

# SB1614



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1614

Introduced 2/19/2009, by Sen. M. Maggie Crotty

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12  
10 ILCS 5/7-13

from Ch. 46, par. 7-12  
from Ch. 46, par. 7-13

Amends the Election Code. Provides that nominating and objector petitions may be filed until 5:00 p.m. on the last day for filing those petitions.

LRB096 11044 JAM 21359 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 7-12 and 7-13 as follows:

6 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

7 Sec. 7-12. All petitions for nomination shall be filed by  
8 mail or in person as follows:

9 (1) Where the nomination is to be made for a State,  
10 congressional, or judicial office, or for any office a  
11 nomination for which is made for a territorial division or  
12 district which comprises more than one county or is partly in  
13 one county and partly in another county or counties, then,  
14 except as otherwise provided in this Section, such petition for  
15 nomination shall be filed in the principal office of the State  
16 Board of Elections not more than 99 and not less than 92 days  
17 prior to the date of the primary, but, in the case of petitions  
18 for nomination to fill a vacancy by special election in the  
19 office of representative in Congress from this State, such  
20 petition for nomination shall be filed in the principal office  
21 of the State Board of Elections not more than 57 days and not  
22 less than 50 days prior to the date of the primary.

23 Where a vacancy occurs in the office of Supreme, Appellate

1 or Circuit Court Judge within the 3-week period preceding the  
2 92nd day before a general primary election, petitions for  
3 nomination for the office in which the vacancy has occurred  
4 shall be filed in the principal office of the State Board of  
5 Elections not more than 78 nor less than 71 days prior to the  
6 date of the general primary election.

7 Where the nomination is to be made for delegates or  
8 alternate delegates to a national nominating convention, then  
9 such petition for nomination shall be filed in the principal  
10 office of the State Board of Elections not more than 99 and not  
11 less than 92 days prior to the date of the primary; provided,  
12 however, that if the rules or policies of a national political  
13 party conflict with such requirements for filing petitions for  
14 nomination for delegates or alternate delegates to a national  
15 nominating convention, the chairman of the State central  
16 committee of such national political party shall notify the  
17 Board in writing, citing by reference the rules or policies of  
18 the national political party in conflict, and in such case the  
19 Board shall direct such petitions to be filed not more than 69  
20 and not less than 62 days prior to the date of the primary.

21 (2) Where the nomination is to be made for a county office  
22 or trustee of a sanitary district then such petition shall be  
23 filed in the office of the county clerk not more than 99 nor  
24 less than 92 days prior to the date of the primary.

25 (3) Where the nomination is to be made for a municipal or  
26 township office, such petitions for nomination shall be filed

1 in the office of the local election official, not more than 78  
2 nor less than 71 days prior to the date of the primary;  
3 provided, where a municipality's or township's boundaries are  
4 coextensive with or are entirely within the jurisdiction of a  
5 municipal board of election commissioners, the petitions shall  
6 be filed in the office of such board; and provided, that  
7 petitions for the office of multi-township assessor shall be  
8 filed with the election authority.

9 (4) The petitions of candidates for State central  
10 committeeman shall be filed in the principal office of the  
11 State Board of Elections not more than 99 nor less than 92 days  
12 prior to the date of the primary.

13 (5) Petitions of candidates for precinct, township or ward  
14 committeemen shall be filed in the office of the county clerk  
15 not more than 99 nor less than 92 days prior to the date of the  
16 primary.

17 (6) The State Board of Elections and the various election  
18 authorities and local election officials with whom such  
19 petitions for nominations are filed shall specify the place  
20 where filings shall be made and upon receipt shall endorse  
21 thereon the day and hour on which each petition was filed. All  
22 petitions filed by persons waiting in line as of 8:00 a.m. on  
23 the first day for filing, or as of the normal opening hour of  
24 the office involved on such day, shall be deemed filed as of  
25 8:00 a.m. or the normal opening hour, as the case may be.  
26 Petitions filed by mail and received after midnight of the

1 first day for filing and in the first mail delivery or pickup  
2 of that day shall be deemed as filed as of 8:00 a.m. of that day  
3 or as of the normal opening hour of such day, as the case may  
4 be. All petitions received thereafter shall be deemed as filed  
5 in the order of actual receipt. Where 2 or more petitions are  
6 received simultaneously, the State Board of Elections or the  
7 various election authorities or local election officials with  
8 whom such petitions are filed shall break ties and determine  
9 the order of filing, by means of a lottery or other fair and  
10 impartial method of random selection approved by the State  
11 Board of Elections. Such lottery shall be conducted within 9  
12 days following the last day for petition filing and shall be  
13 open to the public. Seven days written notice of the time and  
14 place of conducting such random selection shall be given by the  
15 State Board of Elections to the chairman of the State central  
16 committee of each established political party, and by each  
17 election authority or local election official, to the County  
18 Chairman of each established political party, and to each  
19 organization of citizens within the election jurisdiction  
20 which was entitled, under this Article, at the next preceding  
21 election, to have pollwatchers present on the day of election.  
22 The State Board of Elections, election authority or local  
23 election official shall post in a conspicuous, open and public  
24 place, at the entrance of the office, notice of the time and  
25 place of such lottery. The State Board of Elections shall adopt  
26 rules and regulations governing the procedures for the conduct

1 of such lottery. All candidates shall be certified in the order  
2 in which their petitions have been filed. Where candidates have  
3 filed simultaneously, they shall be certified in the order  
4 determined by lot and prior to candidates who filed for the  
5 same office at a later time.

