



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5005

by Rep. David E. Miller

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/7-13.1	from Ch. 46, par. 7-13.1
10 ILCS 5/7-14	from Ch. 46, par. 7-14
10 ILCS 5/7-57	from Ch. 46, par. 7-57
10 ILCS 5/7-60	from Ch. 46, par. 7-60
10 ILCS 5/7-60.1	from Ch. 46, par. 7-60.1
10 ILCS 5/7-61	from Ch. 46, par. 7-61
10 ILCS 5/8-9	from Ch. 46, par. 8-9
10 ILCS 5/8-17	from Ch. 46, par. 8-17
10 ILCS 5/10-7	from Ch. 46, par. 10-7
10 ILCS 5/10-11	from Ch. 46, par. 10-11
10 ILCS 5/10-14	from Ch. 46, par. 10-14
10 ILCS 5/10-15	from Ch. 46, par. 10-15
10 ILCS 5/22-16	from Ch. 46, par. 22-16
65 ILCS 20/21-29	from Ch. 24, par. 21-29

Amends the Election Code. Provides that if a candidate's name is certified to appear on the primary or election ballot and the candidate dies, withdraws, or is judicially declared ineligible more than 14 days after the certification, then the candidate's name shall remain on the ballot. Provides that votes cast for such a candidate shall not be included in the official election results unless sufficient for the candidate to have won, in which case a vacancy in the nomination or office shall be declared. Amends the Revised Cities and Villages Act of 1941. Provides that an aldermanic candidate may withdraw no later than the 14th day after certification (now, no less than 20 days before the election). Effective immediately.

LRB095 18018 JAM 44101 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, 7-13.1, 7-14, 7-60, 7-57, 7-60.1, 7-61, 8-9,
6 8-17, 10-7, 10-11, 10-14, 10-15, and 22-16 as follows:

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

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

10 (1) Where the nomination is to be made for a State,
11 congressional, or judicial office, or for any office a
12 nomination for which is made for a territorial division or
13 district which comprises more than one county or is partly in
14 one county and partly in another county or counties, then,
15 except as otherwise provided in this Section, such petition for
16 nomination shall be filed in the principal office of the State
17 Board of Elections not more than 99 and not less than 92 days
18 prior to the date of the primary, but, in the case of petitions
19 for nomination to fill a vacancy by special election in the
20 office of representative in Congress from this State, such
21 petition for nomination shall be filed in the principal office
22 of the State Board of Elections not more than 57 days and not
23 less than 50 days prior to the date of the primary.

1 Where a vacancy occurs in the office of Supreme, Appellate
2 or Circuit Court Judge within the 3-week period preceding the
3 92nd day before a general primary election, petitions for
4 nomination for the office in which the vacancy has occurred
5 shall be filed in the principal office of the State Board of
6 Elections not more than 78 nor less than 71 days prior to the
7 date of the general primary election.

8 Where the nomination is to be made for delegates or
9 alternate delegates to a national nominating convention, then
10 such petition for nomination shall be filed in the principal
11 office of the State Board of Elections not more than 99 and not
12 less than 92 days prior to the date of the primary; provided,
13 however, that if the rules or policies of a national political
14 party conflict with such requirements for filing petitions for
15 nomination for delegates or alternate delegates to a national
16 nominating convention, the chairman of the State central
17 committee of such national political party shall notify the
18 Board in writing, citing by reference the rules or policies of
19 the national political party in conflict, and in such case the
20 Board shall direct such petitions to be filed not more than 69
21 and not less than 62 days prior to the date of the primary.

22 (2) Where the nomination is to be made for a county office
23 or trustee of a sanitary district then such petition shall be
24 filed in the office of the county clerk not more than 99 nor
25 less than 92 days prior to the date of the primary.

26 (3) Where the nomination is to be made for a municipal or

1 township office, such petitions for nomination shall be filed
2 in the office of the local election official, not more than 78
3 nor less than 71 days prior to the date of the primary;
4 provided, where a municipality's or township's boundaries are
5 coextensive with or are entirely within the jurisdiction of a
6 municipal board of election commissioners, the petitions shall
7 be filed in the office of such board; and provided, that
8 petitions for the office of multi-township assessor shall be
9 filed with the election authority.

10 (4) The petitions of candidates for State central
11 committeeman shall be filed in the principal office of the
12 State Board of Elections not more than 99 nor less than 92 days
13 prior to the date of the primary.

14 (5) Petitions of candidates for precinct, township or ward
15 committeemen shall be filed in the office of the county clerk
16 not more than 99 nor less than 92 days prior to the date of the
17 primary.

18 (6) The State Board of Elections and the various election
19 authorities and local election officials with whom such
20 petitions for nominations are filed shall specify the place
21 where filings shall be made and upon receipt shall endorse
22 thereon the day and hour on which each petition was filed. All
23 petitions filed by persons waiting in line as of 8:00 a.m. on
24 the first day for filing, or as of the normal opening hour of
25 the office involved on such day, shall be deemed filed as of
26 8:00 a.m. or the normal opening hour, as the case may be.

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

1 rules and regulations governing the procedures for the conduct
2 of such lottery. All candidates shall be certified in the order
3 in which their petitions have been filed. Where candidates have
4 filed simultaneously, they shall be certified in the order
5 determined by lot and prior to candidates who filed for the
6 same office at a later time.

7 (7) The State Board of Elections or the appropriate
8 election authority or local election official with whom such a
9 petition for nomination is filed shall notify the person for
10 whom a petition for nomination has been filed of the obligation
11 to file statements of organization, reports of campaign
12 contributions, and annual reports of campaign contributions
13 and expenditures under Article 9 of this Act. Such notice shall
14 be given in the manner prescribed by paragraph (7) of Section
15 9-16 of this Code.

16 (8) Nomination papers filed under this Section are not
17 valid if the candidate named therein fails to file a statement
18 of economic interests as required by the Illinois Governmental
19 Ethics Act in relation to his candidacy with the appropriate
20 officer by the end of the period for the filing of nomination
21 papers unless he has filed a statement of economic interests in
22 relation to the same governmental unit with that officer within
23 a year preceding the date on which such nomination papers were
24 filed. If the nomination papers of any candidate and the
25 statement of economic interest of that candidate are not
26 required to be filed with the same officer, the candidate must

1 file with the officer with whom the nomination papers are filed
2 a receipt from the officer with whom the statement of economic
3 interests is filed showing the date on which such statement was
4 filed. Such receipt shall be so filed not later than the last
5 day on which nomination papers may be filed.

