

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 10-9 and 10-10 as follows:

6 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

7 Sec. 10-9. The following electoral boards are designated  
8 for the purpose of hearing and passing upon the objector's  
9 petition described in Section 10-8.

10 1. The State Board of Elections will hear and pass upon  
11 objections to the nominations of candidates for State  
12 offices, nominations of candidates for congressional,  
13 legislative and judicial offices of districts or circuits  
14 situated in more than one county, nominations of candidates  
15 for the offices of State's attorney or regional  
16 superintendent of schools to be elected from more than one  
17 county, and petitions for proposed amendments to the  
18 Constitution of the State of Illinois as provided for in  
19 Section 3 of Article XIV of the Constitution.

20 2. The county officers electoral board to hear and pass  
21 upon objections to the nominations of candidates for county,  
22 municipal, and township offices, for congressional,  
23 legislative and judicial offices of a district or circuit  
24 coterminous with or less than a county, for school and  
25 community college district offices ~~trustees-to-be-voted-for~~  
26 ~~by-the-electors-of--the--county--or--by--the--electors--of--a~~  
27 ~~township--of--the--county,~~ for the office of multi-township  
28 assessor where candidates for such office are nominated in  
29 accordance with this Code, and for all special district  
30 offices, shall be composed of the county clerk, or an  
31 assistant designated by the county clerk, the State's

1 attorney of the county or an Assistant State's Attorney  
 2 designated by the State's Attorney, and the clerk of the  
 3 circuit court, or an assistant designated by the clerk of the  
 4 circuit court, of the county, of whom the county clerk or his  
 5 designee shall be the chairman, except that in any county  
 6 which has established a county board of election  
 7 commissioners that board shall constitute the county officers  
 8 electoral board ex-officio.

9 3. (Blank). The-municipal-officers-electoral--board--to  
 10 hear---and---pass--upon--objections--to--the--nominations--of  
 11 candidates-for-officers-of-municipalities-shall--be--composed  
 12 of--the--mayer--or--president-of-the-board-of-trustees-of-the  
 13 city,-village-or-incorporated-town,-and-the-city,-village--or  
 14 incorporated--town--clerk,-and-one-member-of-the-city-council  
 15 or-board-of-trustees,-that-member--being--designated--who--is  
 16 eligible--to--serve-on-the-electoral-board-and-has-served-the  
 17 greatest-number-of-years-as-a-member-of-the-city--council--or  
 18 board--of--trustees,-of--whom--the-mayer-or-president-of-the  
 19 board-of-trustees-shall-be-the-chairman.

20 4. (Blank). The-township-officers--electoral--board--to  
 21 pass--upon-objections-to-the-nominations-of-township-officers  
 22 shall-be-composed-of-the-township-supervisor,-the-town-clerk,  
 23 and-that-eligible-town-trustee-elected-in--the--township--who  
 24 has--had--the--longest--term--of--continuous--service-as-town  
 25 trustee,-of--whom--the--township--supervisor--shall--be--the  
 26 chairman.

27 5. (Blank). The-education-officers-electoral--board--to  
 28 hear---and---pass--upon--objections--to--the--nominations--of  
 29 candidates--for--offices--in--school--or--community---college  
 30 districts--shall--be-composed-of-the-presiding-officer-of-the  
 31 school-or-community-college-district-board,-who-shall-be--the  
 32 chairman,-the--secretary--of-the-school-or-community-college  
 33 district-board-and-the-eligible-elected-school--or--community  
 34 college--board--member-who-has-the-longest-term-of-continuous

1 ~~service-as-a-board-member.~~

2 6. In all cases, however, where the Congressional or  
3 Legislative district is wholly within the jurisdiction of a  
4 board of election commissioners and in all cases where the  
5 school district or special district is wholly within the  
6 jurisdiction of a municipal board of election commissioners  
7 and in all cases where the municipality or township is wholly  
8 or partially within the jurisdiction of a municipal board of  
9 election commissioners, the board of election commissioners  
10 shall ex-officio constitute the electoral board.

11 For special districts situated in more than one county,  
12 the county officers electoral board of the county in which  
13 the principal office of the district is located has  
14 jurisdiction to hear and pass upon objections. For purposes  
15 of this Section, "special districts" means all political  
16 subdivisions ~~other-than-counties,--municipalities,--townships~~  
17 ~~and-school-and-community-college-districts.~~

18 In the event that any member of the county officers  
19 electoral appropriate board is a candidate for the office  
20 with relation to which the objector's petition is filed, he  
21 or she shall not be eligible to serve on that board and shall  
22 not act as a member of the board and his or her place shall  
23 be filled by the county treasurer, and if he or she is  
24 ineligible to serve, by the sheriff of the county. as  
25 follows:

26 a. ~~In the county officers electoral board by the~~  
27 ~~county treasurer, and if he or she is ineligible to~~  
28 ~~serve, by the sheriff of the county.~~

29 b. ~~In the municipal officers electoral board by the~~  
30 ~~eligible-elected-city-council-or-board-of-trustees-member~~  
31 ~~who has served the second-greatest-number-of-years-as-a~~  
32 ~~city-council-or-board-of-trustees-member.~~

