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State of Illinois

CANDIDATE'S GUIDE

2009



Issued by
the
STATE BOARD OF ELECTIONS

PREFACE

This *Candidate's Guide for 2009* has been prepared to provide information for candidates seeking office at the local level in 2009. It includes a listing of offices nominated or elected at the Consolidated Primary Election on February 24 and at the Consolidated Election on April 7. Filing dates and the general requirements for filing are included. Also included is a section that provides answers to some of the more frequently asked questions about nominating petitions and procedures.

All citations contained herein refer to the Illinois Election Code [10 ILCS 5/1-1 *et seq.*, as amended] or as otherwise indicated. New legislation and court decisions made after August 30, 2008, are not included in this guide.

Legal information contained in this guide, however, is not binding and should not be construed as sufficient argument in response to an objection to any candidate's nominating papers. The State Board of Elections recommends that all prospective candidates consult with competent legal counsel when preparing their nomination papers.

For additional information, we advise that you contact your county clerk, your local election official (municipal clerk, township clerk, road district clerk, park district secretary, school board secretary, etc.), or the State Board of Elections in Springfield (217/782-4141) or Chicago (312/814-6440). Website is: www.elections.il.gov.

ILLINOIS STATE BOARD OF ELECTIONS

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CONSOLIDATED PRIMARY

Last Tuesday in February

February 24, 2009

ESTABLISHED POLITICAL PARTY OFFICERS TO BE NOMINATED

MUNICIPAL *-- over 5,000 population and/or Special Charter

Mayor or President

Clerk

Treasurer

Alderman or Trustee

- * Municipalities under 5,000 population may determine by ordinance (no later than November 17, 2008) that political parties shall nominate candidates for municipal offices by primary. [10 ILCS 5/7-1(b)]
- * Villages that have nominated and elected candidates for president and trustees in partisan elections prior to January 1, 1992, may continue to hold partisan elections without conducting a referendum. [65 ILCS 5/3.1-25-20]

TOWNSHIPS in Cook County**

TOWNSHIPS and MULTI-TOWNSHIP ASSESSMENT DISTRICTS, with a population of more than 15,000 outside of Cook County**. Townships over 5000 population coterminous or wholly within cities/villages not under commission from of government.

Supervisor

Clerk

Assessor, Multi-township Assessor

Highway Commissioner

Collector (if elected) ***

Trustees

- ** Townships may conduct a primary if the township central committee approves by November 15, 2008. [60 ILCS 1/45-55]
- *** Counties having township organization with a population of over 100,000, except in Cook County, may conduct a referendum to discontinue the office of Collector. [60 ILCS 1/50-30]

**NONPARTISAN
OFFICERS TO BE NOMINATED**

MUNICIPAL -- Council-Manager form (councilmen at-large and from districts)

Mayor or President
Treasurer (Council-Manager form only)
Council Member or Trustee

**NONPARTISAN
OFFICERS TO BE ELECTED**

MUNICIPAL -- Special Election * – City of Chicago Aldermen, if required.
[65 ILCS 20/21-26]

*Special Election would apply if vacancy in office occurred.

CONSOLIDATED ELECTION

First Tuesday in April

April 7, 2009

ESTABLISHED POLITICAL PARTIES, INDEPENDENT AND NEW POLITICAL PARTY OFFICERS TO BE ELECTED

MUNICIPAL -- including Special Charter

Mayor or President
Clerk
Treasurer
Alderman or Trustee

TOWNSHIP –

Supervisor
Clerk
Assessor/Multi-township Assessor
Highway Commissioner
Collector* (if elected)
Trustees

*Counties having township organization, except Cook County, may conduct a referendum to discontinue the office of Collector [60ILCS 1/50-30]

NONPARTISAN OFFICERS TO BE ELECTED

MUNICIPAL -- Council-Manager form (Councilmen at-large and from districts),
Commission form

Mayor or President
Treasurer (Council-Manager only)
Council Members or Commissioners or Trustees

MUNICIPAL -- City of Chicago (run-off elections if required)
[65 ILCS 20/21-26]

PARK DISTRICT - Commissioners, Trustees
PUBLIC LIBRARY DISTRICT - Trustees
TOWNSHIP AND MUNICIPAL LIBRARY - Trustees
REGIONAL BOARD OF SCHOOL TRUSTEES - Trustees
SCHOOL DISTRICT - Board Members, School Directors
SCHOOL DISTRICT - Special Charter - Inspectors, Board Members
TOWNSHIP TRUSTEES OF SCHOOLS (Cook County only)
COMMUNITY COLLEGE DISTRICT - Trustees
TOWNSHIP LAND COMMISSIONERS (in counties under 220,000 population)
FIRE PROTECTION DISTRICT - Trustees
FOX WATERWAY MANAGEMENT AGENCY - Chairman, Directors:
2 Directors to be elected from Lake County; 1 Director to be elected from McHenry County
FOREST PRESERVE DISTRICT - Commissioners
ROAD DISTRICT – Clerk, Commissioner
SPRINGFIELD METROPOLITAN EXPOSITION AND AUDITORIUM AUTHORITY - Commissioners
OTHER SPECIAL PURPOSE DISTRICTS (see applicable statutes)

FILING PERIODS

(And caucus date information)

December 8-15, 2008

Filing period for candidates seeking nomination at the **Consolidated Primary Election**, February 24, 2009.

(Petitions may NOT be circulated prior to September 16, 2008.)

January 19-26, 2009 (First day of filing could start January 20th due to observance of Martin Luther King holiday. Check with local filing office to verify beginning of filing period.)

Filing period for candidates seeking election at the **Consolidated Election**, April 7, 2009.

(Petitions may NOT be circulated prior to October 28, 2008.)

In **MUNICIPALITIES** under 5,000 population, established political parties hold their caucuses on January 12, 2009, and file their certificates of nomination with the municipal clerk during the filing period, January 19-26, 2009.

