



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1652

Introduced 2/8/2023, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-8
10 ILCS 5/10-10

from Ch. 46, par. 10-8
from Ch. 46, par. 10-10

Amends the Election Code. In provisions concerning petitions for nomination and submission of public questions, provides that by signing an objector's petition, the objector certifies that the petition is not being presented for any improper purpose, the objections are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, and the factual contentions have evidentiary support. Provides that the electoral board that hears the objection may impose an appropriate sanction on the objectors or their legal counsel for any false certification, including a monetary sanction payable to the county clerk, the opposing parties, or both the county clerk and the opposing parties. In provisions concerning electoral board review of petitions, provides that the nomination papers of a candidate shall be deemed invalid and a candidate's name shall not appear on the ballot if he or she is found to have personally engaged in material fraud or a pattern of fraud in connection with the nominating papers.

LRB103 25886 BMS 52237 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 Sections 10-8 and 10-10 as follows:

6 (10 ILCS 5/10-8) (from Ch. 46, par. 10-8)

7 Sec. 10-8. Except as otherwise provided in this Code,
8 certificates of nomination and nomination papers, and
9 petitions to submit public questions to a referendum, being
10 filed as required by this Code, and being in apparent
11 conformity with the provisions of this Act, shall be deemed to
12 be valid unless objection thereto is duly made in writing
13 within 5 business days after the last day for filing the
14 certificate of nomination or nomination papers or petition for
15 a public question, with the following exceptions:

16 A. In the case of petitions to amend Article IV of the
17 Constitution of the State of Illinois, there shall be a
18 period of 35 business days after the last day for the
19 filing of such petitions in which objections can be filed.

20 B. In the case of petitions for advisory questions of
21 public policy to be submitted to the voters of the entire
22 State, there shall be a period of 35 business days after
23 the last day for the filing of such petitions in which

1 objections can be filed.

2 Any legal voter of the political subdivision or district
3 in which the candidate or public question is to be voted on, or
4 any legal voter in the State in the case of a proposed
5 amendment to Article IV of the Constitution or an advisory
6 public question to be submitted to the voters of the entire
7 State, having objections to any certificate of nomination or
8 nomination papers or petitions filed, shall file an objector's
9 petition together with 2 copies thereof in the principal
10 office or the permanent branch office of the State Board of
11 Elections, or in the office of the election authority or local
12 election official with whom the certificate of nomination,
13 nomination papers or petitions are on file. Objection
14 petitions that do not include 2 copies thereof, shall not be
15 accepted. In the case of nomination papers or certificates of
16 nomination, the State Board of Elections, election authority
17 or local election official shall note the day and hour upon
18 which such objector's petition is filed, and shall, not later
19 than 12:00 noon on the second business day after receipt of the
20 petition, transmit by registered mail or receipted personal
21 delivery the certificate of nomination or nomination papers
22 and the original objector's petition to the chair of the
23 proper electoral board designated in Section 10-9 hereof, or
24 his authorized agent, and shall transmit a copy by registered
25 mail or receipted personal delivery of the objector's
26 petition, to the candidate whose certificate of nomination or

1 nomination papers are objected to, addressed to the place of
2 residence designated in said certificate of nomination or
3 nomination papers. In the case of objections to a petition for
4 a proposed amendment to Article IV of the Constitution or for
5 an advisory public question to be submitted to the voters of
6 the entire State, the State Board of Elections shall note the
7 day and hour upon which such objector's petition is filed and
8 shall transmit a copy of the objector's petition by registered
9 mail or receipted personal delivery to the person designated
10 on a certificate attached to the petition as the principal
11 proponent of such proposed amendment or public question, or as
12 the proponents' attorney, for the purpose of receiving notice
13 of objections. In the case of objections to a petition for a
14 public question, to be submitted to the voters of a political
15 subdivision, or district thereof, the election authority or
16 local election official with whom such petition is filed shall
17 note the day and hour upon which such objector's petition was
18 filed, and shall, not later than 12:00 noon on the second
19 business day after receipt of the petition, transmit by
20 registered mail or receipted personal delivery the petition
21 for the public question and the original objector's petition
22 to the chair of the proper electoral board designated in
23 Section 10-9 hereof, or his authorized agent, and shall
24 transmit a copy by registered mail or receipted personal
25 delivery, of the objector's petition to the person designated
26 on a certificate attached to the petition as the principal

1 proponent of the public question, or as the proponent's
2 attorney, for the purposes of receiving notice of objections.