6 (9) Any person for whom a petition for nomination, or for
7 committeeman or for delegate or alternate delegate to a
8 national nominating convention has been filed may cause his
9 name to be withdrawn by request in writing, signed by him and
10 duly acknowledged before an officer qualified to take
11 acknowledgments of deeds, and filed in the principal or
12 permanent branch office of the State Board of Elections or with
13 the appropriate election authority or local election official,
14 not later than the date of certification of candidates for the
15 consolidated primary or general primary ballot. No names so
16 withdrawn shall be certified or printed on the primary ballot.
17 The name of any candidate who has been certified for the
18 primary ballot but who dies, withdraws, or is declared
19 ineligible by a court of competent jurisdiction after the 14th
20 day after the date of certification of candidates for the
21 ballot but prior to the election shall remain printed on the
22 ballot but no votes cast for that candidate shall be included
23 in the official canvass of the results of the election or
24 considered in determining the winner or winners of the
25 election; provided, however, that if the results of the canvass
26 of the election discloses that the candidate, if he or she had

1 lived or had not withdrawn or been declared ineligible, would
2 have been declared nominated, then such candidate shall be
3 declared nominated and a vacancy in nomination shall exist. If
4 petitions for nomination have been filed for the same person
5 with respect to more than one political party, his name shall
6 not be certified nor printed on the primary ballot of any
7 party. If petitions for nomination have been filed for the same
8 person for 2 or more offices which are incompatible so that the
9 same person could not serve in more than one of such offices if
10 elected, that person must withdraw as a candidate for all but
11 one of such offices within the 5 business days following the
12 last day for petition filing. If he fails to withdraw as a
13 candidate for all but one of such offices within such time his
14 name shall not be certified, nor printed on the primary ballot,
15 for any office. For the purpose of the foregoing provisions, an
16 office in a political party is not incompatible with any other
17 office.

18 (10) (a) Notwithstanding the provisions of any other
19 statute, no primary shall be held for an established
20 political party in any township, municipality, or ward
21 thereof, where the nomination of such party for every
22 office to be voted upon by the electors of such township,
23 municipality, or ward thereof, is uncontested. Whenever a
24 political party's nomination of candidates is uncontested
25 as to one or more, but not all, of the offices to be voted
26 upon by the electors of a township, municipality, or ward

1 thereof, then a primary shall be held for that party in
2 such township, municipality, or ward thereof; provided
3 that the primary ballot shall not include those offices
4 within such township, municipality, or ward thereof, for
5 which the nomination is uncontested. For purposes of this
6 Article, the nomination of an established political party
7 of a candidate for election to an office shall be deemed to
8 be uncontested where not more than the number of persons to
9 be nominated have timely filed valid nomination papers
10 seeking the nomination of such party for election to such
11 office.

12 (b) Notwithstanding the provisions of any other
13 statute, no primary election shall be held for an
14 established political party for any special primary
15 election called for the purpose of filling a vacancy in the
16 office of representative in the United States Congress
17 where the nomination of such political party for said
18 office is uncontested. For the purposes of this Article,
19 the nomination of an established political party of a
20 candidate for election to said office shall be deemed to be
21 uncontested where not more than the number of persons to be
22 nominated have timely filed valid nomination papers
23 seeking the nomination of such established party for
24 election to said office. This subsection (b) shall not
25 apply if such primary election is conducted on a regularly
26 scheduled election day.

1 (c) Notwithstanding the provisions in subparagraph (a)
2 and (b) of this paragraph (10), whenever a person who has
3 not timely filed valid nomination papers and who intends to
4 become a write-in candidate for a political party's
5 nomination for any office for which the nomination is
6 uncontested files a written statement or notice of that
7 intent with the State Board of Elections or the local
8 election official with whom nomination papers for such
9 office are filed, a primary ballot shall be prepared and a
10 primary shall be held for that office. Such statement or
11 notice shall be filed on or before the date established in
12 this Article for certifying candidates for the primary
13 ballot. Such statement or notice shall contain (i) the name
14 and address of the person intending to become a write-in
15 candidate, (ii) a statement that the person is a qualified
16 primary elector of the political party from whom the
17 nomination is sought, (iii) a statement that the person
18 intends to become a write-in candidate for the party's
19 nomination, and (iv) the office the person is seeking as a
20 write-in candidate. An election authority shall have no
21 duty to conduct a primary and prepare a primary ballot for
22 any office for which the nomination is uncontested unless a
23 statement or notice meeting the requirements of this
24 Section is filed in a timely manner.

25 (11) If multiple sets of nomination papers are filed for a
26 candidate to the same office, the State Board of Elections,

1 appropriate election authority or local election official
2 where the petitions are filed shall within 2 business days
3 notify the candidate of his or her multiple petition filings
4 and that the candidate has 3 business days after receipt of the
5 notice to notify the State Board of Elections, appropriate
6 election authority or local election official that he or she
7 may cancel prior sets of petitions. If the candidate notifies
8 the State Board of Elections, appropriate election authority or
9 local election official, the last set of petitions filed shall
10 be the only petitions to be considered valid by the State Board
11 of Elections, election authority or local election official. If
12 the candidate fails to notify the State Board of Elections,
13 election authority or local election official then only the
14 first set of petitions filed shall be valid and all subsequent
15 petitions shall be void.

16 (12) All nominating petitions shall be available for public
17 inspection and shall be preserved for a period of not less than
18 6 months.

19 (Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1089;
20 87-1052.)

21 (10 ILCS 5/7-13.1) (from Ch. 46, par. 7-13.1)

22 Sec. 7-13.1. Certification of Candidates-Consolidated
23 primary. Not less than 61 days before the date of the
24 consolidated primary, each local election official of each
25 political subdivision required to nominate candidates for the

1 respective offices by primary shall certify to each election
2 authority whose duty it is to prepare the official ballot for
3 the consolidated primary in such political subdivision the
4 names of all candidates in whose behalf nomination papers have
5 been filed in the office of such local election official and
6 direct the election authority to place upon the official ballot
7 for the consolidated primary election the names of such
8 candidates in the same manner and in the same order as shown
9 upon the certification. However, subject to appeal, the names
10 of candidates whose nomination papers have been held invalid by
11 the appropriate electoral board provided in Section 10-9 of
12 this Code shall not be so certified. The certification shall be
13 modified as necessary to comply with the requirements of any
14 other statute or any ordinance adopted pursuant to Article VII
15 of the Constitution prescribing specific provisions for
16 nonpartisan elections, including without limitation Articles
17 3, 4 and 5 of "The Municipal Code".

18 The names of candidates shall be listed on the
19 certification for the respective offices in the order in which
20 the candidates have filed their nomination papers, or as
21 determined by lot, or as otherwise specified by statute.

22 In every instance where applicable, the following shall
23 also be indicated in the certification:

24 (1) Where there is to be more than one candidate elected to
25 an office from a political subdivision or district;

26 (2) Where a voter has the right to vote for more than one

1 candidate for an office;

2 (3) The terms of the office to be on the ballot, when a
3 vacancy is to be filled for less than a full term, or when
4 offices of a particular subdivision to be on the ballot at the
5 same election are to be filled for different terms;

6 (4) The territory in which a candidate is required by law
7 to reside, when such residency requirement is not identical to
8 the territory of the political subdivision from which the
9 candidate is to be elected or nominated;

10 (5) Where a candidate's nominating papers or petitions have
11 been objected to and the objection has been sustained by the
12 electoral board established in Section 10-10, the words
13 "OBJECTION SUSTAINED" shall be placed under the title of the
14 office being sought by the candidate and the name of the
15 aggrieved candidate shall not appear; and

16 (6) Where a candidate's nominating papers or petitions have
17 been objected to and the decision of the electoral board
18 established in Section 10-10 is either unknown or known to be
19 in judicial review, the words "OBJECTION PENDING" shall be
20 placed under the title of the office being sought by the
21 candidate and next to the name of the candidate.