Note: Municipalities of 5,000 or less may determine by ordinance (no later than November 15, 2008) that established political parties shall nominate candidates for municipal offices by primary election.
[10 ILCS 5/7-1 (*et seq*)]

TOWNSHIP CAUCUS – January 13, 2009 [60 ILCS 1/45-10]

MULTI-TOWNSHIP CAUCUS – January 14, 2009 [60 ILCS 1/45-25]

New political parties file nominating petitions which must include a full slate of candidates as well as a certificate stating the names and addresses of the party officers authorized to fill vacancies. (See pages 3 - 5)

Independent and **nonpartisan** candidates **must** file nominating petitions. (See pages 5 - 7.)

ESTABLISHED PARTY, NEW PARTY, INDEPENDENT AND NONPARTISAN CANDIDATE FILINGS

A. ESTABLISHED POLITICAL PARTY CANDIDATES in MUNICIPALITIES & TOWNSHIPS - NOMINATION BY PRIMARY ELECTION

1. An established political party is defined as a political party which at the election next preceding a primary for that governmental unit received more than 5% of the entire vote cast in that governmental unit.
[10 ILCS 5/7-2, 10-2]
2. A political party which, at the last election in any municipality or township in the State, polled more than 5% of the entire vote cast within such territorial area, as the case may be, has voted as a unit for the election of officers to serve the respective territorial area, is an “established political party” as to such municipality or township. [10 ILCS 5/7-2, 10-2]
3. In the 2009 elections, municipalities over 5,000 population and not governed by the commission or council-manager forms of government or municipalities that have not adopted a nonpartisan primary system fall under the provisions of Article 7 (Established Political Parties) of the Election Code.
[10 ILCS 5/7-1 (*et seq*)]
4. No primary election shall be held where the name of not more than one person of a political party has filed as a candidate for the nomination for each office to be filled at an election at which no other offices are to be voted on. Primary elections are held only for contested offices. [10 ILCS 5/7-5b]
5. Candidates of established political parties seeking nomination by primary election to municipal or township offices should follow the information contained in “Requirements for Filing Nominating Papers” beginning on page 9 in preparing their nomination papers for filing.
6. Specific qualifications for office, signature requirements and location for filing are detailed under the appropriate office listed elsewhere in this guide.
7. A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for nomination, is prohibited from being listed on the ballot at the Consolidated Election as

an independent candidate, a candidate of another political party, or from filing a declaration of intent to be a write-in candidate at that Consolidated Election. [10 ILCS 5/7-61, 10-3, 17-16.1, 18-9.1]

B. CERTIFICATE OF NOMINATION BY ESTABLISHED PARTY CAUCUS IN MUNICIPALITIES WITH A POPULATION OF 5,000 OR LESS (For information about the Township Caucus procedures, see the “Township Caucus Guide for 2005)

1. Established political parties shall nominate candidates by caucus in municipalities with a population of 5,000 or less. [10 ILCS 5/7-1, 10-1] This provision does not apply to commission, council-manager forms of government, or to any municipality that has adopted a nonpartisan primary system, as candidates in these municipalities are elected on a nonpartisan basis. See page 1 for definition of “Established Political Parties.”

NOTE: Municipalities of 5,000 or less population may determine by ordinance no later than November 15, 2008, that established political parties shall nominate candidates for municipal offices by a primary election in accordance with Article 7 of the Election Code. [10 ILCS 5/7-1 (*et seq*)]

2. Caucus Date for municipalities: The municipal caucuses shall be conducted on **January 12, 2009**, the Monday immediately preceding the first day for filing caucus certificates of nomination. [10 ILCS 5/10-1]
3. Only those registered voters who reside within the territory for which the nomination is made shall be permitted to vote or take part in the caucus proceedings. (See Form H-1A) [10 ILCS 5/10-1(e)]
4. No voter shall vote or take part in the proceedings of more than one caucus or meeting to make a nomination for the same municipality. [10 ILCS 5/10-1(e)]
5. The caucus may make **ONE** nomination for each office to be filled at the Consolidated Election.
6. A Certificate of Nomination by Caucus, Form H-2, shall be prepared to include:
 - a. the names and addresses of the candidates along with the offices to which they are nominated; and
 - b. the established party name.

7. The presiding officer and secretary of the caucus shall list their addresses and sign the Certificate of Nomination. The certificate shall be sworn to by them to be true to the best of their knowledge and belief and must be notarized.
8. Candidates nominated by caucus must individually provide the following documents which are filed with the caucus certificate of nomination:
 - a. a Statement of Candidacy (SBE P-1K);
 - b. a receipt for the filing of the candidate's Statement of Economic Interests. The receipt must be filed prior to the filing deadline; and
 - c. a Loyalty Oath. (The filing of the Loyalty Oath is OPTIONAL.)

(See "Requirements for Filing Nominating Papers" beginning on page 8 for more detailed information.)
9. The Certificate of Nomination along with the required individual candidate documentation shall be filed with the appropriate municipal clerk, during the regular filing period (January 19-26, 2009).
10. Any vacancy in nomination by caucus of an established political party for a municipal office shall be filled in accordance with 10 ILCS 5/7-61.
11. A candidate who participated at a caucus and who is defeated at the caucus for nomination is ineligible to be listed as a candidate of another political party, an independent candidate, or to file a declaration of intent to be a write-in candidate at the Consolidated Election.
[10 ILCS 5/7-61, 10-3, 17-16, 18-9.1]

C. NEW POLITICAL PARTY CANDIDATES

1. A political group wishing to form a new political party within a municipality must file petitions with a full slate of candidates for such political subdivision. Upon such filing, a new political party is created. That new political party remains a new political party for the election for which it filed a full slate of candidates. If the new political party receives more than 5% of the votes cast at that election, it becomes an established political party. If it does not, it ceases to exist. [10 ILCS 5/10-2]
2. The new political party petition must include a certificate (SBE Form P-8C) which includes the names and addresses of party officers authorized to fill vacancies in nomination. [10 ILCS 5/10-7, 10-11] See #5.
[10 ILCS 5/10-5]

