



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3930

Introduced 2/26/2009, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

10 ILCS 5/16-6	from Ch. 46, par. 16-6
10 ILCS 5/24A-6	from Ch. 46, par. 24A-6
10 ILCS 5/24B-6	

Amends the Election Code. Requires that a proposition to call a constitutional convention appear on a separate ballot before all other measures and that it contain no explanation of the proposition or the convention or of the effect of failing to vote.

LRB096 10289 JAM 20459 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 16-6, 24A-6, and 24B-6 as follows:

6 (10 ILCS 5/16-6) (from Ch. 46, par. 16-6)

7 Sec. 16-6. Whenever one or more proposals for amendment of
8 the constitution or the calling of a constitutional convention
9 or any combination thereof is or are to be voted upon by the
10 people, the proposition or propositions for the adoption or
11 rejection of such amendment or amendments or convention shall
12 be submitted upon a ballot separate from the "Official Ballot"
13 containing the names of candidates for State and other offices
14 to be voted at such election. Such separate ballot shall be
15 printed on a separate sheet of paper containing no other ballot
16 measures, upon paper of a distinctly blue color and shall, as
17 near as may be practicable, be of uniform size and blue color,
18 but any variation in the size of such ballots or in the
19 tincture of blue employed shall not affect or impair the
20 validity thereof. Preceding each proposal to amend the
21 constitution shall be printed the brief explanation of the
22 amendment, prepared by the General Assembly, or in the case of
23 a proposed amendment initiated by petition pursuant to Section

1 3 of Article XIV of the Constitution of the State of Illinois
 2 by the principal proponents of the amendment as approved by the
 3 Attorney General, and immediately below the explanation, the
 4 proposition shall be printed in substantially the following
 5 form:

6 -----
 7 YES For the proposed amendment
 8 ----- to Article _____ (or Section
 9 NO _____ of Article _____) of
 10 the Constitution.
 11 -----

12 In the case of a proposition for the calling of a
 13 constitutional convention, no explanation of the proposition
 14 (or the constitutional convention) shall be printed. The ~~such~~
 15 proposition shall be printed in substantially the following
 16 form:

17 -----
 18 YES For the calling
 19 ----- of a Constitutional
 20 NO Convention.
 21 -----

22 On the back or outside of the ballot so as to appear when
 23 folded, shall be printed the words "CONSTITUTION BALLOT",
 24 followed by the designation of the polling place for which the
 25 ballot is prepared, the date of the election and a facsimile of
 26 the signature of the clerk or other officer who has caused the

1 ballots to be printed. ~~Immediately above the words~~
2 ~~"CONSTITUTION BALLOT" in the case of a proposition for the~~
3 ~~calling of a constitutional convention the following legend~~
4 ~~shall be printed in bold face type:~~

5 ~~"NOTICE~~

6 ~~THE FAILURE TO VOTE THIS BALLOT IS THE EQUIVALENT OF A~~
7 ~~NEGATIVE VOTE. (THIS IS NOT TO BE CONSTRUED AS A DIRECTION THAT~~
8 ~~YOUR VOTE IS REQUIRED TO BE CAST EITHER IN FAVOR OF OR IN~~
9 ~~OPPOSITION TO THE PROPOSITION HEREIN CONTAINED.)~~

10 ~~WHETHER YOU VOTE THIS BALLOT OR NOT YOU MUST RETURN IT TO~~
11 ~~THE ELECTION JUDGE WHEN YOU LEAVE THE VOTING BOOTH".~~

12 Immediately above the words "CONSTITUTION BALLOT" in the
13 case of a proposition to amend the Constitution the following
14 legend shall be printed in bold face type:

15 "NOTICE

16 WHETHER YOU VOTE THIS BALLOT OR NOT YOU MUST RETURN IT TO
17 THE ELECTION JUDGE WHEN YOU LEAVE THE VOTING BOOTH."

18 If a proposition for the calling of a constitutional
19 convention is submitted at the same election as one or more
20 propositions to amend the constitution, the proposition for the
21 calling of a constitutional convention shall precede all other
22 ballot measures ~~be printed at the top of the ballot.~~ In such
23 case, the back or outside of the ballot shall be printed the
24 same as if it were a proposal solely to amend the constitution.