22 The local election official shall issue an amended
23 certification whenever it is discovered that the original
24 certification is in error; provided that no amended
25 certification shall be issued after the 14th day after the date
26 of certification. The name of any candidate who has been

1 certified for the primary ballot but who dies, withdraws, or is
2 declared ineligible by a court of competent jurisdiction after
3 the 14th day after the date of certification of candidates for
4 the ballot but prior to the election shall remain printed on
5 the ballot but no votes cast for such candidate shall be
6 included in the official canvass of the results of the election
7 or considered in determining the winner or winners of the
8 election; provided, however, that if the results of the canvass
9 of the election discloses that such candidate, if he had lived
10 or had not withdrawn or been declared ineligible, would have
11 been declared nominated, then such candidate shall be declared
12 nominated and a vacancy in nomination shall exist.

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

14 (10 ILCS 5/7-14) (from Ch. 46, par. 7-14)

15 Sec. 7-14. Not less than 61 days before the date of the
16 general primary the State Board of Elections shall meet and
17 shall examine all petitions filed under this Article 7, in the
18 office of the State Board of Elections. The State Board of
19 Elections shall then certify to the county clerk of each
20 county, the names of all candidates whose nomination papers or
21 certificates of nomination have been filed with the Board and
22 direct the county clerk to place upon the official ballot for
23 the general primary election the names of such candidates in
24 the same manner and in the same order as shown upon the
25 certification.

1 The State Board of Elections shall, in its certificate to
2 the county clerk, certify the names of the offices, and the
3 names of the candidates in the order in which the offices and
4 names shall appear upon the primary ballot; such names to
5 appear in the order in which petitions have been filed in the
6 office of the State Board of Elections except as otherwise
7 provided in this Article.

8 Not less than 55 days before the date of the general
9 primary, each county clerk shall certify the names of all
10 candidates whose nomination papers have been filed with such
11 clerk and declare that the names of such candidates for the
12 respective offices shall be placed upon the official ballot for
13 the general primary in the order in which such nomination
14 papers were filed with the clerk, or as determined by lot, or
15 as otherwise specified by statute. Each county clerk shall
16 place a copy of the certification on file in his or her office
17 and at the same time issue to the board of election
18 commissioners a copy of the certification that has been filed
19 in the county clerk's office, together with a copy of the
20 certification that has been issued to the clerk by the State
21 Board of Elections, with directions to the board of election
22 commissioners to place upon the official ballot for the general
23 primary in that election jurisdiction the names of all
24 candidates that are listed on such certification in the same
25 manner and in the same order as shown upon such certifications.

26 The certification shall indicate, where applicable, the

1 following:

2 (1) The political party affiliation of the candidates for
3 the respective offices;

4 (2) If there is to be more than one candidate elected or
5 nominated to an office from the State, political subdivision or
6 district;

7 (3) If the voter has the right to vote for more than one
8 candidate for an office;

9 (4) The term of office, if a vacancy is to be filled for
10 less than a full term or if the offices to be filled in a
11 political subdivision or district are for different terms.

12 The State Board of Elections or the county clerk, as the
13 case may be, shall issue an amended certification whenever it
14 is discovered that the original certification is in error,
15 provided, however, that no amended certification shall be
16 issued after the 14th day after the date of certification. The
17 name of any candidate who has been certified for the primary
18 ballot but who dies, withdraws, or is declared ineligible by a
19 court of competent jurisdiction after the date of certification
20 of candidates for the ballot but prior to the election shall
21 remain printed on the ballot but no votes cast for such
22 candidate shall be included in the official canvass of the
23 results of the election or considered in determining the winner
24 or winners of the election; provided, however, that if the
25 results of the canvass of the election discloses that such
26 candidate, if he had lived or had not withdrawn or been

1 declared ineligible, would have been declared nominated, then
2 such candidate shall be declared nominated and a vacancy in
3 nomination shall exist.

4 Subject to appeal, the names of candidates whose nomination
5 papers have been held invalid by the appropriate electoral
6 board provided in Section 10-9 of this Code shall not be
7 certified.

8 (Source: P.A. 86-867.)

9 (10 ILCS 5/7-57) (from Ch. 46, par. 7-57)

10 Sec. 7-57. The name of any candidate who has been certified
11 for the primary ballot but who dies, withdraws, or is declared
12 ineligible by a court of competent jurisdiction after the 14th
13 day after the date of certification of candidates for the
14 ballot but prior to the primary election shall remain printed
15 on the ballot but no votes cast for such candidate shall be
16 included in the official canvass of the results of the election
17 or considered in determining the winner or winners of the
18 election; provided, however, that if the results of the canvass
19 of the election discloses that such candidate, if he had lived
20 or had not withdrawn or been declared ineligible, would have
21 been declared nominated, then such candidate shall be declared
22 nominated and a vacancy in nomination shall exist. ~~The death of~~
23 ~~any candidate prior to, or on, the date of the primary shall~~
24 ~~not affect the canvass of the ballots. If the result of such~~
25 ~~canvass discloses that such candidate, if he had lived, would~~

1 ~~have been nominated, such candidate shall be declared~~
2 ~~nominated.~~

3 (Source: Laws 1943, vol. 2, p. 1.)

4 (10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

5 Sec. 7-60. Not less than 67 days before the date of the
6 general election, the State Board of Elections shall certify to
7 the county clerks the names of each of the candidates who have
8 been nominated as shown by the proclamation of the State Board
9 of Elections as a canvassing board or who have been nominated
10 to fill a vacancy in nomination and direct the election
11 authority to place upon the official ballot for the general
12 election the names of such candidates in the same manner and in
13 the same order as shown upon the certification, except as
14 otherwise provided in this Section.

15 Not less than 61 days before the date of the general
16 election, each county clerk shall certify the names of each of
17 the candidates for county offices who have been nominated as
18 shown by the proclamation of the county election authority or
19 who have been nominated to fill a vacancy in nomination and
20 declare that the names of such candidates for the respective
21 offices shall be placed upon the official ballot for the
22 general election in the same manner and in the same order as
23 shown upon the certification, except as otherwise provided by
24 this Section. Each county clerk shall place a copy of the
25 certification on file in his or her office and at the same time

1 issue to the State Board of Elections a copy of such
2 certification. In addition, each county clerk in whose county
3 there is a board of election commissioners shall, not less than
4 61 days before the date of the general election, issue to such
5 board a copy of the certification that has been filed in the
6 county clerk's office, together with a copy of the
7 certification that has been issued to the clerk by the State
8 Board of Elections, with directions to the board of election
9 commissioners to place upon the official ballot for the general
10 election in that election jurisdiction the names of all
11 candidates that are listed on such certifications, in the same
12 manner and in the same order as shown upon such certifications,
13 except as otherwise provided in this Section.

14 Whenever there are two or more persons nominated by the
15 same political party for multiple offices for any board, the
16 name of the candidate of such party receiving the highest
17 number of votes in the primary election as a candidate for such
18 office, as shown by the official election returns of the
19 primary, shall be certified first under the name of such
20 offices, and the names of the remaining candidates of such
21 party for such offices shall follow in the order of the number
22 of votes received by them respectively at the primary election
23 as shown by the official election results.

24 No person who is shown by the final proclamation to have
25 been nominated or elected at the primary as a write-in
26 candidate shall have his or her name certified unless such

1 person shall have filed with the certifying office or board
2 within 10 days after the election authority's proclamation a
3 statement of candidacy pursuant to Section 7-10, a statement
4 pursuant to Section 7-10.1, and a receipt for the filing of a
5 statement of economic interests in relation to the unit of
6 government to which he or she has been elected or nominated.