3. Where a new political party petition is invalidated by an electoral board or upon judicial review or the entire new party slate withdraws, the new party officers cannot replace the entire slate of candidates on the pretext of filling vacancies in nomination. [10 ILCS 5/10-7, 10-11]
4. The new party name may not contain more than five words. Moreover, such party shall not bear the same name as, or include the name of any established party. [10 ILCS 5/10-2, 10-5]
5. Petitions for new political party candidates must include the following:
 - a. a Statement of Candidacy for each candidate;
 - b. a receipt for the filing of each candidate's Statement of Economic Interests. The receipt must be filed prior to the filing deadline;
 - c. a Loyalty Oath (the filing of the Loyalty Oath is OPTIONAL); and
 - d. a Certificate (SBE Form P-8C) stating the names and addresses of the party officers authorized to fill vacancies in nomination. Failing to file such certificate will not invalidate the petition, but if it is not filed, the new party will not be able to fill vacancies in nomination. (*Peoples Independent Party v. Petroff*, 191 ILL. App.3d 706, 548 N.E. 2nd 145 (5th Dist. 1989).

(See "Requirements for Filing Nominating Papers" beginning on page 9 for more detailed information.)

6. The new party must nominate one candidate for each office to be filled within the political subdivision (municipality, ward or district) at the Consolidated Election. In the case of group offices, the number of candidates nominated must equal the number of offices to be filled.
7. New party candidates seeking office where officers are elected from wards or districts and at-large. 10 ILCS 5/10-2:
 - In the case of a petition to form a new political party within a municipality in which officers are to be elected from wards or districts and at-large, such petition shall consist of separate components for each ward or district from which an officer is to be elected. Each component shall be circulated only within a ward or district of the political subdivision and signed only by qualified electors who are residents of such ward or district.
 - Each sheet of such petition must contain a complete list of the names of the candidates of the party for all offices to be filled in the political subdivision at large, but the sheets

comprising each component shall also contain the names of those candidates to be elected from the particular ward or district. Each component of the petition (SBE No. P-8A) for each ward or district from which an officer is to be elected must be signed by qualified voters of the ward or district equaling a number not less than 5% of the number of voters who voted at the last regular election in such ward or district at which an officer was elected to serve the ward or district.

- The entire petition, composed of all components, must be signed by a total of qualified voters of the entire political subdivision equaling in number not less than 5% of the number of voters who voted at the last regular election in such municipality at which an officer was elected to serve the municipality at large.
8. A candidate for whom a nomination paper has been filed as a partisan candidate at a Consolidated Primary Election, and who is defeated for nomination, is prohibited from being listed on the ballot at the Consolidated Election as an independent candidate, a candidate of another political party and new party candidate or from filing a declaration of intent to be a write-in candidate at that Consolidated Election.
[10 ILCS 5/7-61, 10-3, 17-16.1, 18-9.1]

D. INDEPENDENT CANDIDATES

1. Independent candidates are defined as those individuals who are not candidates of any political party, but who are candidates in an election at which party candidates may appear on the ballot. [10 ILCS 5/10-3]
2. Independent candidates should follow the information contained in “Requirements for Filing Nominating Papers“ beginning on page 9 in preparing their nomination papers for filing.
3. Nomination papers must be filed in the office of the appropriate local election official or board of election commissioners during the filing period, January 19-26, 2009.
4. Signature requirements and locations for filing are detailed under the appropriate office listed elsewhere in this guide.
5. Whenever the name of an independent candidate for an office is withdrawn or an independent candidate’s petition is declared invalid by an electoral board or upon judicial review, no vacancy in nomination for that office shall exist. A vacancy in nomination contemplates a political party organization to fill it; but an independent candidate is not supported by a party structure, therefore vacancies for independent candidates cannot be filled.
[10ILCS 5/10-7]

6. A partisan candidate who is defeated for nomination in the Consolidated Primary is prohibited from being listed on the ballot at the Consolidated Election as an independent candidate, a candidate of another political party and new party candidate, or from filing a declaration of intent to be a write-in candidate at that Consolidated Election. [10 ILCS 5/7-61, 10-3, 17-16.1, 18-9.1]

E. NONPARTISAN CANDIDATES

1. The statutes governing certain units of government require that candidates file for office on a nonpartisan basis. The ballot listing such candidates shall be printed without any party designation or "Independent" designation at its head.
2. Certain governmental units require that candidates file for office on a nonpartisan basis to be elected at the Consolidated Election, April 7, 2009. These include:
 - a. Candidates for municipal office in municipalities operating under council-manager (councilmen-at-large) form of government. (A village may adopt a system of nonpartisan primary and general elections for the election of village officers as provided in 65 ILCS 5/3.1-25-20 through 3.1-25-60, and in certain home-rule municipalities who have devised governmental systems unique to them.) These candidates file for the February 24, 2009 Consolidated Primary. No primary is held for any uncontested office. Candidates for municipal office under the commission form of government file for the April 7th Consolidated Election.
 - b. Candidates for Library Trustee
 - c. Candidates for Park District Commissioner or Park Trustee
 - d. Candidates for School Board Member in districts adopting Article 33 of the School Code
 - e. Candidates for Regional Board of School Trustees
 - f. Candidates for School District Board Members, School Directors
 - g. Candidates for Township Trustees of Schools in Cook County
 - h. Candidates for Community College Trustees
 - i. Candidates for Fire Protection District Trustees
 - j. Candidates for Fox Waterway Agency Chairman and Directors
 - k. Candidates for Forest Preserve District Commissioners
 - i. Candidates for Springfield Metropolitan Exposition and Auditorium Authority

3. Nonpartisan candidates should follow the information contained in “Requirements for Filing Nominating Papers“ beginning on page 9 in preparing nomination papers for filing.
4. Specific qualifications for office, signature requirements and location for filing are detailed under the appropriate office listed elsewhere in this guide.
5. Nonpartisan candidates for office who are defeated at the Consolidated Primary may not file a declaration of intent to be a write-in candidate in the Consolidated Election. [10 ILCS 5/17-16.1]

