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09400HB4173ham001

LRB094 14863 JAM 54292 a

1 AMENDMENT TO HOUSE BILL 4173

2 AMENDMENT NO. _____. Amend House Bill 4173 by replacing
3 everything after the enacting clause with the following:

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 (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
24 for denying certification of the candidate's name for the

1 ballot or removing the candidate's name from the ballot, as
2 appropriate, but these requirements do not apply to name
3 changes resulting from adoption to assume an adoptive parent's
4 or parents' surname, marriage to assume a spouse's surname, or
5 dissolution of marriage or declaration of invalidity of
6 marriage to assume a former surname. No other designation such
7 as a political slogan, as defined by Section 7-17, title or
8 degree, or nickname suggesting or implying possession of a
9 title, degree or professional status, or similar information
10 may be used in connection with the candidate's surname, except
11 that the title "Mrs." may be used in the case of a married
12 woman.

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

14 (10 ILCS 5/7-17) (from Ch. 46, par. 7-17)

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

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

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

29 (b) In the designation of the name of a candidate on the
30 primary ballot the candidate's given name or names, initial or
31 initials, a nickname by which the candidate is commonly known,
32 or a combination thereof, may be used in addition to the
33 candidate's surname. If a candidate has changed his or her

1 name, whether by a statutory or common law procedure in
2 Illinois or any other jurisdiction, within 3 years before the
3 last day for filing the petition for nomination, nomination
4 papers, or certificate of nomination for that office, whichever
5 is applicable, then (i) the candidate's name on the primary
6 ballot must be followed by "formerly known as (list all prior
7 names during the 3-year period) until name changed on (list
8 date of each such name change)" and (ii) the petition, papers,
9 or certificate must be accompanied by the candidate's affidavit
10 stating the candidate's previous names during the period
11 specified in (i) and the date or dates each of those names was
12 changed; failure to meet these requirements shall be grounds
13 for denying certification of the candidate's name for the
14 ballot or removing the candidate's name from the ballot, as
15 appropriate, but these requirements do not apply to name
16 changes resulting from adoption to assume an adoptive parent's
17 or parents' surname, marriage to assume a spouse's surname, or
18 dissolution of marriage or declaration of invalidity of
19 marriage to assume a former surname. No other designation such
20 as a political slogan, title, or degree, or nickname suggesting
21 or implying possession of a title, degree or professional
22 status, or similar information may be used in connection with
23 the candidate's surname, except that the title "Mrs." may be
24 used in the case of a married woman. For purposes of this
25 Section, a "political slogan" is defined as any word or words
26 expressing or connoting a position, opinion, or belief that the
27 candidate may espouse, including but not limited to, any word
28 or words conveying any meaning other than that of the personal
29 identity of the candidate. A candidate may not use a political
30 slogan as part of his or her name on the ballot,
31 notwithstanding that the political slogan may be part of the
32 candidate's name.

33 (c) The State Board of Elections, a local election
34 official, or an election authority shall remove any candidate's

1 name designation from a ballot that is inconsistent with
2 subsection (b) of this Section. In addition, the State Board of
3 Elections, a local election official, or an election authority
4 shall not certify to any election authority any candidate name
5 designation that is inconsistent with subsection (b) of this
6 Section.

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

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

13 (10 ILCS 5/8-8.1) (from Ch. 46, par. 8-8.1)

14 Sec. 8-8.1. In the designation of the name of a candidate
15 on a petition for nomination, the candidate's given name or
16 names, initial or initials, a nickname by which the candidate
17 is commonly known, or a combination thereof, may be used in
18 addition to the candidate's surname. If a candidate has changed
19 his or her name, whether by a statutory or common law procedure
20 in Illinois or any other jurisdiction, within 3 years before
21 the last day for filing the petition for that office, then (i)
22 the candidate's name on the petition must be followed by
23 "formerly known as (list all prior names during the 3-year
24 period) until name changed on (list date of each such name
25 change)" and (ii) the petition must be accompanied by the
26 candidate's affidavit stating the candidate's previous names
27 during the period specified in (i) and the date or dates each
28 of those names was changed; failure to meet these requirements
29 shall be grounds for denying certification of the candidate's
30 name for the ballot or removing the candidate's name from the
31 ballot, as appropriate, but these requirements do not apply to
32 name changes resulting from adoption to assume an adoptive
33 parent's or parents' surname, marriage to assume a spouse's

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

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

9 (10 ILCS 5/10-5.1) (from Ch. 46, par. 10-5.1)

