

# Getting and Staying on the Ballot

Running for Local Office in the  
April 2, 2019 Consolidated Election



## GETTING AND STAYING ON THE BALLOT

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## Outline of Presentation



- Getting and Staying on the Ballot
  - Forms
  - Circulation Process
  - Filing
  - Objections
  - Top 10 Mistakes
- Getting to Election Day
  - Campaign Finance
  - Campaign Contribution Limits
  - Campaign Signs
  - Candidate Conduct

## Illinois State Board of Elections Required Forms

- 2019 Candidate's Guide
- Illinois Election Code
- County in charge of some
- Local election official in charge of others
- No county or local obligation to help


## Illinois Election Code (Candidate Requirements)


- 2019 Candidate's Guide
  - Requirements for filing for local offices
  - Filing timelines
  - Procedures
  - Objection process





The image shows a table of requirements for a Board of Education Member. The table is set against a light gray background and is enclosed in a double-line border. The requirements are listed as follows:

<b>OFFICE:</b>	Board of Education Member
<b>QUALIFICATIONS:</b>	Qualified elector/registered voter and shall not be a child sex offender as defined in Section 11-9.3 of the Criminal Code of 2012. [105 ILCS 5/10-10]
<b>RESIDENCY:</b>	Any person who, on the date of election, is a U.S. citizen of the age of 18 or over and a resident of the State and the territory encompassing the district for one year preceding the election is eligible. A member cannot serve as a school trustee. [105 ILCS 5/10-10]
<b>SIGNATURE REQUIREMENTS:</b>	Petition must be signed by at least 50 qualified voters or 10% of the voters, whichever is less, residing within the district. [105 ILCS 5/9-10]
<b>PETITION:</b>	Board of Education petition (at large) SBE Form P-7 Board of Education petition (districts 1 - 7) SBE Form P-7A
<b>STATEMENT OF CANDIDACY:</b>	Filed with the nominating petitions. Nonpartisan SBE Form P-1A.
<b>LOYALTY OATH:</b>	(Optional) Filed with the nominating petitions. SBE Form P-1C.

	
<b>STATEMENT OF ECONOMIC INTERESTS:</b>	Filed with the county clerk of the county in which the principal office of the unit of local government with which the person is associated is located. See page 6 regarding the filing of the receipt. [5 ILCS 420/4A-106]
<b>FILING DATES:</b>	December 10-17, 2018(not more than 113 nor less than 106 days prior to the Consolidated Election).
<b>WHERE TO FILE:</b>	Filed with the county clerk or the county board of election commissioners, as the case may be, of the county in which the principal office of the school district is located. [105 ILCS 5/9-10]
<b>CAMPAIGN DISCLOSURE:</b>	Reports must be filed on paper or electronically with the State Board of Education, 2329 S. MacArthur Blvd., Springfield, IL 62704 or 100 West Randolph Street, Suite 14-100, Chicago, IL 60601.
<b>FAIR CAMPAIGN PRACTICES ACT:</b>	Filed with the county clerk. (Voluntary - see page 20.)
<b>TERM BEGINS:</b>	Within 28 days after the election. [105 ILCS 5/10-16]
<b>TERM OF OFFICE:</b>	4 years – may be changed to 6 years by referendum. [105 ILCS 5/9-5]

	
<b>OFFICE:</b>	Local Library Board Trustee
<b>QUALIFICATIONS:</b>	Qualified elector/registered voter.
<b>RESIDENCY:</b>	Resident of village involved. [75 ILCS 5/4-3.3]
<b>SIGNATURE REQUIREMENTS:</b>	Petition must be signed by at least 25 legal voters residing in the village [75 ILCS 5/4-3.3]
<b>PETITION:</b>	Nonpartisan SBE Form P-4.
<b>STATEMENT OF CANDIDACY:</b>	Filed with the nominating petitions. Nonpartisan SBE Form P-1A.
<b>LOYALTY OATH:</b>	(Optional) Filed with the nominating petitions. SBE Form P-1C.

	
<b>STATEMENT OF ECONOMIC INTERESTS:</b>	Filed with the county clerk of the county in which the principal office of the unit of local government with which the person is associated is located. [5 ILCS 420/4A-106]
<b>FILING DATES:</b>	December 10-17, 2018 (not more than 113 nor less than 106 days prior to the Consolidated Election).
<b>WHERE TO FILE:</b>	Appropriate local municipal or township clerk.
<b>CAMPAIGN DISCLOSURE:</b>	Reports must be filed either on paper or electronically with the State Board of Elections, 2329 S. MacArthur Blvd., Springfield, IL 62704 or 100 West Randolph, Suite 14-100, Chicago, IL 60601.
<b>TERM BEGINS:</b>	Trustees hold office until their successors are elected and qualified.[75 ILCS 5/4-3.1] Within 60 days after their election the trustees shall meet and organize. [75 ILCS 5/4-6]
<b>TERM OF OFFICE:</b>	7 Trustees: 6 years(Library Board may change to 4-year terms by resolution.) [75 ILCS 5/4-3.1]

