the State Board of Elections, which shall include a copy of the
4 candidate statement to show the deletions needed to bring the
5 statement into compliance and a letter stating the reasons for
6 those deletions. The State Board of Elections, or its
7 representative, shall meet with the candidate at the offices of
8 the State Board of Elections, upon the candidate's request,
9 within 2 days after receipt of a request for such a meeting, to
10 review the candidate statement with the candidate's
11 representatives. The candidate shall have delivered to the
12 State Board of Elections within 5 days after receipt of the
13 deletion notification or within 2 days after such meeting,
14 whichever is later, any or all of the following: the
15 candidate's response to the deletion notification; a corrected
16 candidate statement; a candidate instruction, to be defined by
17 the State Board of Elections, in the event of a non-qualifying
18 candidate statement, instructing the State Board of Elections
19 either to withdraw the candidate statement completely or to
20 distribute the original candidate statement with the deletions
21 indicated by the deletion notification.

22 Changes to the candidate content by the State Board of
23 Elections shall be by deletion only, using methods to be
24 established in advance of the election by the State Board of
25 Elections so as to be obvious to voters which parts of the
26 candidate content were deleted. If the candidate fails to

1 provide an acceptable, corrected candidate statement and fails
2 to provide candidate instructions for such an event, the State
3 Board of Elections shall distribute the original candidate
4 statement with the deletions specified in the deletion
5 notification. The State Board of Elections shall make available
6 at its offices to any person, within one day after a written
7 request, copies of any original candidate statement as well as
8 any associated election authority opinion, corrected candidate
9 statement, deletion notification, and candidate instruction,
10 and other related documents during the election campaign and
11 for 10 years after the election.

12 Whenever possible, all candidate statements for the same
13 office shall be assembled into a single ballot pamphlet for
14 distribution. Reference copies of the candidate statements
15 shall be made available at polling places for voter use.

16 (10 ILCS 5/19B-75 new)

17 Sec. 19B-75. Confirming nominations. This Section applies
18 to a NOTA election following a general election. The election
19 authority shall confirm by party confirmation, as defined by
20 the State Board of Elections, with the governing body of the
21 designated political party, that the party accepts the party
22 designation on the ballot for a candidate. If the party
23 designation of the nomination is not accepted by the governing
24 body of the party within 10 days after notification, or if the
25 authority of the governing body is determined by the State

1 Board of Elections to be in dispute, then the candidate shall
2 be listed with a "No Party" party designation. Write-in
3 nominations shall be designated as "Write-In", or with any
4 other political party designation acceptable to both the
5 candidate and the governing body of the political party.

6 (10 ILCS 5/19B-80 new)

7 Sec. 19B-80. Ballot determination; election date
8 determination. The State Board of Elections shall determine the
9 date, offices, and candidate lists for NOTA elections and shall
10 announce those determinations, whenever possible, at least 30
11 days in advance of the date set for the NOTA election.

12 The State Board of Elections shall ensure, whenever
13 possible, various NOTA elections take place throughout the
14 State on the same day.

15 (10 ILCS 5/19B-85 new)

16 Sec. 19B-85. Counting votes; recounts. In cases of multiple
17 listings of a candidate for an office, the number of votes cast
18 for each listing of a candidate shall be counted and reported
19 separately; however, the sum of all votes for a candidate for
20 an office shall be used in determining the candidate's vote for
21 election to the office.

22 A qualified write-in candidate who receives more votes than
23 any listed candidate, more votes than any other write-in
24 candidate, and more votes than "None of the Above; For a New

1 Election" for that office shall be elected.

2 The State Board of Elections shall conduct a recount of any
3 election where the number of votes cast for "None of the Above;
4 For a New Election" would require, or would allow a candidate
5 to request, a recount if that number of votes had been cast for
6 a candidate, and otherwise act on behalf of voters who cast
7 votes for "None of the Above; For a New Election". Delegation
8 of this duty to the State Board of Elections shall in no way
9 limit voters, who affirm they voted for "None of the Above; For
10 a New Election" in an election, from also acting on behalf of
11 themselves and other such voters.

