



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5497

Introduced 2/15/2012, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

10 ILCS 5/11-2	from Ch. 46, par. 11-2
10 ILCS 5/11-3	from Ch. 46, par. 11-3
10 ILCS 5/11-5	from Ch. 46, par. 11-5

Amends the Election Code. Provides that each election precinct shall contain 1,200 voters (now, 500 voters in counties, 600 voters in a municipality with a board of election commissioners and fewer than 500,000 inhabitants, or 400 voters in a municipality with a board of election commissioners and more than 500,000 inhabitants). Provides that, in a city with fewer than 500,000 inhabitants, if any election precinct casts more than 1,500 votes (now, 800 votes) at 2 consecutive general elections, the state's attorney shall apply to the Circuit Court to compel the board to divide the precinct. Provides that, in a city with more than 500,000 inhabitants, if any election precinct casts more than 1,200 votes (now, 600 votes) at 2 consecutive general elections, the state's attorney shall apply to the Circuit Court to compel the board to divide the precinct. Effective July 1, 2012.

LRB097 18241 PJG 63467 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 11-2, 11-3, and 11-5 as follows:

6 (10 ILCS 5/11-2) (from Ch. 46, par. 11-2)

7 Sec. 11-2. The County Board in each county, except in
8 counties having a population of 3,000,000 inhabitants or over,
9 shall, at its regular meeting in June, divide its election
10 precincts which contain more than 1,500 ~~800~~ voters, into
11 election districts so that each district shall contain, as near
12 as may be practicable, 1,200 ~~500~~ voters, and not more in any
13 case than 1,300 ~~800~~. Whenever the County Board ascertains that
14 any election precinct contains more than 1,300 ~~600~~ registered
15 voters, it may divide such precinct, at its regular meeting in
16 June, into election precincts so that each precinct shall
17 contain, as nearly as may be practicable, 1,200 ~~500~~ voters.
18 Insofar as is practicable, each precinct shall be situated
19 within a single congressional, legislative and representative
20 district and in not more than one County Board district and one
21 municipal ward. In order to situate each precinct within a
22 single district or ward, the County Board shall change the
23 boundaries of election precincts after each decennial census as

1 soon as is practicable following the completion of
2 congressional and legislative redistricting. In determining
3 whether a division of precincts should be made, the county
4 board may anticipate increased voter registration in any
5 precinct in which there is in progress new construction of
6 dwelling units which will be occupied by voters more than 30
7 days before the next election. Each district shall be composed
8 of contiguous territory in as compact form as can be for the
9 convenience of the electors voting therein. The several county
10 boards in establishing districts shall describe them by metes
11 and bounds and number them. And so often thereafter as it shall
12 appear by the number of votes cast at the general election held
13 in November of any year, that any election district or
14 undivided election precinct contains more than 1,500 ~~800~~
15 voters, the County Board of the county in which the district or
16 precinct may be, shall at its regular meeting in June, or an
17 adjourned meeting in July next, after such November election,
18 redivide or readjust such election district or election
19 precinct, so that no district or election precinct shall
20 contain more than the number of votes above specified. If for
21 any reason the County Board fails in any year to redivide or
22 readjust the election districts or election precinct, then the
23 districts or precincts as then existing shall continue until
24 the next regular June meeting of the County Board; at which
25 regular June meeting or an adjourned meeting in July the County
26 Board shall redivide or readjust the election districts or

1 election precincts in manner as herein required. When at any
2 meeting of the County Board any redivision, readjustment or
3 change in name or number of election districts or election
4 precincts is made by the County Board, the County Clerk shall
5 immediately notify the State Board of Elections of such
6 redivision, readjustment or change. The County Board in every
7 case shall fix and establish the places for holding elections
8 in its respective county and all elections shall be held at the
9 places so fixed. The polling places shall in all cases be upon
10 the ground floor in the front room, the entrance to which is in
11 a highway or public street which is at least 40 feet wide, and
12 is as near the center of the voting population of the precinct
13 as is practicable, and for the convenience of the greatest
14 number of electors to vote thereat; provided, however, where
15 the County Board is unable to secure a suitable polling place
16 within the boundaries of a precinct, it may select a polling
17 place at the most conveniently located suitable place outside
18 the precinct; but in no case shall an election be held in any
19 room used or occupied as a saloon, dramshop, bowling alley or
20 as a place of resort for idlers and disreputable persons,
21 billiard hall or in any room connected therewith by doors or
22 hallways. No person shall be permitted to vote at any election
23 except at the polling place for the precinct in which he
24 resides, except as otherwise provided in this Section or
25 Article 19 of this Act. In counties having a population of
26 3,000,000 inhabitants or over the County Board shall divide its

