



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0113

Introduced 1/6/2005, by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/Art. 12A heading new  
10 ILCS 5/12A-2 new  
10 ILCS 5/12A-5 new  
10 ILCS 5/12A-10 new  
10 ILCS 5/12A-15 new  
10 ILCS 5/12A-30 new  
10 ILCS 5/12A-35 new  
10 ILCS 5/12A-40 new  
10 ILCS 5/12A-45 new  
10 ILCS 5/12A-50 new  
10 ILCS 5/12A-55 new

Amends the Election Code. Requires the State Board of Elections to produce a voter's guide before each general election containing (i) information as to statewide and certain other offices to be filled at the election, (ii) information on candidates for those offices, (iii) public questions to appear on the ballot, and (iv) voting information. Permits candidates to submit photographs and personal statements for inclusion in the guide upon payment of specified fees. Sets standards for photographs and statements. Requires that the guide be mailed to each residential address in the State. Authorizes local election authorities to produce or to arrange with the Board for production of local inserts into the guide to contain information on local candidates, questions, and voting. Authorizes the Board to charge fees for local inserts and to assess a fine of up to \$1,000 for the unauthorized submission of a candidate photograph or statement.

LRB094 07457 JAM 37620 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning voter's guides.

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 adding Article  
5 12A and Sections 12A-2, 12A-5, 12A-10, 12A-15, 12A-30, 12A-35,  
6 12A-40, 12A-45, 12A-50, and 12A-55 as follows:

7 (10 ILCS 5/Art. 12A heading new)

8 ARTICLE 12A.

9 VOTER'S GUIDE

10 (10 ILCS 5/12A-2 new)

11 Sec. 12A-2. Definitions. As used in this Article, unless  
12 the context otherwise requires:

13 "Local election authority" means a county clerk or board of  
14 election commissioners.

15 "Local insert" refers to information disseminated by the  
16 State Board of Elections pursuant to Section 12A-30.

17 "Public question" or "question" means any question,  
18 proposition, or referendum submitted to the voters under  
19 Article 28 of this Code.

20 "Statewide candidate" means any candidate who runs for a  
21 statewide office, including Governor, Lieutenant Governor,  
22 Attorney General, Secretary of State, Treasurer, Comptroller,  
23 United States President, or United States Senator.

24 "Voter's guide" means any information disseminated by the  
25 State Board of Elections pursuant to Section 12A-5 or 12A-30.

26 (10 ILCS 5/12A-5 new)

27 Sec. 12A-5. Voter's guide. The Board shall publish and  
28 mail to each residential address in the State, no later than  
29 the 45th day before a general election in which a statewide  
30 candidate appears on the ballot, a voter's guide containing the

1 following information:

2 (1) The date and time of the general election.

3 (2) Requirements for a citizen to qualify as an  
4 elector.

5 (3) The deadline for registering as an elector in the  
6 State of Illinois for the next election.

7 (4) Contact information for local election  
8 authorities.

9 (5) A description of the following offices, when they  
10 appear on the ballot, including their term of office, basic  
11 duties, and base salary: United States President, United  
12 States Senator, United States Representative, Governor,  
13 Lieutenant Governor, Attorney General, Secretary of State,  
14 Treasurer, Comptroller, Illinois Supreme Court Justice,  
15 Illinois Appellate Court Judge, and other offices at the  
16 Board's discretion.

17 (6) The names and party affiliations of qualified  
18 candidates for the following offices, when these offices  
19 appear on the ballot: United States President, United  
20 States Senator, United States Representative, Governor,  
21 Lieutenant Governor, Attorney General, Secretary of State,  
22 Treasurer, Comptroller, Illinois Supreme Court Justice,  
23 Illinois Appellate Court Judge, and other offices at the  
24 Board's discretion.

25 (7) Challenged candidates. Where a candidate's right  
26 to appear on the general election ballot has been  
27 challenged, and any appeal remains pending regarding those  
28 challenges, the challenged candidate may appear in the  
29 voter's guide, subject to the other provisions of Section  
30 12A-10. In this instance, the Board may note that the  
31 candidate's candidacy has been challenged and that he or  
32 she may be removed from the ballot prior to election day.

33 (8) Any personal statement and photograph submitted by  
34 a candidate named in the voter's guide, subject to Sections  
35 12A-10 and 12A-35.

36 (9) The text of any public question that may appear on

1 the ballot.

2 (10) The congressional, legislative, and judicial  
3 districts in which the voter resides.

4 (10 ILCS 5/12A-10 new)

5 Sec. 12A-10. Candidate statements and photographs in the  
6 voter's guide.

7 (a) Any candidate whose name appears in the voter's guide  
8 may submit a written statement and a photograph to appear in  
9 the voter's guide, provided that:

10 (1) No personal statement may exceed 400 words.

11 (2) Personal statements may include contact  
12 information for the candidate, including the address and  
13 phone number of the campaign headquarters, and the  
14 candidate's website.

