



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1990

Introduced 2/10/2011, by Sen. Kirk W. Dillard

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/7-59.1 new	
10 ILCS 5/7-61	from Ch. 46, par. 7-61
10 ILCS 5/10-6	from Ch. 46, par. 10-6
10 ILCS 5/10-11	from Ch. 46, par. 10-11
10 ILCS 5/17-16.1	from Ch. 46, par. 17-16.1

Amends the Election Code. Requires that a candidate for nomination or election to a statewide office must file copies of his or her most recent personal income tax returns with the State Board of Elections. Specifies filing deadlines.

LRB097 02712 JAM 42731 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, 7-61, 10-6, 10-11, and 17-16.1 and by adding  
6 Section 7-59.1 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  
14 in one county and partly in another county or counties,  
15 then, except as otherwise provided in this Section, such  
16 petition for nomination shall be filed in the principal  
17 office of the State Board of Elections not more than 113  
18 and not less than 106 days prior to the date of the  
19 primary, but, in the case of petitions for nomination to  
20 fill a vacancy by special election in the office of  
21 representative in Congress from this State, such petition  
22 for nomination shall be filed in the principal office of  
23 the State Board of Elections not more than 57 days and not

1 less than 50 days prior to the date of the primary. The  
2 person filing the nomination petition of a candidate for a  
3 State office as defined in Section 7-4 must file at the  
4 same time and place as the nomination petition copies of  
5 the candidate's most recently filed personal federal and  
6 State income tax returns for the most recently completed  
7 tax year, which shall be available for public inspection in  
8 the same manner as the candidate's nomination petition. For  
9 the purpose of this Section, the phrase "personal federal  
10 and State income tax returns" refers to only (i) federal  
11 form 1040, 1040A, or 1040EZ, an amended version of any of  
12 those forms, or a successor federal form, (ii) federal  
13 Schedule A, if required, or a successor federal form, and  
14 (iii) the State forms equivalent to items (i) and (ii); the  
15 candidate may redact his or her Social Security number from  
16 those copies.

17 Where a vacancy occurs in the office of Supreme,  
18 Appellate or Circuit Court Judge within the 3-week period  
19 preceding the 106th day before a general primary election,  
20 petitions for nomination for the office in which the  
21 vacancy has occurred shall be filed in the principal office  
22 of the State Board of Elections not more than 92 nor less  
23 than 85 days prior to the date of the general primary  
24 election.

25 Where the nomination is to be made for delegates or  
26 alternate delegates to a national nominating convention,

1           then such petition for nomination shall be filed in the  
2           principal office of the State Board of Elections not more  
3           than 113 and not less than 106 days prior to the date of  
4           the primary; provided, however, that if the rules or  
5           policies of a national political party conflict with such  
6           requirements for filing petitions for nomination for  
7           delegates or alternate delegates to a national nominating  
8           convention, the chairman of the State central committee of  
9           such national political party shall notify the Board in  
10          writing, citing by reference the rules or policies of the  
11          national political party in conflict, and in such case the  
12          Board shall direct such petitions to be filed not more than  
13          83 and not less than 76 days prior to the date of the  
14          primary.

15           (2) Where the nomination is to be made for a county  
16          office or trustee of a sanitary district then such petition  
17          shall be filed in the office of the county clerk not more  
18          than 113 nor less than 106 days prior to the date of the  
19          primary.

20           (3) Where the nomination is to be made for a municipal  
21          or township office, such petitions for nomination shall be  
22          filed in the office of the local election official, not  
23          more than 99 nor less than 92 days prior to the date of the  
24          primary; provided, where a municipality's or township's  
25          boundaries are coextensive with or are entirely within the  
26          jurisdiction of a municipal board of election

1 commissioners, the petitions shall be filed in the office  
2 of such board; and provided, that petitions for the office  
3 of multi-township assessor shall be filed with the election  
4 authority.

5 (4) The petitions of candidates for State central  
6 committeeman shall be filed in the principal office of the  
7 State Board of Elections not more than 113 nor less than  
8 106 days prior to the date of the primary.