1 election precincts and shall fix and establish places for
2 holding elections as hereinbefore provided during the month of
3 January instead of at its regular meeting in June or at an
4 adjourned meeting in July.

5 However, in the event that additional divisions of election
6 precincts are indicated after a division made by the County
7 Board in the month of January, such additional divisions may be
8 made by the County Board in counties having a population of
9 3,000,000 inhabitants or over, at the regular meeting in June
10 or at adjourned meeting in July. The county board of such
11 county may divide or readjust precincts at any meeting of the
12 county board when the voter registration in a precinct has
13 increased beyond 1,500 ~~800~~ and an election is scheduled before
14 the next regular January or June meeting of the county board.

15 When in any city, village or incorporated town territory
16 has been annexed thereto or disconnected therefrom, which
17 annexation or disconnection becomes effective after election
18 precincts or election districts have been established as above
19 provided in this Section, the clerk of the municipality shall
20 inform the county clerk thereof as provided in Section 4-21,
21 5-28.1, or 6-31.1, whichever is applicable. In the event that a
22 regular meeting of the County Board is to be held after such
23 notification and before any election, the County Board shall,
24 at its next regular meeting establish new election precinct
25 lines in affected territory. In the event that no regular
26 meeting of the County Board is to be held before such election

1 the county clerk shall, within 5 days after being so informed,
2 call a special meeting of the county board on a day fixed by
3 him not more than 20 days thereafter for the purpose of
4 establishing election precincts or election districts in the
5 affected territory for the ensuing elections.

6 At any consolidated primary or consolidated election at
7 which municipal officers are to be elected, and at any
8 emergency referendum at which a public question relating to a
9 municipality is to be voted on, notwithstanding any other
10 provision of this Code, the election authority shall establish
11 a polling place within such municipality, upon the request of
12 the municipal council or board of trustees at least 60 days
13 before the election and provided that the municipality provides
14 a suitable polling place. To accomplish this purpose, the
15 election authority may establish an election precinct
16 constituting a single municipality of under 500 population for
17 all elections, notwithstanding the minimum precinct size
18 otherwise specified herein.

19 Notwithstanding the above, when there are no more than 50
20 registered voters in a precinct who are entitled to vote in a
21 local government or school district election, the election
22 authority having jurisdiction over the precinct is authorized
23 to reassign such voters to one or more polling places in
24 adjacent precincts, within or without the election authority's
25 jurisdiction, for that election. For the purposes of such local
26 government or school district election only, the votes of the

1 reassigned voters shall be tallied and canvassed as votes from
2 the precinct of the polling place to which such voters have
3 been reassigned. The election authority having jurisdiction
4 over the precinct shall approve all administrative and polling
5 place procedures. Such procedures shall take into account voter
6 convenience, and ensure that the integrity of the election
7 process is maintained and that the secrecy of the ballot is not
8 violated.

9 Except in the event of a fire, flood or total loss of heat
10 in a place fixed or established by any county board or election
11 authority pursuant to this Section as a polling place for an
12 election, no election authority shall change the location of a
13 polling place so established for any precinct after notice of
14 the place of holding the election for that precinct has been
15 given as required under Article 12 unless the election
16 authority notifies all registered voters in the precinct of the
17 change in location by first class mail in sufficient time for
18 such notice to be received by the registered voters in the
19 precinct at least one day prior to the date of the election.

20 The provisions of this Section apply to all precincts,
21 including those where voting machines or electronic voting
22 systems are used.

23 (Source: P.A. 86-867.)