	
<b>OFFICE:</b>	Municipal Mayor or President, Alderman or Trustee, Clerk and Treasurer
<b>QUALIFICATIONS:</b>	Qualified elector/registered voter who is not in arrears in the payment of taxes or other debt due and owing the municipality as of the date of taking the oath of office.
<b>RESIDENCY:</b>	Resident of municipality. [65 ILCS 5/3.1-10-5(a)]
<b>SIGNATURE REQUIREMENTS:</b>	<p><b>Established Political Party Candidates:</b> .5% of qualified primary electors or 25, whichever is greater</p> <p><b>New Political Party Candidates:</b> 5% of number of voters in prior municipal regular election</p> <p><b>Independent Party Candidates:</b> 5% of number of voters in last municipal regular election</p>
<b>PETITION:</b>	Established Party SBE Form P-10 (primary), New Party SBE Form P-8 or P-8A, Independent SBE Form P-3
<b>STATEMENT OF CANDIDACY:</b>	Filed with the nominating petitions. See 2019 Candidate's Guide.
<b>LOYALTY OATH:</b>	(Optional) Filed with the nominating petitions. SBE Form P-1C.

<b>STATEMENT OF ECONOMIC INTERESTS</b>	
<b>STATEMENT OF ECONOMIC INTERESTS:</b>	Filed with the county clerk of the county in which the principal office of the unit of local government with which the person is associated is located. [5 ILCS 420/4A-106]
<b>FILING DATES:</b>	November 19-26, 2018 for established political party candidates and December 10-17, 2018 for new party candidates and independent candidates.
<b>WHERE TO FILE:</b>	Municipal clerk.
<b>CAMPAIGN DISCLOSURE:</b>	Reports must be filed either on paper or electronically with the State Board of Elections, 2329 S. MacArthur Blvd., Springfield, IL 62704 or 100 West Randolph, Suite 14-100, Chicago, IL 60601.
<b>TERM BEGINS:</b>	Trustees hold office until their successors are elected and qualified.[75 ILCS 5/4-3.1] Within 60 days after their election the trustees shall meet and organize. [75 ILCS 5/4-6]
<b>TERM OF OFFICE:</b>	4 years

- ## Candidacy
- Established Political Party
  - New Political Party
  - Independent Candidate
  - Non-Partisan Candidate

## Candidate's Guide 2019



- ❑ **REQUIREMENTS FOR FILING NOMINATING PAPERS (page 9)**
  - General Filing Requirements (p. 9-12)
  - Nominating Petition Sheets (p. 12-18)
  - Statement of Candidacy (p. 18-19)
  - Statement of Economic Interests (p. 19-20)



**STATE OF ILLINOIS**

**ELECTION AND CAMPAIGN FINANCE  
CALENDAR**

**2019  
COMPILED BY  
STATE BOARD OF ELECTIONS**

## ISBE FORMS

- New Political Party – SBE No. P-8 – single nominating petition for a full slate
- Independent Candidate Petition – SBE No. P-3 – individual nominating petitions for each candidate, even if there is an “informal” slate
- Non-Partisan Candidate Petition – SBE No. P-4

## Slates

- A slate allows multiple candidates to gather a single set of nominating petitions with the same requirements as if they were running as an individual
- A slate must be an established political party or a new political party
- The Illinois Election Code states that a slate must have candidates for all open offices, but a 2017 Federal court decision struck down that requirement



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**X...BIND HERE...X**      SBE No. P-7

**PETITION FOR NOMINATION  
TO THE COUNTY CLERK OR COUNTY BOARD OF ELECTION  
COMMISSIONERS HAVING JURISDICTION OVER  
\_\_\_\_\_ SCHOOL DISTRICT NUMBER \_\_\_\_\_ IN  
\_\_\_\_\_ COUNTY, ILLINOIS**

We, the undersigned, being ( \_\_\_\_\_ or more) (or 10% or more) (or 5% or more) of the voters residing within said district, hereby petition that \_\_\_\_\_ who resides at \_\_\_\_\_ in the City, \_\_\_\_\_ Village, Unincorporated Area (circle one) of \_\_\_\_\_ (If unincorporated, list municipality that provides postal service) in Township \_\_\_\_\_ in said district shall be a candidate for the office of \_\_\_\_\_ full term or \_\_\_\_\_ year vacancy (circle one) of the Board of Education (or Board of Directors) to be voted for at the Consolidated Election to be held on \_\_\_\_\_ (date of election).

