



Sen. Don Harmon

Filed: 4/26/2017

10000SB1592sam003

LRB100 10571 MLM 25594 a

1 AMENDMENT TO SENATE BILL 1592

2 AMENDMENT NO. _____. Amend Senate Bill 1592, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by changing
6 Section 6-19.5 and by adding Article 6B as follows:

7 (10 ILCS 5/6-19.5)

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

1 this Article to the territory of that municipality located
2 within that county is rejected.

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

4 (10 ILCS 5/Art. 6B heading new)

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

7 (10 ILCS 5/6B-1 new)

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

9 (a) Any county may adopt this Article and establish a
10 county board of election commissioners within the office of the
11 county clerk by (1) ordinance of the county board and with the
12 approval of the county clerk, or (2) by vote of the electors of
13 the county.

14 (b) When a county board of election commissioners within
15 the office of the county clerk is established in accordance
16 with this Section in a county in which is located any portion
17 of a municipality with a municipal board of election
18 commissioners, the application of the provisions of Article 6
19 of this Code to the territory of that municipality located
20 within that county is rejected.

21 (c) When a county board of election commissioners within
22 the office of the county clerk is established in accordance
23 with this Section in a county that has previously adopted
24 Article 6A of this Code, the application of the provisions of

1 Article 6A to that county is rejected.

2 (d) The provisions of this Article 6B are not applicable to
3 or available to a county if, prior to January 1, 2017, a city,
4 village, or incorporated town located in whole or in part
5 within the county has established a board of election
6 commissioners pursuant to Article 6 of this Code and that board
7 of election commissioners of the city, village, or incorporated
8 town has not been superseded by a county board of election
9 commissioners in the portion of the city, village, or
10 incorporated town located within the county under Article 6A of
11 this Code.

12 (10 ILCS 5/6B-5 new)

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

15 (a) There is created a county board of election
16 commissioners within the office of the county clerk, which
17 shall consist of 5 members, all of whom shall be residents of
18 that county. The county clerk shall serve ex officio as an
19 election commissioner, with vote, and as chairman of the county
20 board of election commissioners.

21 (b) The chairman of the county board shall appoint the
22 remaining 4 commissioners. Two of those commissioners shall be
23 affiliated with the political party that received the highest
24 statewide vote total in the last gubernatorial election. The
25 remaining 2 commissioners shall be affiliated with the

1 political party that received the second highest statewide vote
2 total in the last gubernatorial general election.
3 Commissioners appointed by the chairman of the county board
4 shall be persons who have extensive knowledge of the election
5 process of the State and county.

6 (c) When selecting commissioners from a political party
7 other than his or her own, the chairman of the county board
8 shall select the commissioners from a list of suggestions
9 submitted to him or her by a group of 5 elected officials who
10 are members of that other political party.

11 The group of elected officials who may submit suggestions
12 to the chairman shall be comprised of the 5 longest serving
13 members of the county board who belong to that other political
14 party. If there are fewer than 5 county board members of that
15 other political party, then the remaining officials shall be
16 the longest serving members of the General Assembly who are
17 members of that other political party and represent at least 20
18 precincts of that county.

19 If General Assembly members have served in the General
20 Assembly for an equal amount of time, then the member who
21 represents more precincts of the county shall be selected to
22 the group submitting suggestions to the chairman.

23 Each of the 5 elected officials submitting suggestions to
24 the chairman may submit 2 names per vacancy.

25 (d) For the initial appointments to a board of election
26 commissioners within the office of the county clerk, 2

1 commissioners, one each from each political party, shall be
2 appointed to serve a 2-year term, and 2 commissioners shall be
3 appointed to serve a 4-year term. Successor members shall serve
4 for terms of 4 years.

5 (e) The chairman of the county board shall provide public
6 notice of a vacancy on the county board of election
7 commissioners within the office of the county clerk before
8 appointing a replacement.

9 (f) Appointments to fill vacancies on the county board of
10 election commissioners within the office of the county clerk
11 shall be consistent with the manner of the original
12 appointment.

13 (g) No appointed election commissioner may hold, accept, or
14 seek election or appointment to any other public or political
15 office during the term to which he or she was appointed an
16 election commissioner.

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

20 "I,, do solemnly swear (or affirm) that I am a citizen
21 of the United States, that I am a legal voter and resident of
22 the County of, that I will support the Constitution of the
23 United States and of the State of Illinois, and the laws passed
24 in pursuance thereof, to the best of my ability, and that I
25 will faithfully and honestly discharge the duties of the office
26 of election commissioner."

1 The oath, when subscribed and sworn to, shall be filed in
2 the office of the county clerk of the county and be there
3 preserved. Such appointed election commissioner shall also,
4 before taking such oath, give an official bond in the sum of
5 \$10,000.00 with two securities, to be approved by the county
6 clerk, conditioned for the faithful and honest performance of
7 his or her duties and the preservation of the property of his
8 or her office.