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

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

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

1           their petitions have been filed. Where candidates have  
2           filed simultaneously, they shall be certified in the order  
3           determined by lot and prior to candidates who filed for the  
4           same office at a later time.

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

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

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

5 (9) Any person for whom a petition for nomination, or  
6 for committeeman or for delegate or alternate delegate to a  
7 national nominating convention has been filed may cause his  
8 name to be withdrawn by request in writing, signed by him  
9 and duly acknowledged before an officer qualified to take  
10 acknowledgments of deeds, and filed in the principal or  
11 permanent branch office of the State Board of Elections or  
12 with the appropriate election authority or local election  
13 official, not later than the date of certification of  
14 candidates for the consolidated primary or general primary  
15 ballot. No names so withdrawn shall be certified or printed  
16 on the primary ballot. If petitions for nomination have  
17 been filed for the same person with respect to more than  
18 one political party, his name shall not be certified nor  
19 printed on the primary ballot of any party. If petitions  
20 for nomination have been filed for the same person for 2 or  
21 more offices which are incompatible so that the same person  
22 could not serve in more than one of such offices if  
23 elected, that person must withdraw as a candidate for all  
24 but one of such offices within the 5 business days  
25 following the last day for petition filing. If he fails to  
26 withdraw as a candidate for all but one of such offices



1           within such time his name shall not be certified, nor  
2           printed on the primary ballot, for any office. For the  
3           purpose of the foregoing provisions, an office in a  
4           political party is not incompatible with any other office.

5           (10)(a) Notwithstanding the provisions of any other  
6           statute, no primary shall be held for an established  
7           political party in any township, municipality, or ward  
8           thereof, where the nomination of such party for every  
9           office to be voted upon by the electors of such township,  
10          municipality, or ward thereof, is uncontested. Whenever a  
11          political party's nomination of candidates is uncontested  
12          as to one or more, but not all, of the offices to be voted  
13          upon by the electors of a township, municipality, or ward  
14          thereof, then a primary shall be held for that party in  
15          such township, municipality, or ward thereof; provided  
16          that the primary ballot shall not include those offices  
17          within such township, municipality, or ward thereof, for  
18          which the nomination is uncontested. For purposes of this  
19          Article, the nomination of an established political party  
20          of a candidate for election to an office shall be deemed to  
21          be uncontested where not more than the number of persons to  
22          be nominated have timely filed valid nomination papers  
23          seeking the nomination of such party for election to such  
24          office.

25          (b) Notwithstanding the provisions of any other  
26          statute, no primary election shall be held for an

1 established political party for any special primary  
2 election called for the purpose of filling a vacancy in the  
3 office of representative in the United States Congress  
4 where the nomination of such political party for said  
5 office is uncontested. For the purposes of this Article,  
6 the nomination of an established political party of a  
7 candidate for election to said office shall be deemed to be  
8 uncontested where not more than the number of persons to be  
9 nominated have timely filed valid nomination papers  
10 seeking the nomination of such established party for  
11 election to said office. This subsection (b) shall not  
12 apply if such primary election is conducted on a regularly  
13 scheduled election day.

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

1 and address of the person intending to become a write-in  
2 candidate, (ii) a statement that the person is a qualified  
3 primary elector of the political party from whom the  
4 nomination is sought, (iii) a statement that the person  
5 intends to become a write-in candidate for the party's  
6 nomination, and (iv) the office the person is seeking as a  
7 write-in candidate. An election authority shall have no  
8 duty to conduct a primary and prepare a primary ballot for  
9 any office for which the nomination is uncontested unless a  
10 statement or notice meeting the requirements of this  
11 Section is filed in a timely manner.

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

1 State Board of Elections, election authority or local  
2 election official then only the first set of petitions  
3 filed shall be valid and all subsequent petitions shall be  
4 void.

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

8 (Source: P.A. 96-1008, eff. 7-6-10.)

