



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5278

Introduced 2/3/2010, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
65 ILCS 5/4-3-16	from Ch. 24, par. 4-3-16
65 ILCS 5/4-3-16.1	from Ch. 24, par. 4-3-16.1
65 ILCS 5/5-2-13	from Ch. 24, par. 5-2-13

Amends the Election Code and the Illinois Municipal Code. Provides that the consolidated election and the consolidated primary shall not be conducted in any precinct where no public question and no contested office appears on the ballot. Provides that in such precincts the consolidated election and consolidated primary ballots shall not list the names of uncontested candidates and that those candidates shall be deemed to have voted for themselves and to be nominated and elected.

LRB096 19870 JAM 35328 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 Section
5 2A-1.2 as follows:

6 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

7 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
8 Designated.

9 (a) At the general election in the appropriate
10 even-numbered years, the following offices shall be filled or
11 shall be on the ballot as otherwise required by this Code:

12 (1) Elector of President and Vice President of the
13 United States;

14 (2) United States Senator and United States
15 Representative;

16 (3) State Executive Branch elected officers;

17 (4) State Senator and State Representative;

18 (5) County elected officers, including State's
19 Attorney, County Board member, County Commissioners, and
20 elected President of the County Board or County Chief
21 Executive;

22 (6) Circuit Court Clerk;

23 (7) Regional Superintendent of Schools, except in

1 counties or educational service regions in which that
2 office has been abolished;

3 (8) Judges of the Supreme, Appellate and Circuit
4 Courts, on the question of retention, to fill vacancies and
5 newly created judicial offices;

6 (9) (Blank);

7 (10) Trustee of the Metropolitan Sanitary District of
8 Chicago, and elected Trustee of other Sanitary Districts;

9 (11) Special District elected officers, not otherwise
10 designated in this Section, where the statute creating or
11 authorizing the creation of the district requires an annual
12 election and permits or requires election of candidates of
13 political parties.

14 (b) At the general primary election:

15 (1) in each even-numbered year candidates of political
16 parties shall be nominated for those offices to be filled
17 at the general election in that year, except where pursuant
18 to law nomination of candidates of political parties is
19 made by caucus.

20 (2) in the appropriate even-numbered years the
21 political party offices of State central committeeman,
22 township committeeman, ward committeeman, and precinct
23 committeeman shall be filled and delegates and alternate
24 delegates to the National nominating conventions shall be
25 elected as may be required pursuant to this Code. In the
26 even-numbered years in which a Presidential election is to

1 be held, candidates in the Presidential preference primary
2 shall also be on the ballot.

3 (3) in each even-numbered year, where the municipality
4 has provided for annual elections to elect municipal
5 officers pursuant to Section 6(f) or Section 7 of Article
6 VII of the Constitution, pursuant to the Illinois Municipal
7 Code or pursuant to the municipal charter, the offices of
8 such municipal officers shall be filled at an election held
9 on the date of the general primary election, provided that
10 the municipal election shall be a nonpartisan election
11 where required by the Illinois Municipal Code. For partisan
12 municipal elections in even-numbered years, a primary to
13 nominate candidates for municipal office to be elected at
14 the general primary election shall be held on the Tuesday 6
15 weeks preceding that election.

16 (4) in each school district which has adopted the
17 provisions of Article 33 of the School Code, successors to
18 the members of the board of education whose terms expire in
19 the year in which the general primary is held shall be
20 elected.

21 (c) At the consolidated election in the appropriate
22 odd-numbered years, the following offices shall be filled:

23 (1) Municipal officers, provided that in
24 municipalities in which candidates for alderman or other
25 municipal office are not permitted by law to be candidates
26 of political parties, the runoff election where required by

1 law, or the nonpartisan election where required by law,
2 shall be held on the date of the consolidated election; and
3 provided further, in the case of municipal officers
4 provided for by an ordinance providing the form of
5 government of the municipality pursuant to Section 7 of
6 Article VII of the Constitution, such offices shall be
7 filled by election or by runoff election as may be provided
8 by such ordinance;

9 (2) Village and incorporated town library directors;

10 (3) City boards of stadium commissioners;

11 (4) Commissioners of park districts;

12 (5) Trustees of public library districts;

13 (6) Special District elected officers, not otherwise
14 designated in this section, where the statute creating or
15 authorizing the creation of the district permits or
16 requires election of candidates of political parties;

17 (7) Township officers, including township park
18 commissioners, township library directors, and boards of
19 managers of community buildings, and Multi-Township
20 Assessors;

21 (8) Highway commissioners and road district clerks;

22 (9) Members of school boards in school districts which
23 adopt Article 33 of the School Code;

24 (10) The directors and chairman of the Chain O Lakes -
25 Fox River Waterway Management Agency;

26 (11) Forest preserve district commissioners elected

1 under Section 3.5 of the Downstate Forest Preserve District
2 Act;

3 (12) Elected members of school boards, school
4 trustees, directors of boards of school directors,
5 trustees of county boards of school trustees (except in
6 counties or educational service regions having a
7 population of 2,000,000 or more inhabitants) and members of
8 boards of school inspectors, except school boards in school
9 districts that adopt Article 33 of the School Code;

10 (13) Members of Community College district boards;

11 (14) Trustees of Fire Protection Districts;

12 (15) Commissioners of the Springfield Metropolitan
13 Exposition and Auditorium Authority;

14 (16) Elected Trustees of Tuberculosis Sanitarium
15 Districts;

16 (17) Elected Officers of special districts not
17 otherwise designated in this Section for which the law
18 governing those districts does not permit candidates of
19 political parties.