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

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

1 (10 ILCS 5/6B-15 new)

2 Sec. 6B-15. Superseding effect. The fact that some
3 territory in a county is within the corporate limits of a city,
4 village, or incorporated town with a board of election
5 commissioners does not prevent that county from establishing a
6 county board of election commissioners in accordance with this
7 Article. If such a county establishes a county board of
8 election commissioners within the office of the county clerk
9 pursuant to this Article, the county board of election
10 commissioners within the office of the county clerk shall, with
11 respect to the territory in the county within the corporate
12 limits of the city, village, or incorporated town, supersede
13 the board of election commissioners of that city, village, or
14 incorporated town.

15 (10 ILCS 5/6B-20 new)

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

1 to elections or the holding of elections in the county.
2 Thereupon, all functions, powers, and duties of the county
3 clerk, the county board, or board of election commissioners
4 relating to elections in that county are transferred to the
5 county board of election commissioners within the office of the
6 county clerk.

7 (10 ILCS 5/6B-25 new)

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

21 (10 ILCS 5/6B-30 new)

22 Sec. 6B-30. Procurement of election supplies, equipment,
23 and services.

24 (a) A county board of election commissioners within the

1 office of the county clerk shall procure all election supplies,
2 equipment, and services, other than professional services,
3 necessary to perform the election-related duties imposed on it
4 under Articles 6, 14, and 18 of this Code in accordance with
5 the centralized purchasing procedures established by the
6 county board of the county. Any procurements shall be
7 authorized by the board of election commissioners within the
8 office of the county clerk, rather than by the county board,
9 subject to appropriation, and in the manner Section 5-1022 of
10 the Counties Code authorizes county boards to make these
11 purchases.

12 (b) A county board of election commissioners within the
13 office of the county clerk may determine the method by which it
14 procures election-related professional services subject to
15 appropriation consistent with the requirements of law and
16 county ordinance.

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

20 (10 ILCS 5/6B-35 new)

21 Sec. 6B-35. Applicability of Articles 6, 14, and 18. The
22 provisions of Articles 6, 14, and 18 of this Act, other than
23 Section 6-70, relating to boards of election commissioners in
24 cities, villages, and incorporated towns shall, insofar as they
25 can be made applicable, apply to and govern county boards of

1 election commissioners within the office of the county clerk
2 established pursuant to this Article. Whenever Article 6
3 requires an act of the commissioners to be accompanied by the
4 advice, consent, or approval of the circuit court, the act by a
5 county board of election commissioners within the office of the
6 county clerk shall be accompanied by the advice, consent, or
7 approval of the county clerk.

8 A deputy registrar serving as such by virtue of his or her
9 status as a municipal clerk, or a duly authorized deputy of a
10 municipal clerk, of a municipality the territory of which lies
11 in more than one county, where one such county is governed by a
12 county board of election commissioners within the office of the
13 county clerk established pursuant to this Article, may accept
14 the registration of any qualified resident of the municipality,
15 regardless of which county the resident, municipal clerk or the
16 duly authorized deputy of the municipal clerk lives in.

17 (10 ILCS 5/6B-40 new)

18 Sec. 6B-40. References to county clerk. Any references in
19 this Code to the county clerk, other than as described in this
20 Article, or the county board with respect to the registration
21 of voters, filing of petitions, certification of candidates,
22 preparation of ballots, establishment of election precincts,
23 designation of polling places, or any other matter pertaining
24 to the conduct of elections, shall, as applied to any county
25 having a county board of election commissioners within the

1 office of the county clerk, be construed as referring to the
2 county board of election commissioners within the office of the
3 county clerk.

4 (10 ILCS 5/6B-45 new)

5 Sec. 6B-45. Personnel. The chairman of the board of
6 election commissioners shall hire all personnel necessary for
7 the commission to perform the duties enjoined upon it by
8 statute and determine their compensation. All personnel hired
9 by the chairman of the board of election commissioners shall be
10 employees of the county clerk and subject to all employment
11 policies as the clerk may from time to time promulgate. All
12 personnel hired under this Section shall also be deemed
13 employees of the respective county for payroll, taxation, and
14 employee benefit purposes.

15 (10 ILCS 5/6B-50 new)

16 Sec. 6B-50. Legal representation. The State's Attorney of
17 the county shall be the exclusive legal representative of the
18 county board of election commissioners within the office of the
19 county clerk.

20 (10 ILCS 5/6B-55 new)

21 Sec. 6B-55. Meetings of the election commissioners. A
22 county board of election commissioners within the office of the
23 county clerk is a public body, as the Open Meetings Act defines

1 the term, and shall be subject to all of the requirements of
2 that Act. The election commissioners shall meet as frequently
3 as their duties may require, but no less frequently than 10
4 times annually, whether sitting as the county board of election
5 commissioners or as an electoral board for the purpose of
6 hearing and passing on objector's petitions as set forth in
7 Section 10-9 of this Code, and may meet in any location in
8 their county that is convenient and accessible to the public.

9 (10 ILCS 5/6B-60 new)

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

23 (10 ILCS 5/6B-65 new)

24 Sec. 6B-65. Retention of records. The clerk shall retain

1 all records of the county board of election commissioners
2 within the office of the county clerk in the manner required by
3 federal and State law. In the event of a conflict between
4 multiple provisions of law, the clerk shall retain all records
5 in accordance with the provision that requires the greatest
6 period of retention.

7 (10 ILCS 5/6B-70 new)

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.".