9 (10 ILCS 5/7-59.1 new)

10 Sec. 7-59.1. Candidate income tax returns. Each candidate  
11 for a State office, as defined in Section 7-4, nominated at a  
12 general primary election must file with the State Board of  
13 Elections copies of the candidate's most recently filed  
14 personal federal and State income tax returns for the tax year  
15 most recently completed before that general primary election.  
16 Each copy must be filed within 30 days after the original  
17 return was filed with the Internal Revenue Service or  
18 Department of Revenue, as applicable, and the copies shall be  
19 available for public inspection in the same manner as the  
20 candidate's nomination petition. For the purpose of this  
21 Section, the phrase "personal federal and State income tax  
22 returns" refers to only (i) federal form 1040, 1040A, or  
23 1040EZ, an amended version of any of those forms, or a  
24 successor federal form, (ii) federal Schedule A, if required,  
25 or a successor federal form, and (iii) the State forms

1 equivalent to items (i) and (ii); the candidate may redact his  
2 or her Social Security number from those copies.

3 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

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

7 In cases where a primary election is required the officer  
8 or board or commission whose duty it is under the provisions of  
9 this Act relating to general elections to call an election,  
10 shall fix a date for the primary for the nomination of  
11 candidates to be voted for at such special election. Notice of  
12 such primary shall be given at least 15 days prior to the  
13 maximum time provided for the filing of petitions for such a  
14 primary as provided in Section 7-12.

15 Any vacancy in nomination under the provisions of this  
16 Article 7 occurring on or after the primary and prior to  
17 certification of candidates by the certifying board or officer,  
18 must be filled prior to the date of certification. Any vacancy  
19 in nomination occurring after certification but prior to 15  
20 days before the general election shall be filled within 8 days  
21 after the event creating the vacancy. The resolution filling  
22 the vacancy shall be sent by U. S. mail or personal delivery to  
23 the certifying officer or board within 3 days of the action by  
24 which the vacancy was filled; provided, if such resolution is  
25 sent by mail and the U. S. postmark on the envelope containing

1 such resolution is dated prior to the expiration of such 3 day  
2 limit, the resolution shall be deemed filed within such 3 day  
3 limit. Failure to so transmit the resolution within the time  
4 specified in this Section shall authorize the certifying  
5 officer or board to certify the original candidate. Vacancies  
6 shall be filled by the officers of a local municipal or  
7 township political party as specified in subsection (h) of  
8 Section 7-8, other than a statewide political party, that is  
9 established only within a municipality or township and the  
10 managing committee (or legislative committee in case of a  
11 candidate for State Senator or representative committee in the  
12 case of a candidate for State Representative in the General  
13 Assembly or State central committee in the case of a candidate  
14 for statewide office, including but not limited to the office  
15 of United States Senator) of the respective political party for  
16 the territorial area in which such vacancy occurs.

17 The resolution to fill a vacancy in nomination shall be  
18 duly acknowledged before an officer qualified to take  
19 acknowledgements of deeds and shall include, upon its face, the  
20 following information:

21 (a) the name of the original nominee and the office  
22 vacated;

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

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

26 The resolution to fill a vacancy in nomination shall be

1 accompanied by a Statement of Candidacy, as prescribed in  
2 Section 7-10, completed by the selected nominee and a receipt  
3 indicating that such nominee has filed a statement of economic  
4 interests as required by the Illinois Governmental Ethics Act.

5 The provisions of Section 10-8 through 10-10.1 relating to  
6 objections to certificates of nomination and nomination  
7 papers, hearings on objections, and judicial review, shall  
8 apply to and govern objections to resolutions for filling a  
9 vacancy in nomination.

10 Any vacancy in nomination occurring 15 days or less before  
11 the consolidated election or the general election shall not be  
12 filled. In this event, the certification of the original  
13 candidate shall stand and his name shall appear on the official  
14 ballot to be voted at the general election.

15 A vacancy in nomination occurs when a candidate who has  
16 been nominated under the provisions of this Article 7 dies  
17 before the election (whether death occurs prior to, on or after  
18 the day of the primary), or declines the nomination; provided  
19 that nominations may become vacant for other reasons.