10 Sec. 10-5.1. In the designation of the name of a candidate
11 on a certificate of nomination or nomination papers the
12 candidate's given name or names, initial or initials, a
13 nickname by which the candidate is commonly known, or a
14 combination thereof, may be used in addition to the candidate's
15 surname. If a candidate has changed his or her name, whether by
16 a statutory or common law procedure in Illinois or any other
17 jurisdiction, within 3 years before the last day for filing the
18 certificate of nomination or nomination papers for that office,
19 whichever is applicable, then (i) the candidate's name on the
20 certificate or papers must be followed by "formerly known as
21 (list all prior names during the 3-year period) until name
22 changed on (list date of each such name change)" and (ii) the
23 certificate or paper must be accompanied by the candidate's
24 affidavit stating the candidate's previous names during the
25 period specified in (i) and the date or dates each of those
26 names was changed; failure to meet these requirements shall be
27 grounds for denying certification of the candidate's name for
28 the ballot or removing the candidate's name from the ballot, as
29 appropriate, but these requirements do not apply to name
30 changes resulting from adoption to assume an adoptive parent's
31 or parents' surname, marriage to assume a spouse's surname, or
32 dissolution of marriage or declaration of invalidity of
33 marriage to assume a former surname. No other designation such

1 as a political slogan, title, or degree, or nickname suggesting
2 or implying possession of a title, degree or professional
3 status, or similar information may be used in connection with
4 the candidate's surname, except that the title "Mrs." may be
5 used in the case of a married woman.

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

7 (10 ILCS 5/16-3) (from Ch. 46, par. 16-3)

8 Sec. 16-3. (a) The names of all candidates to be voted for
9 in each election district or precinct shall be printed on one
10 ballot, except as is provided in Sections 16-6.1 and 21-1.01 of
11 this Act and except as otherwise provided in this Act with
12 respect to the odd year regular elections and the emergency
13 referenda; all nominations of any political party being placed
14 under the party appellation or title of such party as
15 designated in the certificates of nomination or petitions. The
16 names of all independent candidates shall be printed upon the
17 ballot in a column or columns under the heading "independent"
18 arranged under the names or titles of the respective offices
19 for which such independent candidates shall have been nominated
20 and so far as practicable, the name or names of any independent
21 candidate or candidates for any office shall be printed upon
22 the ballot opposite the name or names of any candidate or
23 candidates for the same office contained in any party column or
24 columns upon said ballot. The ballot shall contain no other
25 names, except that in cases of electors for President and
26 Vice-President of the United States, the names of the
27 candidates for President and Vice-President may be added to the
28 party designation and words calculated to aid the voter in his
29 choice of candidates may be added, such as "Vote for one,"
30 "Vote for three." When an electronic voting system is used
31 which utilizes a ballot label booklet, the candidates and
32 questions shall appear on the pages of such booklet in the
33 order provided by this Code; and, in any case where candidates

1 for an office appear on a page which does not contain the name
2 of any candidate for another office, and where less than 50% of
3 the page is utilized, the name of no candidate shall be printed
4 on the lowest 25% of such page. On the back or outside of the
5 ballot, so as to appear when folded, shall be printed the words
6 "Official Ballot", followed by the designation of the polling
7 place for which the ballot is prepared, the date of the
8 election and a facsimile of the signature of the election
9 authority who has caused the ballots to be printed. The ballots
10 shall be of plain white paper, through which the printing or
11 writing cannot be read. However, ballots for use at the
12 nonpartisan and consolidated elections may be printed on
13 different color paper, except blue paper, whenever necessary or
14 desirable to facilitate distinguishing between ballots for
15 different political subdivisions. In the case of nonpartisan
16 elections for officers of a political subdivision, unless the
17 statute or an ordinance adopted pursuant to Article VII of the
18 Constitution providing the form of government therefor
19 requires otherwise, the column listing such nonpartisan
20 candidates shall be printed with no appellation or circle at
21 its head. The party appellation or title, or the word
22 "independent" at the head of any column provided for
23 independent candidates, shall be printed in letters not less
24 than one-fourth of an inch in height and a circle one-half inch
25 in diameter shall be printed at the beginning of the line in
26 which such appellation or title is printed, provided, however,
27 that no such circle shall be printed at the head of any column
28 or columns provided for such independent candidates. The names
29 of candidates shall be printed in letters not less than
30 one-eighth nor more than one-fourth of an inch in height, and
31 at the beginning of each line in which a name of a candidate is
32 printed a square shall be printed, the sides of which shall be
33 not less than one-fourth of an inch in length. However, the
34 names of the candidates for Governor and Lieutenant Governor on

1 the same ticket shall be printed within a bracket and a single
 2 square shall be printed in front of the bracket. The list of
 3 candidates of the several parties and any such list of
 4 independent candidates shall be placed in separate columns on
 5 the ballot in such order as the election authorities charged
 6 with the printing of the ballots shall decide; provided, that
 7 the names of the candidates of the several political parties,
 8 certified by the State Board of Elections to the several county
 9 clerks shall be printed by the county clerk of the proper
 10 county on the official ballot in the order certified by the
 11 State Board of Elections. Any county clerk refusing, neglecting
 12 or failing to print on the official ballot the names of
 13 candidates of the several political parties in the order
 14 certified by the State Board of Elections, and any county clerk
 15 who prints or causes to be printed upon the official ballot the
 16 name of a candidate, for an office to be filled by the Electors
 17 of the entire State, whose name has not been duly certified to
 18 him upon a certificate signed by the State Board of Elections
 19 shall be guilty of a Class C misdemeanor.