Petition for Nomination – Board of Education

○

**X...BIND HERE...X**

**INDEPENDENT CANDIDATE PETITION SBE No. P-3**

We, the undersigned, qualified voters in the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ County of \_\_\_\_\_ and State of Illinois, do hereby petition that the following named person shall be an Independent Candidate for election to the office hereinafter specified to be voted for at the \_\_\_\_\_ Election to be held on \_\_\_\_\_ (date of election).

Name	Office	Address-Zip Code

VOTER'S NAME (SIGNATURE)	VOTER'S NAME (PRINT)	STREET ADDRESS OR RR NUMBER	CITY OR VILLAGE	COUNTY
			IL	
			IL	
			IL	
			IL	
			IL	
			IL	
			IL	
			IL	
			IL	
			IL	
			IL	

Petition for Nomination

State of \_\_\_\_\_ )  
 \_\_\_\_\_ ) SS.  
 County of \_\_\_\_\_ )

I, \_\_\_\_\_ do hereby certify that I reside at \_\_\_\_\_,  
 (Circulator's Name) (Street Address)

in the \_\_\_\_\_ of \_\_\_\_\_,  
 (City/Village/Unincorporated Area) (if unincorporated, list municipality that provides postal service) (Zip Code)

County of \_\_\_\_\_, State of \_\_\_\_\_ that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, not more than 90 days preceding the last day for filing of the petitions and are genuine and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political division in which the candidate is seeking elective office, and that their respective residences are correctly stated, as above set forth.

\_\_\_\_\_  
 (Circulator's Signature)


Signed and sworn to (or affirmed) by \_\_\_\_\_ before me, on \_\_\_\_\_,  
 (Name of Circulator) (insert month, day, year)

(SEAL) \_\_\_\_\_  
 (Notary Public's Signature)

SHEET NO. \_\_\_\_\_

Petition for Nomination





**STATEMENT OF ECONOMIC INTERESTS  
TO BE FILED WITH THE COUNTY CLERK**  
Your Name Was Submitted For filing by an Entity That You Represent  
(Type or Print)

**Name:** \_\_\_\_\_

**Each Office or Position of Employment for which this Statement is Filed:** \_\_\_\_\_


**Full Post Office Address:** \_\_\_\_\_

**General Directions**

The interest (if constructively controlled by the person making the statement) of a spouse or any other party shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement. **If more space is needed, please attach supplemental listing.**

Statement of Economic Interest Form

**ILLINOIS STATEMENT OF ECONOMIC INTERESTS<sup>[1]</sup>**  
*Guidance for Completing Form*



**For question #1-** List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of \$5,000 fair market value or from which dividends in excess of \$1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by stress address, or if none, then by legal description) No time or demand deposit in a financial institution, nor any debt instrument need be listed.

**1. ITEMS GENERALLY LISTED INVOLVING OWNERSHIP > \$5,000 (or dividends > \$1,200) IN ANY BUSINESS ENTITY IN ILLINOIS INCLUDE:**

- any single block of stock worth \$5,000 or more in one company (list company – not amount)
- real estate/ rental property(ies) (other than your personal residence)
- agricultural property(ies) operated as a farm
- mutual funds (you do not need to list individual funds, just the group you have invested with: i.e., your investment company, not each individual fund you are invested in)
- Your personal bank accounts, monies, bonds, etc. do not have to be listed.

<sup>[1]</sup> The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement.

Statement of Economic Interests Guidance to Completing Form



**2. ITEMS GENERALLY LISTED FOR SOMEONE'S OFFICIAL POSITION WITH A PROFESSIONAL ORGANIZATION FROM WHICH INCOME > \$1,200 IS DERIVED INCLUDE:**


**Examples - official positions**

- sole owner or partner
- director
- stock holder/shareholder
- trustee
- joint-ownership by spouse or immediate family member
- ownership by spouse or immediate family member

**Examples - types of professions**

- attorneys
- doctors/psychiatrist/nurse
- accountants
- financial consultant
- architect/engineer
- dentists
- clinical psychologists/social worker
- banker

Statement of Economic Interests Guidance to Completing Form



**3. THE NATURE OF PROFESSIONAL SERVICES RENDERED GENERALLY (OTHER THAN THE LOCAL GOVERNMENT INVOLVED) TO AN ENTITY FROM WHICH INCOME EXCEEDING \$5,000 WAS RECEIVED FOR PROFESSIONAL SERVICES RENDERED DURING THE PRECEDING CALENDAR YEAR BY THE PERSON MAKING THE STATEMENT.**

**Examples of professional services**


- Consulting
- Contracting
- Your actual clients do not need to be listed

**4. CAPITAL ASSETS (including real estate) TO BE LISTED HERE FROM WHICH A CAPITAL GAIN OF \$5,000 OR MORE WAS REALIZED DURING PRECEDING CALENDAR YEAR.**