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

1 particular office and if no person was nominated as a write-in  
2 candidate for such office, a vacancy in nomination shall be  
3 filled only by a person designated by the appropriate committee  
4 of the political party and only if that designated person files  
5 nominating petitions with the number of signatures required for  
6 an established party candidate for that office within 75 days  
7 after the day of the general primary. The circulation period  
8 for those petitions begins on the day the appropriate committee  
9 designates that person. The person shall file his or her  
10 nominating petitions, statements of candidacy, notice of  
11 appointment by the appropriate committee, and receipt of filing  
12 his or her statement of economic interests together. These  
13 documents shall be filed at the same location as provided in  
14 Section 7-12. The electoral boards having jurisdiction under  
15 Section 10-9 to hear and pass upon objections to nominating  
16 petitions also shall hear and pass upon objections to  
17 nomination petitions filed by candidates under this paragraph.

18 When a nominating committee submits to the State Board of  
19 Elections in accordance with this Section its resolution  
20 appointing a person to fill a vacancy in nomination for a State  
21 office as defined in Section 7-4, or when a person files a  
22 petition with the State Board of Elections in accordance with  
23 this Section to fill a vacancy in nomination for a State office  
24 as defined in Section 7-4, the resolution or petition must be  
25 accompanied by copies of the person's most recently filed  
26 personal federal and State income tax returns for the most



1 recently completed tax year, which shall be available for  
2 public inspection in the same manner as the nominating  
3 resolution or the candidate's nomination petition; except that  
4 if the resolution is submitted or the petition is filed after  
5 the general primary election but before or on April 15, then  
6 the person so nominated must file with the State Board of  
7 Elections copies of the person's most recently filed personal  
8 federal and State income tax returns for the tax year most  
9 recently completed before that general primary election, and  
10 each copy must be filed within 30 days after the original  
11 return was filed with the Internal Revenue Service or  
12 Department of Revenue, as applicable, and shall be available  
13 for public inspection in the same manner as the nominating  
14 resolution or the candidate's nomination petition. For the  
15 purpose of this Section, the phrase "personal federal and State  
16 income tax returns" refers to only (i) federal form 1040,  
17 1040A, or 1040EZ, an amended version of any of those forms, or  
18 a successor federal form, (ii) federal Schedule A, if required,  
19 or a successor federal form, and (iii) the State forms  
20 equivalent to items (i) and (ii); the candidate may redact his  
21 or her Social Security number from those copies.

22 A candidate for whom a nomination paper has been filed as a  
23 partisan candidate at a primary election, and who is defeated  
24 for his or her nomination at such primary election, is  
25 ineligible to be listed on the ballot at that general or  
26 consolidated election as a candidate of another political

1 party.

2 A candidate seeking election to an office for which  
3 candidates of political parties are nominated by caucus who is  
4 a participant in the caucus and who is defeated for his or her  
5 nomination at such caucus, is ineligible to be listed on the  
6 ballot at that general or consolidated election as a candidate  
7 of another political party.

8 In the proceedings to nominate a candidate to fill a  
9 vacancy or to fill a vacancy in the nomination, each precinct,  
10 township, ward, county or congressional district, as the case  
11 may be, shall through its representative on such central or  
12 managing committee, be entitled to one vote for each ballot  
13 voted in such precinct, township, ward, county or congressional  
14 district, as the case may be, by the primary electors of its  
15 party at the primary election immediately preceding the meeting  
16 at which such vacancy is to be filled.

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

1 to "certify" candidates.

2 (Source: P.A. 96-809, eff. 1-1-10; 96-848, eff. 1-1-10.)

3 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

4 Sec. 10-6. Time and manner of filing. Certificates of  
5 nomination and nomination papers for the nomination of  
6 candidates for offices to be filled by electors of the entire  
7 State, or any district not entirely within a county, or for  
8 congressional, state legislative or judicial offices, shall be  
9 presented to the principal office of the State Board of  
10 Elections not more than 141 nor less than 134 days previous to  
11 the day of election for which the candidates are nominated. The  
12 State Board of Elections shall endorse the certificates of  
13 nomination or nomination papers, as the case may be, and the  
14 date and hour of presentment to it.