F. WRITE-IN CANDIDATE PROCEDURES

For the Consolidated Primary and Consolidated Election, a write-in candidate must file a notarized “Declaration of Intent to be a Write-In Candidate” no later than 61 days prior to the election. However, whenever an objection to a candidate’s nominating papers or petitions for any office is sustained after the 61st day before the election, the candidate may file a notarized declaration of intent to be a write-in candidate for that office with the proper election authority or authorities no later than 7 days prior to the election. The declaration must be filed with the proper election authority or authorities in those jurisdictions in which he or she is seeking to be a write-in candidate [10 ILCS 5/17-16.1]. Any candidate who is required to file a certificate of qualifications (assessor, multi-township assessor) to participate as a candidate should file such certificate with the declaration of intent form [35 ILCS 200/2-45(b)].

Write-in candidates are not nominated for an office at the Consolidated Primary unless the number of votes received equals or exceeds the number of signatures required on a nominating petition for that office; or unless the number of votes received exceeds the number of votes received by at least one of the candidates whose name was printed on the Consolidated Primary ballot for that office; or unless the number of candidates whose names appear on the ballot equals or exceeds the number of persons the party is entitled to nominate to that office. [10 ILCS 5/7-59(c)]

Within five days following the completion of the canvass of results for the Consolidated Primary Election and within five days following the canvass of the Consolidated Election, write-in candidates who are declared nominated or elected must file a Statement of Candidacy and a receipt for the filing of the Statement of Economic Interests. The filing of a Loyalty Oath form is optional. [10 ILCS 5/7-60.1] Any necessary qualification certificate that may be required for a particular office must also be filed. The winning write-in candidates should be notified of these requirements by the election authority.

Upon the filing of the necessary documents following the Consolidated Election, the election authority shall issue a certificate of election to the write-in winners, upon their application. [10 ILCS 5/22-18]

To force a primary election for an office of an established party, OR to force a nonpartisan municipal primary: If the nomination for any office in the Consolidated Primary is uncontested, an individual seeking to be a write-in candidate must file a declaration of intent to be a write-in candidate on or before the date of certification, December 26, 2008, which is 61 days prior to the Consolidated Primary. The declaration must be filed with the appropriate office with whom nomination papers for such office are filed.

[10 ILCS 5/7-5(d), 5/7-13.1]

REQUIREMENTS FOR FILING NOMINATING PAPERS

A. GENERAL FILING REQUIREMENTS

1. Candidates are strongly advised to obtain legal counsel regarding their qualifications for office, the proper method for completing the petition forms for a specific office, the minimum and maximum number of signatures required, the qualifications of the signers and circulators, etc.
2. Candidates may file for office in the following manner:
 - a. as a candidate of an established political party;
 - b. as a candidate of a new political party;
 - c. as an independent candidate; or
3. Candidates must file on a non-partisan basis in units of government where it is required that all candidates file on a nonpartisan basis. (See pages 6 and 7.)
4. Candidates must file the following papers, except as noted:
 - a. Statement of Candidacy;
 - b. Nominating petition sheets or Certificate of Nomination by party caucus;

NOTE: Certificate of Officers Authorized to Fill Vacancies (new party filings only). A new political party petition must have attached thereto a certificate (SBE Form P-8C) stating the names and addresses of the party officers authorized to fill vacancies in nomination. Failure to file the certificate will not invalidate the petitions but will preclude the new party form being able to fill any vacancy that may occur. [See *Peoples Independent Party v. Petroff*, 191 Ill. App 3d 706, 138 Ill. Dec. 915, 548 N.E. 2d 145 (5th Dist. 1989)]
 - c. Receipt for the filing of a Statement of Economic Interests;
 - d. Loyalty Oath (the filing of the Loyalty Oath is OPTIONAL);
 - e. Certificate of qualifications (e.g., township/multi-township assessors).

5. Election laws prescribe the forms to be submitted in seeking nomination to office. The State Board of Elections has prepared **suggested** forms for petitions, statements of candidacy, etc. See listing and forms beginning on page 62. The official SBE form number to be used is included under each office listed elsewhere in this guide. Forms are **not** available from the offices of the State Board of Elections. Local officials are advised to contact their local election authority (county clerk, board of election commissioners) regarding the availability of forms. Forms are also available for purchase from election supply companies.
6. A candidate's nomination papers may be challenged by the filing of an objection. The deadline for filing objections is five business days after the last day of the filing period. Objections to all nominating papers are heard by the proper electoral board as designated in the Election Code and decisions of the electoral board are subject to judicial review. [10 ILCS 5/10-8 through 10-10.1] See page 57.
7. Petitions may be filed by mail or in person by either the candidate or a representative of the candidate.
 - a. Information on where to file is included under each office as listed elsewhere in this guide.
 - b. Filings must be made within the appropriate filing period; page "iv."
 - c. Filings made by mail must be received no earlier than the opening of the office on the first day of the appropriate filing period and no later than 5:00 p.m. on the last day of that filing period.
 - d. Petitions filed by mail and received after midnight on the first day for filing and in the first mail delivery or pickup of a filing day shall be deemed as filed at 8:00 a.m. of that day or as of the normal opening hour of such day, as the case may be. [10 ILCS 5/7-12]
8. Ballot position is determined as follows: 1) On the first day of filing, petitions filed by persons waiting in line as of the normal opening hour of the office involved shall be deemed filed simultaneously with petitions received in the first mail delivery or pickup of that day. A lottery is held for simultaneous filings to break any tie within nine days following the last day for petition filing. 2) Ballot position for all subsequent filings is determined by time and date
[10 ILCS 5/7-12, 10-6.2; 105 ILCS 5/9-11.1, 9-11.2]
9. A candidate for whom nomination papers have been filed as a partisan candidate at a Consolidated Primary Election, and who is defeated for his/her nomination at the Consolidated Primary Election, **is ineligible** for nomination as a candidate of another political party or as an independent candidate and **is prohibited** from filing a declaration of intent to be a write-in candidate for that Consolidated Election.