25 Where voting machines or electronic voting systems are
26 used, the provisions of this Section may be modified as

1 required or authorized by Article 24, ~~or~~ Article 24A, or
2 Article 24B, whichever is applicable.

3 (Source: P.A. 81-163.)

4 (10 ILCS 5/24A-6) (from Ch. 46, par. 24A-6)

5 Sec. 24A-6. The ballot information, whether placed on the
6 ballot or on the marking device, shall, as far as practicable,
7 be in the order of arrangement provided for paper ballots,
8 except that such information may be in vertical or horizontal
9 rows, or in a number of separate pages. Ballots for all
10 questions or propositions to be voted on must be provided in
11 the same manner and must be arranged on or in the marking
12 device or on the ballot sheet in the places provided for such
13 purposes.

14 When an electronic voting system utilizes a ballot label
15 booklet and ballot card, ballots for candidates, ballots
16 calling for a constitutional convention, constitutional
17 amendment ballots, judicial retention ballots, public
18 measures, and all propositions to be voted upon may be placed
19 on the electronic voting device by providing in the ballot
20 booklet separate ballot label pages or series of pages
21 distinguished by differing colors as provided below. When an
22 electronic voting system utilizes a ballot sheet, ballots
23 calling for a constitutional convention, constitutional
24 amendment ballots and judicial retention ballots shall be
25 placed on the ballot sheet by providing a separate portion of

1 the ballot sheet for each such kind of ballot which shall be
2 printed in ink of a color distinct from the color of ink used
3 in printing any other portion of the ballot sheet. Ballots for
4 candidates, public measures and all other propositions to be
5 voted upon shall be placed on the ballot sheet by providing a
6 separate portion of the ballot sheet for each such kind of
7 ballot. Whenever a person has submitted a declaration of intent
8 to be a write-in candidate as required in Sections 17-16.1 and
9 18-9.1, a line on which the name of a candidate may be written
10 by the voter shall be printed below the name of the last
11 candidate nominated for such office, and immediately to the
12 left of such line an area shall be provided for marking a vote
13 for such write-in candidate. The number of write-in lines for
14 an office shall equal the number of persons who have filed
15 declarations of intent to be write-in candidates plus an
16 additional line or lines for write-in candidates who qualify to
17 file declarations to be write-in candidates under Sections
18 17-16.1 and 18-9.1 when the certification of ballot contains
19 the words "OBJECTION PENDING" next to the name of the
20 candidate, up to the number of candidates for which a voter may
21 vote. More than one amendment to the constitution may be placed
22 on the same ballot page or series of pages or on the same
23 portion of the ballot sheet, as the case may be. For
24 constitutional convention propositions, no other ballot
25 measures shall be placed on the same ballot page or series of
26 pages or on the same portion of the ballot sheet. Ballot label

1 pages for constitutional conventions or constitutional
2 amendments shall be on paper of blue color and shall precede
3 all other ballot label pages in the ballot label booklet. For
4 all other public measures and propositions, more ~~More~~ than one
5 ~~public measure or proposition~~ may be placed on the same ballot
6 label page or series of pages or on the same portion of the
7 ballot sheet, as the case may be. More than one proposition for
8 retention of judges in office may be placed on the same ballot
9 label page or series of pages or on the same portion of the
10 ballot sheet, as the case may be. Ballot label pages for
11 candidates shall be on paper of white color, except that in
12 primary elections the ballot label page or pages for the
13 candidates of each respective political party shall be of the
14 color designated by the election official in charge of the
15 election for that political party's candidates; provided that
16 the ballot label pages or pages for candidates for use at the
17 nonpartisan and consolidated elections may be on paper of
18 different colors, except blue, whenever necessary or desirable
19 to facilitate distinguishing between the pages for different
20 political subdivisions. On each page of the candidate booklet,
21 where the election is made to list ballot information
22 vertically, the party affiliation of each candidate or the word
23 "independent" shall appear immediately to the left of the
24 candidate's name, and the name of candidates for the same
25 office shall be listed vertically under the title of that
26 office. If no candidate or candidates file for an office and if