15 (3) Personal statements may not mention a candidate's  
16 opponents by name.

17 (4) No personal statement may include language that may  
18 not be legally sent through the mail.

19 (5) The photograph shall be a conventional photograph  
20 with a plain background and show only the face, or the  
21 head, neck, and shoulders, of the candidate.

22 (6) The photograph shall not (i) show the candidate's  
23 hands, anything in the candidate's hands, or the candidate  
24 wearing a judicial robe, a hat, or a military, police, or  
25 fraternal uniform or (ii) include the uniform or insignia  
26 of any organization.

27 (b) The Board must note in the text of the voter's guide  
28 that personal statements were submitted by the candidate or his  
29 or her designee and were not edited by the Board.

30 (c) Where a candidate declines to submit a statement, the  
31 Board may note that the candidate declined to submit a  
32 statement.

33 (d) The candidate must pay \$200 for inclusion of his or her  
34 personal statement and photograph, and the Board shall not  
35 include photographs or statements from candidates who do not

1 pay the fee. The Board may adopt rules for refunding that fee  
2 at the candidate's request, provided that the Board may not  
3 include a statement or photograph from a candidate who has  
4 requested a refund of a fee, and provided also that the Board  
5 may not refund a fee for inclusion in the voter's guide after  
6 the publication date of the voter's guide.

7 (e) Anyone other than the candidate submitting a statement  
8 or photograph from a candidate must attest that he or she is  
9 doing so on behalf and at the direction of the candidate. The  
10 Board may assess a civil fine of no more than \$1,000 against a  
11 person or entity who falsely submits a statement or photograph  
12 not authorized by the candidate.

13 (f) Nothing in this Article makes the author of any  
14 statement exempt from any civil or criminal action because of  
15 any defamatory statements offered for publication or contained  
16 in the voter's guide. The persons writing, signing, or offering  
17 a statement for inclusion in the voter's guide are deemed to be  
18 its authors and publishers, and the Board shall not be liable  
19 in any case or action relating to the content of any material  
20 submitted by any candidate.

21 (g) The Board may set reasonable deadlines for the  
22 submission of personal statements and photographs, provided  
23 that a deadline may not be less than 5 business days after the  
24 last day for filing new party petitions.

25 (h) The Board may set formats for the submission of  
26 statements and photographs. The Board may require that  
27 statements and photographs are submitted in an electronic  
28 format.

29 (10 ILCS 5/12A-15 new)

30 Sec. 12A-15. Language. The Board may translate all of the  
31 material it is required to provide for the voter's guide into  
32 other languages as it deems necessary to comply with the  
33 federal Voting Rights Act or at its discretion. The Board shall  
34 not be responsible for translating candidate statements.

1 (10 ILCS 5/12A-30 new)

2 Sec. 12A-30. Local inserts.

3 (a) Notwithstanding any other law to the contrary, the  
4 Board may choose to enter into intergovernmental agreements  
5 with local election authorities to include a local insert with  
6 the copies of the voter's guide mailed to addresses within the  
7 jurisdiction of the local election authority.

8 (b) Local inserts qualifying for inclusion with the voter's  
9 guide must include the following information:

10 (1) The names and party affiliations of qualified  
11 candidates for United States Representative, Illinois  
12 Appellate Court Judge, State Senator, and State  
13 Representative.

14 (2) The names and party affiliations of qualified  
15 candidates for other offices on the ballot, at the  
16 discretion of the local election authority.

17 (3) Personal statements of candidates named in the  
18 guide, submitted in accordance with subsection (c).

19 (4) The location of polling places. This list may  
20 indicate which polling places are handicapped accessible.

21 (5) The rights of handicapped voters in non-accessible  
22 polling places.

23 (6) A change of address form for electors who have  
24 moved within the boundaries of the jurisdiction of the  
25 local election authority.

26 (7) A judge of elections application.

27 (8) How an elector can qualify for and obtain an  
28 absentee ballot.

29 (9) A description of the type of voting equipment used  
30 by the local election authority and the instructions for  
31 using that equipment.

32 (10) Other information at the Board's discretion.

33 (c) The Board may set standards for including candidate  
34 statements and photographs in the local insert, provided that:

35 (1) The standards are substantially similar to the  
36 standards for inclusion in the voter's guide.

1           (2) No candidate may appear in a local insert if he or  
2           she declines to submit a statement to the voter's guide or  
3           if he or she seeks a refund of the fee for the voter's  
4           guide.

5           (3) The fee for submitting a personal statement and  
6           photograph for the local insert is \$100. The fee must be  
7           paid to the Board, and the Board must credit that  
8           proportion of the candidate's fee equal to the proportion  
9           of the candidate's district that lies within the  
10           jurisdiction of the local election authority against any  
11           fees due to the Board from the local election authority.

12           (d) The Board may allow a local election authority to  
13           submit different inserts for different portions of its  
14           jurisdiction, provided that:

15           (1) Every part of the jurisdiction receives  
16           information about the same offices on the ballot.