A candidate seeking election to an office for which candidates of a political party are nominated by caucus who is a participant in the caucus and who is defeated for his/her nomination at such caucus, **is ineligible** for nomination as a candidate of another political party or as an independent candidate, new party candidate and **is therefore ineligible** from filing a declaration of intent to be a write-in candidate for that Consolidated Election. [10 ILCS 5/17-16.1, 7-61, 10-3, 18-9.1]

Nonpartisan candidates for municipal office who are defeated at the Consolidated Primary **is therefore ineligible** to file a declaration of intent to be a write-in candidate for the Consolidated Election. [10 ILCS 5/17-16.1, 18-9.1]

B. NOMINATING PETITION SHEETS

1. Petition Sheet Heading

- a. The top portion (heading) of the nominating petition pages which include information relative to the election, the candidate, the office and political party, as applicable, must be completed prior to the circulation of the petition sheet.
- b. The candidate's name must appear on the petition pages as indicated on the Statement of Candidacy. The candidate's given name or names, initial or initials, nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. The State Board of Elections will certify each candidate's name as it appears on the first numbered page of the petition. Other filing officers may refer to other documents such as the Statement of Candidacy when determining the actual name to be certified. No other designation such as a "**POLITICAL SLOGAN**", title, degree or professional status, or similar information may be used in connection with the candidate's surname. [10 ILCS 5/7-10.2, 7-17(b), 10-5.1, 16-3(e)]

A "**POLITICAL SLOGAN**" is defined as any word or words expressing or connoting a position, opinion or belief that the candidate may espouse, including but not limited to any word or words conveying any meaning other than that of the personal identity of the candidate. A candidate may not use a "**POLITICAL SLOGAN**" as part of his or her name on the ballot, notwithstanding that the political slogan may be part of the candidate's name.
[10 ILCS 5/7-17 (b)]

NOTE: 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 petition or certificate for that office, whichever is applicable, then (i) the candidate's name on the petition or certificate 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 petition or certificate 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, but 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. [10 ILCS 5/7-10.2, 7-17, 8-8.1, 10-5.1 and 16.3]

- c. The name of more than one candidate of the same political party for a group office or for different offices of the same political subdivision may appear on the same petition. However, each candidate must submit his or her individual Statement of Candidacy, receipt for the filing of the Statement of Economic Interests and the optional Loyalty Oath. In the case of a new political party a complete slate of candidates for each office to be elected must be submitted. [10 ILCS 5/7-10, 10-2, 10-5]
- d. Each petition signature page must contain precisely the same information in the heading. [10 ILCS 5/7-10, 10-4]
- e. Petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets. [10 ILCS 5/7-10, 10-4]

2. 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, 10-4]

- 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 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 that last day for filing of the petitions. See page "iii" for additional filing date information.
[10 ILCS 5/7-10, 10-4]

- 1) Petitions circulated for established political party candidates and nonpartisan candidates who are required to file for the February 24 Consolidated Primary Election may be circulated starting September 16, 2008, for the filing period December 8-15, 2008.
- 2) Petitions circulated for independent candidates, new political party candidates and nonpartisan candidates who are required to file for the April 7 Consolidated Election may be circulated starting October 28, 2008, for the filing period January 19-26, 2009.

- c. A petition circulator may not circulate for more than one political party. [10 ILCS 5/10-4]
- d. A petition circulator may not circulate for an independent candidate or candidates in addition to candidates for an established political party. [10 ILCS 5/10-4]
- e. A petition circulator may not circulate for more than one new political party. [10 ILCS 5/10-4]
- f. A petition circulator may not circulate for an independent candidate or candidates in addition to candidates for a new political party.
[10 ILCS 5/10-4]
- g. A petition circulator may not circulate for more than one independent candidate or nonpartisan candidate for each office to be elected. [10 ILCS 5/10-4]
- h. A petition circulator must witness all signatures on each sheet he circulates and signs as circulator. [10 ILCS 5/7-10, 10-4]

- i. A petition circulator must complete and sign the statement at the bottom of each sheet certifying that the signatures on that sheet were signed in his presence and are genuine and that to the best of his knowledge the persons so signing were duly registered voters of the political subdivision or district at the time of signing for which the candidate or candidates shall be nominated and that their respective residences are correctly stated therein. This statement shall be sworn to and signed before some officer authorized to administer oaths in Illinois. [10 ILCS 5/7-10, 8-8, 10-4]
- j. Petition circulators shall indicate on such petition their residence address, written or printed, including the street address or rural route number of the circulator, as well as the circulator's city, village, or town. [10 ILCS 5/7-10, 10-4]

3. Petition Signers

- a. A voter may **NOT** sign petitions for candidates of more than one political party for the same primary election. [10 ILCS 5/7-10] If a voter does not sign a political party petition, he may sign one independent candidate's petition for each office to be elected. No unit of government has nonpartisan and established party candidates. A nonpartisan unit prohibits parties for each office to be elected. The voter may sign the petitions of one established political party for the Consolidated Primary and one new political party for the Consolidated Election. [10 ILCS 5/10-2]
- b. A registered voter must sign the petition in his own person. He may not sign for someone else, such as another member of his or her own family. [10 ILCS 5/7-10, 10-4]
- c. A petition signer may change party affiliation from one election to another. *Kusper v. Pontikes*, 414 U.S. 51, 94 S. Ct. 303. (1973); see also *Sperling v. County Officers Electoral Board*, 57 Ill. 2d 81, 309 N.E. 2d 589 (1974).
- d. Petition signers must be registered voters in the political subdivision in which the candidate is seeking nomination or election. [10 ILCS 5/7-10, 10-2, 10-3, 10-4]
- e. Petition signers shall indicate on such petition their residence address, written or printed, including the street address or rural route number, as well as the city, village, or town. The address on the petition must be the signer's voter registration address. [10 ILCS 5/7-10, 10-4]

