



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4173**

Introduced 11/02/05, by Rep. John A. Fritchey

**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
10 ILCS 5/8-8.1	from Ch. 46, par. 8-8.1
10 ILCS 5/10-5.1	from Ch. 46, par. 10-5.1
10 ILCS 5/16-3	from Ch. 46, par. 16-3

Amends the Election Code. Requires that if a candidate has changed his or her name during the 3 years before the deadline for filing nominating petitions, papers, or certificates, the candidate's name on his or her nominating petition, papers, or certificate and the ballot must include a reference to his or her former name or names and the date or dates of the name changes. Excludes certain name changes due to adoption or a change in marital status.

LRB094 14863 JAM 49870 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 7-10.2, 7-17, 8-8.1, 10-5.1, and 16-3 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 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)"; this requirement does  
20 not apply to name changes resulting from adoption to assume an  
21 adoptive parent's or parents' surname, marriage to assume a  
22 spouse's surname, or dissolution of marriage or declaration of  
23 invalidity of marriage to assume a former surname. No other  
24 designation such as a political slogan, as defined by Section  
25 7-17, title or degree, or nickname suggesting or implying  
26 possession of a title, degree or professional status, or  
27 similar information may be used in connection with the  
28 candidate's surname, except that the title "Mrs." may be used  
29 in the case of a married woman.

30 (Source: P.A. 93-574, eff. 8-21-03.)

31 (10 ILCS 5/7-17) (from Ch. 46, par. 7-17)

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

2           (a) Each election authority in each county shall cause to  
3 be printed upon the general primary ballot of each party for  
4 each precinct in his jurisdiction the name of each candidate  
5 whose petition for nomination or for committeeman has been  
6 filed in the office of the county clerk, as herein provided;  
7 and also the name of each candidate whose name has been  
8 certified to his office by the State Board of Elections, and in  
9 the order so certified, except as hereinafter provided.

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

15           (b) In the designation of the name of a candidate on the  
16 primary ballot the candidate's given name or names, initial or  
17 initials, a nickname by which the candidate is commonly known,  
18 or a combination thereof, may be used in addition to the  
19 candidate's surname. If a candidate has changed his or her  
20 name, whether by a statutory or common law procedure in  
21 Illinois or any other jurisdiction, within 3 years before the  
22 last day for filing the petition for nomination, nomination  
23 papers, or certificate of nomination for that office, whichever  
24 is applicable, then the candidate's name on the primary ballot  
25 must be followed by "formerly known as (list all prior names  
26 during the 3-year period) until name changed on (list date of  
27 each such name change)"; this requirement does not apply to  
28 name changes resulting from adoption to assume an adoptive  
29 parent's or parents' surname, marriage to assume a spouse's  
30 surname, or dissolution of marriage or declaration of  
31 invalidity of marriage to assume a former surname. No other  
32 designation such as a political slogan, title, or degree, or  
33 nickname suggesting or implying possession of a title, degree  
34 or professional status, or similar information may be used in  
35 connection with the candidate's surname, except that the title  
36 "Mrs." may be used in the case of a married woman. For purposes

1 of this Section, a "political slogan" is defined as any word or  
2 words expressing or connoting a position, opinion, or belief  
3 that the candidate may espouse, including but not limited to,  
4 any word or words conveying any meaning other than that of the  
5 personal identity of the candidate. A candidate may not use a  
6 political slogan as part of his or her name on the ballot,  
7 notwithstanding that the political slogan may be part of the  
8 candidate's name.

9 (c) The State Board of Elections, a local election  
10 official, or an election authority shall remove any candidate's  
11 name designation from a ballot that is inconsistent with  
12 subsection (b) of this Section. In addition, the State Board of  
13 Elections, a local election official, or an election authority  
14 shall not certify to any election authority any candidate name  
15 designation that is inconsistent with subsection (b) of this  
16 Section.

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

22 (Source: P.A. 93-574, eff. 8-21-03.)