**Examples – do not have to list amount of capital gain, just name of stock or address of property**

- real property sale
- single blocks of stock (not all stock transactions aggregated)

Statement of Economic Interests Guidance to Completing Form




**5. NAMES OF ANY ENTITY AND GOVERNMENTAL ACTION REQUIRED WHICH HAS APPLIED TO YOUR LOCAL GOVERNMENT (IN RELATION TO WHICH THE PERSON MUST FILE) FOR ANY LICENSE, FRANCHISE OR PERMIT FROM ANNEXATION, ZONING OR REZONING OF REAL ESTATE, IF OWNERSHIP INTEREST OF PERSON FILING THIS STATEMENT > \$5,000 IN THE ENTITY (or received dividends > \$1,200 from the entity)**

- list "conflicts" here, i.e. you own or receive compensation from an entity which is requesting a license, permit or franchise from the local government you work for or have been elected or appointed to the board of

**6. LIST THE NAME OF THE ENTITY DOING BUSINESS WITH THE LOCAL GOVERNMENT YOU ARE SERVING FROM WHICH YOU RECEIVED > \$1,200 WAS DERIVED DURING THE PRECEDING CALENDAR YEAR OTHER THAN FOR PROFESSIONAL SERVICES AND THE TITLE OR DESCRIPTION OF ANY POSITION HELD IN THAT ENTITY.**

- again, this is generally a "conflicts question, i.e. are you receiving money from any entity doing business with the local government?

Statement of Economic Interests Guidance to Completing Form



**7. LIST THE NAME OF ANY UNIT GOVERNMENT YOU WORKED FOR DURING PRECEDING CALENDAR YEAR OTHER THAN THE ONE YOU ARE FILING THIS STATEMENT**

**Examples of other governmental employment ( If paid from tax dollars, it should be listed)**

- School District
- Zoning Board of Appeals or Plan Commission
- County government or Board
- Another City or Village
- Park District
- Army Guard
- Air Guard
- State agency or university employment

**8. Name any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate over \$500, was received during the preceding calendar year.**

- List all gifts (including personal gifts) received valued at greater than \$500. You do not need to list the amount.

Statement of Economic Interests Guidance to Completing Form



### VERIFICATION

I declare that this Statement of Economic Interests (including any accompanying schedules or statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed \$1,000, or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment.


\_\_\_\_\_  
Signature of Person Making Statement      Date

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DO NOT DETACH  
(WILL BE RETURNED AS YOUR RECIEPT)

Statement of Economic Interest Form

### RECEIPT FOR FILING



**COMPLETE BUT DO NOT DETACH**  
This section will be returned to you when the Statement is filed with the County Clerk.

\_\_\_\_\_  
Office or Position of Employment for which this statement is filed

(Type or Print)

Name _____ Governmental Address _____ filed on City/State/Zip Code _____	Receipt is hereby acknowledged of your Statement of Economic Interests, filed pursuant to the Illinois Ethics Act. The Statement was filed on _____ this date:
--	--

Statement of Economic Interest Form





## Petition Preparation

- Your petition sheets for collecting your voter signatures should be the form for your office, for this election. Fill in the heading at the top before circulating the sheets.
- The name used on the petition sheets should be stated the same on the petition sheets as on the Statement of Candidacy.
- The sheets (particularly the heading at the top of each sheet) should be identical.
- Can use nicknames and/or initials, if that is how you are commonly known. Cannot use any title, degree, professional status or “political slogan” on the sheet in connection with candidate’s name.

## Petition Preparation

- If a candidate has changed his or her name, whether by a statutory or common law procedure in Illinois or any other jurisdiction, within 3 years before the last day for filing the certificate of nomination or nomination papers for that office, whichever is applicable, then:
  - (i) the candidate's name on the certificate or papers must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and
  - (ii) the certificate or paper must be accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in (i) and the date or dates each of those names was changed;

Failure to meet these requirements shall be grounds for denying certification of the candidate's name for the ballot or removing the candidate's name from the ballot, as appropriate.

These requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname.

## Circulation Process



- ❑ Your circulator(s) should directly, personally observe each and every signature sign the certificate required stating that all signatures were taken in his or her presence. Circulator must be at least 18 and a U.S. citizen.
- ❑ Sheets cannot be circulated more than 90 days before the deadline for filing petitions.
- ❑ You can circulate your own petitions.
- ❑ Do not leave the sheets with a group, or on a table, or give to someone else to pass around to give back (unless that person is going to be the circulator). Emphasize the importance of this requirement to circulators.
- ❑ Only one circulator can circulate a sheet (not multiple circulators for any one sheet).
- ❑ The signor should be asked if they are currently registered to vote in \_\_\_\_\_ (the jurisdiction you are running in).
- ❑ A circulator cannot pass petitions for more than one new or established political party.
- ❑ A circulator cannot pass petitions for an independent candidate and a new political party.