15 A person filing a nomination petition or paper with the  
16 State Board of Elections in accordance with this Section for a  
17 candidate for State office as defined in Section 7-4 must file  
18 at the same time and place copies of the candidate's most  
19 recently filed personal federal and State income tax returns  
20 for the most recently completed tax year, which shall be  
21 available for public inspection in the same manner as the  
22 candidate's nomination petition or paper. For the purpose of  
23 this Section, the phrase "personal federal and State income tax  
24 returns" refers to only (i) federal form 1040, 1040A, or  
25 1040EZ, an amended version of any of those forms, or a

1 successor federal form, (ii) federal Schedule A, if required,  
2 or a successor federal form, and (iii) the State forms  
3 equivalent to items (i) and (ii); the candidate may redact his  
4 or her Social Security number from those copies.

5 Except as otherwise provided in this section, all other  
6 certificates for the nomination of candidates shall be filed  
7 with the county clerk of the respective counties not more than  
8 141 but at least 134 days previous to the day of such election.  
9 Certificates of nomination and nomination papers for the  
10 nomination of candidates for the offices of political  
11 subdivisions to be filled at regular elections other than the  
12 general election shall be filed with the local election  
13 official of such subdivision:

14 (1) (Blank);

15 (2) not more than 113 nor less than 106 days prior to  
16 the consolidated election; or

17 (3) not more than 113 nor less than 106 days prior to  
18 the general primary in the case of municipal offices to be  
19 filled at the general primary election; or

20 (4) not more than 99 nor less than 92 days before the  
21 consolidated primary in the case of municipal offices to be  
22 elected on a nonpartisan basis pursuant to law (including  
23 without limitation, those municipal offices subject to  
24 Articles 4 and 5 of the Municipal Code); or

25 (5) not more than 113 nor less than 106 days before the  
26 municipal primary in even numbered years for such

1 nonpartisan municipal offices where annual elections are  
2 provided; or

3 (6) in the case of petitions for the office of  
4 multi-township assessor, such petitions shall be filed  
5 with the election authority not more than 113 nor less than  
6 106 days before the consolidated election.

7 However, where a political subdivision's boundaries are  
8 co-extensive with or are entirely within the jurisdiction of a  
9 municipal board of election commissioners, the certificates of  
10 nomination and nomination papers for candidates for such  
11 political subdivision offices shall be filed in the office of  
12 such Board.

13 (Source: P.A. 95-699, eff. 11-9-07; 96-1008, eff. 7-6-10.)

14 (10 ILCS 5/10-11) (from Ch. 46, par. 10-11)

15 Sec. 10-11. Any vacancy in the nomination of a new  
16 political party candidate occurring prior to the date of  
17 certification of candidates for the ballot by the certifying  
18 board or officer must be filled prior to the date of  
19 certification. The resolution to fill such vacancy shall be  
20 sent by U.S. mail or personal delivery to the certifying  
21 officer or board within 3 days of the action by which the  
22 vacancy was filled; provided, if such resolution is sent by  
23 mail and the U.S. postmark on the envelope containing such  
24 resolution is dated prior to the expiration of such 3 day  
25 limit, the notice or resolution shall be deemed filed within

1 such 3 day limit. Failure to so transmit the notice or  
2 resolution within the time specified in this Section shall  
3 authorize the certifying officer or board to certify the  
4 original candidate. Vacancies shall be filled by the new  
5 political party officers.

6 Any vacancy in nomination occurring after certification  
7 but prior to 15 days before a regular election shall be filled  
8 by the new political party officers within 8 days after the  
9 event creating the vacancy in the manner heretofore prescribed.

