

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 6-19.5 and by adding Article 6B as follows:

6 (10 ILCS 5/6-19.5)

7 Sec. 6-19.5. Rejection of Article by superseding county  
8 board of election commissioners. In addition to any other  
9 method of rejection provided in this Article, when a county  
10 board of election commissioners is established in accordance  
11 with subsection (c) of Section 6A-1, or when a county board of  
12 election commissioners within the office of the county clerk is  
13 established in accordance with Article 6B, in a county in which  
14 is located any portion of a municipality with a municipal board  
15 of election commissioners, the application of the provisions of  
16 this Article to the territory of that municipality located  
17 within that county is rejected.

18 (Source: P.A. 98-115, eff. 7-29-13.)

19 (10 ILCS 5/Art. 6B heading new)

20 ARTICLE 6B. COUNTY BOARD OF ELECTION COMMISSIONERS WITHIN THE  
21 OFFICE OF THE COUNTY CLERK

1 (10 ILCS 5/6B-1 new)

2 Sec. 6B-1. Adoption of this Article.

3 (a) Any county may adopt this Article and establish a  
4 county board of election commissioners within the office of the  
5 county clerk by (1) ordinance of the county board and with the  
6 approval of the county clerk, or (2) by vote of the electors of  
7 the county.

8 (b) When a county board of election commissioners within  
9 the office of the county clerk is established in accordance  
10 with this Section in a county in which is located any portion  
11 of a municipality with a municipal board of election  
12 commissioners, the application of the provisions of Article 6  
13 of this Code to the territory of that municipality located  
14 within that county is rejected.

15 (c) When a county board of election commissioners within  
16 the office of the county clerk is established in accordance  
17 with this Section in a county that has previously adopted  
18 Article 6A of this Code, the application of the provisions of  
19 Article 6A to that county is rejected.

20 (d) The provisions of this Article 6B are not applicable to  
21 or available to a county if, prior to January 1, 2017, a city,  
22 village, or incorporated town located in whole or in part  
23 within the county has established a board of election  
24 commissioners pursuant to Article 6 of this Code and that board  
25 of election commissioners of the city, village, or incorporated  
26 town has not been superseded by a county board of election

1 commissioners in the portion of the city, village, or  
2 incorporated town located within the county under Article 6A of  
3 this Code.

4 (10 ILCS 5/6B-5 new)

5 Sec. 6B-5. County board of election commissioners within  
6 the office of the county clerk.

7 (a) There is created a county board of election  
8 commissioners within the office of the county clerk, which  
9 shall consist of 5 members, all of whom shall be residents of  
10 that county. The county clerk shall serve ex officio as an  
11 election commissioner, with vote, and as chairman of the county  
12 board of election commissioners.

13 (b) The chairman of the county board, with the advice and  
14 consent of the county board, shall appoint the remaining 4  
15 commissioners. Two of those commissioners shall be affiliated  
16 with the political party that received the highest statewide  
17 vote total in the last gubernatorial election. The remaining 2  
18 commissioners shall be affiliated with the political party that  
19 received the second highest statewide vote total in the last  
20 gubernatorial general election. Commissioners appointed by the  
21 chairman of the county board shall be persons who have  
22 extensive knowledge of the election process of the State and  
23 county.

24 (c) When selecting commissioners from a political party  
25 other than his or her own, the chairman of the county board

1 shall select the commissioners from a list of suggestions  
2 submitted to him or her by a group of 5 elected officials who  
3 are members of that other political party.

4 The group of elected officials who may submit suggestions  
5 to the chairman shall be comprised of the 5 longest serving  
6 members of the county board who belong to that other political  
7 party. If there are fewer than 5 county board members of that  
8 other political party, then the remaining officials shall be  
9 the longest serving members of the General Assembly who are  
10 members of that other political party and represent at least 20  
11 precincts of that county.

12 If General Assembly members have served in the General  
13 Assembly for an equal amount of time, then the member who  
14 represents more precincts of the county shall be selected to  
15 the group submitting suggestions to the chairman.

16 Each of the 5 elected officials submitting suggestions to  
17 the chairman shall submit 2 names per vacancy.

18 (d) For the initial appointments to a board of election  
19 commissioners within the office of the county clerk, 2  
20 commissioners, one each from each political party, shall be  
21 appointed to serve a 2-year term, and 2 commissioners shall be  
22 appointed to serve a 4-year term. Successor members shall serve  
23 for terms of 4 years.

24 (e) The chairman of the county board shall provide public  
25 notice of a vacancy on the county board of election  
26 commissioners within the office of the county clerk before

1 appointing a replacement.

2 (f) Appointments to fill vacancies on the county board of  
3 election commissioners within the office of the county clerk  
4 shall be consistent with the manner of the original  
5 appointment.

6 (g) No appointed election commissioner may hold, accept, or  
7 seek election or appointment to any other public or political  
8 office during the term to which he or she was appointed an  
9 election commissioner.