- f. 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 shall initial the petition at the place where the signature is struck.
[10 ILCS 5/7-10, 10-3]
 - 2) The person striking the signature shall sign a certification (SBE Form P-2A); listing the page 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, 10-3]
 - 3) The person striking signatures from independent and nonpartisan candidate petitions shall also 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 certification. This additional certificate shall be filed as a part of the petition, shall be numbered consecutively beginning with the number "1", and shall be attached immediately following the last page of voters' signatures and before the certifications of stricken signatures.
[10 ILCS 5/10-3, 10-3.1]

All of the foregoing requirements are necessary to effect a valid striking of any signature. The provisions authorizing the striking of signatures shall not impose criminal liability on any person so authorized to strike signatures which may be fraudulent.
[10 ILCS 5/10-3]

4. Petition Preparations [10 ILCS 5/7-10, 10-4]

- a. The petition sheets must be **original** and of uniform size.
- b. The petition sheets shall be neatly fastened together in book form and fastened together at one edge in a secure and suitable manner.
- c. The petition sheets (the sheets with the signers' signatures) must be numbered consecutively beginning with the top sheet as number "1."
- d. The following documents are to be attached (preferably on top) to the nominating petitions. The Statement of Candidacy, the receipt for the filing of the Economic Interests Statement and the optional Loyalty Oath are NOT to be numbered.
 - 1) Statement of Candidacy;

- 2) Receipt for the filing of the Statement of Economic Interests (the receipt may be filed at any time during the filing period and will not change the initial date and time of filing the petition);
- 3) The Loyalty Oath, which is optional;
- 4) Any certifications related to the striking of signatures shall be attached immediately following the last petition page and numbered consecutively beginning with the number "1."
[10 ILCS 5/7-10, 10-3]
- 5) Any other documentation which may be required to qualify for said office.

IMPORTANT: A new political party petition must include a certificate (SBE Form P-8C) stating the names and addresses of the party officers authorized to fill vacancies in nomination. Failure to file the certificate does not invalidate a petition. However, the party would not be authorized to fill a vacancy in nomination if the certificate is not filed. [10 ILCS 5/10-5 and 10-11] [See *Peoples Independent Party v. Petroff*, 191 Ill. App 3d 706, 138 Ill. Dec. 915, 548 N.E. 2d 145 (5th Dist. 1989)]

- e. A petition when filed shall not be altered or added to. However, the receipt for the filing of an economic interests statement may be filed no later than 5:00 P.M. on the last day of the filing period.
[10 ILCS 5/7-10, 7-12, 10-4, 10-5]

C. STATEMENT OF CANDIDACY [10 ILCS 5/7-10, 10-5]

1. Each candidate, whether he is an individual candidate or his name appears on a group petition or certificate of nomination, must complete and file a Statement of Candidacy. The Statement of Candidacy shall set out the name of the candidate as it will appear on the ballot; the address of the candidate; the office for which he is a candidate; political party designation, if applicable; and a statement(s) that he is qualified for the office specified. See each office in the guide for the correct SBE Statement of Candidacy form. **THIS STATEMENT MUST ACCOMPANY THE NOMINATION PAPERS.**
2. In the designation of the name of a candidate on a petition for nomination or certificate of nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. The State Board of Elections will certify each candidate's name as it appears on the first numbered page of the petition. Other filing officers may refer to other documents such as the Statement of Candidacy when determining the actual name to be certified. No other designation such as

a “**POLITICAL SLOGAN**”, title, degree or professional status, or similar information may be used in connection with the candidates surname. [10 ILCS 5/7-10.2, 7-17(b), 10-5.1, 16-3(e)]

NOTE: 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 petition or certificate for that office, whichever is applicable, then (i) the candidate’s name on the petition or certificate 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 petition or certificate 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, but 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. [10 ILCS 5/7-10.2, 7-17, 8-8.1, 10-5.1, 16.3]

3. The candidate must swear to and sign the Statement of Candidacy and the statement must be notarized.

D. STATEMENT OF ECONOMIC INTERESTS - RECEIPT

1. A Statement of Economic Interests must be filed by every candidate for local office. The statement is filed with the county clerk of the county in which the principal office of the unit of local government for which the person is a candidate is located.

If it is not apparent which county the principal office of a unit of local government is located, the chief administrative officer, or his designee, has the authority to determine what county in which the principal office is located. [5 ILCS 420/4A-106]

2. The receipt for the filing of the statement, or a copy thereof, must be filed with the election official who receives the nominating petitions. [10 ILCS 5/7-10 and 10-5]
3. The statement must be filed during the calendar year in which the nominating petitions are filed. While the receipt need not accompany the

nominating petitions at the time of filing, it must be filed no later than 5:00 P.M. on the last day for filing the petitions. Filing the receipt by the last day of the filing period will not change the initial date and time of filing the nominating petitions. [10 ILCS 5/10-5]

4. Statements of Economic Interests forms may be obtained from the Secretary of State or the office of the County Clerk.
5. A Statement of Economic Interests filed for a different office may not be acceptable. If in doubt, consult with your county clerk or the Index Division of the Secretary of State, 111 E. Monroe Street, Springfield, Illinois 62756. (Telephone 217/782-7017)

E. LOYALTY OATH (Optional)

The filing of the Loyalty Oath is optional. The following court cases have held that the requirement for filing the Loyalty Oath is unconstitutional: *Communist Party of Indiana v. Witcomb*, 94 S. Ct. 656 414 U.S. 441 (1974); *Communist Party of Illinois v. Ogilvie*, 357 F. Supp. 105 (N.D. Ill. 1972) and *Socialist Workers Party v. Ogilvie*, 357 F. Supp. 109 (N.D. Ill. 1972)