1 no person or persons file a declaration as a write-in candidate
2 for that office, then below the title of that office the
3 election authority instead shall print "No Candidate". In the
4 case of nonpartisan elections for officers of political
5 subdivisions, unless the statute or an ordinance adopted
6 pursuant to Article VII of the Constitution requires otherwise,
7 the listing of such nonpartisan candidates shall not include
8 any party or "independent" designation. Ballot label pages for
9 judicial retention ballots shall be on paper of green color,
10 and ballot label pages for all public measures and other
11 propositions shall be on paper of some other distinct and
12 different color. In primary elections, a separate ballot label
13 booklet, marking device and voting booth shall be used for each
14 political party holding a primary, with the ballot label
15 booklet arranged to include ballot label pages of the
16 candidates of the party and public measures and other
17 propositions to be voted upon on the day of the primary
18 election. One ballot card may be used for recording the voter's
19 vote or choice on all such ballots, proposals, public measures
20 or propositions, and such ballot card shall be arranged so as
21 to record the voter's vote or choice in a separate column or
22 columns for each such kind of ballot, proposal, public measure
23 or proposition.

24 If the ballot label booklet includes both candidates for
25 office and public measures or propositions to be voted on, the
26 election official in charge of the election shall divide the

1 pages by protruding tabs identifying the division of the pages,
2 and printing on such tabs "Candidates" and "Propositions".

3 The ballot card and all of its columns and the ballot card
4 envelope shall be of the color prescribed for candidate's
5 ballots at the general or primary election, whichever is being
6 held. At an election where no candidates are being nominated or
7 elected, the ballot card, its columns, and the ballot card
8 envelope shall be of a color designated by the election
9 official in charge of the election.

10 The ballot cards, ballot card envelopes and ballot sheets
11 may, at the discretion of the election authority, be printed on
12 white paper and then striped with the appropriate colors.

13 When ballot sheets are used, the various portions thereof
14 shall be arranged to conform to the foregoing format.

15 Absentee ballots may consist of ballot cards, envelopes,
16 paper ballots or ballot sheets voted in person in the office of
17 the election official in charge of the election or voted by
18 mail. Where a ballot card is used for voting by mail it must be
19 accompanied by a punching tool or other appropriate marking
20 device, voter instructions and a specimen ballot showing the
21 proper positions to vote on the ballot card or ballot sheet for
22 each party, candidate, proposal, public measure or
23 proposition, and in the case of a ballot card must be mounted
24 on a suitable material to receive the punched out chip.

25 Any voter who spoils his ballot or makes an error may
26 return the ballot to the judges of election and secure another.

1 However, the protruding identifying tab for proposals for a
2 constitutional convention or constitutional amendments shall
3 have printed thereon "Constitutional Ballot", and the ballot
4 label page or pages for such proposals shall precede the ballot
5 label pages for candidates in the ballot label booklet.

6 (Source: P.A. 95-699, eff. 11-9-07; 95-862, eff. 8-19-08.)

7 (10 ILCS 5/24B-6)

8 Sec. 24B-6. Ballot Information; Arrangement; Electronic
9 Precinct Tabulation Optical Scan Technology Voting System;
10 Absentee Ballots; Spoiled Ballots. The ballot information,
11 shall, as far as practicable, be in the order of arrangement
12 provided for paper ballots, except that the information may be
13 in vertical or horizontal rows, or on a number of separate
14 pages or displays on the marking device. Ballots for all
15 questions or propositions to be voted on should be provided in
16 a similar manner and must be arranged on the ballot sheet or
17 marking device in the places provided for such purposes.
18 Ballots shall be of white paper unless provided otherwise by
19 administrative rule of the State Board of Elections or
20 otherwise specified.