6 (7) The State Board of Elections or the appropriate  
7 election authority or local election official with whom such a  
8 petition for nomination is filed shall notify the person for  
9 whom a petition for nomination has been filed of the obligation  
10 to file statements of organization, reports of campaign  
11 contributions, and annual reports of campaign contributions  
12 and expenditures under Article 9 of this Act. Such notice shall  
13 be given in the manner prescribed by paragraph (7) of Section  
14 9-16 of this Code.

15 (8) Nomination papers filed under this Section are not  
16 valid if the candidate named therein fails to file a statement  
17 of economic interests as required by the Illinois Governmental  
18 Ethics Act in relation to his candidacy with the appropriate  
19 officer by the end of the period for the filing of nomination  
20 papers unless he has filed a statement of economic interests in  
21 relation to the same governmental unit with that officer within  
22 a year preceding the date on which such nomination papers were  
23 filed. If the nomination papers of any candidate and the  
24 statement of economic interest of that candidate are not  
25 required to be filed with the same officer, the candidate must  
26 file with the officer with whom the nomination papers are filed

1 a receipt from the officer with whom the statement of economic  
2 interests is filed showing the date on which such statement was  
3 filed. Such receipt shall be so filed not later than the last  
4 day on which nomination papers may be filed.

5 (9) Any person for whom a petition for nomination, or for  
6 committeeman or for delegate or alternate delegate to a  
7 national nominating convention has been filed may cause his  
8 name to be withdrawn by request in writing, signed by him and  
9 duly acknowledged before an officer qualified to take  
10 acknowledgments of deeds, and filed in the principal or  
11 permanent branch office of the State Board of Elections or with  
12 the appropriate election authority or local election official,  
13 not later than the date of certification of candidates for the  
14 consolidated primary or general primary ballot. No names so  
15 withdrawn shall be certified or printed on the primary ballot.  
16 If petitions for nomination have been filed for the same person  
17 with respect to more than one political party, his name shall  
18 not be certified nor printed on the primary ballot of any  
19 party. If petitions for nomination have been filed for the same  
20 person for 2 or more offices which are incompatible so that the  
21 same person could not serve in more than one of such offices if  
22 elected, that person must withdraw as a candidate for all but  
23 one of such offices within the 5 business days following the  
24 last day for petition filing. If he fails to withdraw as a  
25 candidate for all but one of such offices within such time his  
26 name shall not be certified, nor printed on the primary ballot,

1 for any office. For the purpose of the foregoing provisions, an  
2 office in a political party is not incompatible with any other  
3 office.

4 (10) (a) Notwithstanding the provisions of any other  
5 statute, no primary shall be held for an established  
6 political party in any township, municipality, or ward  
7 thereof, where the nomination of such party for every  
8 office to be voted upon by the electors of such township,  
9 municipality, or ward thereof, is uncontested. Whenever a  
10 political party's nomination of candidates is uncontested  
11 as to one or more, but not all, of the offices to be voted  
12 upon by the electors of a township, municipality, or ward  
13 thereof, then a primary shall be held for that party in  
14 such township, municipality, or ward thereof; provided  
15 that the primary ballot shall not include those offices  
16 within such township, municipality, or ward thereof, for  
17 which the nomination is uncontested. For purposes of this  
18 Article, the nomination of an established political party  
19 of a candidate for election to an office shall be deemed to  
20 be uncontested where not more than the number of persons to  
21 be nominated have timely filed valid nomination papers  
22 seeking the nomination of such party for election to such  
23 office.

24 (b) Notwithstanding the provisions of any other  
25 statute, no primary election shall be held for an  
26 established political party for any special primary



1 election called for the purpose of filling a vacancy in the  
2 office of representative in the United States Congress  
3 where the nomination of such political party for said  
4 office is uncontested. For the purposes of this Article,  
5 the nomination of an established political party of a  
6 candidate for election to said office shall be deemed to be  
7 uncontested where not more than the number of persons to be  
8 nominated have timely filed valid nomination papers  
9 seeking the nomination of such established party for  
10 election to said office. This subsection (b) shall not  
11 apply if such primary election is conducted on a regularly  
12 scheduled election day.