F. CAMPAIGN DISCLOSURE - NOTICE OF OBLIGATION

The official with whom nomination papers are filed, must provide to each candidate at the time he files his nomination papers a notice of obligation to comply with the Illinois Campaign Financing Act. However, if a candidate files his nomination papers by mail, or an agent of the candidate files his nomination papers, the clerk or secretary with whom the petitions were filed will send the notice to the candidate by first class mail. The notice will state that the manual of instructions and forms for statements required to be filed under Article 9 of the Election Code are available from the State Board of Elections or county clerk upon request. Forms may also be downloaded from the State Board's website: www.elections.il.gov. [10 ILCS 5/7-12.7, 9-16(7), 10-6.1; 60 ILCS 1/45-35]

NOTE: A political committee that electronically files its campaign finance reports with the State Board of Elections is not required to file duplicate reports with the appropriate county clerk **if the county clerk has a system that permits access to, and duplication of, reports that are filed with the State Board of Elections. In addition, the county clerk must agree, in writing, to this filing waiver.** The filing waiver applies only to D-2 or A-1 report forms. Regardless of whether a political committee files its reports electronically, copies of the D-1 (Statement of Organization), and amended D-1's and any written correspondence must be filed with the county clerk. For additional information, contact the State Board of Elections.

G. IMPROPER USE OF PUBLIC FUNDS

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, however, shall not prohibit the use of public funds for dissemination of factual information relative to any

proposition appearing on an election ballot, or for dissemination of information and arguments published and distributed pursuant to law in connection with a proposition to amend the Constitution of the State of Illinois. [10 ILCS 5/9-25.1]

H. FAIR CAMPAIGN PRACTICES ACT

Candidates and committees are urged to abide by the provisions for campaigning outlined in the Fair Campaign Practices Act. This is a voluntary statement made and filed prior to an election, vowing that the candidate making the statement will conduct a positive, rather than a negative campaign. If a candidate or committee chooses to make such a statement, it shall be filed with the county clerk if the candidate is a local candidate or committee. [10 ILCS 5/29B et.seq.]

COMMISSION FORM - MUNICIPAL

- OFFICE:** Mayor and Commissioners
- QUALIFICATIONS:** Qualified elector/registered voter.
Must not be arrears in the payment of any tax or other indebtedness due the municipality; must not have been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.
[65 ILCS 5/3.1-10-5]
- RESIDENCY:** One-year residency in the municipality preceding the election.
[65 ILCS 5/3.1-10-5]
- SIGNATURE REQUIREMENTS:** Equal to at least 1% of the total vote cast for mayor at the last preceding mayoral election of the municipality. [65 ILCS 5/4-3-8]
- PETITION:** Nonpartisan, non municipal or municipal-commission form, SBE No. P-4.
- STATEMENT OF CANDIDACY:** Filed with nominating petitions. Nonpartisan SBE No. P-1A.
- LOYALTY OATH:** (Optional) Filed with nominating petitions. SBE No. P-1C.
- STATEMENT OF ECONOMIC INTERESTS:** Filed with 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 17 regarding the filing of the receipt.
[5 ILCS 420/4A-106]
- FILING DATES:** January 19 - 26, 2009 (not more than 78 days nor less than 71 days before the Consolidated Election).
- WHERE TO FILE:** Municipal Clerk, or in those municipalities which have a municipal Board of Election Commissioners, with the clerk of that Board.
- CAMPAIGN DISCLOSURE:** Original reports must be filed with the State Board of Elections, 1020 South Spring Street, Springfield, IL 62704 or 100 West Randolph Street, Suite 14-100, Chicago IL 60601. Copies of such reports must be filed with the local county clerk. (See NOTE on P. 18 on electronic filing)
- FAIR CAMPAIGN PRACTICES ACT:** Filed with the county clerk. (Voluntary - see page 19.)

TERM BEGINS: The terms of elected municipal officers shall commence at the first regular or special meeting of the corporate authorities during the month of May following the proclamation of the results of the regular municipal election at which such officers were elected, except as may otherwise be provided by ordinance fixing the date for inauguration of newly elected officers of a municipality. No such ordinance shall fix the time for inauguration of newly elected officers later than the first regular or special meeting of the corporate authorities in the month of June following such election. [65 ILCS 5/3.1-10-15]

TERM OF OFFICE: 4 years. [65 ILCS 5/4-3-4]

MAYOR-ALDERMAN AND PRESIDENT-TRUSTEE FORM MUNICIPAL

NOTE: Candidates of established political parties file petitions to be placed on the Consolidated Primary Election ballot in municipalities of over 5,000 population.

Municipalities of 5,000 or less population may determine by ordinance, no later than November 17, 2008, that political parties shall nominate candidates for municipal offices by primary election in accordance with Article 7 of the Election Code.

[10 ILCS 5/7-1 et seq.]

OFFICE: Mayor or President, Alderman or Trustee, Clerk, Treasurer

Cities of 10,000 or fewer inhabitants may, by ordinance, allow for the appointment of a city treasurer. [65 ILCS 5/3.1-15-5]

Villages of fewer than 5,000 inhabitants may, by resolution, choose to have the clerk appointed by the village president. [65 ILCS 5/3.1-25-90]

This procedure for election of officers includes municipalities which have adopted the managerial form and retained or later adopted the mayor-aldermanic or president-trustee form of electing their officers. [65 ILCS 5/5-1-2]

QUALIFICATIONS: Qualified elector/registered voter.

Must not be in arrears in the payment of any tax or other indebtedness due the municipality; must not have been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony. [65 ILCS 5/3.1-10-5]

RESIDENCY: Mayor or President, Clerk, Treasurer and Trustee: One-year residency in the municipality preceding the Consolidated Election. [65 ILCS 5/3.1-10-5]

Alderman must reside in the ward at least 1 year preceding their election. Trustees elected from districts must reside in their districts at least 1 year preceding their election. Trustees elected by district in villages with a population of over 5,000: Each of the districts shall be represented by one trustee who shall have been a resident of the district for at least one year immediately before his or her election in the first election after redistricting. [65 ILCS 3.1-10-5(c), 3.1-25-75]

SIGNATURE

REQUIREMENTS: **Established Political Party Candidates.**

For president, mayor, trustee or clerk, at least .5% (.005) of the qualified **primary** electors of his **party** in the city, incorporated town, town or village. [10 ILCS 5/7-10]

For alderman, by at least .5% (.005) of the qualified primary electors within their ward.

