



Rep. Elaine Nekritz

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LRB099 09122 MGM 36420 a

1 AMENDMENT TO SENATE BILL 1265

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1265 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Sections 7-12 and 25-7 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  
13 in one county and partly in another county or counties,  
14 then, except as otherwise provided in this Section, such  
15 petition for nomination shall be filed in the principal  
16 office of the State Board of Elections not more than 113

1 and not less than 106 days prior to the date of the  
2 primary, but, in the case of petitions for nomination to  
3 fill a vacancy by special election in the office of  
4 representative in Congress from this State, such petition  
5 for nomination shall be filed in the principal office of  
6 the State Board of Elections not more than 85 ~~57~~ days and  
7 not less than 82 ~~50~~ days prior to the date of the primary.

8 Where a vacancy occurs in the office of Supreme,  
9 Appellate or Circuit Court Judge within the 3-week period  
10 preceding the 106th day before a general primary election,  
11 petitions for nomination for the office in which the  
12 vacancy has occurred shall be filed in the principal office  
13 of the State Board of Elections not more than 92 nor less  
14 than 85 days prior to the date of the general primary  
15 election.

16 Where the nomination is to be made for delegates or  
17 alternate delegates to a national nominating convention,  
18 then such petition for nomination shall be filed in the  
19 principal office of the State Board of Elections not more  
20 than 113 and not less than 106 days prior to the date of  
21 the primary; provided, however, that if the rules or  
22 policies of a national political party conflict with such  
23 requirements for filing petitions for nomination for  
24 delegates or alternate delegates to a national nominating  
25 convention, the chairman of the State central committee of  
26 such national political party shall notify the Board in

1 writing, citing by reference the rules or policies of the  
2 national political party in conflict, and in such case the  
3 Board shall direct such petitions to be filed in accordance  
4 with the delegate selection plan adopted by the state  
5 central committee of such national political party.

6 (2) Where the nomination is to be made for a county  
7 office or trustee of a sanitary district then such petition  
8 shall be filed in the office of the county clerk not more  
9 than 113 nor less than 106 days prior to the date of the  
10 primary.

11 (3) Where the nomination is to be made for a municipal  
12 or township office, such petitions for nomination shall be  
13 filed in the office of the local election official, not  
14 more than 99 nor less than 92 days prior to the date of the  
15 primary; provided, where a municipality's or township's  
16 boundaries are coextensive with or are entirely within the  
17 jurisdiction of a municipal board of election  
18 commissioners, the petitions shall be filed in the office  
19 of such board; and provided, that petitions for the office  
20 of multi-township assessor shall be filed with the election  
21 authority.

22 (4) The petitions of candidates for State central  
23 committeeman shall be filed in the principal office of the  
24 State Board of Elections not more than 113 nor less than  
25 106 days prior to the date of the primary.

26 (5) Petitions of candidates for precinct, township or

1 ward committeemen shall be filed in the office of the  
2 county clerk not more than 113 nor less than 106 days prior  
3 to the date of the primary.

4 (6) The State Board of Elections and the various  
5 election authorities and local election officials with  
6 whom such petitions for nominations are filed shall specify  
7 the place where filings shall be made and upon receipt  
8 shall endorse thereon the day and hour on which each  
9 petition was filed. All petitions filed by persons waiting  
10 in line as of 8:00 a.m. on the first day for filing, or as  
11 of the normal opening hour of the office involved on such  
12 day, shall be deemed filed as of 8:00 a.m. or the normal  
13 opening hour, as the case may be. Petitions filed by mail  
14 and received after midnight of the first day for filing and  
15 in the first mail delivery or pickup of that day shall be  
16 deemed as filed as of 8:00 a.m. of that day or as of the  
17 normal opening hour of such day, as the case may be. All  
18 petitions received thereafter shall be deemed as filed in  
19 the order of actual receipt. However, 2 or more petitions  
20 filed within the last hour of the filing deadline shall be  
21 deemed filed simultaneously. Where 2 or more petitions are  
22 received simultaneously, the State Board of Elections or  
23 the various election authorities or local election  
24 officials with whom such petitions are filed shall break  
25 ties and determine the order of filing, by means of a  
26 lottery or other fair and impartial method of random

