

HB4663



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4663

by Rep. Avery Bourne

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-10.2

from Ch. 46, par. 7-10.2

10 ILCS 5/7-17

from Ch. 46, par. 7-17

Amends the Election Code. Provides that nothing in provisions concerning the designation of a candidate's name on a nomination petition or ballot shall require a candidate to use his or her spouse's surname after marriage, or to return to his or her previous legal surname following a dissolution of marriage.

LRB100 18905 MJP 34149 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
5 Sections 7-10.2 and 7-17 as follows:

6 (10 ILCS 5/7-10.2) (from Ch. 46, par. 7-10.2)

7 Sec. 7-10.2. In the designation of the name of a candidate
8 on a petition for nomination or certificate of nomination the
9 candidate's given name or names, initial or initials, a
10 nickname by which the candidate is commonly known, or a
11 combination thereof, may be used in addition to the candidate's
12 surname. If a candidate has changed his or her name, whether by
13 a statutory or common law procedure in Illinois or any other
14 jurisdiction, within 3 years before the last day for filing the
15 petition or certificate for that office, whichever is
16 applicable, then (i) the candidate's name on the petition or
17 certificate must be followed by "formerly known as (list all
18 prior names during the 3-year period) until name changed on
19 (list date of each such name change)" and (ii) the petition or
20 certificate must be accompanied by the candidate's affidavit
21 stating the candidate's previous names during the period
22 specified in (i) and the date or dates each of those names was
23 changed; failure to meet these requirements shall be grounds

1 for denying certification of the candidate's name for the
2 ballot or removing the candidate's name from the ballot, as
3 appropriate, but these requirements do not apply to name
4 changes resulting from adoption to assume an adoptive parent's
5 or parents' surname, marriage to assume a spouse's surname, or
6 dissolution of marriage or declaration of invalidity of
7 marriage to assume a former surname. Nothing in this Section
8 shall require a candidate to use his or her spouse's surname
9 after marriage, or to return to his or her previous legal
10 surname following a dissolution of marriage. No other
11 designation such as a political slogan, as defined by Section
12 7-17, title or degree, or nickname suggesting or implying
13 possession of a title, degree or professional status, or
14 similar information may be used in connection with the
15 candidate's surname.

16 (Source: P.A. 93-574, eff. 8-21-03; 94-1090, eff. 6-1-07.)

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

18 Sec. 7-17. Candidate ballot name procedures.

19 (a) Each election authority in each county shall cause to
20 be printed upon the general primary ballot of each party for
21 each precinct in his jurisdiction the name of each candidate
22 whose petition for nomination or for committeeman has been
23 filed in the office of the county clerk, as herein provided;
24 and also the name of each candidate whose name has been
25 certified to his office by the State Board of Elections, and in

1 the order so certified, except as hereinafter provided.

2 It shall be the duty of the election authority to cause to
3 be printed upon the consolidated primary ballot of each
4 political party for each precinct in his jurisdiction the name
5 of each candidate whose name has been certified to him, as
6 herein provided and which is to be voted for in such precinct.

7 (b) In the designation of the name of a candidate on the
8 primary ballot the candidate's given name or names, initial or
9 initials, a nickname by which the candidate is commonly known,
10 or a combination thereof, may be used in addition to the
11 candidate's surname. If a candidate has changed his or her
12 name, whether by a statutory or common law procedure in
13 Illinois or any other jurisdiction, within 3 years before the
14 last day for filing the petition for nomination, nomination
15 papers, or certificate of nomination for that office, whichever
16 is applicable, then (i) the candidate's name on the primary
17 ballot must be followed by "formerly known as (list all prior
18 names during the 3-year period) until name changed on (list
19 date of each such name change)" and (ii) the petition, papers,
20 or certificate must be accompanied by the candidate's affidavit
21 stating the candidate's previous names during the period
22 specified in (i) and the date or dates each of those names was
23 changed; failure to meet these requirements shall be grounds
24 for denying certification of the candidate's name for the
25 ballot or removing the candidate's name from the ballot, as
26 appropriate, but these requirements do not apply to name

1 changes resulting from adoption to assume an adoptive parent's
2 or parents' surname, marriage to assume a spouse's surname, or
3 dissolution of marriage or declaration of invalidity of
4 marriage to assume a former surname. Nothing in this Section
5 shall require a candidate to use his or her spouse's surname
6 after marriage, or to return to his or her previous legal
7 surname following a dissolution of marriage. No other
8 designation such as a political slogan, title, or degree, or
9 nickname suggesting or implying possession of a title, degree
10 or professional status, or similar information may be used in
11 connection with the candidate's surname. For purposes of this
12 Section, a "political slogan" is defined as any word or words
13 expressing or connoting a position, opinion, or belief that the
14 candidate may espouse, including but not limited to, any word
15 or words conveying any meaning other than that of the personal
16 identity of the candidate. A candidate may not use a political
17 slogan as part of his or her name on the ballot,
18 notwithstanding that the political slogan may be part of the
19 candidate's name.

20 (c) The State Board of Elections, a local election
21 official, or an election authority shall remove any candidate's
22 name designation from a ballot that is inconsistent with
23 subsection (b) of this Section. In addition, the State Board of
24 Elections, a local election official, or an election authority
25 shall not certify to any election authority any candidate name
26 designation that is inconsistent with subsection (b) of this

1 Section.

2 (d) If the State Board of Elections, a local election
3 official, or an election authority removes a candidate's name
4 designation from a ballot under subsection (c) of this Section,
5 then the aggrieved candidate may seek appropriate relief in
6 circuit court.

7 (Source: P.A. 93-574, eff. 8-21-03; 94-1090, eff. 6-1-07.)