17           (2) The division follows a rational basis related to  
18           the work of the local election authority, such as dividing  
19           the jurisdiction along congressional district lines.

20           (3) The division serves to reduce the size of the  
21           insert and to tailor the information included to the  
22           individual ballots of voters in different parts of the  
23           jurisdiction.

24           (e) The Board may specify the style, format, and design of  
25           the local insert to ensure uniformity with the voter's guide.

26           (f) The Board may charge local election authorities who  
27           agree to submit local inserts the following fees:

28           (1) The incremental postage cost of mailing the  
29           additional pages associated with the local insert.

30           (2) The cost of printing the local insert.

31           The Board may, at its discretion, allow local election  
32           authorities to print their own inserts. If the Board chooses to  
33           allow local election authorities to print their own inserts,  
34           the Board may charge the local election authority the cost of  
35           collating the insert with the voter's guide. Inserts printed by  
36           local election authorities must comply with all rules set for

1 inserts printed by the Board.

2 (10 ILCS 5/12A-35 new)

3 Sec. 12A-35. Board's review of candidate photograph and  
4 statement; procedure for revision.

5 (a) If a candidate files a photograph and statement under  
6 item (8) of Section 12A-5 for inclusion in a voter's guide, the  
7 Board shall review the photograph and statement to ensure that  
8 they comply with the requirements of Section 12A-10. Review by  
9 the Board under this Section shall be limited to determining  
10 whether the photograph and statement comply with the  
11 requirements of Section 12A-10 and may not include any  
12 determination relating to the accuracy or truthfulness of the  
13 substance or contents of the materials filed.

14 (b) The Board shall review each photograph and statement  
15 not later than 3 business days following the deadline for  
16 filing a photograph and statement. If the Board determines that  
17 the photograph or statement of a candidate must be revised in  
18 order to comply with the requirements of Section 12A-10, the  
19 Board shall attempt to contact the candidate not later than the  
20 5th day after the deadline for filing a photograph and  
21 statement. A candidate contacted by the Board under this  
22 Section may file a revised photograph or statement no later  
23 than the 7th business day following the deadline for filing a  
24 photograph and statement.

25 (c) If the Board is required to attempt to contact a  
26 candidate under subsection (b) of this Section, the Board shall  
27 attempt to contact the candidate by telephone or by using an  
28 electronic transmission facsimile machine, if such contact  
29 information is provided by the candidate.

30 (d) If the Board is unable to contact a candidate, if the  
31 candidate does not file a revised photograph or statement, or  
32 if the revised filing under subsection (b) again fails to meet  
33 the standards of review set by the Board:

34 (1) If a photograph does not comply with Section  
35 12A-10, the Board may modify the photograph. The candidate

1 shall pay the expense of any modification before  
2 publication of the photograph in the voters' guide. If the  
3 photograph cannot be modified to comply with Section  
4 12A-10, the photograph shall not be printed in the guide.

5 (2) If a statement does not comply with Section 12A-10,  
6 the statement shall not be printed in the guide.

7 (e) If the photograph or statement of a candidate filed  
8 under item (8) of Section 12A-5 does not comply with a  
9 requirement of Section 12A-10, and the Board does not attempt  
10 to contact the candidate by the deadline specified in  
11 subsection (b) of this Section, for purposes of this Section  
12 only the photograph or statement shall be printed as filed.

13 (f) A candidate revising a photograph or statement under  
14 this Section shall make only those revisions necessary to  
15 comply with Section 12A-10.

16 (g) The Board may by rule define the term "contact" as used  
17 in this Section.

18 (10 ILCS 5/12A-40 new)

19 Sec. 12A-40. Exemption from public records laws.  
20 Notwithstanding any other provision of law, materials filed by  
21 a candidate, political party, political committee, or other  
22 person for inclusion in a voter's guide are exempt from public  
23 inspection until the 4th business day after the final date for  
24 filing the materials.

25 (10 ILCS 5/12A-45 new)

26 Sec. 12A-45. Use of submitted material as evidence.  
27 Material submitted for inclusion in any voter's guide may not  
28 be admitted as evidence in any suit or action against the Board  
29 to restrain or enjoin the publication of a voter's guide.

30 (10 ILCS 5/12A-50 new)

31 Sec. 12A-50. Order of appearance within the guide. For all  
32 guides disseminated by the Board, all information about offices  
33 and candidates on the ballot shall be listed together in the

1 same part of the guide or insert. All candidates for one  
2 office, together with their statements and photographs if any,  
3 shall be listed before information on other offices and  
4 candidates is listed. To the extent possible, offices and  
5 candidates shall be listed in the same order in which they  
6 appear on the ballot.

7 (10 ILCS 5/12A-55 new)

8 Sec. 12A-55. Constitutional issues. If a constitutional  
9 amendment appears on the ballot, the contents of the pamphlet  
10 issued by the Secretary of State under Section 2 of the  
11 Illinois Constitutional Amendment Act may be included in any  
12 guide issued by the Board.