33 c. ~~In the township officers electoral board by the~~  
34 ~~eligible-elected-town-trustee-who has had the second~~

1 longest-term-of-continuous-service-as-a-town-trustee-

2 d.--In-the-education-officers-electoral-board-by-the  
3 eligible-elected-school--or--community--college--district  
4 board--member--who--has--had--the--second-longest-term-of  
5 continuous-service-as-a-board-member-

6 In the event that the chairman of the electoral board is  
7 ineligible to act because of the fact that he is a candidate  
8 for the office with relation to which the objector's petition  
9 is filed, then the substitute chosen under the provisions of  
10 this Section shall be the chairman; In this case, the officer  
11 or board with whom the objector's petition is filed, shall  
12 transmit the certificate of nomination or nomination papers  
13 as the case may be, and the objector's petition to the  
14 substitute chairman of the electoral board.

15 When-2-or-more-eligible-individuals, by-reason--of--their  
16 terms--of--service--on--a--city-council-or-board-of-trustees,  
17 township-board-of-trustees, or-school--or--community--college  
18 district--board, qualify-to-serve-on-an-electoral-board, the  
19 one-to-serve-shall-be-chosen-by-lot-

20 Any vacancies on the county officers an electoral board  
21 not otherwise filled pursuant to this Section shall be filled  
22 by public members appointed by the Chief Judge of the Circuit  
23 Court for the county wherein the electoral board hearing is  
24 being held upon notification to the Chief Judge of such  
25 vacancies. The Chief Judge shall be so notified by a member  
26 of the electoral board or the officer or board with whom the  
27 objector's petition was filed. In the event that none of the  
28 individuals designated by this Section to serve on the  
29 electoral board are eligible, the chairman of the an  
30 electoral board shall be designated by the Chief Judge.

31 (Source: P.A. 87-570.)

32 (10 ILCS 5/10-10) (from Ch. 46, par. 10-10)

33 Sec. 10-10. Within 24 hours after the receipt of the

1 certificate of nomination or nomination papers or proposed  
2 question of public policy, as the case may be, and the  
3 objector's petition, the chairman of the electoral board  
4 other than the State Board of Elections shall send a call by  
5 registered or certified mail to each of the members of the  
6 electoral board, and to the objector who filed the objector's  
7 petition, and either to the candidate whose certificate of  
8 nomination or nomination papers are objected to or to the  
9 principal proponent or attorney for proponents of a question  
10 of public policy, as the case may be, whose petitions are  
11 objected to, and shall also cause the sheriff of the county  
12 or counties in which such officers and persons reside to  
13 serve a copy of such call upon each of such officers and  
14 persons, which call shall set out the fact that the electoral  
15 board is required to meet to hear and pass upon the  
16 objections to nominations made for the office, designating  
17 it, and shall state the day, hour and place at which the  
18 electoral board shall meet for the purpose, which place shall  
19 be in the county court house in the county in the case of the  
20 County Officers Electoral Board,~~the Municipal Officers~~  
21 ~~Electoral Board, the Township Officers Electoral Board or the~~  
22 ~~Education Officers Electoral Board.~~ The ~~Township Officers~~  
23 ~~Electoral Board may meet in the township offices, if they are~~  
24 ~~available, rather than the county courthouse.~~ In those  
25 cases where the State Board of Elections is the electoral  
26 board designated under Section 10-9, the chairman of the  
27 State Board of Elections shall, within 24 hours after the  
28 receipt of the certificate of nomination or nomination papers  
29 or petitions for a proposed amendment to Article IV of the  
30 Constitution or proposed statewide question of public policy,  
31 send a call by registered or certified mail to the objector  
32 who files the objector's petition, and either to the  
33 candidate whose certificate of nomination or nomination  
34 papers are objected to or to the principal proponent or

1 attorney for proponents of the proposed Constitutional  
2 amendment or statewide question of public policy and shall  
3 state the day, hour and place at which the electoral board  
4 shall meet for the purpose, which place may be in the Capitol  
5 Building or in the principal or permanent branch office of  
6 the State Board. The day of the meeting shall not be less  
7 than 3 nor more than 5 days after the receipt of the  
8 certificate of nomination or nomination papers and the  
9 objector's petition by the chairman of the electoral board.

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

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

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

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

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

1           The electoral board shall take up the question as to  
2 whether or not the certificate of nomination or nomination  
3 papers or petitions are in proper form, and whether or not  
4 they were filed within the time and under the conditions  
5 required by law, and whether or not they are the genuine  
6 certificate of nomination or nomination papers or petitions  
7 which they purport to be, and whether or not in the case of  
8 the certificate of nomination in question it represents  
9 accurately the decision of the caucus or convention issuing  
10 it, and in general shall decide whether or not the  
11 certificate of nomination or nominating papers or petitions  
12 on file are valid or whether the objections thereto should be  
13 sustained and the decision of a majority of the electoral  
14 board shall be final subject to judicial review as provided  
15 in Section 10-10.1. The electoral board must state its  
16 findings in writing and must state in writing which  
17 objections, if any, it has sustained.

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

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