## Circulation Process



- ❑ The signer(s) on the petition sheets should sign their name, as it appears on their voter registration card. If they do not remember whether they signed or printed, they should affix their name as they normally do on official documents (sign or print). Signing a name legibly is helpful, to avoid an objection that someone cannot tell who signed it because cannot read the signature. (Using a form that collects both script and printed signatures avoids this problem).
- ❑ No person should sign for anyone else (like a spouse or relative).
- ❑ It is best to avoid striking through signatures on a sheet, unless you follow the statutory striking process.
- ❑ Collect a signature “cushion” (extra signatures) in the event any of the signatures are problematic.
- ❑ The circulator should not fill out the bottom of the petition sheet, and sign it, once the sheet is full of signatures. While the affidavit information can be completed, it should not be signed until, and only, at that time that the circulator personally appears before a notary, and signs their name at the bottom of each petition sheet, in front of the notary. Use a current, valid Illinois notary public. Emphasize the importance of this requirement to circulators.

## Filing Process

- Number the petition sheets consecutively prior to binding them in sequential order and then filing with the local election official. Make copies of your sheets. The originals must be filed.
- Securely fasten the petition sheets (with a permanent fastener, not a paper clip or similar device) sheets prior to filing with the local election official. We recommend a metal fastener be used to secure the sheets, using a two-hole punch and then inserting the fastener and folding the two arms across the top of your nominating petitions.
- Complete and file your Statement of Candidacy, with your Petition Sheets. Can be added and fastened (with same two-hole punch and fastener) on top of the completed, numbered, fastened, notarized signature sheets.
- File your Statement of Economic Interests for the office you are running for, and for the unit of government you are seeking office in, with the County Clerk and attach the filing receipt to the Petition Sheets when filed (or no later than the end of the filing period for nominating petitions). Has to be filed in same calendar year as the filing period for the nominating petitions. Can be added and fastened (with same two-hole punch and fastener) on top of the completed, numbered, fastened, notarized signature sheets and Statement of Candidacy.
- Request and receive a Receipt from the County Official or Local Election Official for the filing of your sheets, reflecting the documents which were filed, and the time and date of filing.

## Objections

- Nomination papers shall be deemed to be valid unless objections are filed in writing (an original and two copies) within five business days after the last day for filing nomination papers. The objector's petitions are filed with the same office in which the nominating petitions are filed. 10 ILCS 5/7-13, 10-8.
- Any voter in the municipality or district can object to a candidate's nomination papers or to referendum petitions within five (5) business days after the petition filing period has ended. 10 ILCS 5/10-8.
- The filing of such an objection starts a complicated and expensive legal process.

## The Top Ten Mistakes

- **1) Proper Collection of Qualifying Signatures (printed, illegible, signing for spouses, # of signatures, unqualified voters, etc.)**
  - Among the more common are allegations that a signature is not genuine because it is: (a) “printed” and not signed in cursive, (b) that a signature is illegible, and therefore invalid, (c) that the person signing the petition sheet was not a qualified voter, (d) that a candidate has collected too few or too many signatures, or (e) the voters signing the candidate’s petitions are not qualified.

## The Top Ten Mistakes

- **“Printing” Name On Candidate’s Petition Sheet**
  - *There is no legal prohibition on printed signatures, however, it is recommended that there be space for both a printed name and a cursive signature.*
- **Voter Signatures That Are Illegible**
  - *It’s important that voters write legibly, if it isn’t legible, an objector may successfully challenge the signature and have it stricken.*
- **Signing Nominating Petition Sheet For Another Voter**
  - *Spouses often do this for one another, this is not permitted and may result in both signatures being stricken.*
- **Not Enough or Too Many Signatures**
  - *Each office has a different threshold, see Illinois State Board of Elections’ “STATE OF ILLINOIS CANDIDATE’S GUIDE 2019”. You must meet the minimum, and a large “buffer” is highly recommended.*
- **Unqualified Voters Signing Petitions**
  - *The voter must meet the requirements under the Election Code, they must also be registered to vote at an address within the boundaries of the governmental body for which the candidate is seeking election.*

## The Top Ten Mistakes

### • **2) Filing a Proper Statement of Candidacy.**

- *The requirements related to the completion of the Statement of Candidacy form for each particular local government office in Illinois are provided in the Illinois State Board of Elections booklet.*
- *The Statement of Candidacy form for your particular office can be found in the Illinois State Board of Elections booklet “STATE OF ILLINOIS LOCAL ELECTION OFFICIAL’S HANDBOOK for CONSOLIDATED ELECTIONS.”*