21 All propositions, including but not limited to
22 propositions calling for a constitutional convention,
23 constitutional amendment, judicial retention, and public
24 measures to be voted upon shall be placed on separate portions
25 of the ballot sheet or marking device by utilizing borders or

1 grey screens. Candidates shall be listed on a separate portion
2 of the ballot sheet or marking device by utilizing borders or
3 grey screens. Whenever a person has submitted a declaration of
4 intent to be a write-in candidate as required in Sections
5 17-16.1 and 18-9.1, a line or lines on which the voter may
6 select a write-in candidate shall be printed below the name of
7 the last candidate nominated for such office. Such line or
8 lines shall be proximate to an area provided for marking votes
9 for the write-in candidate or candidates. The number of
10 write-in lines for an office shall equal the number of persons
11 who have filed declarations of intent to be write-in candidates
12 plus an additional line or lines for write-in candidates who
13 qualify to file declarations to be write-in candidates under
14 Sections 17-16.1 and 18-9.1 when the certification of ballot
15 contains the words "OBJECTION PENDING" next to the name of that
16 candidate, up to the number of candidates for which a voter may
17 vote. More than one amendment to the constitution may be placed
18 on the same portion of the ballot sheet or marking device.
19 Constitutional convention propositions shall precede all other
20 ballot measures, and no other ballot measures shall be placed
21 on the same portion of the ballot sheet or marking device.
22 Constitutional convention or constitutional amendment
23 propositions shall be printed or displayed on a separate
24 portion of the ballot sheet or marking device and designated by
25 borders or grey screens, unless otherwise provided by
26 administrative rule of the State Board of Elections. For

1 constitutional convention propositions, the separate portion
2 of the ballot sheet or marking device shall precede, and not
3 contain, any other ballot measures. For all other public
4 measures and propositions, more ~~More~~ ~~than one public measure or~~
5 ~~proposition~~ may be placed on the same portion of the ballot
6 sheet or marking device. More than one proposition for
7 retention of judges in office may be placed on the same portion
8 of the ballot sheet or marking device. Names of candidates
9 shall be printed in black. The party affiliation of each
10 candidate or the word "independent" shall appear near or under
11 the candidate's name, and the names of candidates for the same
12 office shall be listed vertically under the title of that
13 office, on separate pages of the marking device, or as
14 otherwise approved by the State Board of Elections. If no
15 candidate or candidates file for an office and if no person or
16 persons file a declaration as a write-in candidate for that
17 office, then below the title of that office the election
18 authority instead shall print "No Candidate". In the case of
19 nonpartisan elections for officers of political subdivisions,
20 unless the statute or an ordinance adopted pursuant to Article
21 VII of the Constitution requires otherwise, the listing of
22 nonpartisan candidates shall not include any party or
23 "independent" designation. Judicial retention questions and
24 ballot questions for all public measures and other propositions
25 shall be designated by borders or grey screens on the ballot or
26 marking device. In primary elections, a separate ballot, or

1 displays on the marking device, shall be used for each
2 political party holding a primary, with the ballot or marking
3 device arranged to include names of the candidates of the party
4 and public measures and other propositions to be voted upon on
5 the day of the primary election.

6 If the ballot includes both candidates for office and
7 public measures or propositions to be voted on, the election
8 official in charge of the election shall divide the ballot or
9 displays on the marking device in sections for "Candidates" and
10 "Propositions", or separate ballots may be used.

11 Absentee ballots may consist of envelopes, paper ballots or
12 ballot sheets voted in person in the office of the election
13 official in charge of the election or voted by mail. Where a
14 Precinct Tabulation Optical Scan Technology ballot is used for
15 voting by mail it must be accompanied by voter instructions.

16 Any voter who spoils his or her ballot, makes an error, or
17 has a ballot returned by the automatic tabulating equipment may
18 return the ballot to the judges of election and get another
19 ballot.

20 (Source: P.A. 95-699, eff. 11-9-07; 95-862, eff. 8-19-08.)