7 Each county clerk and board of election commissioners shall
8 determine by a fair and impartial method of random selection
9 the order of placement of established political party
10 candidates for the general election ballot. Such determination
11 shall be made within 30 days following the canvass and
12 proclamation of the results of the general primary in the
13 office of the county clerk or board of election commissioners
14 and shall be open to the public. Seven days written notice of
15 the time and place of conducting such random selection shall be
16 given, by each such election authority, to the County Chairman
17 of each established political party, and to each organization
18 of citizens within the election jurisdiction which was
19 entitled, under this Article, at the next preceding election,
20 to have pollwatchers present on the day of election. Each
21 election authority shall post in a conspicuous, open and public
22 place, at the entrance of the election authority office, notice
23 of the time and place of such lottery. However, a board of
24 election commissioners may elect to place established
25 political party candidates on the general election ballot in
26 the same order determined by the county clerk of the county in

1 which the city under the jurisdiction of such board is located.

2 Each certification shall indicate, where applicable, the
3 following:

4 (1) The political party affiliation of the candidates
5 for the respective offices;

6 (2) If there is to be more than one candidate elected
7 to an office from the State, political subdivision or
8 district;

9 (3) If the voter has the right to vote for more than
10 one candidate for an office;

11 (4) The term of office, if a vacancy is to be filled
12 for less than a full term or if the offices to be filled in
13 a political subdivision are for different terms.

14 The State Board of Elections or the county clerk, as the
15 case may be, shall issue an amended certification whenever it
16 is discovered that the original certification is in error,
17 provided, however, that no amended certification shall be
18 issued after the 14th day after the date of certification. The
19 name of any candidate who has been certified for the ballot but
20 who dies, withdraws, or is declared ineligible by a court of
21 competent jurisdiction after the 14th day after the date of
22 certification of candidates for the ballot but prior to the
23 election shall remain printed on the ballot but no votes cast
24 for such candidate shall be included in the official canvass of
25 the results of the election or considered in determining the
26 winner or winners of the election; provided, however, that if

1 the results of the canvass of the election discloses that such
2 candidate, if he had lived or had not withdrawn or been
3 declared ineligible, would have been declared elected, then
4 such candidate shall be declared elected and a vacancy in
5 office shall exist.

6 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;
7 94-1000, eff. 7-3-06.)

8 (10 ILCS 5/7-60.1) (from Ch. 46, par. 7-60.1)

9 Sec. 7-60.1. Certification of Candidates - Consolidated
10 Election. Each local election official of a political
11 subdivision in which candidates for the respective local
12 offices are nominated at the consolidated primary shall, no
13 later than 5 days following the canvass and proclamation of the
14 results of the consolidated primary, certify to each election
15 authority whose duty it is to prepare the official ballot for
16 the consolidated election in that political subdivision the
17 names of each of the candidates who have been nominated as
18 shown by the proclamation of the appropriate election authority
19 or who have been nominated to fill a vacancy in nomination and
20 direct the election authority to place upon the official ballot
21 for the consolidated election the names of such candidates in
22 the same manner and in the same order as shown upon the
23 certification, except as otherwise provided by this Section.

24 Whenever there are two or more persons nominated by the
25 same political party for multiple offices for any board, the

1 name of the candidate of such party receiving the highest
2 number of votes in the consolidated primary election as a
3 candidate for such consolidated primary, shall be certified
4 first under the name of such office, and the names of the
5 remaining candidates of such party for such offices shall
6 follow in the order of the number of votes received by them
7 respectively at the consolidated primary election as shown by
8 the official election results.

9 No person who is shown by the election authority's
10 proclamation to have been nominated at the consolidated primary
11 as a write-in candidate shall have his or her name certified
12 unless such person shall have filed with the certifying office
13 or board within 5 days after the election authority's
14 proclamation a statement of candidacy pursuant to Section 7-10
15 and a statement pursuant to Section 7-10.1.

16 Each board of election commissioners of the cities in which
17 established political party candidates for city offices are
18 nominated at the consolidated primary shall determine by a fair
19 and impartial method of random selection the order of placement
20 of the established political party candidates for the
21 consolidated ballot. Such determination shall be made within 5
22 days following the canvass and proclamation of the results of
23 the consolidated primary and shall be open to the public. Three
24 days written notice of the time and place of conducting such
25 random selection shall be given, by each such election
26 authority, to the County Chairman of each established political

1 party, and to each organization of citizens within the election
2 jurisdiction which was entitled, under this Article, at the
3 next preceding election, to have pollwatchers present on the
4 day of election. Each election authority shall post in a
5 conspicuous, open and public place, at the entrance of the
6 election authority office, notice of the time and place of such
7 lottery.

8 Each local election official of a political subdivision in
9 which established political party candidates for the
10 respective local offices are nominated by primary shall
11 determine by a fair and impartial method of random selection
12 the order of placement of the established political party
13 candidates for the consolidated election ballot and, in the
14 case of certain municipalities having annual elections, on the
15 general primary ballot for election. Such determination shall
16 be made prior to the canvass and proclamation of results of the
17 consolidated primary or special municipal primary, as the case
18 may be, in the office of the local election official and shall
19 be open to the public. Three days written notice of the time
20 and place of conducting such random selection shall be given,
21 by each such local election official, to the County Chairman of
22 each established political party, and to each organization of
23 citizens within the election jurisdiction which was entitled,
24 under this Article, at the next preceding election, to have
25 pollwatchers present on the day of election. Each local
26 election official shall post in a conspicuous, open and public

1 place notice of such lottery. Immediately thereafter, the local
2 election official shall certify the ballot placement order so
3 determined to the proper election authorities charged with the
4 preparation of the consolidated election, or general primary,
5 ballot for that political subdivision.

6 Not less than 61 days before the date of the consolidated
7 election, each local election official of a political
8 subdivision in which established political party candidates
9 for the respective local offices have been nominated by caucus
10 or have been nominated because no primary was required to be
11 held shall certify to each election authority whose duty it is
12 to prepare the official ballot for the consolidated election in
13 that political subdivision the names of each of the candidates
14 whose certificates of nomination or nomination papers have been
15 filed in his or her office and direct the election authority to
16 place upon the official ballot for the consolidated election
17 the names of such candidates in the same manner and in the same
18 order as shown upon the certification. Such local election
19 official shall, prior to certification, determine by a fair and
20 impartial method of random selection the order of placement of
21 the established political party candidates for the
22 consolidated election ballot. Such determination shall be made
23 in the office of the local election official and shall be open
24 to the public. Three days written notice of the time and place
25 of conducting such random selection shall be given by each such
26 local election official to the county chairman of each

1 established political party, and to each organization of
2 citizens within the election jurisdiction which was entitled,
3 under this Article, at the next preceding election, to have
4 pollwatchers present on the day of election. Each local
5 election official shall post in a conspicuous, open and public
6 place, at the entrance of the office, notice of the time and
7 place of such lottery. The local election official shall
8 certify the ballot placement order so determined as part of his
9 official certification of candidates to the election
10 authorities whose duty it is to prepare the official ballot for
11 the consolidated election in that political subdivision.

12 The certification shall indicate, where applicable, the
13 following:

14 (1) The political party affiliation of the candidates
15 for the respective offices;

16 (2) If there is to be more than one candidate elected
17 or nominated to an office from the State, political
18 subdivision or district;

19 (3) If the voter has the right to vote for more than
20 one candidate for an office;

21 (4) The term of office, if a vacancy is to be filled
22 for less than a full term or if the offices to be filled in
23 a political subdivision or district are for different
24 terms.