## The Top Ten Mistakes

### • **3) A Candidate Should State The Office Correctly on All Petition Sheets.**

- *The governing entity and the local government itself should be stated specifically, i.e. for “election as alderman of the City Council of the City of Main Street ...”*
- *To reduce confusion, the specific office, the governing body, and the governmental unit itself should all be specifically stated in the heading of the nominating petition signature sheets and in the candidate’s statement of candidacy.*
- *Any uncertainty in the minds of voters about what governmental entity you are seeking election to, or the nature of the governmental seat, an objection can be made to lack of specificity and potential confusion raised in the minds of voters as to the office being sought.*

## The Top Ten Mistakes

### • 4) A Candidate Should State The Term Of Office Correctly

- *A candidate should indicate whether he or she is running for a full term (and specify the years, e.g. 2, 4 or 6 year term) for a seat on a governing board, or whether he or she is running to fill the unexpired term of a vacant seat on the board, which must be specifically stated.*
- *If there are seats up for election that are of differing terms (usually that would be due to a vacancy on the board with an unexpired term remaining to be completed), and the candidate does not specify whether he or she is seeking a full term or are seeking to fill a vacant seat, there could be confusion in the minds of voters, which can result in a successful objection to the candidate's nominating petitions.*

## The Top Ten Mistakes

### • 5) Each Person Signing A Petition For Nomination Must Sign In The Presence Of The Circulator.

- *Circulator of a candidate's signature sheets must certify that each signature on the sheet of the petition was signed in her presence.*
- *The person who signs the circulator's affidavit need not be the person who physically presents the sheet to each signatory, however, the circulator must actually be present and see each of the signatories sign the petition.*
- *Circulators should therefore be aware that they cannot allow the petition to be removed from their presence in order to receive a signature from someone who they cannot physically observe sign the petition.*

## The Top Ten Mistakes

### • 6) A Candidate Must File Securely Bound Nomination Petitions.

- *The Election Code requires that the sheets constituting the petition for nomination “shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner.”*
- *This helps prevent tampering and ensure the integrity of the petition.*
- *It is recommended that all sheets be stapled or bound by hole punch clips (universal metal binder). It is also recommended that paper clips and binding clips be avoided, as those manners of fastening, if not secure, could be determined to not provide a secure fastening and invalidate a petition.*

## The Top Ten Mistakes

### • 7) A Candidate Must Consecutively Number Each Page Of The Petition for Nomination.

- *A candidate must also number each signature sheet constituting the petition for nomination consecutively. This requirement has been found to aide in the identification and description of each petition and again, guard against tampering with the petition.*
- *Numbering of petition sheets for each circulator, rather than numbering all the sheets in consecutive order, has been found to be a **fatal flaw** which can result in a disqualification of the candidate.*

## The Top Ten Mistakes

- **8) Each Circulator Of A Petition For Nomination Must Sign the Nomination Petition Before A Notary Public.**

- *The circulator's statement must be signed and sworn to personally before a notary public. A failure of the person who circulated the petitions to personally appear before a notary public who acknowledged his or her signature can invalidate those petition sheets.*

## The Top Ten Mistakes

- **9) A Candidate Should File Their Statement of Economic Interests Properly and in the Correct Office.**

- *Statements of Economic Interest are one of the three required documents that **must** be filed to be a proper, lawful filing by a candidates nominating petitions.*
- *All candidates for local elective office are required to file their statement of economic interests in the office of their applicable County Clerk.*
- *There are candidates who are required to file their Statement of Economic Interest with the office of the Illinois Secretary of State (generally State officials and judges). Statements of Economic Interest should not be filed with the Illinois State Board of Elections. The filing must be made in a written or printed form (cannot be filed electronically).*



## The Top Ten Mistakes

- **10) A Candidate Must File the Receipt Evidencing the Filing of the Statement of Economic Interest With Their Nomination Petitions.**

- *A candidate must be certain he or she receives a written or printed receipt indicating that the Economic Interest Statement was filed with the County and showing the date of filing. The receipt received from the applicable County Clerk must then be filed along with your nominating petitions. Including this receipt for the filing of your Statement of Economic Interests, along with the filing of your nominating petition signature sheets and your Statement of Candidacy, is required in order for your filing to be considered lawful and complete.*

## Campaign Finance Primer

- Illinois Campaign Disclosure Act, 10 ILCS 5/9-1, *et seq.*
- Requires registration and filing of paperwork with the State Board of Elections relative to campaign expenditures.
- Amount triggering the Act's registration and reporting requirement varies

## Committee Types

- Candidate Political Committee
- Political Action Committee
- Ballot Initiative Committee
- Independent Initiative Committee
- \$5,000 contribution / expenditure trigger for registration and reporting

## Contributions and Expenditures

- Contribution is anything of value received by a committee over \$150
- Expenditure is anything that a committee spends money on over \$150