23 (10 ILCS 5/8-8.1) (from Ch. 46, par. 8-8.1)

24 Sec. 8-8.1. In the designation of the name of a candidate  
25 on a petition for nomination, the candidate's given name or  
26 names, initial or initials, a nickname by which the candidate  
27 is commonly known, or a combination thereof, may be used in  
28 addition to the candidate's surname. If a candidate has changed  
29 his or her name, whether by a statutory or common law procedure  
30 in Illinois or any other jurisdiction, within 3 years before  
31 the last day for filing the petition for that office, then the  
32 candidate's name on the petition must be followed by "formerly  
33 known as (list all prior names during the 3-year period) until  
34 name changed on (list date of each such name change)"; this  
35 requirement does not apply to name changes resulting from

1 adoption to assume an adoptive parent's or parents' surname,  
2 marriage to assume a spouse's surname, or dissolution of  
3 marriage or declaration of invalidity of marriage to assume a  
4 former surname. No other designation such as a political  
5 slogan, title, or degree, or nickname suggesting or implying  
6 possession of a title, degree or professional status, or  
7 similar information may be used in connection with the  
8 candidate's surname, except that the title "Mrs." may be used  
9 in the case of a married woman.

10 (Source: P.A. 93-574, eff. 8-21-03.)

11 (10 ILCS 5/10-5.1) (from Ch. 46, par. 10-5.1)

12 Sec. 10-5.1. In the designation of the name of a candidate  
13 on a certificate of nomination or nomination papers the  
14 candidate's given name or names, initial or initials, a  
15 nickname by which the candidate is commonly known, or a  
16 combination thereof, may be used in addition to the candidate's  
17 surname. If a candidate has changed his or her name, whether by  
18 a statutory or common law procedure in Illinois or any other  
19 jurisdiction, within 3 years before the last day for filing the  
20 certificate of nomination or nomination papers for that office,  
21 whichever is applicable, then the candidate's name on the  
22 certificate or papers must be followed by "formerly known as  
23 (list all prior names during the 3-year period) until name  
24 changed on (list date of each such name change)"; this  
25 requirement does not apply to name changes resulting from  
26 adoption to assume an adoptive parent's or parents' surname,  
27 marriage to assume a spouse's surname, or dissolution of  
28 marriage or declaration of invalidity of marriage to assume a  
29 former surname. No other designation such as a political  
30 slogan, title, or degree, or nickname suggesting or implying  
31 possession of a title, degree or professional status, or  
32 similar information may be used in connection with the  
33 candidate's surname, except that the title "Mrs." may be used  
34 in the case of a married woman.

35 (Source: P.A. 93-574, eff. 8-21-03.)

1 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

2 Sec. 16-3. (a) The names of all candidates to be voted for  
3 in each election district or precinct shall be printed on one  
4 ballot, except as is provided in Sections 16-6.1 and 21-1.01 of  
5 this Act and except as otherwise provided in this Act with  
6 respect to the odd year regular elections and the emergency  
7 referenda; all nominations of any political party being placed  
8 under the party appellation or title of such party as  
9 designated in the certificates of nomination or petitions. The  
10 names of all independent candidates shall be printed upon the  
11 ballot in a column or columns under the heading "independent"  
12 arranged under the names or titles of the respective offices  
13 for which such independent candidates shall have been nominated  
14 and so far as practicable, the name or names of any independent  
15 candidate or candidates for any office shall be printed upon  
16 the ballot opposite the name or names of any candidate or  
17 candidates for the same office contained in any party column or  
18 columns upon said ballot. The ballot shall contain no other  
19 names, except that in cases of electors for President and  
20 Vice-President of the United States, the names of the  
21 candidates for President and Vice-President may be added to the  
22 party designation and words calculated to aid the voter in his  
23 choice of candidates may be added, such as "Vote for one,"  
24 "Vote for three." When an electronic voting system is used  
25 which utilizes a ballot label booklet, the candidates and  
26 questions shall appear on the pages of such booklet in the  
27 order provided by this Code; and, in any case where candidates  
28 for an office appear on a page which does not contain the name  
29 of any candidate for another office, and where less than 50% of  
30 the page is utilized, the name of no candidate shall be printed  
31 on the lowest 25% of such page. On the back or outside of the  
32 ballot, so as to appear when folded, shall be printed the words  
33 "Official Ballot", followed by the designation of the polling  
34 place for which the ballot is prepared, the date of the  
35 election and a facsimile of the signature of the election