13 (c) Notwithstanding the provisions in subparagraph (a)  
14 and (b) of this paragraph (10), whenever a person who has  
15 not timely filed valid nomination papers and who intends to  
16 become a write-in candidate for a political party's  
17 nomination for any office for which the nomination is  
18 uncontested files a written statement or notice of that  
19 intent with the State Board of Elections or the local  
20 election official with whom nomination papers for such  
21 office are filed, a primary ballot shall be prepared and a  
22 primary shall be held for that office. Such statement or  
23 notice shall be filed on or before the date established in  
24 this Article for certifying candidates for the primary  
25 ballot. Such statement or notice shall contain (i) the name  
26 and address of the person intending to become a write-in

1 candidate, (ii) a statement that the person is a qualified  
2 primary elector of the political party from whom the  
3 nomination is sought, (iii) a statement that the person  
4 intends to become a write-in candidate for the party's  
5 nomination, and (iv) the office the person is seeking as a  
6 write-in candidate. An election authority shall have no  
7 duty to conduct a primary and prepare a primary ballot for  
8 any office for which the nomination is uncontested unless a  
9 statement or notice meeting the requirements of this  
10 Section is filed in a timely manner.

11 (11) If multiple sets of nomination papers are filed for a  
12 candidate to the same office, the State Board of Elections,  
13 appropriate election authority or local election official  
14 where the petitions are filed shall within 2 business days  
15 notify the candidate of his or her multiple petition filings  
16 and that the candidate has 3 business days after receipt of the  
17 notice to notify the State Board of Elections, appropriate  
18 election authority or local election official that he or she  
19 may cancel prior sets of petitions. If the candidate notifies  
20 the State Board of Elections, appropriate election authority or  
21 local election official, the last set of petitions filed shall  
22 be the only petitions to be considered valid by the State Board  
23 of Elections, election authority or local election official. If  
24 the candidate fails to notify the State Board of Elections,  
25 election authority or local election official then only the  
26 first set of petitions filed shall be valid and all subsequent

1 petitions shall be void.

2 (11.5) Nominating petitions may be filed, and shall be  
3 accepted for filing, until 5:00 p.m. on the last day for filing  
4 those petitions.

5 (12) All nominating petitions shall be available for public  
6 inspection and shall be preserved for a period of not less than  
7 6 months.

8 (Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1089;  
9 87-1052.)

10 (10 ILCS 5/7-13) (from Ch. 46, par. 7-13)

11 Sec. 7-13. The board of election commissioners in cities of  
12 500,000 or more population having such board, shall constitute  
13 an electoral board for the hearing and passing upon objections  
14 to nomination petitions for ward committeemen.

15 Such objections shall be filed in the office of the county  
16 clerk not less than 81 days prior to the primary. The objection  
17 shall state the name and address of the objector, who may be  
18 any qualified elector in the ward, the specific grounds of  
19 objection and the relief requested of the electoral board. Upon  
20 the receipt of the objection, the county clerk shall forthwith  
21 transmit such objection and the petition of the candidate to  
22 the board of election commissioners. The board of election  
23 commissioners shall forthwith notify the objector and  
24 candidate objected to of the time and place for hearing hereon.  
25 After a hearing upon the validity of such objections, the board

1 shall, not less than 74 days prior to the date of the primary,  
2 certify to the county clerk, its decision stating whether or  
3 not the name of the candidate shall be printed on the ballot  
4 and the county clerk in his or her certificate to the board of  
5 election commissioners shall leave off of the certificate the  
6 name of the candidate for ward committeeman that the election  
7 commissioners order not to be printed on the ballot. However,  
8 the decision of the board of election commissioners is subject  
9 to judicial review as provided in Section 10-10.1.

10 The county electoral board composed as provided in Section  
11 10-9 shall constitute an electoral board for the hearing and  
12 passing upon objections to nomination petitions for precinct  
13 and township committeemen. Such objections shall be filed in  
14 the office of the county clerk not less than 81 days prior to  
15 the primary. The objection shall state the name and address of  
16 the objector who may be any qualified elector in the precinct  
17 or in the township or part of a township that lies outside of a  
18 city having a population of 500,000 or more, the specific  
19 grounds of objection and the relief requested of the electoral  
20 board. Upon the receipt of the objection the county clerk shall  
21 forthwith transmit such objection and the petition of the  
22 candidate to the chairman of the county electoral board. The  
23 chairman of the county electoral board shall forthwith notify  
24 the objector, the candidate whose petition is objected to and  
25 the other members of the electoral board of the time and place  
26 for hearing thereon. After hearing upon the validity of such

1 objections the board shall, not less than 74 days prior to the  
2 date of the primary, certify its decision to the county clerk  
3 stating whether or not the name of the candidate shall be  
4 printed on the ballot, and the county clerk, in his or her  
5 certificate to the board of election commissioners, shall leave  
6 off of the certificate the name of the candidate ordered by the  
7 board not to be printed on the ballot, and the county clerk  
8 shall also refrain from printing on the official primary  
9 ballot, the name of any candidate whose name has been ordered  
10 by the electoral board not to be printed on the ballot.  
11 However, the decision of the board is subject to judicial  
12 review as provided in Section 10-10.1.

13 In such proceedings the electoral boards have the same  
14 powers as other electoral boards under the provisions of  
15 Section 10-10 of this Act and their decisions are subject to  
16 judicial review under Section 10-10.1.

17 An objector's petition may be filed, and shall be accepted  
18 for filing, until 5:00 p.m. on the last day for filing such a  
19 petition.

20 (Source: P.A. 84-1308.)