25 The local election official shall issue an amended
26 certification whenever it is discovered that the original

1 certification is in error, provided, however, that no amended
2 certification shall be issued after the 14th day after the date
3 of certification. The name of any candidate who has been
4 certified for the ballot but who dies, withdraws, or is
5 declared ineligible by a court of competent jurisdiction after
6 the 14th day after the date of certification of candidates for
7 the ballot but prior to the election shall remain printed on
8 the ballot but no votes cast for such candidate shall be
9 included in the official canvass of the results of the election
10 or considered in determining the winner or winners of the
11 election; provided, however, that if the results of the canvass
12 of the election discloses that such candidate, if he had lived
13 or had not withdrawn or been declared ineligible, would have
14 been declared elected, then such candidate shall be declared
15 elected and a vacancy in office shall exist.

16 (Source: P.A. 94-647, eff. 1-1-06.)

17 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

18 Sec. 7-61. Whenever a special election is necessary the
19 provisions of this Article are applicable to the nomination of
20 candidates to be voted for at such special election.

21 In cases where a primary election is required the officer
22 or board or commission whose duty it is under the provisions of
23 this Act relating to general elections to call an election,
24 shall fix a date for the primary for the nomination of
25 candidates to be voted for at such special election. Notice of

1 such primary shall be given at least 15 days prior to the
2 maximum time provided for the filing of petitions for such a
3 primary as provided in Section 7-12.

4 Any vacancy in nomination under the provisions of this
5 Article 7 occurring on or after the primary and prior to
6 certification of candidates by the certifying board or officer,
7 must be filled prior to the date of certification. ~~Any vacancy~~
8 ~~in nomination occurring after certification but prior to 15~~
9 ~~days before the general election shall be filled within 8 days~~
10 ~~after the event creating the vacancy.~~ The resolution filling
11 the vacancy shall be sent by U. S. mail or personal delivery to
12 the certifying officer or board within 3 days of the action by
13 which the vacancy was filled; provided, if such resolution is
14 sent by mail and the U. S. postmark on the envelope containing
15 such resolution is dated prior to the expiration of such 3 day
16 limit, the resolution shall be deemed filed within such 3 day
17 limit. Failure to so transmit the resolution within the time
18 specified in this Section shall authorize the certifying
19 officer or board to certify the original candidate. Vacancies
20 shall be filled by the officers of a local municipal or
21 township political party as specified in subsection (h) of
22 Section 7-8, other than a statewide political party, that is
23 established only within a municipality or township and the
24 managing committee (or legislative committee in case of a
25 candidate for State Senator or representative committee in the
26 case of a candidate for State Representative in the General

1 Assembly or State central committee in the case of a candidate
2 for statewide office, including but not limited to the office
3 of United States Senator) of the respective political party for
4 the territorial area in which such vacancy occurs.

5 The resolution to fill a vacancy in nomination shall be
6 duly acknowledged before an officer qualified to take
7 acknowledgements of deeds and shall include, upon its face, the
8 following information:

9 (a) the name of the original nominee and the office
10 vacated;

11 (b) the date on which the vacancy occurred;

12 (c) the name and address of the nominee selected to fill
13 the vacancy and the date of selection.

14 The resolution to fill a vacancy in nomination shall be
15 accompanied by a Statement of Candidacy, as prescribed in
16 Section 7-10, completed by the selected nominee and a receipt
17 indicating that such nominee has filed a statement of economic
18 interests as required by the Illinois Governmental Ethics Act.

19 The provisions of Section 10-8 through 10-10.1 relating to
20 objections to certificates of nomination and nomination
21 papers, hearings on objections, and judicial review, shall
22 apply to and govern objections to resolutions for filling a
23 vacancy in nomination.

24 Any vacancy in nomination occurring after the 14th day
25 after the date of certification of candidates to the ballot ~~15~~
26 ~~days or less~~ before the consolidated election or the general

1 election shall not be filled. In this event, the certification
2 of the original candidate shall stand and his name shall appear
3 on the official ballot to be voted at the general election;
4 however, no votes cast for such candidate shall be included in
5 the official canvass of the results of the election or
6 considered in determining the winner or winners of the
7 election, except that if the results of the canvass of the
8 election discloses that such candidate, if he had lived or had
9 not withdrawn or been declared ineligible, would have been
10 declared elected, then such candidate shall be declared elected
11 and a vacancy in office shall exist.

12 A vacancy in nomination occurs when a candidate who has
13 been nominated under the provisions of this Article 7 dies
14 before the election (whether death occurs prior to, on or after
15 the day of the primary), ~~or~~ declines the nomination, or is
16 declared ineligible by a court of competent jurisdiction;
17 provided that nominations may become vacant for other reasons.

18 If the name of no established political party candidate was
19 printed on the consolidated primary ballot for a particular
20 office and if no person was nominated as a write-in candidate
21 for such office, a vacancy in nomination shall be created which
22 may be filled in accordance with the requirements of this
23 Section. If the name of no established political party
24 candidate was printed on the general primary ballot for a
25 particular office and if no person was nominated as a write-in
26 candidate for such office, a vacancy in nomination shall be

1 created, but no candidate of the party for the office shall be
2 listed on the ballot at the general election unless such
3 vacancy is filled in accordance with the requirements of this
4 Section within 60 days after the date of the general primary.

5 A candidate for whom a nomination paper has been filed as a
6 partisan candidate at a primary election, and who is defeated
7 for his or her nomination at such primary election, is
8 ineligible to be listed on the ballot at that general or
9 consolidated election as a candidate of another political
10 party.

11 A candidate seeking election to an office for which
12 candidates of political parties are nominated by caucus who is
13 a participant in the caucus and who is defeated for his or her
14 nomination at such caucus, is ineligible to be listed on the
15 ballot at that general or consolidated election as a candidate
16 of another political party.

17 In the proceedings to nominate a candidate to fill a
18 vacancy or to fill a vacancy in the nomination, each precinct,
19 township, ward, county or congressional district, as the case
20 may be, shall through its representative on such central or
21 managing committee, be entitled to one vote for each ballot
22 voted in such precinct, township, ward, county or congressional
23 district, as the case may be, by the primary electors of its
24 party at the primary election immediately preceding the meeting
25 at which such vacancy is to be filled.

26 For purposes of this Section, the words "certify" and

1 "certification" shall refer to the act of officially declaring
2 the names of candidates entitled to be printed upon the
3 official ballot at an election and directing election
4 authorities to place the names of such candidates upon the
5 official ballot. "Certifying officers or board" shall refer to
6 the local election official, election authority or the State
7 Board of Elections, as the case may be, with whom nomination
8 papers, including certificates of nomination and resolutions
9 to fill vacancies in nomination, are filed and whose duty it is
10 to "certify" candidates.

11 (Source: P.A. 94-645, eff. 8-22-05.)

12 (10 ILCS 5/8-9) (from Ch. 46, par. 8-9)

13 Sec. 8-9. All petitions for nomination shall be filed by
14 mail or in person as follows:

15 (1) Where the nomination is made for a legislative office,
16 such petition for nomination shall be filed in the principal
17 office of the State Board of Elections not more than 99 and not
18 less than 92 days prior to the date of the primary.

