

1 AN ACT concerning voters' guides.

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 adding
5 Article 12A as follows:

6 (10 ILCS 5/Art.12A heading new)

7 ARTICLE 12A. COUNTY INTERNET VOTERS' GUIDE

8 (10 ILCS 5/12A-1 new)

9 Sec. 12A-1. Definitions. As used in this Article,
10 unless the context otherwise requires:

11 "Board" means the State Board of Elections.

12 "Election authority" means a county clerk or a Board of
13 Election Commissioners.

14 "Electoral district" means a county, municipality, or
15 district as defined in Section 1-3 of this Code.

16 "Public question" means any question, proposition, or
17 measure submitted to the voters under Article 28 of this
18 Code, except that "public question" does not include
19 questions relating to the Constitution.

20 (10 ILCS 5/12A-5 new)

21 Sec. 12A-5. County voters' guide. When directed by
22 resolution of the county board, the election authority of any
23 county must post a county voters' guide for on the county's
24 or election authority's World Wide Web site for the
25 consolidated election.

26 (10 ILCS 5/12A-10 new)

27 Sec. 12A-10. Information required to be included in
28 voters' guide.

1 (a) If a county produces a county voters' guide, the
2 county voters' guide must include, when applicable, at least
3 the following information:

4 (1) A sample ballot containing the names of
5 candidates for all offices and all public questions as
6 they will appear on the ballot in the county.

7 (2) Requirements for a citizen to qualify as an
8 elector.

9 (3) Requirements for registration, transfer of
10 registration, and re-registration.

11 (4) Instructions as to how an elector may obtain and
12 use an absentee ballot.

13 (5) Elector instructions, including the right of an
14 elector to request a second ballot if the first ballot is
15 spoiled, the right of an elector to take into the voting
16 booth a sample ballot marked in advance, and the right of
17 an elector to seek assistance of the judges of election
18 or someone of the elector's own choosing, other than the
19 elector's employer or agent of that employer or officer
20 or agent of the elector's union, in marking the ballot.

21 (6) The hours that the polling places are open.

22 (7) Any portraits and statements relating to
23 candidates submitted under the provisions of this
24 Article.

25 (8) Any public questions as they will appear on the
26 ballot, explanatory statements, and arguments submitted
27 under the provisions of this Article.

28 (9) A listing of the polling places.

29 (10) Any other information that the election
30 authority considers to be appropriate or necessary to
31 inform the voters.

32 (10 ILCS 5/12A-15 new)

33 Sec. 12A-15. Schedule and procedures for producing

1 guide; fees.

2 (a) The State Board of Elections must, by rule, adopt a
3 schedule and procedures for posting county voters' guides.
4 The schedule and procedures must include, but not be limited
5 to, deadlines for filing material for the voters' guide and
6 except as otherwise provided by law, the format of material
7 to be submitted.

8 (b) The Board must, by rule, adopt a schedule of fees to
9 be charged by the election authority for including portraits
10 of candidates, statements, and arguments in the voters'
11 guide. The fees need not reflect the actual cost of producing
12 the voters' guide. The election authority must refund the
13 filing fee to any person who applies for the refund not later
14 than the last day for filing material for inclusion in the
15 voters' guide. When a refund is made, the material for which
16 the fee was paid may not be included in the pamphlet.

17 (10 ILCS 5/12A-20 new)

18 Sec. 12A-20. Filing portrait and statement by or for
19 candidate. Not later than the date specified by the Board,
20 any candidate for election at the consolidated election
21 within the county, or an agent of the candidate, may file
22 with the election authority of a county that prepares a
23 county voters' guide a portrait of the candidate and a
24 typewritten statement of the reasons the candidate should be
25 elected. The portrait and statement must comply with the
26 applicable rules of the Board. The election authority may not
27 accept the filing of a statement or portrait of any candidate
28 unless the filing is accompanied by the appropriate fee as
29 prescribed by the Board.

30 (10 ILCS 5/12A-25 new)

31 Sec. 12A-25. Explanatory statement. Not later than the
32 date specified by the Board, in a county that prepares a

1 county voters' guide, the proponents of a public question
2 that will appear on the ballot must submit an impartial,
3 simple, and understandable statement explaining the public
4 question and its effect.

5 (10 ILCS 5/12A-30 new)

6 Sec. 5/12A-30. Filing arguments for or against measure.

7 (a) Not later than the date specified by the Board by
8 rule, in a county that prepares a county voters' guide, any
9 person may file with the election authority a typewritten
10 argument supporting or opposing any public questions to be
11 submitted to the voters on the ballot. The election authority
12 may not accept any arguments that are not accompanied by the
13 fee established by the Board or a petition in a form
14 prescribed by the Board. A petition must contain the
15 signatures of at least 4% of the electors in the county
16 eligible to vote on the question to which the argument refers
17 or the signatures of 1,000 electors in the county eligible to
18 vote on the question to which the argument refers, whichever
19 is less. The number of registered electors in an electoral
20 district, for the purposes of this Section, must be
21 calculated on January 1 of each year. Each person signing the
22 petition must subscribe to a statement that the person has
23 read and agrees with the argument. The petition must be
24 filed with the election authority.