10 (h) Each appointed election commissioner, before taking  
11 his or her seat on the board, shall take an oath of office,  
12 which in substance shall be in the following form:

13 "I, . . . ., do solemnly swear (or affirm) that I am a citizen  
14 of the United States, that I am a legal voter and resident of  
15 the County of . . . ., that I will support the Constitution of the  
16 United States and of the State of Illinois, and the laws passed  
17 in pursuance thereof, to the best of my ability, and that I  
18 will faithfully and honestly discharge the duties of the office  
19 of election commissioner."

20 The oath, when subscribed and sworn to, shall be filed in  
21 the office of the county clerk of the county and be there  
22 preserved. Such appointed election commissioner shall also,  
23 before taking such oath, give an official bond in the sum of  
24 \$10,000.00 with two securities, to be approved by the county  
25 clerk, conditioned for the faithful and honest performance of  
26 his or her duties and the preservation of the property of his

1 or her office.

2 (10 ILCS 5/6B-10 new)

3 Sec. 6B-10. Compensation of appointed election  
4 commissioners. The county board shall determine the  
5 compensation of the election commissioners other than the  
6 county clerk, who shall receive no additional compensation for  
7 his service as chairman or as a member of the board of election  
8 commissioners. The county board may, by ordinance, provide for  
9 an annual salary for the election commissioners other than the  
10 county clerk in an amount not to exceed 20% of the salary of  
11 any county board member or authorize payment on a per diem or  
12 per meeting basis. The county board shall not alter the manner  
13 or the amount of compensation of an election commissioner to  
14 take effect during an election commissioner's present term of  
15 office. The provisions of the Local Government Officer  
16 Compensation Act shall not apply to the compensation appointed  
17 election commissioners.

18 (10 ILCS 5/6B-15 new)

19 Sec. 6B-15. Superseding effect. The fact that some  
20 territory in a county is within the corporate limits of a city,  
21 village, or incorporated town with a board of election  
22 commissioners does not prevent that county from establishing a  
23 county board of election commissioners in accordance with this  
24 Article. If such a county establishes a county board of

1 election commissioners within the office of the county clerk  
2 pursuant to this Article, the county board of election  
3 commissioners within the office of the county clerk shall, with  
4 respect to the territory in the county within the corporate  
5 limits of the city, village, or incorporated town, supersede  
6 the board of election commissioners of that city, village, or  
7 incorporated town.

8 (10 ILCS 5/6B-20 new)

9 Sec. 6B-20. Transfer of records. Upon a county's adoption  
10 of this Article, an existing county board of election  
11 commissioners established under Article 6A of this Code and any  
12 municipal board of election commissioners in the county shall  
13 turn over to the new county board of election commissioners all  
14 registry books, registration record cards, poll books, tally  
15 sheets and ballot boxes, and all other books, forms, blanks,  
16 and stationery of every description in the former commissions'  
17 possession in any way relating to elections or the holding of  
18 elections in the county and any unused appropriations related  
19 to elections or the holding of elections in the county.  
20 Thereupon, all functions, powers, and duties of the county  
21 clerk, the county board, or board of election commissioners  
22 relating to elections in that county are transferred to the  
23 county board of election commissioners within the office of the  
24 county clerk.

1 (10 ILCS 5/6B-25 new)

2 Sec. 6B-25. County director of elections. The chairman of  
3 the board of election commissioners within the office of the  
4 county clerk shall have the right to employ a county director  
5 of elections who shall have charge of the office of said board  
6 and who shall be present and in attendance at all proper  
7 business hours. The director shall take an oath of office to  
8 the effect that he or she will honestly and faithfully perform  
9 all the duties of the office, under the direction of the  
10 chairman of the board, which shall be preserved in the same  
11 way, and he shall be under the direction of the chairman of  
12 board, and he or she shall have the right to administer all  
13 oaths required under this Code to be administered by the  
14 commissioners.

15 (10 ILCS 5/6B-30 new)

16 Sec. 6B-30. Procurement of election supplies, equipment,  
17 and services.

18 (a) A county board of election commissioners within the  
19 office of the county clerk shall procure all election supplies,  
20 equipment, and services, other than professional services,  
21 necessary to perform the election-related duties imposed on it  
22 under Articles 6, 14, and 18 of this Code in accordance with  
23 the centralized purchasing procedures established by the  
24 county board of the county. Any procurements shall be  
25 authorized by the board of election commissioners within the



1 office of the county clerk, rather than by the county board,  
2 subject to appropriation, and in the manner Section 5-1022 of  
3 the Counties Code authorizes county boards to make these  
4 purchases.

5 (b) A county board of election commissioners within the  
6 office of the county clerk may determine the method by which it  
7 procures election-related professional services subject to  
8 appropriation consistent with the requirements of law and  
9 county ordinance.