19 (2) The State Board of Elections shall, upon receipt of
20 each petition, endorse thereon the day and hour on which it was
21 filed. Petitions filed by mail and received after midnight on
22 the first day for filing and in the first mail delivery or
23 pickup of that day, shall be deemed as filed as of 8:00 a.m. of
24 that day or as of the normal opening hour of such day as the
25 case may be, and all petitions received thereafter shall be

1 deemed as filed in the order of actual receipt. Where 2 or more
2 petitions are received simultaneously, the State Board of
3 Elections shall break ties and determine the order of filing,
4 by means of a lottery as provided in Section 7-12 of this Code.

5 (3) Any person for whom a petition for nomination has been
6 filed, may cause his name to be withdrawn by a request in
7 writing, signed by him, duly acknowledged before an officer
8 qualified to take acknowledgments of deeds, and filed in the
9 principal or permanent branch office of the State Board of
10 Elections not later than the date of certification of
11 candidates for the general primary ballot, and no names so
12 withdrawn shall be certified by the State Board of Elections to
13 the county clerk, or printed on the primary ballot. The name of
14 any candidate who has been certified for the ballot but who
15 dies, withdraws, or is declared ineligible by a court of
16 competent jurisdiction after the 14th day after the date of
17 certification of candidates for the ballot but prior to the
18 primary election shall remain printed on the ballot but no
19 votes cast for such candidate shall be included in the official
20 canvass of the results of the election or considered in
21 determining the winner or winners of the election; provided,
22 however, that if the results of the canvass of the election
23 discloses that such candidate, if he had lived or had not
24 withdrawn or been declared ineligible, would have been declared
25 nominated, then such candidate shall be declared nominated and
26 a vacancy in nomination shall exist. If petitions for

1 nomination have been filed for the same person with respect to
2 more than one political party, his name shall not be certified
3 nor printed on the primary ballot of any party. If petitions
4 for nomination have been filed for the same person for 2 or
5 more offices which are incompatible so that the same person
6 could not serve in more than one of such offices if elected,
7 that person must withdraw as a candidate for all but one of
8 such offices within the 5 business days following the last day
9 for petition filing. If he fails to withdraw as a candidate for
10 all but one of such offices within such time, his name shall
11 not be certified, nor printed on the primary ballot, for any
12 office. For the purpose of the foregoing provisions, an office
13 in a political party is not incompatible with any other office.

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

26 (Source: P.A. 86-875; 87-1052.)

1 (10 ILCS 5/8-17) (from Ch. 46, par. 8-17)

2 Sec. 8-17. The name of any candidate who has been certified
3 for the ballot but who dies, withdraws, or is declared
4 ineligible by a court of competent jurisdiction after the 14th
5 day after the date of certification of candidates for the
6 ballot but prior to the primary election shall remain printed
7 on the ballot but no votes cast for such candidate shall be
8 included in the official canvass of the results of the election
9 or considered in determining the winner or winners of the
10 election; provided, however, that if the results of the canvass
11 of the election discloses that such candidate, if he had lived
12 or had not withdrawn or been declared ineligible, would have
13 been declared nominated, then such candidate shall be declared
14 nominated and a vacancy in nomination shall exist. ~~The death of~~
15 ~~any candidate prior to, or on, the date of the primary shall~~
16 ~~not affect the canvass of the ballots. If the result of such~~
17 ~~canvass discloses that such candidate, if he had lived, would~~
18 ~~have been nominated, such candidate shall be declared~~
19 ~~nominated.~~

20 In the event that a candidate of a party who has been
21 nominated under the provisions of this Article shall die before
22 election (whether death occurs prior to, or on, or after, the
23 date of the primary) or decline the nomination or should the
24 nomination for any other reason become vacant, the legislative
25 or representative committee of such party for such district

1 shall nominate a candidate of such party to fill such vacancy.
2 However, if there was no candidate for the nomination of the
3 party in the primary, no candidate of that party for that
4 office may be listed on the ballot at the general election,
5 unless the legislative or representative committee of the party
6 nominates a candidate to fill the vacancy in nomination within
7 60 days after the date of the general primary election.
8 Vacancies in nomination occurring under this Article shall be
9 filled by the appropriate legislative or representative
10 committee in accordance with the provisions of Section 7-61 of
11 this Code. In proceedings to fill the vacancy in nomination,
12 the voting strength of the members of the legislative or
13 representative committee shall be as provided in Section 8-6.
14 (Source: P.A. 84-757; 84-790; 84-928; 84-1026.)

15 (10 ILCS 5/10-7) (from Ch. 46, par. 10-7)

16 Sec. 10-7. Any person whose name has been presented as a
17 candidate may cause his name to be withdrawn from any such
18 nomination by his request in writing, signed by him and duly
19 acknowledged before an officer qualified to take
20 acknowledgment of deeds, and presented to the principal office
21 or permanent branch office of the Board, the election
22 authority, or the local election official, as the case may be,
23 not later than the date for certification of candidates for the
24 ballot. No name so withdrawn shall be printed upon the ballots
25 under the party appellation or title from which the candidate

1 has withdrawn his name. The name of any candidate who has been
2 certified for the ballot but who dies, withdraws, or is
3 declared ineligible by a court of competent jurisdiction after
4 the 14th day after the date of certification of candidates for
5 the ballot but prior to the election shall remain printed on
6 the ballot but no votes cast for such candidate shall be
7 included in the official canvass of the results of the election
8 or considered in determining the winner or winners of the
9 election; provided, however, that if the results of the canvass
10 of the election discloses that such candidate, if he had lived
11 or had not withdrawn or been declared ineligible, would have
12 been declared elected, then such candidate shall be declared
13 elected and a vacancy in office shall exist. If the name of the
14 same person has been presented as a candidate for 2 or more
15 offices which are incompatible so that the same person could
16 not serve in more than one of such offices if elected, that
17 person must withdraw as a candidate for all but one of such
18 offices within the 5 business days following the last day for
19 petition filing. If he fails to withdraw as a candidate for all
20 but one of such offices within such time, his name shall not be
21 certified, nor printed on the ballot, for any office. However,
22 nothing in this section shall be construed as precluding a
23 judge who is seeking retention in office from also being a
24 candidate for another judicial office. Except as otherwise
25 herein provided, in case the certificate of nomination or
26 petition as provided for in this Article shall contain or

1 exhibit the name of any candidate for any office upon more than
2 one of said certificates or petitions (for the same office),
3 then and in that case the Board or election authority or local
4 election official, as the case may be, shall immediately notify
5 said candidate of said fact and that his name appears
6 unlawfully upon more than one of said certificates or petitions
7 and that within 3 days from the receipt of said notification,
8 said candidate must elect as to which of said political party
9 appellations or groups he desires his name to appear and remain
10 under upon said ballot, and if said candidate refuses, fails or
11 neglects to make such election, then and in that case the Board
12 or election authority or local election official, as the case
13 may be, shall permit the name of said candidate to appear or be
14 printed or placed upon said ballot only under the political
15 party appellation or group appearing on the certificate of
16 nomination or petition, as the case may be, first filed, and
17 shall strike or cause to be stricken the name of said candidate
18 from all certificates of nomination and petitions filed after
19 the first such certificate of nomination or petition.

