



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3035

Introduced 2/16/2023, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-10

from Ch. 46, par. 10-10

Amends the Election Code. Provides that election authorities may authorize service of objections to candidate nominations through electronic mail instead of personal service if the election authority responsible for convening the electoral board requires candidates to provide an electronic mail address where notices of objections and electoral board proceedings may be sent electronically instead of through personal service, requires objectors to provide an electronic mail address where notices and electoral board proceedings may be sent electronically instead of through personal service, and publishes notice of its decision to authorize service of objections to candidate nominations through electronic mail on its website within 5 business days after the effective date of the amendatory Act.

LRB103 28827 BMS 55212 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Section 10-10 as follows:

6 (10 ILCS 5/10-10) (from Ch. 46, par. 10-10)

7 Sec. 10-10. Within 24 hours after the receipt of the
8 certificate of nomination or nomination papers or proposed
9 question of public policy, as the case may be, and the
10 objector's petition, the chair of the electoral board other
11 than the State Board of Elections shall send a call by
12 registered or certified mail to each of the members of the
13 electoral board, and to the objector who filed the objector's
14 petition, and either to the candidate whose certificate of
15 nomination or nomination papers are objected to or to the
16 principal proponent or attorney for proponents of a question
17 of public policy, as the case may be, whose petitions are
18 objected to, and shall also cause the sheriff of the county or
19 counties in which such officers and persons reside to serve a
20 copy of such call upon each of such officers and persons, which
21 call shall set out the fact that the electoral board is
22 required to meet to hear and pass upon the objections to
23 nominations made for the office, designating it, and shall

1 state the day, hour and place at which the electoral board
2 shall meet for the purpose, which place shall be in the county
3 court house in the county in the case of the County Officers
4 Electoral Board, the Municipal Officers Electoral Board, the
5 Township Officers Electoral Board or the Education Officers
6 Electoral Board, except that the Municipal Officers Electoral
7 Board, the Township Officers Electoral Board, and the
8 Education Officers Electoral Board may meet at the location
9 where the governing body of the municipality, township, or
10 community college district, respectively, holds its regularly
11 scheduled meetings, if that location is available; provided
12 that voter records may be removed from the offices of an
13 election authority only at the discretion and under the
14 supervision of the election authority. In those cases where
15 the State Board of Elections is the electoral board designated
16 under Section 10-9, the chair of the State Board of Elections
17 shall, within 24 hours after the receipt of the certificate of
18 nomination or nomination papers or petitions for a proposed
19 amendment to Article IV of the Constitution or proposed
20 statewide question of public policy, send a call by registered
21 or certified mail to the objector who files the objector's
22 petition, and either to the candidate whose certificate of
23 nomination or nomination papers are objected to or to the
24 principal proponent or attorney for proponents of the proposed
25 Constitutional amendment or statewide question of public
26 policy and shall state the day, hour, and place at which the

1 electoral board shall meet for the purpose, which place may be
2 in the Capitol Building or in the principal or permanent
3 branch office of the State Board. The day of the meeting shall
4 not be less than 3 nor more than 5 days after the receipt of
5 the certificate of nomination or nomination papers and the
6 objector's petition by the chair of the electoral board.

7 Election authorities may authorize service of objections
8 to candidate nominations through electronic mail instead of
9 personal service if the election authority responsible for
10 convening the electoral board:

11 (1) requires candidates to provide an electronic mail
12 address where notices of objections and electoral board
13 proceedings may be sent electronically instead of through
14 personal service;

15 (2) requires objectors to provide an electronic mail
16 address where notices and electoral board proceedings may
17 be sent electronically instead of through personal
18 service; and

19 (3) publishes notice of its decision to authorize
20 service of objections to candidate nominations through
21 electronic mail on its website within 5 business days
22 after the effective date of this amendatory Act of the
23 103rd General Assembly.

24 The electoral board shall have the power to administer
25 oaths and to subpoena and examine witnesses and, at the
26 request of either party and only upon a vote by a majority of

1 its members, may authorize the chair to issue subpoenas
2 requiring the attendance of witnesses and subpoenas duces
3 tecum requiring the production of such books, papers, records
4 and documents as may be evidence of any matter under inquiry
5 before the electoral board, in the same manner as witnesses
6 are subpoenaed in the Circuit Court.