10 (c) The provisions of the Local Government Prompt Payment  
11 Act apply to all procurements of election supplies, equipment,  
12 and services as set forth in this Section.

13 (10 ILCS 5/6B-35 new)

14 Sec. 6B-35. Applicability of Articles 6, 14, and 18. The  
15 provisions of Articles 6, 14, and 18 of this Act, other than  
16 Section 6-70, relating to boards of election commissioners in  
17 cities, villages, and incorporated towns shall, insofar as they  
18 can be made applicable, apply to and govern county boards of  
19 election commissioners within the office of the county clerk  
20 established pursuant to this Article. Whenever Article 6  
21 requires an act of the commissioners to be accompanied by the  
22 advice, consent, or approval of the circuit court, the act by a  
23 county board of election commissioners within the office of the  
24 county clerk shall be accompanied by the advice, consent, or  
25 approval of the county clerk.

1       A deputy registrar serving as such by virtue of his or her  
2       status as a municipal clerk, or a duly authorized deputy of a  
3       municipal clerk, of a municipality the territory of which lies  
4       in more than one county, where one such county is governed by a  
5       county board of election commissioners within the office of the  
6       county clerk established pursuant to this Article, may accept  
7       the registration of any qualified resident of the municipality,  
8       regardless of which county the resident, municipal clerk or the  
9       duly authorized deputy of the municipal clerk lives in.

10           (10 ILCS 5/6B-40 new)

11       Sec. 6B-40. References to county clerk. Any references in  
12       this Code to the county clerk, other than as described in this  
13       Article, or the county board with respect to the registration  
14       of voters, filing of petitions, certification of candidates,  
15       preparation of ballots, establishment of election precincts,  
16       designation of polling places, or any other matter pertaining  
17       to the conduct of elections, shall, as applied to any county  
18       having a county board of election commissioners within the  
19       office of the county clerk, be construed as referring to the  
20       county board of election commissioners within the office of the  
21       county clerk.

22           (10 ILCS 5/6B-45 new)

23       Sec. 6B-45. Personnel. The chairman of the board of  
24       election commissioners shall hire all personnel necessary for

1 the commission to perform the duties enjoined upon it by  
2 statute and determine their compensation. All personnel hired  
3 by the chairman of the board of election commissioners shall be  
4 employees of the county clerk and subject to all employment  
5 policies as the clerk may from time to time promulgate. All  
6 personnel hired under this Section shall also be deemed  
7 employees of the respective county for payroll, taxation, and  
8 employee benefit purposes.

9 (10 ILCS 5/6B-50 new)

10 Sec. 6B-50. Legal representation. The State's Attorney of  
11 the county shall be the exclusive legal representative of the  
12 county board of election commissioners within the office of the  
13 county clerk.

14 (10 ILCS 5/6B-55 new)

15 Sec. 6B-55. Meetings of the election commissioners. A  
16 county board of election commissioners within the office of the  
17 county clerk is a public body, as the Open Meetings Act defines  
18 the term, and shall be subject to all of the requirements of  
19 that Act. The election commissioners shall meet as frequently  
20 as their duties may require, but no less frequently than 10  
21 times annually, whether sitting as the county board of election  
22 commissioners or as an electoral board for the purpose of  
23 hearing and passing on objector's petitions as set forth in  
24 Section 10-9 of this Code, and may meet in any location in

1 their county that is convenient and accessible to the public.

2 (10 ILCS 5/6B-60 new)

3 Sec. 6B-60. County officers electoral board. The county  
4 board of election commissioners within the office of the county  
5 clerk shall have the same powers and duties as a county board  
6 of election commissioners for the purpose of the hearing and  
7 passing on objector's petitions as set forth in Section 10-9 of  
8 this Code and shall constitute the county officers electoral  
9 board in such county. Whenever the chairman of a county board  
10 of election commissioners is a candidate for an office with  
11 relation to which an objector's petition is filed, he shall not  
12 be eligible to serve on that board and shall not act as a  
13 member of the board and his or her place shall be filled as set  
14 forth in Section 10-9 of the Code with respect to all  
15 proceedings involving such an objection.

16 (10 ILCS 5/6B-65 new)

17 Sec. 6B-65. Retention of records. The clerk shall retain  
18 all records of the county board of election commissioners  
19 within the office of the county clerk in the manner required by  
20 federal and State law. In the event of a conflict between  
21 multiple provisions of law, the clerk shall retain all records  
22 in accordance with the provision that requires the greatest  
23 period of retention.

1 (10 ILCS 5/6B-70 new)

2 Sec. 6B-70. Audit and payment. The county auditor or a  
3 person performing the duties of the county auditor shall audit  
4 the salaries and expenses of the county board of election  
5 commissioners within the office of the county clerk. All  
6 salaries and expenditures for an audit shall be paid by the  
7 county upon the warrant of the county clerk of any money in the  
8 county treasury not otherwise appropriated.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.