## Operating a Committee

- **Step 1. Appointment.** Appoint Chairperson and a Treasurer. No funds can be spent without the authorization of one of these officers. Note that the same person can hold both offices, if desired by the Committee.
- **Step 2. Recording Keeping.** The Treasurer is to "keep the books," recording all contributions and expenditures and keeping appropriate documentation. Money collected by or for the Committee is to be given to the Treasurer within 5 days of receipt, along with information identifying the contributor. The Treasurer must record the name and mailing address of every person making a contribution, along with the date and the amount. Available proof of payment should be maintained (e.g. receipts, checks, etc.).
- **Step 3. Large Donations.** The Treasurer must file a report of any contribution of \$1,000 or more electronically with the State Board of Elections within 5 business days after receipt of the contribution, except that the report shall be filed within 2 business days after receipt if (i) the contribution is received 30 or fewer days before the date of an election and (ii) the political committee supports or opposes a candidate or public question on the ballot at that election or makes expenditures in excess of \$500 on behalf of or in opposition to a candidate, candidates, a public question, or public questions on the ballot at that election.
- **Step 4. File Quarterly Reports.** The Treasurer must file a report quarterly with the State Board of Elections.
- **Step 5. Maintaining Records.** A copy of each report or statement required to be filed by the Act must be kept/retained for 2 years from the date of filing.

## Disclaimer on Advertisements

- All literature or advertisements of a local political committee soliciting funds must bear the following notation:  
  

"A copy of our report filed with the State Board of Elections is (or will be) available on the Board's official website (insert the current website address) or for purchase from the State Board of Elections, Springfield, Illinois."
- Further, any pamphlet, circular, advertisement of other political literature (including on the Internet) that supports or opposes a candidate or question of public policy shall contain the name or the individual or organization that authorized, or caused to be authorized, paid for or distributed such pamphlet, circular, etc.

## Contribution Limits

- Limits from 10 ILCS 5/9-8.5
- Candidate Political Committee, Political Action Committee, Ballot Initiative Committee, Independent Initiative Committee limited in receiving contributions per election cycle.
- Cycle depends on office sought.
- Questions? Seek formal legal advice!

## Contributions to Candidate Political Committee

- **Candidate Political Committee:**
- \$5,000 from an individual (excluding candidate and immediate family members)
- \$10,000 from a corporation, labor organization or association
- \$50,000 from a Candidate Political Committee or Political Action Committee
- Unlimited from a Political Party Committee during a General or Consolidated Election cycle
- Unlimited from a Political Party Committee during a Primary Election cycle in which the candidate does not seek nomination at a Primary Election
- Limitations removed for local office races if candidate, or candidate's family, has more than \$100,000 in expenditures

## Contributions to Political Action Committee



- **Political Action Committee:**
- \$10,000 from an individual
- \$20,000 from a corporation, labor organization, association or Political Party Committee
- \$50,000 from a Political Action Committee or Candidate Political Committee
- Contributions to a Political Action Committee from a Ballot Initiative Committee or Independent Expenditure Committee are prohibited at any time.

## Contributions to Ballot Initiative Committee



- **Ballot Initiative Committee:**
- Unlimited from any source at any time.
- Ballot Initiative Committees are unable to make contributions to any other type of political committee.
- **Independent Expenditure Committee:**
- Unlimited from any source at any time.
- Independent Expenditure Committees are unable to make contributions to any other type of political committee, except for another Independent Expenditure Committee or a Ballot Initiative Committee.

## Violations of Contribution Limits

- If a Committee receives a contribution in violation of the contribution limits:
  - Either return the contribution to the contributor, or
  - donate it to a charity.
- Failure to do so within 30 days after the Illinois State Board of Elections sends notification to the Committee of the excess contribution causes the contribution to be forfeited to the State, and subjects the Committee to a penalty of up to 150% of the amount of the contribution exceeding the limit.

## Campaign Signs

- **Private Property**
    - Need permission from property owner
    - No time duration, but “reasonably restrictions as to size”
    - “[O]ther than reasonable restrictions as to size, no home rule or non-home rule municipality may prohibit the display of outdoor political campaign signs on residential property during any period of time, the regulation of these signs being a power and function of the State”
- 65 ILCS 5/11-13-1(12)

## Campaign Signs

- **Public Property**
  - Right-of-way not allowed
  - Polling places on Election Day
  - “The area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs.” 10 ILCS 5/17-29
- Campaign free zone is the greater of 100 feet from polling room or the door of the building in which the polling room is located, marked by flags.

## Candidate Conduct

### **INCUMBENTS / GOVERNMENT EMPLOYEES BEWARE**

- Election Interference Prohibition Act
- Local Governmental Employees Political Rights Act
- State Officials and Employees Ethics Act

## Election Interference Prohibition Act

“No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated for political or campaign purposes to any candidate or political organization. This provision shall not prohibit the use of public funds for dissemination of factual information relative to any proposition appearing on an election ballot...”

