



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4588**

by Rep. Robert F. Flider

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-10

from Ch. 46, par. 10-10

Amends the Election Code. Permits a Municipal Officers Electoral board, a Township Officers Electoral Board, and an Education Officers Electoral Board to meet where the governing body of the municipality, township, or school or community college district, respectively, holds its regularly scheduled meetings, rather than in the county court house (now, only the Township Officers Electoral Board may meet in the township offices as an alternative to the county court house).

LRB095 14869 JAM 40811 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 Section  
5 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 chairman 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 of  
17 public policy, as the case may be, whose petitions are objected  
18 to, and shall also cause the sheriff of the county or counties  
19 in which such officers and persons reside to serve a copy of  
20 such call upon each of such officers and persons, which call  
21 shall set out the fact that the electoral board is required to  
22 meet to hear and pass upon the objections to nominations made  
23 for the office, designating it, and shall state the day, hour

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

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

6 The electoral board shall have the power to administer  
7 oaths and to subpoena and examine witnesses and at the request  
8 of either party the chairman may issue subpoenas requiring the  
9 attendance of witnesses and subpoenas duces tecum requiring the  
10 production of such books, papers, records and documents as may  
11 be evidence of any matter under inquiry before the electoral  
12 board, in the same manner as witnesses are subpoenaed in the  
13 Circuit Court.

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

1 requiring such person to attend and testify, and forthwith  
2 produce books and papers, before the electoral board. Any  
3 circuit court of the state, excluding the judge who is sitting  
4 on the electoral board, upon such showing shall order such  
5 person to appear and testify, and to forthwith produce such  
6 books and papers, before the electoral board at a place to be  
7 fixed by the court. If such person shall knowingly fail or  
8 refuse to obey such order of the court without lawful excuse,  
9 the court shall punish him or her by fine and imprisonment, as  
10 the nature of the case may require and may be lawful in cases  
11 of contempt of court.

12 The electoral board on the first day of its meeting shall  
13 adopt rules of procedure for the introduction of evidence and  
14 the presentation of arguments and may, in its discretion,  
15 provide for the filing of briefs by the parties to the  
16 objection or by other interested persons.

17 In the event of a State Electoral Board hearing on  
18 objections to a petition for an amendment to Article IV of the  
19 Constitution pursuant to Section 3 of Article XIV of the  
20 Constitution, or to a petition for a question of public policy  
21 to be submitted to the voters of the entire State, the  
22 certificates of the county clerks and boards of election  
23 commissioners showing the results of the random sample of  
24 signatures on the petition shall be prima facie valid and  
25 accurate, and shall be presumed to establish the number of  
26 valid and invalid signatures on the petition sheets reviewed in

1 the random sample, as prescribed in Section 28-11 and 28-12 of  
2 this Code. Either party, however, may introduce evidence at  
3 such hearing to dispute the findings as to particular  
4 signatures. In addition to the foregoing, in the absence of  
5 competent evidence presented at such hearing by a party  
6 substantially challenging the results of a random sample, or  
7 showing a different result obtained by an additional sample,  
8 this certificate of a county clerk or board of election  
9 commissioners shall be presumed to establish the ratio of valid  
10 to invalid signatures within the particular election  
11 jurisdiction.

12 The electoral board shall take up the question as to  
13 whether or not the certificate of nomination or nomination  
14 papers or petitions are in proper form, and whether or not they  
15 were filed within the time and under the conditions required by  
16 law, and whether or not they are the genuine certificate of  
17 nomination or nomination papers or petitions which they purport  
18 to be, and whether or not in the case of the certificate of  
19 nomination in question it represents accurately the decision of  
20 the caucus or convention issuing it, and in general shall  
21 decide whether or not the certificate of nomination or  
22 nominating papers or petitions on file are valid or whether the  
23 objections thereto should be sustained and the decision of a  
24 majority of the electoral board shall be final subject to  
25 judicial review as provided in Section 10-10.1. The electoral  
26 board must state its findings in writing and must state in

1 writing which objections, if any, it has sustained.

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

13 (Source: P.A. 91-285, eff. 1-1-00.)