

**96<sup>TH</sup> GENERAL ASSEMBLY**  
**State of Illinois**  
**2009 and 2010**

Introduced [DATE], by [NAME]

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/7-11

- 1 Amends the Election Code. Provides that beginning with the general election in 2012,
- 2 Presidential candidates must submit proof and documentation of age and citizenship, as
- 3 prescribed in Article II, Section 1 of the Constitution of the United States.

[REFERENCE #]

**A BILL FOR**

[BILL #]

[REFERENCE #]

- 1 AN ACT concerning conduct of Presidential elections.
- 2 Be it enacted by the People of the State of Illinois, represented in the General Assembly:
- 3 The Election Code is amended by changing Section 5/7-11 and 5/18-9.1 as follows:
- 4 (10 ILCS 5/7-11)

5           Sec. 7-11. Any candidate for President of the United States may have his name printed  
6 upon the primary ballot of his political party by filing in the office of the State Board of  
7 Elections not more than 99 and not less than 92 days prior to the date of the general primary, in  
8 any year in which a Presidential election is to be held, a petition signed by not less than 3000 or  
9 more than 5000 primary electors, members of and affiliated with the party of which he is a  
10 candidate, and no candidate for President of the United States, who fails to comply with the  
11 provisions of this Article (including the filing of the affidavit and related proof provided in this  
12 Section 7-11) shall have his name printed upon any primary ballot: Provided, however, that if  
13 the rules or policies of a national political party conflict with such requirements for filing  
14 petitions for President of the United States in a presidential preference primary, the Chairman of  
15 the State central committee of such national political party shall notify the State Board of  
16 Elections in writing, citing by reference the rules or policies of the national political party in  
17 conflict, and in such case the Board shall direct such petitions to be filed not more than 69 and  
18 not less than 62 days prior to the date of the general primary, in any year in which a Presidential  
19 election is to be held. Within 10 days after filing said petitions in the office of the State Board of  
20 Elections in accordance with either of the preceding requirements of this Section 7-11, a  
21 candidate for President of the United States shall also file in the office of the State Board of  
22 Elections an affidavit in which such candidate states the candidate's citizenship, age and  
23 residency; and shall append to the affidavit documents that prove each of the following: (a) the  
24 candidate is a natural born citizen; (b) the candidate's birth date; and (c) the candidate meets the  
25 residency requirements in order to be eligible to serve as President of the United States as  
26 prescribed in Article II, Section 1, Constitution of the United States. Any such affidavit and  
27 appended documents shall be subject to public access pursuant to the Illinois Freedom of

28 Information Act (5 ILCS 140). Provided, further, unless rules or policies of a national political  
29 party otherwise provide, the vote for President of the United States, as herein provided for, shall  
30 be for the sole purpose of securing an expression of the sentiment and will of the party voters  
31 with respect to candidates for nomination for said office, and the vote of the state at large shall  
32 be taken and considered as advisory to the delegates and alternates at large to the national  
33 conventions of respective political parties; and the vote of the respective congressional districts  
34 shall be taken and considered as advisory to the delegates and alternates of said congressional  
35 districts to the national conventions of the respective political parties.

36 (Source: P.A. 86-873; 86-1089.)

37 (10 ILCS 5/18-9.1)

38 Sec. 18-9.1. Write-in votes shall be counted only for persons who have filed notarized  
39 declarations of intent to be write-in candidates with the proper election authority or authorities  
40 not later than 61 days prior to the election. However, whenever an objection to a candidate's  
41 nominating papers or petitions is sustained under Section 10-10 after the 61<sup>st</sup> day before the  
42 election, then write-in votes shall be counted for that candidate if he or she has filed a notarized  
43 declaration of intent to be a write-in candidate for that office with the proper election authority or  
44 authorities not later than 7 days prior to the election.

45 Write-in votes for candidates for President of the United States shall be counted only for  
46 persons who have also filed in the office of the State Board of Elections within 10 days after  
47 filing said notarized declaration an affidavit in which such candidate states the candidate's  
48 citizenship, age and residency; and shall append to the affidavit documents that prove each of the  
49 following: (a) the candidate is a natural born citizen; (b) the candidate's birth date; and (c) the  
50 candidate meets the residency requirements in order to be eligible to serve as President of the

51 United States as prescribed in Article II, Section 1, Constitution of the United States. Any such  
52 affidavit and appended documents shall be subject to public access pursuant to the Illinois  
53 Freedom of Information Act (5 ILCS 140).

54 Forms for the declaration of intent to be a write-in candidate shall be supplied by the  
55 election authorities. Such declaration shall specify the office for which the person seeks election  
56 as a write-in candidate.

57 The election authority or authorities shall deliver a list of all persons who have filed such  
58 declarations to the election judges in the appropriate precincts prior to the election.

59 A candidate for whom a nomination paper has been filed as a partisan candidate at a  
60 primary election, and who is defeated for his or her nomination at the primary election, is  
61 ineligible to file a declaration of intent to be a write-in candidate for election in that general or  
62 consolidated election.

63 A candidate seeking election to an office for which candidates of political parties are  
64 nominated by caucus who is a participant in the caucus and who is defeated for his or her  
65 nomination at such caucus is ineligible to file a declaration of intent to be a write-in candidate for  
66 election in that general or consolidated election.

67 A candidate seeking election to an office for which candidates are nominated at a primary  
68 election on a nonpartisan basis and who is defeated for his or her nomination at the primary  
69 election is ineligible to file a declaration of intent to be a write-in candidate for election in that  
70 general or consolidated election.

71 Nothing in this Section shall be construed to apply to votes cast under the provisions of  
72 subsection (b) of Section 16-5.01.

73 (Source: P.A. 95-699, eff. 11-9-07.)