

ANSWERS TO FREQUENTLY ASKED QUESTIONS

SIGNING PETITIONS

1. **Can a registered voter sign petitions for candidates of more than one political party for the same primary election?**

No.

2. **May a voter who voted Republican in the last primary election now sign a petition for a Democratic candidate?**

Yes, however, no one may sign petitions for candidates of more than one political party for the **same** primary election.

3. **Can a voter sign an established party petition and a new party and/or independent petition?**

Once a voter signs an established party candidate's petition or an independent candidate's petition to be filed prior to a primary election, the voter cannot sign another established party candidate's or independent candidate's petition to be filed prior to the primary election. However, the voter can sign a new party petition to be filed for the general election.

4. **What could happen if a voter signs one party's petitions for the primary election but requests another party's ballot at that primary election?**

Illinois statutes (10 ILCS 5/7-43) provide that no person shall be allowed to vote a party ballot in the primary election if the person signed the nominating petition of any candidate of another party or an independent candidate for any office for which such candidate is to be voted for at that primary election. If a voter requests the ballot of another party in the primary election, that voter's right to vote that party's ballot could be challenged in the polling place.

5. **How should the voter sign his name when he signs the petition?**

The voter should sign the petition with the same name as he or she is registered to vote. Example – the signature for James Smith should not appear on the petition as Jim Smith however, signing with a nickname will not invalidate the signature, provided the voter can be identified.

6. **Are pencil signatures allowed?**

Yes, but it is advisable to use a pen with dark ink.

7. Are abbreviations allowed on petitions?

Standard abbreviations may be used in writing the voter's address, including the street number.

8. Can ditto marks be used on the petitions?

Ditto marks should be avoided. The use of ditto marks could be objected to and the outcome of an objection cannot be predicted. Also, writing over ditto marks should be avoided because it may appear that the petition has been altered. A circulator can, however, fill in any missing information except, of course, a voter's signature.

CIRCULATORS

9. May a candidate circulate his or her own petition sheets?

Yes.

10. When can the circulator start collecting signatures?

No more than 90 days prior to the last day for filing petitions.

11. If a candidate finds something wrong with his or her petitions after they are filed, can a new set of petitions be circulated and filed before the end of the filing period?

Yes, but the candidate must cancel the original set of petitions in writing. If the candidate fails to cancel the original set of petitions, then only the original petitions shall be considered filed and all subsequent petitions shall be void.

12. May a circulator circulate petitions for an independent candidate and an established party candidate?

No.

13. May a circulator sign as a voter on the petition he or she is circulating?

Yes, as long as he/she is a registered voter in the district.

14. May a circulator circulate petitions for an established party candidate and a new party candidate?

No.

15. Is the circulator required to be a registered voter?

No.

16. Can a petition sheet be circulated by more than one individual?

No. Only the person who signs the page as circulator can circulate that sheet. By signing as circulator, the circulator is attesting that all signers signed in his/her presence.

FILING PETITIONS

17. May a candidate file in person and by mail?

Yes. The candidate will have to notify the filing office which filing should be the official filing. If the candidate fails to notify the filing officer, then only the first set of petitions filed shall be valid.

18. May a petition contain the names of two or more candidates of the same established party?

Yes. An established party may slate a candidate for each office to be filled within a district. For example, in a judicial district several judges are to be elected. Each candidate of the slate must individually file a Statement of Candidacy and a receipt for filing a Statement of Economic Interests. The Statement of Candidacy and the receipt for each candidate must be attached to the original slate petition.

19. When must a petition be filed with a complete slate of candidates?

New political parties must file a complete slate of candidates for offices in the political subdivision or district from which they wish to run for office. An established party may file a complete slate or they may file either a single candidate petition or a partial slate petition for the political subdivision or district.

20. If you are first in line or your petition is in the first mail pickup or delivery of the day, will you be first on the ballot?

Not necessarily. If there are two or more candidates in line prior to the opening of the office filing from the same party and for the same office, they would be considered as filing simultaneously along with any petition in the first mail pickup or delivery and will be involved in a lottery to determine ballot position.

21. Must the notary of the petition be an Illinois notary?

No.

22. Is a lottery conducted for party placement on the ballot?

For the general election, a lottery is conducted by each election authority for all established parties to determine the proper order of party placement on the ballot. This lottery is held within 30 days following the proclamation of the results of the primary election. New parties are involved in a lottery when there is a simultaneous filing with the State Board of Elections or the county clerk. The State Board of Elections conducts the lottery for new parties which file in the Springfield office and the election authorities must use such order. No party lottery is done for the primary election since each party has its own ballot, separate from any other established party.

23. In filing a petition to fill a vacancy in the office of Circuit Judge, must the petition contain the vacancy for which the candidate is filing?

Yes. For example, "To fill the vacancy of the Honorable John Jones." The vacancy is for the preceding elected judge, not the interim appointee.

24. Are judges running for retention required to file petitions?

No. Judges running for retention are required to file a Declaration of Candidacy with the Secretary of State on or before the first Monday in December, preceding the expiration of their term of office.

25. Does a candidate have to file his or her own nomination papers?

No. The candidate or a representative of the candidate can file the candidate's petitions.

26. May a candidate file his or her own petition and petitions for other candidates at the same time?

Yes.