20 Whenever the name of a candidate for an office is withdrawn
21 from a new political party petition within 14 days after the
22 date of certification of candidate names to the ballot, it
23 shall constitute a vacancy in nomination for that office which
24 may be filled in accordance with Section 10-11 of this Article;
25 provided, that if the names of all candidates for all offices
26 on a new political party petition are withdrawn or such

1 petition is declared invalid by an electoral board or upon
2 judicial review, no vacancies in nomination for those offices
3 shall exist and the filing of any notice or resolution
4 purporting to fill vacancies in nomination shall have no legal
5 effect.

6 Whenever the name of an independent candidate for an office
7 is withdrawn or an independent candidate's petition is declared
8 invalid by an electoral board or upon judicial review, no
9 vacancy in nomination for that office shall exist and the
10 filing of any notice or resolution purporting to fill a vacancy
11 in nomination shall have no legal effect.

12 All certificates of nomination and nomination papers when
13 presented or filed shall be open, under proper regulation, to
14 public inspection, and the State Board of Elections and the
15 several election authorities and local election officials
16 having charge of nomination papers shall preserve the same in
17 their respective offices not less than 6 months.

18 (Source: P.A. 86-875.)

19 (10 ILCS 5/10-11) (from Ch. 46, par. 10-11)

20 Sec. 10-11. Any vacancy in the nomination of a new
21 political party candidate occurring on or before the 14th day
22 after ~~prior to~~ the date of certification of candidates for the
23 ballot by the certifying board or officer shall be filled as
24 provided in this section ~~must be filled prior to the date of~~
25 ~~certification~~. The resolution to fill such vacancy shall be

1 sent by U.S. mail or personal delivery to the certifying
2 officer or board within 3 days of the action by which the
3 vacancy was filled; provided, if such resolution is sent by
4 mail and the U.S. postmark on the envelope containing such
5 resolution is dated prior to the expiration of such 3 day
6 limit, the notice or resolution shall be deemed filed within
7 such 3 day limit. Failure to so transmit the notice or
8 resolution within the time specified in this Section shall
9 authorize the certifying officer or board to certify the
10 original candidate. Vacancies shall be filled by the new
11 political party officers.

12 Any vacancy in nomination occurring after the 14th day
13 after certification shall not be filled ~~but prior to 15 days~~
14 ~~before a regular election shall be filled by the new political~~
15 ~~party officers within 8 days after the event creating the~~
16 ~~vacancy in the manner heretofore prescribed.~~ In this event the
17 certification of the original candidate shall stand and his
18 name shall appear on the official ballot to be voted at the
19 election; however, no votes cast for such candidate shall be
20 included in the official canvass of the results of the election
21 or considered in determining the winner or winners of the
22 election, except that if the results of the canvass of the
23 election discloses that such candidate, if he had lived or had
24 not withdrawn or been declared ineligible, would have been
25 declared elected, then such candidate shall be declared elected
26 and a vacancy in office shall exist.

1 The resolution to fill a vacancy in nomination shall be
2 duly acknowledged before an officer qualified to take
3 acknowledgements of deeds and shall include, upon its face, the
4 following information:

5 (a) the name of the original nominee and the office
6 vacated;

7 (b) the date on which the vacancy occurred;

8 (c) the name and address of the nominee selected to fill
9 the vacancy and the date of selection.

10 The resolution to fill a vacancy in nomination shall be
11 accompanied by a Statement of Candidacy, as prescribed in
12 Section 10-5, completed by the selected nominee and a receipt
13 indicating that such nominee has filed a statement of economic
14 interests as required by the Illinois Governmental Ethics Act.

15 The provisions of Sections 10-8 through 10-10.1 relating to
16 objections to certificates of nomination and nomination
17 papers, hearings on objections, and judicial review, shall
18 apply to and govern objections to resolutions for filling a
19 vacancy in nomination.

20 ~~Any vacancy in nomination occurring 15 days or less before~~
21 ~~a regular election shall not be filled. In this event the~~
22 ~~certification of the original candidate shall stand and his~~
23 ~~name shall appear on the official ballot to be voted at the~~
24 ~~election.~~

25 A vacancy in nomination occurs when a candidate who has
26 been nominated under the provisions of Section 10-2 dies before

1 the election, or declines the nomination; provided that
2 nomination may become vacant for other reasons.

3 However, the provisions of this Section shall not apply to
4 any vacancy in nomination for a municipal office for which the
5 Municipal Code, as now or hereafter amended, provides a
6 different method for filling such vacancy, and the applicable
7 provision of the Municipal Code shall govern in such cases.

8 Any vacancy in a nomination by caucus of an established
9 political party for a township or municipal office shall be
10 filled in accordance with Section 7-61 of this Code.

11 For purposes of this Section, the words "certify" and
12 "certification" shall refer to the act of officially declaring
13 the names of candidates entitled to be printed upon the
14 official ballot at an election and directing election
15 authorities to place the names of such candidates upon the
16 official ballot. "Certifying officers or board" shall refer to
17 the local election official, election authority or the State
18 Board of Elections, as the case may be, with whom nomination
19 papers, certificates of nomination papers and resolutions to
20 fill vacancies in nomination are filed and whose duty it is to
21 "certify" candidates.

22 (Source: P.A. 84-757.)

23 (10 ILCS 5/10-14) (from Ch. 46, par. 10-14)

24 Sec. 10-14. Not less than 67 days before the date of the
25 general election the State Board of Elections shall certify to

1 the county clerk of each county the name of each candidate
2 whose nomination papers, certificate of nomination or
3 resolution to fill a vacancy in nomination has been filed with
4 the State Board of Elections and direct the county clerk to
5 place upon the official ballot for the general election the
6 names of such candidates in the same manner and in the same
7 order as shown upon the certification. The name of no candidate
8 for an office to be filled by the electors of the entire state
9 shall be placed upon the official ballot unless his name is
10 duly certified to the county clerk upon a certificate signed by
11 the members of the State Board of Elections. The names of group
12 candidates on petitions shall be certified to the several
13 county clerks in the order in which such names appear on such
14 petitions filed with the State Board of Elections.

15 Not less than 61 days before the date of the general
16 election, each county clerk shall certify the names of each of
17 the candidates for county offices whose nomination papers,
18 certificates of nomination or resolutions to fill a vacancy in
19 nomination have been filed with such clerk and declare that the
20 names of such candidates for the respective offices shall be
21 placed upon the official ballot for the general election in the
22 same manner and in the same order as shown upon the
23 certification. Each county clerk shall place a copy of the
24 certification on file in his or her office and at the same time
25 issue to the State Board of Elections a copy of such
26 certification. In addition, each county clerk in whose county

1 there is a board of election commissioners shall, not less than
2 55 days before the election, certify to the board of election
3 commissioners the name of the person or persons nominated for
4 such office as shown by the certificate of the State Board of
5 Elections, together with the names of all other candidates as
6 shown by the certification of county officers on file in the
7 clerk's office, and in the order so certified. The county clerk
8 or board of election commissioners shall print the names of the
9 nominees on the ballot for each office in the order in which
10 they are certified to or filed with the county clerk; provided,
11 that in printing the name of nominees for any office, if any of
12 such nominees have also been nominated by one or more political
13 parties pursuant to this Act, the location of the name of such
14 candidate on the ballot for nominations made under this Article
15 shall be precisely in the same order in which it appears on the
16 certification of the State Board of Elections to the county
17 clerk.