The number of qualified primary electors is determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such political subdivision, ward or district at the last regular election at which an officer was regularly scheduled to be elected from that subdivision, ward or district. [10 ILCS 5/7-10] If an established political party **was not** on the ballot at the election on which the signature requirements for the political subdivision are based, then .5% (.005) of the registered voters, but **not less** than 25 signatures are required. [10 ILCS 5/7-10(k)]

In the case of an election for alderman or trustee of a municipality to be elected from a ward or district, for the first primary following a redistricting or the initial establishment of wards or districts, then by .5% of the total number of votes cast for the candidate of such political party who received the highest number of votes in the entire municipality at the last regular election which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts, but in any event not less than 25 qualified primary electors of his party in the ward or district. [10 ILCS 5/7-10]

New Political Party Candidates - For the Consolidated Election, not less than 5% of the total number of persons who voted in the last regular election in the district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area. [10 ILCS 5/10-2]

For the first election following redistricting of municipal wards or districts, or for the first election following the initial establishment of such districts or wards in a municipality, a petition to form a new political party in a municipal ward or district shall be signed by qualified voters of the district or ward equal to not less than 5% of the total number of votes cast at the preceding municipal election, as the case may be, for the municipal office voted on throughout the municipality for which the greatest total number of votes were cast for all candidates, divided by the number of districts or wards, but in any event not less than 25 qualified voters of the district or ward. Component Petition for political subdivisions that elect candidates at large and by district. [10 ILCS 5/10-2]

Independent Candidates - For the Consolidated Election, not less than 5% nor more than 8% (or 50 more than the minimum, whichever is greater) of the number of persons who voted at the last regular election in the district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area. [10 ILCS 5/10-3]

Example: If 1,000 voters cast ballots at the last regular election in the district or political subdivision, the formula of 5% - 8% would result in a signature requirement of 50 - 80. Illinois statutes [10 ILCS 5/10-3] require a difference of 50 between the minimum and maximum. Therefore, the signature requirement would be 50 - 100.

For the first election following redistricting of municipal wards or districts, or for the first election following the initial establishment of such districts or wards in a municipality, nomination papers for an independent candidate for alderman or trustee of such municipality, shall be signed by qualified voters of the district or ward equal to not less than 5% nor more than 8% (or 50 more than the minimum, whichever is greater) of the total number of votes cast at the preceding general municipal election, as the case may be, for the municipal office voted on throughout such county or municipality for which the greatest total number of votes were cast for all candidates divided by the number of districts or wards, but in any event not less than 25 qualified voters of the district or ward. [10 ILCS 5/10-3]

Non-Partisan:

City: For the Consolidated Election, not less than 5% nor more than 8% (or 50 more than the minimum, whichever is greater) of the number of persons who voted at the last regular election in the district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area. [10 ILCS 5/10-3, 10-3.1]

Village: 1% of the total vote cast at the last preceding election in the village for president. [65 ILCS 5/3.1-25-30]

- | | |
|--------------------------|--|
| PETITION: | Established Party - SBE No. P-10 (for Primary)
New Party - SBE No. P-8 or P-8A (for Consolidated Election)
Independent - SBE No. P-3 (for Consolidated Election)
Nonpartisan - SBE No. P-5 (for Primary, as applicable) |
| CERTIFICATE OF OFFICERS: | New Party officers authorized to fill vacancies in nomination - SBE No. P-8C |
| STATEMENT OF CANDIDACY: | Filed with nominating petitions or filed with caucus certificate of nomination. |

Established Party - SBE No. P-1(for Primary)
Established Party - SBE No. P-1K (Caucus)
New Party - SBE No. P-1D
Independent - SBE No. P-1B
Nonpartisan SBE No. P-1A

LOYALTY OATH: (Optional) Filed with nominating papers. SBE No. P-1C.

STATEMENT OF ECONOMIC INTERESTS: 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 17 regarding the filing of the receipt.
[5 ILCS 420/4A-106]

FILING DATES: For established political party candidates and nonpartisan candidates filing for a primary, December 8-15, 2008 (not more than 78 nor less than 71 days prior to the Consolidated Primary). For new party candidates and independent candidates, January 19-26, 2009 (not more than 78 nor less than 71 days prior to the Consolidated Election). Caucus certificates for nomination for established party candidates are filed January 19-26, 2009.

WHERE TO FILE: With the appropriate city or village clerk. In those cities having a Board of Election Commissioners, with the clerk of that Board.

CAMPAIGN DISCLOSURE: Original reports must be filed with the State Board of Elections, 1020 South Spring Street, Springfield, IL 62704 or 100 West Randolph Street, Suite 14-100, Chicago, IL 60601. Copies of such reports must be filed with the local county clerk. (See NOTE on P. 18 on electronic filing)

FAIR CAMPAIGN PRACTICES ACT: Filed with the county clerk. (Voluntary - see page 19.)

TERM BEGINS: The terms of elected municipal officers shall commence at the first regular or special meeting of the corporate authorities during the month of May following the proclamation of the results of the regular municipal election at which such officers were elected, except as may otherwise be provided by ordinance fixing the date for inauguration of newly elected officers of a municipality. No such ordinance shall fix the time for an inauguration of newly elected officers later than the first regular or special meeting of the corporate authorities in the month of June following such election.
[65 ILCS 5/3.1-10-15]

TERM OF OFFICE: 4 years. The term may be reduced to 2 years by referendum.
65 ILCS 5/3.1-10-65. Any municipality of less than 500,000 population that originally voted to shorten terms may submit a proposition to lengthen terms. [65 ILCS 5/3.1-10-75]