27. May a candidate file for more than one office?

Yes, however, the candidate must withdraw from all but one office within five business days following the last day of petition filing, if the offices are incompatible. The withdrawal notice must be in writing and notarized. If he/she does not withdraw, his/her name will not be certified for any office.

28. When may petitions be mailed?

There are no statutory requirements regarding a time element for mailing petitions. However, all petitions that are received in the office prior to the opening of the office on the first day of the filing period will be returned to the sender.

29. May a petition that has been filed be changed?

NO. A petition once filed may not be added to or altered. However, the receipt(s) for filing Statements of Economic Interests may be filed at any time during the filing period.

30. Who can remove a signature from a nominating petition?

Only the circulator or the candidate on whose behalf the petition was circulated may strike a signature. However, an individual can submit a written request to the proper filing office to have his/her own name removed **before** the petition is filed. (10 ILCS 5/7-10, 8-8 and 10-3)

Petition Circulator

- a. A petition circulator must be 18 years of age or older and a citizen of the United States. **The circulator must personally witness all signatures given and sign the certificate required stating that all signatures were taken in his or her presence.** No one may be considered a circulator of any petition page except the person who signs its certificate. (10 ILCS 5/7-10, 8-8 and 10-4)

NOTE: Requiring the petition page circulator to be a registered voter was declared unconstitutional by the U.S. District Court for the Northern District of Illinois. Legislation (SB1109) was passed by the 92nd General Assembly and signed by the Governor that further clarifies circulator qualifications and eliminates the requirement that circulators be registered voters. (Public Act 92-0129)

- b. Petition sheets must **not** be circulated more than 90 days preceding the last day for the filing of the petitions. The circulator's statement on a candidate's petition sheet must specify either the dates on which the sheets were circulated, the first and last dates on which the sheet was circulated or that none of the signatures on the sheet were signed more than 90 days preceding the last day for filing the petitions. See page ii for dates when candidates may start circulating petitions. (10 ILCS 5/7-10, 8-8 and 10-4)
- c. A petition circulator may not circulate for more than one political party. (10 ILCS 5/10-3 and 10-4)
- d. A petition circulator may not circulate for an independent candidate or candidates in addition to candidates for an established political party. (10 ILCS 5/10-3 and 10-4)
- e. A petition circulator may not circulate for more than one new political party. (10 ILCS 5/10-3 and 10-4)
- f. A petition circulator may not circulate for an independent candidate or candidates in addition to candidates for a new political party. (10 ILCS 5/10-3 and 10-4)
- g. A petition circulator must complete the circulator's statement at the bottom of each petition sheet certifying address, age and citizenship information and also certifying that the signatures on that sheet were signed in his/her presence and are genuine and that to the best of his/her knowledge the persons so signing were duly registered voters of the political subdivision for which the candidate or candidates shall be nominated, or elected, and that their respective registration addresses are correctly stated therein. This statement shall be sworn to and signed before an officer authorized to administer oaths in Illinois. (10 ILCS 5/7-10, 8-8, 10-3, 10-4)

Petition Signers

- a. A signer **MAY NOT** sign petitions for candidates of more than one political party for the same primary election. (10 ILCS 5/7-10 and 10-4)
- b. If a signer does not sign a political party petition, he or she may sign one independent candidate's petition for each office to be elected.
- c. A signer may sign the petitions of one established political party for the primary election and one new political party for the subsequent general election. (10 ILCS 5/10-3)
- d. A signer must sign his/her own signature on the petition. The signer cannot sign for someone else, such as another member of his or her family. (10 ILCS 5/7-10 and 10-4)
- e. A petition signer may change party affiliation from one election to another. Kusper v. Pontikes, 414 U.S. 51, 94 S. Ct. 303 (1973); Sperling v. County Officers Electoral Board, 57 Ill.2d 81, 309 N.E. 2d 589 (1974)
- f. Petition signers must be registered voters in the political subdivision in which the candidate is seeking nomination or election. (10 ILCS 5/7-10, 8-8, 10-2, 10-3 and 10-4)
- g. Petition signers shall indicate on such petition their residence address, written or printed, including the street address or rural route number, as well as their city, village or town, county and state. **A petition signer must be a registered voter from the address shown opposite his/her signature on the petition.** (10 ILCS 5/7-10, 8-8 and 10-4)
- h. Signatures may be struck from the petition by the circulator or the candidate, prior to filing, in the following manner:
 - 1) The person striking the signature must initial the petition at the place where the signature is struck. (10 ILCS 5/7-10, 8-8 and 10-3)
 - 2) The person striking the signature must sign a certification (SBE Form P-2A) listing the page number and line number of each signature struck from the petition. Such certification shall be filed as part of the petition. (10 ILCS 5/7-10, 8-8 and 10-3)
 - 3) The person striking signatures from independent candidate petitions must sign an additional certificate (SBE Form P-2B) specifying the number of certification pages listing stricken signatures, which are attached to the petition, and the page numbers indicated on such certifications. This additional certificate must be filed as part of the petition, shall be numbered, and shall be attached immediately

following the last page of voters' signatures and before the certifications of stricken signatures. (10 ILCS 5/10-3)

- 4) All of the foregoing requirements are necessary to effect a valid striking of any signature. Provisions authorizing the striking of signatures do not impose criminal liability on any person so authorized to strike signatures that may be fraudulent. (10 ILCS 5/10-3)