10 The resolution to fill a vacancy in nomination shall be  
11 duly acknowledged before an officer qualified to take  
12 acknowledgements of deeds and shall include, upon its face, the  
13 following information:

14 (a) the name of the original nominee and the office  
15 vacated;

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

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

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

24 When a new political party submits to the State Board of  
25 Elections in accordance with this Section its resolution  
26 appointing a person to fill a vacancy in nomination for a State

1 office as defined in Section 7-4, the resolution must be  
2 accompanied by copies of the person's most recently filed  
3 personal federal and State income tax returns for the most  
4 recently completed tax year, which shall be available for  
5 public inspection in the same manner as the nominating  
6 resolution. For the purpose of this Section, the phrase  
7 "personal federal and State income tax returns" refers to only  
8 (i) federal form 1040, 1040A, or 1040EZ, an amended version of  
9 any of those forms, or a successor federal form, (ii) federal  
10 Schedule A, if required, or a successor federal form, and (iii)  
11 the State forms equivalent to items (i) and (ii); the candidate  
12 may redact his or her Social Security number from those copies.

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

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

23 A vacancy in nomination occurs when a candidate who has  
24 been nominated under the provisions of Section 10-2 dies before  
25 the election, or declines the nomination; provided that  
26 nomination may become vacant for other reasons.

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

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

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

20           (Source: P.A. 84-757.)

21           (10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

22           Sec. 17-16.1. Write-in votes shall be counted only for  
23 persons who have filed notarized declarations of intent to be  
24 write-in candidates with the proper election authority or  
25 authorities not later than 61 days prior to the election.



1 However, whenever an objection to a candidate's nominating  
2 papers or petitions for any office is sustained under Section  
3 10-10 after the 61st day before the election, then write-in  
4 votes shall be counted for that candidate if he or she has  
5 filed a notarized declaration of intent to be a write-in  
6 candidate for that office with the proper election authority or  
7 authorities not later than 7 days prior to the election.

8 A person filing a declaration of intent to be a write-in  
9 candidate for nomination to a State office as defined in  
10 Section 7-4 must file at the same time and place copies of the  
11 person's most recently filed personal federal and State income  
12 tax returns for the same tax year for which candidates for  
13 nomination to State office are required to file tax returns  
14 under Section 7-12. A person filing a declaration of intent to  
15 be a write-in candidate for election to a State office as  
16 defined in Section 7-4 must file at the same time and place  
17 copies of the person's most recently filed personal federal and  
18 State income tax returns for the same tax year for which  
19 candidates for election to State office are required to file  
20 tax returns under Section 7-59.1. Those copies shall be  
21 available for public inspection in the same manner as the  
22 person's declaration of intent to be a write-in candidate. For  
23 the purpose of this Section, the phrase "personal federal and  
24 State income tax returns" refers to only (i) federal form 1040,  
25 1040A, or 1040EZ, an amended version of any of those forms, or  
26 a successor federal form, (ii) federal Schedule A, if required,

1 or a successor federal form, and (iii) the State forms  
2 equivalent to items (i) and (ii); the candidate may redact his  
3 or her Social Security number from those copies.

4 Forms for the declaration of intent to be a write-in  
5 candidate shall be supplied by the election authorities. Such  
6 declaration shall specify the office for which the person seeks  
7 election as a write-in candidate.

8 The election authority or authorities shall deliver a list  
9 of all persons who have filed such declarations to the election  
10 judges in the appropriate precincts prior to the election.

11 A candidate for whom a nomination paper has been filed as a  
12 partisan candidate at a primary election, and who is defeated  
13 for his or her nomination at the primary election is ineligible  
14 to file a declaration of intent to be a write-in candidate for  
15 election in that general or consolidated election.

16 A candidate seeking election to an office for which  
17 candidates of political parties are nominated by caucus who is  
18 a participant in the caucus and who is defeated for his or her  
19 nomination at such caucus is ineligible to file a declaration  
20 of intent to be a write-in candidate for election in that  
21 general or consolidated election.

22 A candidate seeking election to an office for which  
23 candidates are nominated at a primary election on a nonpartisan  
24 basis and who is defeated for his or her nomination at the  
25 primary election is ineligible to file a declaration of intent  
26 to be a write-in candidate for election in that general or

1 consolidated election.

2       Nothing in this Section shall be construed to apply to  
3 votes cast under the provisions of subsection (b) of Section  
4 16-5.01.

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