24 (10 ILCS 5/11-3) (from Ch. 46, par. 11-3)

25 Sec. 11-3. It shall be the duty of the Board of

1 Commissioners established by Article 6 of this Act, within 2
2 months after its first organization, to divide the city,
3 village or incorporated town which may adopt or is operating
4 under Article 6, into election precincts, each of which shall
5 be situated within a single congressional, legislative and
6 representative district insofar as is practicable and in not
7 more than one County Board district and one municipal ward; in
8 order to situate each precinct within a single district or
9 ward, the Board of Election Commissioners shall change the
10 boundaries of election precincts after each decennial census as
11 soon as is practicable following the completion of
12 congressional and legislative redistricting and such precincts
13 shall contain as nearly as practicable 1,200 ~~600~~ qualified
14 voters, and in making such division and establishing such
15 precincts such board shall take as a basis the poll books, or
16 the number of votes cast at the previous presidential election.
17 Within 90 days after each presidential election, such board in
18 a city with fewer than 500,000 inhabitants, village or
19 incorporated town shall revise and rearrange such precincts on
20 the basis of the votes cast at such election, making such
21 precincts to contain, as near as practicable, 1,200 ~~600~~ actual
22 voters; but at any time in all instances where the vote cast at
23 any precinct, at any election, equals 1,500 ~~800~~, there must be
24 a rearrangement so as to reduce the vote to the standard of
25 1,200 ~~600~~ as near as may be. However, any apartment building in
26 which more than 1,200 ~~800~~ registered voters reside may be made

1 a single precinct even though the vote in such precinct exceeds
2 1,200 ~~800~~. Within 90 days after each presidential election, a
3 board in a city with more than 500,000 inhabitants shall revise
4 and rearrange such precincts on the basis of the votes cast at
5 such election, making such precincts to contain, as near as
6 practicable, 1,200 ~~400~~ actual voters; but at any time in all
7 instances where the vote cast at any precinct, at any election,
8 equals 1,500 ~~600~~, there must be a rearrangement so as to reduce
9 the vote to the standard of 1,200 ~~400~~ as near as may be.
10 However, any apartment building in which more than 1,200 ~~600~~
11 registered voters reside may be made a single precinct even
12 though the vote in such precinct exceeds 1,200 ~~600~~.

13 Immediately after the annexation of territory to the city,
14 village or incorporated town becomes effective the Board of
15 Election Commissioners shall revise and rearrange election
16 precincts therein to include such annexed territory.

17 Provided, however, that at any election where but one
18 candidate is nominated and is to be voted upon at any election
19 held in any political subdivision of a city, village or
20 incorporated town, the Board of Election Commissioners shall
21 have the power in such political subdivision to determine the
22 number of voting precincts to be established in such political
23 subdivision at such election, without reference to the number
24 of qualified voters therein. The precincts in each ward,
25 village or incorporated town shall be numbered from one
26 upwards, consecutively, with no omission.

1 The provisions of this Section apply to all precincts,
2 including those where voting machines or electronic voting
3 systems are used.

4 (Source: P.A. 84-1308.)

5 (10 ILCS 5/11-5) (from Ch. 46, par. 11-5)

6 Sec. 11-5. If any election district or precinct subject to
7 the jurisdiction of a county board or a board of election
8 commissioners in a city with fewer than 500,000 inhabitants,
9 village or incorporated town casts more than 1,500 ~~800~~ votes
10 each at two consecutive general November elections for State
11 officers, the state's attorney, upon the request of an elector
12 in any such district or precinct, shall apply to the Circuit
13 Court for relief by mandamus to compel the appropriate board to
14 divide such district or precinct as required by law. Any relief
15 so granted shall not apply to any election occurring within 60
16 days thereafter. If any election precinct subject to the
17 jurisdiction of a board of election commissioners in a city
18 with more than 500,000 inhabitants casts more than 1,200 ~~600~~
19 votes at each of the two consecutive general November elections
20 for State officers, the state's attorney, upon the request of
21 an elector in any such precinct, shall apply to the Circuit
22 Court for relief by mandamus to compel the appropriate board to
23 divide such precinct as required by law. Any relief so granted
24 shall not apply to any election occurring within 60 days
25 thereafter.

1 (Source: P.A. 84-323.)

2 Section 99. Effective date. This Act takes effect July 1,
3 2012.