25 (b) The election authority must include in the county
26 voters' guide, the name of the person who submitted the
27 argument, the name of the organization the person represents,
28 if any, whether the argument supports or opposes the measure,
29 and a disclaimer that the argument does not constitute an
30 indorsement by the county and that the county does not
31 warrant the accuracy or truth of any statement made in the
32 argument.

1 (10 ILCS 5/12A-35 new)

2 Sec. 5/12A-35. Cost of guide preparation. All fees
3 collected by an election authority under this Act must be
4 transmitted to the State Board of Elections, as provided by
5 rule of the Board, and deposited by the Board into the
6 General Revenue Fund. The State Board of Elections must
7 reimburse the election authority for the actual costs of
8 producing the county voters' guide from an appropriation made
9 by the General Assembly.

10 (10 ILCS 5/12A-40 new)

11 Sec. 12A-40. Content of statements and arguments; notice
12 of material that may be excluded.

13 (a) Statements and arguments submitted for inclusion in
14 a county voters' guide by a candidate, political party,
15 political committee, or other person supporting or opposing a
16 measure must consist only of words or numbers.

17 (b) The election authority must specify on any
18 instructions for filing a statement, argument, or other
19 material in the voters' guide that the statement, argument,
20 or material may be excluded under Section 12A-50.

21 (10 ILCS 5/12A-45 new)

22 Sec. 12A-45. Names of persons or organizations excluded
23 from arguments and statements; exceptions.

24 (a) Except as provided in subsection (b) of this
25 Section, the election authority may not post the name of any
26 person or organization in any argument supporting or opposing
27 any public question or any statement of any candidate, filed
28 for inclusion in a county voters' guide, if the name of the
29 person or organization is cited as supporting or endorsing
30 the argument or statement.

31 (b) The election authority may post the name of a person
32 or organization in an argument or statement submitted for

1 inclusion in a county voters' guide as supporting or
2 endorsing the argument or statement if:

3 (1) not later than the deadline for filing an
4 argument or statement with the election authority, the
5 election authority receives a statement signed by the
6 person, or by an authorized person on behalf of an
7 organization, stating that the person consents to the use
8 of the name of the person or organization; or

9 (2) the name of a person or organization is used
10 with a quotation made by the person on behalf of the
11 person or by an authorized person on behalf of an
12 organization, the quotation was disseminated to the
13 public prior to its inclusion in the argument or
14 statement, and the quotation is identified by its source
15 and date.

16 (c) A person may not submit a false signature under
17 subsection (b) of this Section.

18 (10 ILCS 5/12A-50 new)

19 Sec. 12A-50. Type of material to be excluded from guide;
20 liability for libel; procedure if material excluded.

21 (a) The election authority must reject any statement,
22 argument, or other matter offered for filing and posting in a
23 county voters' guide that:

24 (1) contains any obscene, profane, or defamatory
25 language;

26 (2) incites or advocates hatred, abuse, or violence
27 toward any person or group; or

28 (3) contains any language that may not legally be
29 circulated through the mails.

30 (b) Nothing in this Article makes the author of any
31 statement or argument exempt from any civil or criminal
32 action because of any defamatory statements offered for
33 posting or contained in the voters' guide. The persons

1 writing, signing, or offering a statement or argument for
2 filing are deemed its authors and publishers.

3 (c) The Board must, by rule, establish a procedure to
4 notify a person who offered a statement, argument, or other
5 matter that was rejected under this Section. Subject to
6 voters' guide deadlines, the procedure must require the
7 election authority to:

8 (1) make reasonable attempts to notify the person of
9 the rejection; and

10 (2) allow the person, if notified under paragraph
11 (1) of this subsection, to revise the statement so that
12 it does not violate the provisions of this Section.

13 (10 ILCS 5/12A-55 new)

14 Sec. 12A-55. Format of candidate's statement. The
15 candidate's statement in a county voters' guide must begin
16 with a summary of the following: occupation, educational and
17 occupational background, and prior governmental experience.

18 (10 ILCS 5/12A-60 new)

19 Sec. 12A-60. Exemption from public records law.
20 Notwithstanding any other provisions of law relating to
21 public records, materials filed by a candidate for inclusion
22 in a county voters' guide and arguments supporting or
23 opposing a public question filed by any person for inclusion
24 in a county voters' guide are exempt from public inspection
25 until the 4th business day after the final date for filing
26 the materials.

27 (10 ILCS 5/12A-65 new)

28 Sec. 12A-65. Statements and arguments inadmissible in
29 action to enjoin posting of guide. Material submitted for
30 inclusion in any county voters' guide may not be admitted as
31 evidence in any suit or action against the election authority

1 to restrain or enjoin the posting of the voters' guide.