



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2514

Introduced 2/17/2005, by Rep. Rosemary Mulligan

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-9

from Ch. 46, par. 10-9

Amends the Election Code. Provides that when a member of a municipal officers electoral board has a close personal or campaign relationship with the candidate whose nomination is the subject of an objector's petition, the objector may request that the chief judge of the appropriate circuit court conduct a hearing on whether the member's impartiality is impaired. Provides that the member is ineligible to serve on the board with respect to any objections to that candidate if the member's impartiality is found to be impaired.

LRB094 09459 JAM 39709 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 10-9 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 offices,
12 nominations of candidates for congressional, legislative and
13 judicial offices of districts or circuits situated in more than
14 one county, nominations of candidates for the offices of
15 State's attorney or regional superintendent of schools to be
16 elected from more than one county, and petitions for proposed
17 amendments to the Constitution of the State of Illinois as
18 provided for in Section 3 of Article XIV of the Constitution.

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

1 designee shall be the chairman, except that in any county which
2 has established a county board of election commissioners that
3 board shall constitute the county officers electoral board
4 ex-officio.

5 3. The municipal officers electoral board to hear and pass
6 upon objections to the nominations of candidates for officers
7 of municipalities shall be composed of the mayor or president
8 of the board of trustees of the city, village or incorporated
9 town, and the city, village or incorporated town clerk, and one
10 member of the city council or board of trustees, that member
11 being designated who is eligible to serve on the electoral
12 board and has served the greatest number of years as a member
13 of the city council or board of trustees, of whom the mayor or
14 president of the board of trustees shall be the chairman.

15 4. The township officers electoral board to pass upon
16 objections to the nominations of township officers shall be
17 composed of the township supervisor, the town clerk, and that
18 eligible town trustee elected in the township who has had the
19 longest term of continuous service as town trustee, of whom the
20 township supervisor shall be the chairman.

21 5. The education officers electoral board to hear and pass
22 upon objections to the nominations of candidates for offices in
23 school or community college districts shall be composed of the
24 presiding officer of the school or community college district
25 board, who shall be the chairman, the secretary of the school
26 or community college district board and the eligible elected
27 school or community college board member who has the longest
28 term of continuous service as a board member.

29 6. In all cases, however, where the Congressional or
30 Legislative district is wholly within the jurisdiction of a
31 board of election commissioners and in all cases where the
32 school district or special district is wholly within the
33 jurisdiction of a municipal board of election commissioners and
34 in all cases where the municipality or township is wholly or
35 partially within the jurisdiction of a municipal board of
36 election commissioners, the board of election commissioners

1 shall ex-officio constitute the electoral board.

2 For special districts situated in more than one county, the
3 county officers electoral board of the county in which the
4 principal office of the district is located has jurisdiction to
5 hear and pass upon objections. For purposes of this Section,
6 "special districts" means all political subdivisions other
7 than counties, municipalities, townships and school and
8 community college districts.

9 In the event that any member of the appropriate board is a
10 candidate for the office with relation to which the objector's
11 petition is filed, he shall not be eligible to serve on that
12 board and shall not act as a member of the board and his place
13 shall be filled as follows:

14 a. In the county officers electoral board by the county
15 treasurer, and if he or she is ineligible to serve, by the
16 sheriff of the county.

17 b. In the municipal officers electoral board by the
18 eligible elected city council or board of trustees member
19 who has served the second greatest number of years as a
20 city council or board of trustees member.

21 c. In the township officers electoral board by the
22 eligible elected town trustee who has had the second
23 longest term of continuous service as a town trustee.

24 d. In the education officers electoral board by the
25 eligible elected school or community college district
26 board member who has had the second longest term of
27 continuous service as a board member.

28 In the event that the chairman of the electoral board is
29 ineligible to act because of the fact that he is a candidate
30 for the office with relation to which the objector's petition
31 is filed, then the substitute chosen under the provisions of
32 this Section shall be the chairman; In this case, the officer
33 or board with whom the objector's petition is filed, shall
34 transmit the certificate of nomination or nomination papers as
35 the case may be, and the objector's petition to the substitute
36 chairman of the electoral board.

1 When 2 or more eligible individuals, by reason of their
2 terms of service on a city council or board of trustees,
3 township board of trustees, or school or community college
4 district board, qualify to serve on an electoral board, the one
5 to serve shall be chosen by lot.

6 If a member of a municipal officers electoral board has a
7 close personal or campaign relationship with a candidate whose
8 nomination is the subject of an objector's petition, that
9 objector may petition the chief judge of the circuit court for
10 the county where the electoral board hearing is to be held to
11 disqualify that member. If the chief judge determines after a
12 hearing on the request that the member's relationship impairs
13 his or her impartiality, that member is ineligible to serve on
14 the municipal officers electoral board with respect to any
15 objections to that candidate's nomination and a substitute
16 member shall be provided in accordance with this Section.

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

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