1 authority who has caused the ballots to be printed. The ballots  
2 shall be of plain white paper, through which the printing or  
3 writing cannot be read. However, ballots for use at the  
4 nonpartisan and consolidated elections may be printed on  
5 different color paper, except blue paper, whenever necessary or  
6 desirable to facilitate distinguishing between ballots for  
7 different political subdivisions. In the case of nonpartisan  
8 elections for officers of a political subdivision, unless the  
9 statute or an ordinance adopted pursuant to Article VII of the  
10 Constitution providing the form of government therefor  
11 requires otherwise, the column listing such nonpartisan  
12 candidates shall be printed with no appellation or circle at  
13 its head. The party appellation or title, or the word  
14 "independent" at the head of any column provided for  
15 independent candidates, shall be printed in letters not less  
16 than one-fourth of an inch in height and a circle one-half inch  
17 in diameter shall be printed at the beginning of the line in  
18 which such appellation or title is printed, provided, however,  
19 that no such circle shall be printed at the head of any column  
20 or columns provided for such independent candidates. The names  
21 of candidates shall be printed in letters not less than  
22 one-eighth nor more than one-fourth of an inch in height, and  
23 at the beginning of each line in which a name of a candidate is  
24 printed a square shall be printed, the sides of which shall be  
25 not less than one-fourth of an inch in length. However, the  
26 names of the candidates for Governor and Lieutenant Governor on  
27 the same ticket shall be printed within a bracket and a single  
28 square shall be printed in front of the bracket. The list of  
29 candidates of the several parties and any such list of  
30 independent candidates shall be placed in separate columns on  
31 the ballot in such order as the election authorities charged  
32 with the printing of the ballots shall decide; provided, that  
33 the names of the candidates of the several political parties,  
34 certified by the State Board of Elections to the several county  
35 clerks shall be printed by the county clerk of the proper  
36 county on the official ballot in the order certified by the

1 State Board of Elections. Any county clerk refusing, neglecting  
 2 or failing to print on the official ballot the names of  
 3 candidates of the several political parties in the order  
 4 certified by the State Board of Elections, and any county clerk  
 5 who prints or causes to be printed upon the official ballot the  
 6 name of a candidate, for an office to be filled by the Electors  
 7 of the entire State, whose name has not been duly certified to  
 8 him upon a certificate signed by the State Board of Elections  
 9 shall be guilty of a Class C misdemeanor.

10 (b) When an electronic voting system is used which utilizes  
 11 a ballot card, on the inside flap of each ballot card envelope  
 12 there shall be printed a form for write-in voting which shall  
 13 be substantially as follows:

14 WRITE-IN VOTES

15 (See card of instructions for specific information.  
 16 Duplicate form below by hand for additional write-in votes.)

17 \_\_\_\_\_  
 18 Title of Office  
 19 ( ) \_\_\_\_\_  
 20 Name of Candidate

21 (c) When an electronic voting system is used which uses a  
 22 ballot sheet, the instructions to voters on the ballot sheet  
 23 shall refer the voter to the card of instructions for specific  
 24 information on write-in voting. Below each office appearing on  
 25 such ballot sheet there shall be a provision for the casting of  
 26 a write-in vote.