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

24 WRITE-IN VOTES

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

27 _____

28 Title of Office

29 () _____

30 Name of Candidate

31 (c) When an electronic voting system is used which uses a
 32 ballot sheet, the instructions to voters on the ballot sheet
 33 shall refer the voter to the card of instructions for specific
 34 information on write-in voting. Below each office appearing on

1 such ballot sheet there shall be a provision for the casting of
2 a write-in vote.

3 (d) When such electronic system is used, there shall be
4 printed on the back of each ballot card, each ballot card
5 envelope, and the first page of the ballot label when a ballot
6 label is used, the words "Official Ballot," followed by the
7 number of the precinct or other precinct identification, which
8 may be stamped, in lieu thereof and, as applicable, the number
9 and name of the township, ward or other election district for
10 which the ballot card, ballot card envelope, and ballot label
11 are prepared, the date of the election and a facsimile of the
12 signature of the election authority who has caused the ballots
13 to be printed. The back of the ballot card shall also include a
14 method of identifying the ballot configuration such as a
15 listing of the political subdivisions and districts for which
16 votes may be cast on that ballot, or a number code identifying
17 the ballot configuration or color coded ballots, except that
18 where there is only one ballot configuration in a precinct, the
19 precinct identification, and any applicable ward
20 identification, shall be sufficient. Ballot card envelopes
21 used in punch card systems shall be of paper through which no
22 writing or punches may be discerned and shall be of sufficient
23 length to enclose all voting positions. However, the election
24 authority may provide ballot card envelopes on which no
25 precinct number or township, ward or other election district
26 designation, or election date are preprinted, if space and a
27 preprinted form are provided below the space provided for the
28 names of write-in candidates where such information may be
29 entered by the judges of election. Whenever an election
30 authority utilizes ballot card envelopes on which the election
31 date and precinct is not preprinted, a judge of election shall
32 mark such information for the particular precinct and election
33 on the envelope in ink before tallying and counting any
34 write-in vote written thereon. If some method of insuring

1 ballot secrecy other than an envelope is used, such information
2 must be provided on the ballot itself.

3 (e) In the designation of the name of a candidate on the
4 ballot, the candidate's given name or names, initial or
5 initials, a nickname by which the candidate is commonly known,
6 or a combination thereof, may be used in addition to the
7 candidate's surname. If a candidate has changed his or her
8 name, whether by a statutory or common law procedure in
9 Illinois or any other jurisdiction, within 3 years before the
10 last day for filing the petition for nomination, nomination
11 papers, or certificate of nomination for that office, whichever
12 is applicable, then (i) the candidate's name on the ballot must
13 be followed by "formerly known as (list all prior names during
14 the 3-year period) until name changed on (list date of each
15 such name change)" and (ii) the petition, papers, or
16 certificate must be accompanied by the candidate's affidavit
17 stating the candidate's previous names during the period
18 specified in (i) and the date or dates each of those names was
19 changed; failure to meet these requirements shall be grounds
20 for denying certification of the candidate's name for the
21 ballot or removing the candidate's name from the ballot, as
22 appropriate, but these requirements do not apply to name
23 changes resulting from adoption to assume an adoptive parent's
24 or parents' surname, marriage to assume a spouse's surname, or
25 dissolution of marriage or declaration of invalidity of
26 marriage to assume a former surname. No other designation such
27 as a political slogan, title, or degree or nickname suggesting
28 or implying possession of a title, degree or professional
29 status, or similar information may be used in connection with
30 the candidate's surname, except that the title "Mrs." may be
31 used in the case of a married woman. For purposes of this
32 Section, a "political slogan" is defined as any word or words
33 expressing or connoting a position, opinion, or belief that the
34 candidate may espouse, including but not limited to, any word

1 or words conveying any meaning other than that of the personal
2 identity of the candidate. A candidate may not use a political
3 slogan as part of his or her name on the ballot,
4 notwithstanding that the political slogan may be part of the
5 candidate's name.

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

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

19 Where voting machines or electronic voting systems are
20 used, the provisions of this Section may be modified as
21 required or authorized by Article 24 or Article 24A, whichever
22 is applicable.

23 Nothing in this Section shall prohibit election
24 authorities from using or reusing ballot card envelopes which
25 were printed before the effective date of this amendatory Act
26 of 1985.

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