7 Service of such subpoenas shall be made by any sheriff or
8 other person in the same manner as in cases in such court and
9 the fees of such sheriff shall be the same as is provided by
10 law, and shall be paid by the objector or candidate who causes
11 the issuance of the subpoena. In case any person so served
12 shall knowingly neglect or refuse to obey any such subpoena,
13 or to testify, the electoral board shall at once file a
14 petition in the circuit court of the county in which such
15 hearing is to be heard, or has been attempted to be heard,
16 setting forth the facts, of such knowing refusal or neglect,
17 and accompanying the petition with a copy of the citation and
18 the answer, if one has been filed, together with a copy of the
19 subpoena and the return of service thereon, and shall apply
20 for an order of court requiring such person to attend and
21 testify, and forthwith produce books and papers, before the
22 electoral board. Any circuit court of the state, excluding the
23 judge who is sitting on the electoral board, upon such showing
24 shall order such person to appear and testify, and to
25 forthwith produce such books and papers, before the electoral
26 board at a place to be fixed by the court. If such person shall

1 knowingly fail or refuse to obey such order of the court
2 without lawful excuse, the court shall punish him or her by
3 fine and imprisonment, as the nature of the case may require
4 and may be lawful in cases of contempt of court.

5 The electoral board on the first day of its meeting shall
6 adopt rules of procedure for the introduction of evidence and
7 the presentation of arguments and may, in its discretion,
8 provide for the filing of briefs by the parties to the
9 objection or by other interested persons.

10 In the event of a State Electoral Board hearing on
11 objections to a petition for an amendment to Article IV of the
12 Constitution pursuant to Section 3 of Article XIV of the
13 Constitution, or to a petition for a question of public policy
14 to be submitted to the voters of the entire State, the
15 certificates of the county clerks and boards of election
16 commissioners showing the results of the random sample of
17 signatures on the petition shall be prima facie valid and
18 accurate, and shall be presumed to establish the number of
19 valid and invalid signatures on the petition sheets reviewed
20 in the random sample, as prescribed in Section 28-11 and 28-12
21 of this Code. Either party, however, may introduce evidence at
22 such hearing to dispute the findings as to particular
23 signatures. In addition to the foregoing, in the absence of
24 competent evidence presented at such hearing by a party
25 substantially challenging the results of a random sample, or
26 showing a different result obtained by an additional sample,

1 this certificate of a county clerk or board of election
2 commissioners shall be presumed to establish the ratio of
3 valid to invalid signatures within the particular election
4 jurisdiction.

5 The electoral board shall take up the question as to
6 whether or not the certificate of nomination or nomination
7 papers or petitions are in proper form, and whether or not they
8 were filed within the time and under the conditions required
9 by law, and whether or not they are the genuine certificate of
10 nomination or nomination papers or petitions which they
11 purport to be, and whether or not in the case of the
12 certificate of nomination in question it represents accurately
13 the decision of the caucus or convention issuing it, and in
14 general shall decide whether or not the certificate of
15 nomination or nominating papers or petitions on file are valid
16 or whether the objections thereto should be sustained and the
17 decision of a majority of the electoral board shall be final
18 subject to judicial review as provided in Section 10-10.1. The
19 electoral board must state its findings in writing and must
20 state in writing which objections, if any, it has sustained. A
21 copy of the decision shall be served upon the parties to the
22 proceedings in open proceedings before the electoral board. If
23 a party does not appear for receipt of the decision, the
24 decision shall be deemed to have been served on the absent
25 party on the date when a copy of the decision is personally
26 delivered or on the date when a copy of the decision is

1 deposited in the United States mail, in a sealed envelope or
2 package, with postage prepaid, addressed to each party
3 affected by the decision or to such party's attorney of
4 record, if any, at the address on record for such person in the
5 files of the electoral board.

6 Upon the expiration of the period within which a
7 proceeding for judicial review must be commenced under Section
8 10-10.1, the electoral board shall, unless a proceeding for
9 judicial review has been commenced within such period,
10 transmit, by registered or certified mail, a certified copy of
11 its ruling, together with the original certificate of
12 nomination or nomination papers or petitions and the original
13 objector's petition, to the officer or board with whom the
14 certificate of nomination or nomination papers or petitions,
15 as objected to, were on file, and such officer or board shall
16 abide by and comply with the ruling so made to all intents and
17 purposes.

18 (Source: P.A. 99-78, eff. 7-20-15; 99-642, eff. 7-28-16;
19 100-1027, eff. 1-1-19.)