27 (d) When such electronic system is used, there shall be  
 28 printed on the back of each ballot card, each ballot card  
 29 envelope, and the first page of the ballot label when a ballot  
 30 label is used, the words "Official Ballot," followed by the  
 31 number of the precinct or other precinct identification, which  
 32 may be stamped, in lieu thereof and, as applicable, the number  
 33 and name of the township, ward or other election district for  
 34 which the ballot card, ballot card envelope, and ballot label  
 35 are prepared, the date of the election and a facsimile of the  
 36 signature of the election authority who has caused the ballots



1 to be printed. The back of the ballot card shall also include a  
2 method of identifying the ballot configuration such as a  
3 listing of the political subdivisions and districts for which  
4 votes may be cast on that ballot, or a number code identifying  
5 the ballot configuration or color coded ballots, except that  
6 where there is only one ballot configuration in a precinct, the  
7 precinct identification, and any applicable ward  
8 identification, shall be sufficient. Ballot card envelopes  
9 used in punch card systems shall be of paper through which no  
10 writing or punches may be discerned and shall be of sufficient  
11 length to enclose all voting positions. However, the election  
12 authority may provide ballot card envelopes on which no  
13 precinct number or township, ward or other election district  
14 designation, or election date are preprinted, if space and a  
15 preprinted form are provided below the space provided for the  
16 names of write-in candidates where such information may be  
17 entered by the judges of election. Whenever an election  
18 authority utilizes ballot card envelopes on which the election  
19 date and precinct is not preprinted, a judge of election shall  
20 mark such information for the particular precinct and election  
21 on the envelope in ink before tallying and counting any  
22 write-in vote written thereon. If some method of insuring  
23 ballot secrecy other than an envelope is used, such information  
24 must be provided on the ballot itself.

25 (e) In the designation of the name of a candidate on the  
26 ballot, the candidate's given name or names, initial or  
27 initials, a nickname by which the candidate is commonly known,  
28 or a combination thereof, may be used in addition to the  
29 candidate's surname. If a candidate has changed his or her  
30 name, whether by a statutory or common law procedure in  
31 Illinois or any other jurisdiction, within 3 years before the  
32 last day for filing the petition for nomination, nomination  
33 papers, or certificate of nomination for that office, whichever  
34 is applicable, then the candidate's name on the ballot must be  
35 followed by "formerly known as (list all prior names during the  
36 3-year period) until name changed on (list date of each such

1 name change)"; this requirement does not apply to name changes  
2 resulting from adoption to assume an adoptive parent's or  
3 parents' surname, marriage to assume a spouse's surname, or  
4 dissolution of marriage or declaration of invalidity of  
5 marriage to assume a former surname. No other designation such  
6 as a political slogan, title, or degree or nickname suggesting  
7 or implying possession of a title, degree or professional  
8 status, or similar information may be used in connection with  
9 the candidate's surname, except that the title "Mrs." may be  
10 used in the case of a married woman. For purposes of this  
11 Section, a "political slogan" is defined as any word or words  
12 expressing or connoting a position, opinion, or belief that the  
13 candidate may espouse, including but not limited to, any word  
14 or words conveying any meaning other than that of the personal  
15 identity of the candidate. A candidate may not use a political  
16 slogan as part of his or her name on the ballot,  
17 notwithstanding that the political slogan may be part of the  
18 candidate's name.

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

27 (g) If the State Board of Elections, a local election  
28 official, or an election authority removes a candidate's name  
29 designation from a ballot under subsection (f) of this Section,  
30 then the aggrieved candidate may seek appropriate relief in  
31 circuit court.

32 Where voting machines or electronic voting systems are  
33 used, the provisions of this Section may be modified as  
34 required or authorized by Article 24 or Article 24A, whichever  
35 is applicable.

36 Nothing in this Section shall prohibit election

1 authorities from using or reusing ballot card envelopes which  
2 were printed before the effective date of this amendatory Act  
3 of 1985.

4 (Source: P.A. 92-178, eff. 1-1-02; 93-574, eff. 8-21-03.)