

HB5203



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5203

Introduced 2/8/2012, by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12

from Ch. 46, par. 7-12

Amends the Election Code. Provides that 2 or more petitions filed within the last hour of the filing deadline shall be deemed filed simultaneously.

LRB097 18651 PJG 63885 b

A BILL FOR

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 7-12 as follows:

6 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

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

9 (1) Where the nomination is to be made for a State,
10 congressional, or judicial office, or for any office a
11 nomination for which is made for a territorial division or
12 district which comprises more than one county or is partly
13 in one county and partly in another county or counties,
14 then, except as otherwise provided in this Section, such
15 petition for nomination shall be filed in the principal
16 office of the State Board of Elections not more than 113
17 and not less than 106 days prior to the date of the
18 primary, but, in the case of petitions for nomination to
19 fill a vacancy by special election in the office of
20 representative in Congress from this State, such petition
21 for nomination shall be filed in the principal office of
22 the State Board of Elections not more than 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,
2 Appellate or Circuit Court Judge within the 3-week period
3 preceding the 106th day before a general primary election,
4 petitions for nomination for the office in which the
5 vacancy has occurred shall be filed in the principal office
6 of the State Board of Elections not more than 92 nor less
7 than 85 days prior to the date of the general primary
8 election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 not less than 6 months.

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