

1 AN ACT concerning voters' pamphlets.

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 VOTERS' PAMPHLET

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' pamphlet. When directed by  
22 resolution of the county board, the election authority of any  
23 county must prepare, print, and distribute a county voters'  
24 pamphlet for the consolidated election.

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

26 Sec. 12A-10. Information required to be included in  
27 voters' pamphlet; deadline for distribution.

28 (a) If a county produces a county voters' pamphlet, the

1 county voters' pamphlet must include, when applicable, at  
2 least the following information:

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

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

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

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

12 (5) A statement that the voters' pamphlet may be  
13 used to assist electors at the polls.

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

22 (7) The hours that the polling places are open.

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

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

29 (10) A listing of the polling places.

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

33 (b) The election authority must mail or otherwise  
34 distribute the county voters' pamphlet not later than the 7th

1 day before the election.

2 (10 ILCS 5/12A-15 new)

3 Sec. 12A-15. Schedule and procedures for producing and  
4 distributing pamphlet; fees.

5 (a) The State Board of Elections must, by rule, adopt a  
6 schedule and procedures for preparing, printing, and  
7 distributing county voters' pamphlets. The schedule and  
8 procedures must include, but not be limited to, deadlines for  
9 filing material for the voters' pamphlet and except as  
10 otherwise provided by law, the format of material to be  
11 submitted and the size and other requirements applicable to  
12 candidate portraits.

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

23 (10 ILCS 5/12A-20 new)

24 Sec. 12A-20. Filing portrait and statement by or for  
25 candidate. Not later than the date specified by the Board,  
26 any candidate for election at the consolidated election  
27 within the county, or an agent of the candidate, may file  
28 with the election authority of a county that prepares a  
29 county voters' pamphlet a portrait of the candidate and a  
30 typewritten statement of the reasons the candidate should be  
31 elected. The portrait and statement must comply with the  
32 applicable rules of the Board. The election authority may not

1 accept the filing of a statement or portrait of any candidate  
2 unless the filing is accompanied by the appropriate fee as  
3 prescribed by the Board.

4 (10 ILCS 5/12A-25 new)

5 Sec. 12A-25. Explanatory statement. Not later than the  
6 date specified by the Board, in a county that prepares a  
7 county voters' pamphlet, the proponents of a public question  
8 that will appear on the ballot must submit an impartial,  
9 simple, and understandable statement explaining the public  
10 question and its effect.

11 (10 ILCS 5/12A-30 new)

12 Sec. 5/12A-30. Filing arguments for or against measure.  
13 (a) Not later than the date specified by the Board by  
14 rule, in a county that prepares a county voters' pamphlet,  
15 any person may file with the election authority a typewritten  
16 argument supporting or opposing any public questions to be  
17 submitted to the voters on the ballot. The election authority  
18 may not accept any arguments that are not accompanied by the  
19 fee established by the Board or a petition in a form  
20 prescribed by the Board. A petition must contain the  
21 signatures of at least 4% of the electors in the county  
22 eligible to vote on the question to which the argument refers  
23 or the signatures of 1,000 electors in the county eligible to  
24 vote on the question to which the argument refers, whichever  
25 is less. The number of registered electors in an electoral  
26 district, for the purposes of this Section, must be  
27 calculated on January 1 of each year. Each person signing the  
28 petition must subscribe to a statement that the person has  
29 read and agrees with the argument. The petition must be  
30 filed with the election authority.

31 (b) The election authority must include in the county  
32 voters' pamphlet, on the page of the printed argument, the

1 name of the person who submitted the argument, the name of  
2 the organization the person represents, if any, whether the  
3 argument supports or opposes the measure, and a disclaimer  
4 that the argument does not constitute an indorsement by the  
5 county and that the county does not warrant the accuracy or  
6 truth of any statement made in the argument.