1 selection approved by the State Board of Elections. Such  
2 lottery shall be conducted within 9 days following the last  
3 day for petition filing and shall be open to the public.  
4 Seven days written notice of the time and place of  
5 conducting such random selection shall be given by the  
6 State Board of Elections to the chairman of the State  
7 central committee of each established political party, and  
8 by each election authority or local election official, to  
9 the County Chairman of each established political party,  
10 and to each organization of citizens within the election  
11 jurisdiction which was entitled, under this Article, at the  
12 next preceding election, to have pollwatchers present on  
13 the day of election. The State Board of Elections, election  
14 authority or local election official shall post in a  
15 conspicuous, open and public place, at the entrance of the  
16 office, notice of the time and place of such lottery. The  
17 State Board of Elections shall adopt rules and regulations  
18 governing the procedures for the conduct of such lottery.  
19 All candidates shall be certified in the order in which  
20 their petitions have been filed. Where candidates have  
21 filed simultaneously, they shall be certified in the order  
22 determined by lot and prior to candidates who filed for the  
23 same office at a later time.

24 (7) The State Board of Elections or the appropriate  
25 election authority or local election official with whom  
26 such a petition for nomination is filed shall notify the

1 person for whom a petition for nomination has been filed of  
2 the obligation to file statements of organization, reports  
3 of campaign contributions, and annual reports of campaign  
4 contributions and expenditures under Article 9 of this Act.  
5 Such notice shall be given in the manner prescribed by  
6 paragraph (7) of Section 9-16 of this Code.

7 (8) Nomination papers filed under this Section are not  
8 valid if the candidate named therein fails to file a  
9 statement of economic interests as required by the Illinois  
10 Governmental Ethics Act in relation to his candidacy with  
11 the appropriate officer by the end of the period for the  
12 filing of nomination papers unless he has filed a statement  
13 of economic interests in relation to the same governmental  
14 unit with that officer within a year preceding the date on  
15 which such nomination papers were filed. If the nomination  
16 papers of any candidate and the statement of economic  
17 interest of that candidate are not required to be filed  
18 with the same officer, the candidate must file with the  
19 officer with whom the nomination papers are filed a receipt  
20 from the officer with whom the statement of economic  
21 interests is filed showing the date on which such statement  
22 was filed. Such receipt shall be so filed not later than  
23 the last day on which nomination papers may be filed.

24 (9) Any person for whom a petition for nomination, or  
25 for committeeman or for delegate or alternate delegate to a  
26 national nominating convention has been filed may cause his

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

1 candidate for all but one of such offices within such time  
2 his name shall not be certified, nor printed on the primary  
3 ballot, for any office. For the purpose of the foregoing  
4 provisions, an office in a political party is not  
5 incompatible with any other office.

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

26 (b) Notwithstanding the provisions of any other



1 statute, no primary election shall be held for an  
2 established political party for any special primary  
3 election called for the purpose of filling a vacancy in the  
4 office of representative in the United States Congress  
5 where the nomination of such political party for said  
6 office is uncontested. For the purposes of this Article,  
7 the nomination of an established political party of a  
8 candidate for election to said office shall be deemed to be  
9 uncontested where not more than the number of persons to be  
10 nominated have timely filed valid nomination papers  
11 seeking the nomination of such established party for  
12 election to said office. This subsection (b) shall not  
13 apply if such primary election is conducted on a regularly  
14 scheduled election day.

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

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

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

1 election official. If the candidate fails to notify the  
2 State Board of Elections, election authority or local  
3 election official then only the first set of petitions  
4 filed shall be valid and all subsequent petitions shall be  
5 void.

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

9 (Source: P.A. 96-1008, eff. 7-6-10; 97-81, eff. 7-5-11;  
10 97-1044, eff. 1-1-13.)

11 (10 ILCS 5/25-7) (from Ch. 46, par. 25-7)

12 (Text of Section before amendment by P.A. 98-1171)

13 Sec. 25-7. (a) When any vacancy shall occur in the office  
14 of representative in congress from this state more than 240 ~~180~~  
15 days before the next general election, the Governor shall issue  
16 a writ of election within 5 days after the occurrence of that  
17 vacancy to the county clerks of the several counties in the  
18 district where the vacancy exists, appointing a day within 180  
19 ~~115~~ days of issuance of the writ to hold a special election to  
20 fill such vacancy.