10 ILCS 5/9-25.1(b)

## Applying the Act

- Prohibits expenditure of public funds to urge residents to vote for or against a candidate or a referendum.
- Does not prohibit spending public funds to disseminate factual information regarding a referendum nor does it prohibit private groups nor elected officials actively supporting the referendum by speeches, coffees, etc. as long as no public funds are spent.
- General political discussions (not related to a candidate or public question for an upcoming election) would clearly not be covered.



## Violations of the Act

- Jurisdiction to hear and rule on violations of the Act is with the Illinois State Board of Elections, not the courts.
- Penalties up to \$5,000 per violation for non-Statewide related campaigns, and up to \$10,000 for Statewide related campaigns.
- Penalties also include orders to cease violations, with authority for the State Board of Elections to obtain a Circuit Court decree to enforce such orders.
- The State Board of Elections may refer violations to the Illinois Attorney General or States Attorney for criminal prosecution.

## Local Governmental Employees Political Rights Act

- (a) No unit of local government or school district may make or enforce any rule or ordinance that in any way inhibits or prohibits any of its employees from exercising the employee's political rights.
- (b) No employee of a unit of local government or school district may (i) use his or her official position of employment to coerce or inhibit others in the free exercise of their political rights or (ii) engage in political activities while at work or on duty."

"Political rights" include, without limitation, the following political activities: to petition, to make public speeches, to campaign for or against political candidates, to speak out on questions of public policy, to distribute political literature, to make campaign contributions, and to seek public office.

50 ILCS 135/5, 135/10.

## Applying the Act

- The Act provides, in part, that employees of public entities, including municipalities, cannot engage in political activities while at work or on duty.
- Under the Act, political activities include promotion of a candidate or a referendum as the statute includes in its prohibited activities at work "speak[ing] out on questions of public policy."
- The prohibition is not against any political activity of any kind, but rather is against active campaigning and promotion of a particular political matter, or seeking financial contributions, during work hours.
- Simple casual discussion among employees at work is not prohibited, and cannot be policed anyway.
- The initiation of discussion about the referendum or candidate while at work or on duty by employees or officials, for the purpose of becoming involved with advocating for or against the referendum, except, for example, to simply answer a direct question, could be activities that come under greater scrutiny under this statute.

## State Officials and Employees Ethics Act

- Applies to local governments though the title of the Act references "State officials and employees."
  - No employee can intentionally perform any "prohibited political activity" during any compensated time.
  - A public employee shall not intentionally misappropriate any public property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.
  - At no time shall any elected official or public supervisory personnel intentionally misappropriate the services of any public employee by requiring that employee to perform any prohibited political activity (i) as part of that employee's public duties, (ii) as a condition of public employment, or (iii) during any time off that is compensated by the public body.
  - A public employee shall not be required to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.
  - A public employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.
- 5 ILCS 430/1, *et seq.*

## Prohibited Political Activities

- Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or ... for or against any referendum question.
- Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome ... for or against any referendum question or candidate for office.
- Soliciting votes ... for or against any referendum question or candidate for office.
- Initiating for circulation, preparing, circulating, reviewing, or filing any petition ... for or against any referendum question or candidate for office.
- Distributing, preparing for distribution, or mailing literature, signs or other material ... for or against any referendum question or candidate for office.
- Campaigning ... for or against any referendum question or candidate for office.
- Managing or working on a campaign ... for or against any referendum question or candidate for office.

## Candidate Conduct Wrap-up

- **Promoting Candidates or Referendum on the Job.** The use of phones by local government officials or employees during work hours or “compensated time” to initiate discussion or to promote a referendum or candidate would be in contravention of the law. Officials, administrators and employees should avoid such a practice.
- **Use of Government Equipment or Space by Outsiders.** Community or citizens' groups can be allowed to use municipal facilities and equipment for their activities, assuming equal access is granted to persons or groups. If there are direct costs which are reasonably ascertainable relative to the use of such facilities or equipment, or which are otherwise charged when the public uses such equipment or space, they should be reimbursed by the group.
- **Crossing the Line.** Elected officials, administrators and employees should not engage in activities concerning a candidate for office or referendum while at work or “on duty”, during “compensated time.” Administrators or compensated officials can participate in community forums, coffees or otherwise discuss and support the referendum in any manner while not on duty. “On duty” generally means when required to participate in or be present at an activity by your employer, or as officially endorsed by an elected board, or being represented to be the position of a particular elected board or official. When voluntarily engaged in referendum or candidate related activities, when not “on duty” or not required or endorsed by the Board or Council, an elected official or employee can exercise their political rights, engage in fund-raising, and voice their support.

## Questions?



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