20 (d) At the consolidated primary election in each
21 odd-numbered year, candidates of political parties shall be
22 nominated for those offices to be filled at the consolidated
23 election in that year, except where pursuant to law nomination
24 of candidates of political parties is made by caucus, and
25 except those offices listed in paragraphs (12) through (17) of
26 subsection (c).

1 At the consolidated primary election in the appropriate
2 odd-numbered years, the mayor, clerk, treasurer, and aldermen
3 shall be elected in municipalities in which candidates for
4 mayor, clerk, treasurer, or alderman are not permitted by law
5 to be candidates of political parties, subject to runoff
6 elections to be held at the consolidated election as may be
7 required by law, and municipal officers shall be nominated in a
8 nonpartisan election in municipalities in which pursuant to law
9 candidates for such office are not permitted to be candidates
10 of political parties.

11 At the consolidated primary election in the appropriate
12 odd-numbered years, municipal officers shall be nominated or
13 elected, or elected subject to a runoff, as may be provided by
14 an ordinance providing a form of government of the municipality
15 pursuant to Section 7 of Article VII of the Constitution.

16 (e) (Blank).

17 (f) At any election established in Section 2A-1.1, public
18 questions may be submitted to voters pursuant to this Code and
19 any special election otherwise required or authorized by law or
20 by court order may be conducted pursuant to this Code.

21 Notwithstanding the regular dates for election of officers
22 established in this Article, whenever a referendum is held for
23 the establishment of a political subdivision whose officers are
24 to be elected, the initial officers shall be elected at the
25 election at which such referendum is held if otherwise so
26 provided by law. In such cases, the election of the initial

1 officers shall be subject to the referendum.

2 Notwithstanding the regular dates for election of
3 officials established in this Article, any community college
4 district which becomes effective by operation of law pursuant
5 to Section 6-6.1 of the Public Community College Act, as now or
6 hereafter amended, shall elect the initial district board
7 members at the next regularly scheduled election following the
8 effective date of the new district.

9 (g) At any election established in Section 2A-1.1, if in
10 any precinct there are no offices or public questions required
11 to be on the ballot under this Code then no election shall be
12 held in the precinct on that date. At any election established
13 in subsection (b) of Section 2A-1.1, if in any precinct there
14 are no public questions required to be on the ballot under this
15 Code and if the offices to be elected are uncontested, then no
16 election shall be held in the precinct on that date.
17 Notwithstanding any other provisions of this Code or other law
18 of this State to the contrary, the name of any unopposed
19 candidate in any election established in subsection (b) of
20 Section 2A-1.1 shall not appear on the ballot at that election
21 and that unopposed candidate shall be deemed to have voted at
22 that election for himself or herself and to be nominated and
23 elected.

24 (h) There may be conducted a referendum in accordance with
25 the provisions of Division 6-4 of the Counties Code.

26 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,

1 eff. 8-9-96; 90-358, eff. 1-1-98.)

2 Section 10. The Illinois Municipal Code is amended by
3 changing Section 4-3-16, 4-3-16.1, and 5-2-13 as follows:

4 (65 ILCS 5/4-3-16) (from Ch. 24, par. 4-3-16)

5 Sec. 4-3-16. Upon the ballots for the general municipal
6 election the names of the nominees for mayor shall be placed
7 first, in substantially the form specified in this section.
8 Following these names, the names of the nominees for
9 commissioners shall appear under each office, in substantially
10 the form specified in this section; provided that if the
11 municipality has voted, as provided in Section 4-3-19, to
12 require candidates for commissioner to run for a specific
13 office, the names of the candidates for commissioner of public
14 accounts and finances, commissioner of public health and
15 safety, commissioner of streets and public improvements, and
16 commissioner of public property, respectively, shall appear
17 under the designation of the applicable office, in
18 substantially the form specified in Section 4-3-16.1. If under
19 Section 2A-1.1 of the Election Code no election is to be held
20 in a precinct, then the name of an unopposed candidate shall
21 not appear on any ballot, and that candidate shall be deemed to
22 have voted for himself or herself at the general municipal
23 election and to be elected.

24 The ballots shall be in the form provided by the general

1 election law, except as herein otherwise provided, but they
2 shall designate no party, platform, political principle,
3 appellation, or mark whatever. Nor shall any circle be printed
4 at the head of the ballots. Except where candidates for
5 commissioner are required to run for a specific office, the
6 ballots shall be in substantially the following form:

7 OFFICIAL BALLOT

8 NOMINEES FOR MAYOR AND COMMISSIONERS

9 OF THE CITY (OR VILLAGE) OF....

10 AT THE GENERAL MUNICIPAL ELECTION.

11 FOR MAYOR

12 (VOTE FOR ONE)

13 () JOHN JONES.