3 The objector's petition shall give the objector's name and
4 residence address, and shall state fully the nature of the
5 objections to the certificate of nomination or nomination
6 papers or petitions in question, and shall state the interest
7 of the objector and shall state what relief is requested of the
8 electoral board. By signing the objector's petition, the
9 objector certifies that: (1) the petition is not being
10 presented for any improper purpose, such as to harass; (2) the
11 objections are warranted by existing law or by a nonfrivolous
12 argument for extending, modifying, or reversing existing law
13 or for establishing new law; and (3) the factual contentions
14 have evidentiary support. The electoral board that hears the
15 objection may impose an appropriate sanction on the objectors
16 or their legal counsel for any false certification, including
17 a monetary sanction payable to the county clerk, the opposing
18 parties, or both the county clerk and the opposing parties.

19 The provisions of this Section and of Sections 10-9, 10-10
20 and 10-10.1 shall also apply to and govern objections to
21 petitions for nomination filed under Article 7 or Article 8,
22 except as otherwise provided in Section 7-13 for cases to
23 which it is applicable, and also apply to and govern petitions
24 for the submission of public questions under Article 28.

25 (Source: P.A. 102-15, eff. 6-17-21.)

1 (10 ILCS 5/10-10) (from Ch. 46, par. 10-10)

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

1 where the governing body of the municipality, township, or
2 community college district, respectively, holds its regularly
3 scheduled meetings, if that location is available; provided
4 that voter records may be removed from the offices of an
5 election authority only at the discretion and under the
6 supervision of the election authority. In those cases where
7 the State Board of Elections is the electoral board designated
8 under Section 10-9, the chair of the State Board of Elections
9 shall, within 24 hours after the receipt of the certificate of
10 nomination or nomination papers or petitions for a proposed
11 amendment to Article IV of the Constitution or proposed
12 statewide question of public policy, send a call by registered
13 or certified mail to the objector who files 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 the proposed
17 Constitutional amendment or statewide question of public
18 policy and shall state the day, hour, and place at which the
19 electoral board shall meet for the purpose, which place may be
20 in the Capitol Building or in the principal or permanent
21 branch office of the State Board. The day of the meeting shall
22 not be less than 3 nor more than 5 days after the receipt of
23 the certificate of nomination or nomination papers and the
24 objector's petition by the chair of the electoral board.

25 The electoral board shall have the power to administer
26 oaths and to subpoena and examine witnesses and, at the

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

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

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

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

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

1 showing a different result obtained by an additional sample,
2 this certificate of a county clerk or board of election
3 commissioners shall be presumed to establish the ratio of
4 valid to invalid signatures within the particular election
5 jurisdiction.

6 The electoral board shall take up the question as to
7 whether or not the certificate of nomination or nomination
8 papers or petitions are in proper form, and whether or not they
9 were filed within the time and under the conditions required
10 by law, and whether or not they are the genuine certificate of
11 nomination or nomination papers or petitions which they
12 purport to be, and whether or not in the case of the
13 certificate of nomination in question it represents accurately
14 the decision of the caucus or convention issuing it, and in
15 general shall decide whether or not the certificate of
16 nomination or nominating papers or petitions on file are valid
17 or whether the objections thereto should be sustained and the
18 decision of a majority of the electoral board shall be final
19 subject to judicial review as provided in Section 10-10.1. The
20 nomination papers of a candidate shall be deemed invalid and a
21 candidate's name shall not appear on the ballot if he or she is
22 found to have personally engaged in material fraud or a
23 pattern of fraud in connection with the nominating papers. The
24 electoral board must state its findings in writing and must
25 state in writing which objections, if any, it has sustained. A
26 copy of the decision shall be served upon the parties to the

1 proceedings in open proceedings before the electoral board. If
2 a party does not appear for receipt of the decision, the
3 decision shall be deemed to have been served on the absent
4 party on the date when a copy of the decision is personally
5 delivered or on the date when a copy of the decision is
6 deposited in the United States mail, in a sealed envelope or
7 package, with postage prepaid, addressed to each party
8 affected by the decision or to such party's attorney of
9 record, if any, at the address on record for such person in the
10 files of the electoral board.

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

23 (Source: P.A. 99-78, eff. 7-20-15; 99-642, eff. 7-28-16;
24 100-1027, eff. 1-1-19.)