12 (10 ILCS 5/19B-90 new)

13 Sec. 19B-90. Failure to nominate. If no candidate qualifies
14 for nomination for an office in a NOTA election, the office
15 shall appear on the ballot with no listed candidate with only
16 the "None of the Above; For a New Election" line.

17 (10 ILCS 5/19B-95 new)

18 Sec. 19B-95. Nominating petition description. The NOTA
19 election nominating petitions shall consist of 8.5 x 11 inch
20 white paper with the first printed title line reading "NOTA
21 Election Nominating Petition".

22 The next printed line shall state: "To be signed only by
23 voters eligible to vote for the office."

24 The next printed line of the petition shall state: "For the

1 office of:", followed immediately by the title of the office,
2 as it shall appear on the ballot, for which the candidate is to
3 be nominated; and, followed immediately by the text "for"; and,
4 followed by the jurisdiction of the office.

5 The next printed line of the petition shall state:
6 "Nominating:", followed immediately by the candidate's legal
7 name as it shall appear on the ballot.

8 The next printed line of the petition shall state: "Whose
9 legal address is:", followed immediately by the candidate's
10 legal address.

11 If the nomination is for a NOTA election following a
12 general election, the next printed line of the petition shall
13 state: "Political Party:", followed immediately by the name of
14 the political party, as it shall appear on the ballot. "No
15 Party" is permitted. "Write-In" is permitted for candidates
16 nominated by write-in votes. "For the County or Municipality:",
17 followed immediately by the name of the county or municipality
18 where the petition signers must be registered to vote, shall be
19 next.

20 The next printed line shall identify the appropriate
21 columns for voters to fill out with the words "Voter's Name
22 (print)"; "Street Address"; "Signature"; and "Date".

23 There shall follow 16 thin, straight lines, indicating the
24 space for the voter to make a nomination.

1 Sec. 19B-145. State Board of Elections as election
2 authority. References in this Article to "election authority",
3 with respect to the powers and duties of an election authority
4 as to NOTA election nomination petitions and candidate
5 statements for offices whose non-NOTA election nomination
6 petitions are filed with the State Board of Elections, shall be
7 construed to mean the State Board of Elections.

8 (10 ILCS 5/19B-150 new)

9 Sec. 19B-150. Conflicting provisions; modifications of
10 Code; rules. The provisions of this Article shall control over
11 any conflicting provisions of this Code or of any other law.

12 In order to conduct NOTA elections in accordance with this
13 Article, the State Board of Elections by rule may modify the
14 time periods provided in this Code for such activities as, but
15 not limited to, (i) voter registration, (ii) ballot
16 certification, preparation, and printing, (iii) application
17 for and distribution and return of absentee ballots, and (iv)
18 early voting.

19 (10 ILCS 5/19B-200 new)

20 Sec. 19B-200. Severability. The provisions of this Article
21 are severable under Section 1.31 of the Statute on Statutes.

1 INDEX

2 Statutes amended in order of appearance

3 10 ILCS 5/Art. 19B heading

4 new

5 10 ILCS 5/19B-5 new

6 10 ILCS 5/19B-10 new

7 10 ILCS 5/19B-15 new

8 10 ILCS 5/19B-20 new

9 10 ILCS 5/19B-25 new

10 10 ILCS 5/19B-30 new

11 10 ILCS 5/19B-35 new

12 10 ILCS 5/19B-40 new

13 10 ILCS 5/19B-45 new

14 10 ILCS 5/19B-50 new

15 10 ILCS 5/19B-55 new

16 10 ILCS 5/19B-60 new

17 10 ILCS 5/19B-65 new

18 10 ILCS 5/19B-70 new

19 10 ILCS 5/19B-75 new

20 10 ILCS 5/19B-80 new

21 10 ILCS 5/19B-85 new

22 10 ILCS 5/19B-90 new

23 10 ILCS 5/19B-95 new

24 10 ILCS 5/19B-145 new

25 10 ILCS 5/19B-150 new

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1 10 ILCS 5/19B-200 new