14 () JAMES SMITH.

15 FOR COMMISSIONERS

16 (VOTE FOR NOT MORE THAN FOUR)

17 () HARRY BROWN.

18 () ROBERT BUCK.

19 () WILLIAM BURKE.

20 () GEORGE MILLER.

21 () ARTHUR ROBBINS.

22 () EDWARD STUART.

23 () JOSEPH TROUT.

24 () THOMAS WILLIAMS.

25 (Source: P.A. 95-862, eff. 8-19-08.)

1 (65 ILCS 5/4-3-16.1) (from Ch. 24, par. 4-3-16.1)

2 Sec. 4-3-16.1. If the municipality has voted, as provided
3 in Section 4-3-19, to require candidates for commissioner to
4 run for a specific office, the ballots for the general
5 municipal election shall be in substantially the following
6 form. If under Section 2A-1.1 of the Election Code no election
7 is to be held in a precinct, then the name of an unopposed
8 candidate shall not appear on any ballot, and that candidate
9 shall be deemed to have voted for himself or herself at the
10 general municipal election and to be elected. †

11 OFFICIAL BALLOT

12 NOMINEES FOR MAYOR AND COMMISSIONERS

13 OF THE CITY (OR VILLAGE) OF

14 AT THE GENERAL MUNICIPAL ELECTION.

15 FOR MAYOR

16 (VOTE FOR ONE)

17 () JOHN JONES.

18 () JAMES SMITH.

19 FOR COMMISSIONER OF ACCOUNTS

20 AND FINANCES

21 (VOTE FOR ONE)

22 () HARRY BROWN.

23 () ROBERT BUCK.

1 FOR COMMISSIONER OF PUBLIC HEALTH
2 AND SAFETY
3 (VOTE FOR ONE)

4 () GEORGE MILLER.
5 () ARTHUR ROBBINS.

6 FOR COMMISSIONER OF STREETS AND
7 PUBLIC IMPROVEMENTS
8 (VOTE FOR ONE)

9 () JOSEPH TROUT.
10 () THOMAS WILLIAMS.

11 FOR COMMISSIONER OF PUBLIC PROPERTY
12 (VOTE FOR ONE)

13 () JAMES J. JEFFRIES.
14 () JAMES SMITH.

15 (Source: Laws 1965, p. 2677.)

16 (65 ILCS 5/5-2-13) (from Ch. 24, par. 5-2-13)

17 Sec. 5-2-13. In addition to the requirements of the general
18 election law, the ballots for the municipal primary election
19 provided for in Section 5-2-12 shall be in substantially the
20 following form. If under Section 2A-1.1 of the Election Code no
21 election is to be held in a precinct, then the name of an
22 unopposed candidate shall not appear on any ballot, and that

1 candidate shall be deemed to have voted for himself or herself
2 at the municipal primary election and to be nominated. ÷

3 OFFICIAL PRIMARY BALLOT.

4 CANDIDATES FOR NOMINATION FOR MAYOR

5 AND COUNCILMEN OF THE CITY (OR

6 VILLAGE) OF.... AT THE PRIMARY

7 ELECTION.

8 FOR MAYOR

9 VOTE FOR ONE

10 () JOHN JONES.

11 () JAMES SMITH.

12 () HENRY WHITE.

13 () RALPH WILSON.

14 () FOR COUNCILMEN.

15 VOTE FOR NOT MORE THAN....(insert proper number as provided
16 in Section 5-2-12).

17 () HARRY BROWN.

18 () ROBERT BUCK.

19 () WILLIAM BURKE.

20 () GEORGE MILLER.

21 () ARTHUR ROBBINS.

22 () EDWARD STUART.

23 () JOSEPH TROUT.

24 () THOMAS WILLIAMS.

25 In addition to the requirements of the general election
26 law, the general municipal election ballots for the election

1 provided for in Section 5-2-12 shall be substantially in the
2 following form:

3 OFFICIAL BALLOT

4 NOMINEES FOR MAYOR AND COUNCILMEN OF

5 THE CITY (OR VILLAGE) OF.... AT

6 THE GENERAL MUNICIPAL ELECTION.

7 FOR MAYOR

8 VOTE FOR ONE

9 () JOHN JONES.

10 () JAMES SMITH.

11 () FOR COUNCILMEN.

12 VOTE FOR NOT MORE THAN....(insert proper number as provided
13 in Section 5-2-12).

14 () HARRY BROWN.

15 () ROBERT BUCK.

16 () WILLIAM BURKE.

17 () GEORGE MILLER.

18 () ARTHUR ROBBINS.

19 () EDWARD STUART.

20 () JOSEPH TROUT.

21 () THOMAS WILLIAMS.

22 (Source: P.A. 95-862, eff. 8-19-08.)