18 For the general election, the candidates of new political
19 parties shall be placed on the ballot for said election after
20 the established political party candidates and in the order of
21 new political party petition filings.

22 Each certification shall indicate, where applicable, the
23 following:

24 (1) The political party affiliation if any, of the
25 candidates for the respective offices;

26 (2) If there is to be more than one candidate elected

1 to an office from the State, political subdivision or
2 district;

3 (3) If the voter has the right to vote for more than
4 one candidate for an office;

5 (4) The term of office, if a vacancy is to be filled
6 for less than a full term or if the offices to be filled in
7 a political subdivision are for different terms.

8 The State Board of Elections or the county clerk, as the
9 case may be, shall issue an amended certification whenever it
10 is discovered that the original certification is in error,
11 provided, however, that no amended certification shall be
12 issued after the 14th day after the date of certification. The
13 name of any candidate who was certified to the ballot but who
14 dies, withdraws, or is declared ineligible by a court of
15 competent jurisdiction after the 14th day after the date of
16 certification of candidates for the ballot but prior to the
17 election shall remain printed on the ballot but no votes cast
18 for such candidate shall be included in the official canvass of
19 the results of the election or considered in determining the
20 winner or winners of the election; provided, however, that if
21 the results of the canvass of the election discloses that such
22 candidate, if he had lived or had not withdrawn or been
23 declared ineligible, would have been declared elected, then
24 such candidate shall be declared elected and a vacancy in
25 office shall exist.

26 (Source: P.A. 93-847, eff. 7-30-04.)

1 (10 ILCS 5/10-15) (from Ch. 46, par. 10-15)

2 Sec. 10-15. Not less than 61 days before the date of the
3 consolidated and nonpartisan elections, each local election
4 official with whom certificates of nomination or nominating
5 petitions have been filed shall certify to each election
6 authority having jurisdiction over any of the territory of his
7 political subdivision the names of all candidates entitled to
8 be printed on the ballot for offices of that political
9 subdivision to be voted upon at such election and direct the
10 election authority to place upon the official ballot for such
11 election the names of such candidates in the same manner and in
12 the same order as shown upon the certification.

13 The local election officials shall certify such candidates
14 for each office in the order in which such candidates'
15 certificates of nomination or nominating petitions were filed
16 in his office. However, subject to appeal, the names of
17 candidates whose petitions have been held invalid by the
18 appropriate electoral board provided in Section 10-9 of this
19 Act shall not be so certified. The certification shall be
20 modified as necessary to comply with the requirements of any
21 other statute or any ordinance adopted pursuant to Article VII
22 of the Constitution prescribing specific provisions for
23 nonpartisan elections, including without limitation Articles 4
24 and 5 of "The Municipal Code" or Article 9 of The School Code.

25 In every instance where applicable, the following shall

1 also be indicated in the certification:

2 (1) The political party affiliation, if any, of the
3 candidates for the respective offices;

4 (2) Where there is to be more than one candidate elected to
5 an office from a political subdivision or district;

6 (3) Where a voter has the right to vote for more than one
7 candidate for an office;

8 (4) The terms of the office to be on the ballot, when a
9 vacancy is to be filled for less than a full term, or when
10 offices of a particular subdivision to be on the ballot at the
11 same election are to be filled for different terms;

12 (5) The territory in which a candidate is required by law
13 to reside, when such residency requirement is not identical to
14 the territory of the political subdivision from which the
15 candidate is to be elected or nominated;

16 (6) Where a candidate's nominating papers or petitions have
17 been objected to and the objection has been sustained by the
18 electoral board established in Section 10-10, the words
19 "OBJECTION SUSTAINED" shall be placed under the title of the
20 office being sought by the candidate and the name of the
21 aggrieved candidate shall not appear; and

22 (7) Where a candidate's nominating papers or petitions have
23 been objected to and the decision of the electoral board
24 established in Section 10-10 is either unknown or known to be
25 in judicial review, the words "OBJECTION PENDING" shall be
26 placed under the title of the office being sought by the

1 candidate and next to the name of the candidate.

2 For the consolidated election, and for the general primary
3 in the case of certain municipalities having annual elections,
4 the candidates of new political parties shall be placed on the
5 ballot for such elections after the established political party
6 candidates and in the order of new political party petition
7 filings.

8 The local election official shall issue an amended
9 certification whenever it is discovered that the original
10 certification is in error, provided, however, that no amended
11 certification shall be issued after the 14th day after the date
12 of certification. The name of any candidate who was certified
13 to the ballot but who dies, withdraws, or is declared
14 ineligible by a court of competent jurisdiction after the 14th
15 day after the date of certification of candidates for the
16 ballot but prior to the election shall remain printed on the
17 ballot but no votes cast for such candidate shall be included
18 in the official canvass of the results of the election or
19 considered in determining the winner or winners of the
20 election; provided, however, that if the results of the canvass
21 of the election discloses that such candidate, if he had lived
22 or had not withdrawn or been declared ineligible, would have
23 been declared elected, then such candidate shall be declared
24 elected and a vacancy in office shall exist.

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

1 (10 ILCS 5/22-16) (from Ch. 46, par. 22-16)

2 Sec. 22-16. The name of any candidate who was certified to
3 the ballot but who dies, withdraws, or is declared ineligible
4 by a court of competent jurisdiction after the 14th day after
5 the date of certification of candidates for the ballot but
6 prior to the election shall remain printed on the ballot but no
7 votes cast for such candidate shall be included in the official
8 canvass of the results of the election or considered in
9 determining the winner or winners of the election; provided,
10 however, that if the results of the canvass of the election
11 discloses that such candidate, if he had lived or had not
12 withdrawn or been declared ineligible, would have been declared
13 elected, then such candidate shall be declared elected and a
14 vacancy in office shall exist. ~~If the result of a canvass~~
15 ~~disclosed that a person elected to office is a person whose~~
16 ~~nomination for said office was vacated and not filled pursuant~~
17 ~~to Section 7-61 or 10-11, such person shall be declared elected~~
18 ~~and the office thereupon shall become vacant.~~ Such vacancy in
19 office shall be filled under the applicable provision of
20 Article 25.

21 (Source: P.A. 84-861.)

22 Section 10. The Revised Cities and Villages Act of 1941 is
23 amended by changing Section 21-29 as follows:

24 (65 ILCS 20/21-29) (from Ch. 24, par. 21-29)

1 Sec. 21-29. Withdrawals and substitution of candidates.

2 Any candidate for alderman under the provisions of this
3 article may withdraw his name as a candidate by filing with the
4 board of election commissioners of the city of Chicago not
5 later than the 14th day after the date of certification of
6 candidates for the ballot ~~twenty days before the holding of the~~
7 ~~election~~ his written request signed by him and duly
8 acknowledged before an officer qualified to take
9 acknowledgements of deeds, whereupon his name shall not be
10 printed as a candidate upon the official ballot.

11 If any candidate at an aldermanic election who was not
12 elected as provided for in this article but who shall have
13 received sufficient votes to entitle him to a place on the
14 official ballot at the ensuing supplementary election shall die
15 or withdraw his candidacy before such supplementary election,
16 the name of the candidate who shall receive the next highest
17 number of votes shall be printed on the ballot in lieu of the
18 name of the candidate who shall have died or withdrawn his
19 candidacy.

20 (Source: Laws 1941, vol. 2, p. 19.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.