21 (b) ~~Notwithstanding subsection (a) of this Section or any~~  
22 ~~other law to the contrary, a special election to fill a vacancy~~  
23 ~~in the office of representative in congress occurring less than~~  
24 ~~60 days following the 2012 general election shall be held as~~  
25 ~~provided in this subsection (b). A special primary election~~

1 ~~shall be held on February 26, 2013, and a special election~~  
2 ~~shall be held on April 9, 2013.~~

3 Except as provided in this subsection (b), the provisions  
4 of Article 7 of this Code are applicable to petitions for the  
5 special primary election and special election. Petitions for  
6 nomination in accordance with Article 7 shall be filed in the  
7 principal office of the State Board of Elections not more than  
8 85 ~~54~~ and not less than 82 ~~50~~ days prior to the date of the  
9 special primary election, excluding Saturday and Sunday.  
10 Petitions for the nomination of independent candidates and  
11 candidates of new political parties shall be filed in the  
12 principal office of the State Board of Elections not more than  
13 93 ~~68~~ and not less than 90 ~~64~~ days prior to the date of the  
14 special election, excluding Saturday and Sunday.

15 Except as provided in this subsection, the State Board of  
16 Elections shall have authority to establish, in conjunction  
17 with the impacted election authorities, an election calendar  
18 for the special election and special primary.

19 ~~If an election authority is unable to have a sufficient~~  
20 ~~number of ballots printed so that ballots will be available for~~  
21 ~~mailing at least 46 days prior to the special primary election~~  
22 ~~or special election to persons who have filed an application~~  
23 ~~for a ballot under the provisions of Article 20 of this Code,~~  
24 ~~the election authority shall, no later than 45 days prior to~~  
25 ~~each election, mail to each of those persons a Special Write in~~  
26 ~~Absentee Voter's Blank Ballot in accordance with Section~~

1 ~~16-5.01 of this Code. The election authority shall advise those~~  
2 ~~persons that the names of candidates to be nominated or elected~~  
3 ~~shall be available on the election authority's website and~~  
4 ~~shall provide a phone number the person may call to request the~~  
5 ~~names of the candidates for nomination or election.~~

6 (Source: P.A. 97-1134, eff. 12-3-12.)

7 (Text of Section after amendment by P.A. 98-1171)

8 Sec. 25-7. (a) When any vacancy shall occur in the office  
9 of representative in congress from this state more than 240 ~~180~~  
10 days before the next general election, the Governor shall issue  
11 a writ of election within 5 days after the occurrence of that  
12 vacancy to the county clerks of the several counties in the  
13 district where the vacancy exists, appointing a day within 180  
14 ~~115~~ days of issuance of the writ to hold a special election to  
15 fill such vacancy.

16 (b) ~~Notwithstanding subsection (a) of this Section or any~~  
17 ~~other law to the contrary, a special election to fill a vacancy~~  
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24 of Article 7 of this Code are applicable to petitions for the  
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4 special primary election, excluding Saturday and Sunday.  
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6 candidates of new political parties shall be filed in the  
7 principal office of the State Board of Elections not more than  
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9 special election, excluding Saturday and Sunday.

10 Except as provided in this subsection, the State Board of  
11 Elections shall have authority to establish, in conjunction  
12 with the impacted election authorities, an election calendar  
13 for the special election and special primary.

14 ~~If an election authority is unable to have a sufficient~~  
15 ~~number of ballots printed so that ballots will be available for~~  
16 ~~mailing at least 46 days prior to the special primary election~~  
17 ~~or special election to persons who have filed an application~~  
18 ~~for a ballot under the provisions of Article 20 of this Code,~~  
19 ~~the election authority shall, no later than 45 days prior to~~  
20 ~~each election, mail to each of those persons a Special Write in~~  
21 ~~Vote by Mail Voter's Blank Ballot in accordance with Section~~  
22 ~~16-5.01 of this Code. The election authority shall advise those~~  
23 ~~persons that the names of candidates to be nominated or elected~~  
24 ~~shall be available on the election authority's website and~~  
25 ~~shall provide a phone number the person may call to request the~~  
26 ~~names of the candidates for nomination or election.~~

1 (Source: P.A. 97-1134, eff. 12-3-12; 98-1171, eff. 6-1-15.)

2 Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.".