7 (10 ILCS 5/12A-35 new)

8 Sec. 5/12A-35. Cost of pamphlet preparation. All fees  
9 collected by an election authority under this Act must be  
10 transmitted to the State Board of Elections, as provided by  
11 rule of the Board, and deposited by the Board into the  
12 General Revenue Fund. The State Board of Elections must  
13 reimburse the election authority for the actual costs of  
14 preparing, printing, and distributing the county voters'  
15 pamphlet from an appropriation made by the General Assembly.

16 (10 ILCS 5/12A-40 new)

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

19 (a) Statements and arguments submitted for inclusion in  
20 a county voters' pamphlet by a candidate, political party,  
21 political committee, or other person supporting or opposing a  
22 measure must consist only of words or numbers.

23 (b) The election authority must specify on any  
24 instructions for filing a statement, argument, or other  
25 material in the voters' pamphlet that the statement,  
26 argument, or material may be excluded under Section 12A-50.

27 (10 ILCS 5/12A-45 new)

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

30 (a) Except as provided in subsection (b) of this  
31 Section, the election authority may not print the name of any

1 person or organization in any argument supporting or opposing  
 2 any public question or any statement of any candidate, filed  
 3 for inclusion in a county voters' pamphlet, if the name of  
 4 the person or organization is cited as supporting or  
 5 endorsing the argument or statement.

6 (b) The election authority may print the name of a  
 7 person or organization in an argument or statement submitted  
 8 for inclusion in a county voters' pamphlet as supporting or  
 9 endorsing the argument or statement if:

10 (1) not later than the deadline for filing an  
 11 argument or statement with the election authority, the  
 12 election authority receives a statement signed by the  
 13 person, or by an authorized person on behalf of an  
 14 organization, stating that the person consents to the use  
 15 of the name of the person or organization; or

16 (2) the name of a person or organization is used  
 17 with a quotation made by the person on behalf of the  
 18 person or by an authorized person on behalf of an  
 19 organization, the quotation was disseminated to the  
 20 public prior to its inclusion in the argument or  
 21 statement, and the quotation is identified by its source  
 22 and date.

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

25 (10 ILCS 5/12A-50 new)

26 Sec. 12A-50. Type of material to be excluded from  
 27 pamphlet; liability for libel; procedure if material  
 28 excluded.

29 (a) The election authority must reject any statement,  
 30 argument, or other matter offered for filing and printing in  
 31 a county voters' pamphlet that:

32 (1) contains any obscene, profane, or defamatory  
 33 language;

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

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

5           (b) Nothing in this Article makes the author of any  
6           statement or argument exempt from any civil or criminal  
7           action because of any defamatory statements offered for  
8           printing or contained in the voters' pamphlet. The persons  
9           writing, signing, or offering a statement or argument for  
10           filing are deemed its authors and publishers.

11           (c) The Board must by rule, establish a procedure to  
12           notify a person who offered a statement, argument, or other  
13           matter that was rejected under this Section. Subject to  
14           voters' pamphlet deadlines, the procedure must require the  
15           election authority to:

16           (1) make reasonable attempts to notify the person of  
17           the rejection; and

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

21           (10 ILCS 5/12A-55 new)

22           Sec. 12A-55. Format of candidate's statement. The  
23           candidate's statement in a county voters' pamphlet must begin  
24           with a summary of the following: occupation, educational and  
25           occupational background, and prior governmental experience.

26           (10 ILCS 5/12A-60 new)

27           Sec. 12A-60. Exemption from public records law.  
28           Notwithstanding any other provisions of law relating to  
29           public records, materials filed by a candidate for inclusion  
30           in a county voters' pamphlet and arguments supporting or  
31           opposing a public question filed by any person for inclusion  
32           in a county voters' pamphlet are exempt from public

1 inspection until the 4th business day after the final date  
2 for filing the materials.

3 (10 ILCS 5/12A-65 new)

4 Sec. 12A-65. Statements and arguments inadmissible in  
5 action to enjoin publication of pamphlet. Material submitted  
6 for inclusion in any county voters' pamphlet may not be  
7 admitted as evidence in any suit or action against the  
8 election authority to restrain or enjoin the publication of  
9 the voters' pamphlet.