

SB3742



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3742

Introduced 2/11/2010, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-8

from Ch. 46, par. 10-8

Amends the Election Code. With respect to objector's petitions, requires that (i) 2 copies (now, one copy) must be filed with the petition, (ii) the petition shall not be accepted for filing without the 2 copies, and (iii) challenges to signatures must include recapitulation sheets that refer to the page and line numbers of the signatures. Makes other changes.

LRB096 20818 JAM 36584 b

A BILL FOR

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 10-8 as follows:

6 (10 ILCS 5/10-8) (from Ch. 46, par. 10-8)

7 Sec. 10-8. Certificates of nomination and nomination
8 papers, and petitions to submit public questions to a
9 referendum, being filed as required by this Code, and being in
10 apparent conformity with the provisions of this Act, shall be
11 deemed to be valid unless objection thereto is duly made in
12 writing within 5 business days after the last day for filing
13 the certificate of nomination or nomination papers or petition
14 for a public question, with the following exceptions:

15 A. In the case of petitions to amend Article IV of the
16 Constitution of the State of Illinois, there shall be a
17 period of 35 business days after the last day for the
18 filing of such petitions in which objections can be filed.

19 B. In the case of petitions for advisory questions of
20 public policy to be submitted to the voters of the entire
21 State, there shall be a period of 35 business days after
22 the last day for the filing of such petitions in which
23 objections can be filed.

1 Any legal voter of the political subdivision or district in
2 which the candidate or public question is to be voted on, or
3 any legal voter in the State in the case of a proposed
4 amendment to Article IV of the Constitution or an advisory
5 public question to be submitted to the voters of the entire
6 State, having objections to any certificate of nomination or
7 nomination papers or petitions filed, shall file an objector's
8 petition together with 2 copies ~~a copy~~ thereof in the principal
9 office or the permanent branch office of the State Board of
10 Elections, or in the office of the election authority or local
11 election official with whom the certificate of nomination,
12 nomination papers or petitions are on file; objector's
13 petitions that are not accompanied by 2 copies thereof shall
14 not be accepted by those offices. In the case of nomination
15 papers or certificates of nomination, the State Board of
16 Elections, election authority or local election official shall
17 note the day and hour upon which such objector's petition is
18 filed. Not ~~, and shall, not~~ later than 12:00 noon on the second
19 business day following the last day to file objections ~~after~~
20 ~~receipt of the petition,~~ the State Board of Elections, election
21 authority, or local election official shall transmit ~~by~~
22 ~~registered mail or receipted personal delivery~~ the certificate
23 of nomination or nomination papers and the original objector's
24 petition to the chairman of the proper electoral board
25 designated in Section 10-9 hereof, or his authorized agent, and
26 shall transmit a copy ~~by registered mail or receipted personal~~

1 ~~delivery~~ of the objector's petition, to the candidate whose
2 certificate of nomination or nomination papers are objected to,
3 addressed to the place of residence designated in said
4 certificate of nomination or nomination papers. In the case of
5 objections to a petition for a proposed amendment to Article IV
6 of the Constitution or for an advisory public question to be
7 submitted to the voters of the entire State, the State Board of
8 Elections shall note the day and hour upon which such
9 objector's petition is filed and shall transmit a copy of the
10 objector's petition ~~by registered mail or receipted personal~~
11 ~~delivery~~ to the person designated on a certificate attached to
12 the petition as the principal proponent of such proposed
13 amendment or public question, or as the proponents' attorney,
14 for the purpose of receiving notice of objections. In the case
15 of objections to a petition for a public question, to be
16 submitted to the voters of a political subdivision, or district
17 thereof, the election authority or local election official with
18 whom such petition is filed shall note the day and hour upon
19 which such objector's petition was filed, and shall, not later
20 than 12:00 noon on the second business day following the last
21 day to file objections ~~after receipt of the petition~~, transmit
22 by registered mail or receipted personal delivery the petition
23 for the public question and the original objector's petition to
24 the chairman of the proper electoral board designated in
25 Section 10-9 hereof, or his authorized agent, and shall
26 transmit a copy ~~by registered mail or receipted personal~~

1 ~~delivery~~, of the objector's petition to the person designated
 2 on a certificate attached to the petition as the principal
 3 proponent of the public question, or as the proponent's
 4 attorney, for the purposes of receiving notice of objections.

5 The objector's petition shall give the objector's name and
 6 residence address, and shall state fully the nature of the
 7 objections to the certificate of nomination or nomination
 8 papers or petitions in question, and shall state the interest
 9 of the objector and shall state what relief is requested of the
 10 electoral board. If the objection challenges the validity of
 11 specific signatures, the objector's petition shall include
 12 recapitulation sheets indicating the specific page and line
 13 number on which the challenged signature is located and
 14 specifying the basis of the objection. Each recapitulation
 15 sheet shall be in substantially the following form:

16 Candidate Office Sheet Number

17 A mark, such as an "x" or "v", indicates that the signature on
 18 the designated sheet and line is objected to for the reasons
 19 set forth above the column in which the identifying mark
 20 appears, in accordance with the Objector's Petition, of which
 21 this Appendix-Recapitulation is made a part.

22 Objection a. Signer b. c.
 23 ----- not Signer's Signer

1	<u>---</u>	<u>registered</u>	<u>signature</u>	<u>resides</u>
2	<u>LINE #</u>	<u>at address</u>	<u>not</u>	<u>outside</u>
3		<u>shown</u>	<u>genuine</u>	<u>District</u>
4	<u>1</u>			
5	<u>2</u>			
6	<u>3</u>			

7	<u>Objection</u>	<u>d.</u>	<u>e. Signer</u>	<u>f. Other</u>
8	<u>-----</u>	<u>Signer's</u>	<u>signed</u>	<u>(Must</u>
9	<u>---</u>	<u>address</u>	<u>Petition</u>	<u>specify</u>
10	<u>LINE #</u>	<u>missing or</u>	<u>more than</u>	<u>legal</u>
11		<u>incomplete</u>	<u>once at</u>	<u>basis for</u>
12			<u>Sheet/Line</u>	<u>objection)</u>
13			<u>indicated</u>	
14	<u>1</u>			
15	<u>2</u>			
16	<u>3</u>			

17 The mandated use of this form shall not preclude an objector
 18 from making objections to the qualifications of a circulator or
 19 the manner in which the petition was circulated or notarized.
 20 Such circulator or notarization objections may be included on
 21 the recapitulation form. Use of the recapitulation form shall
 22 not preclude an opposing party from challenging the sufficiency
 23 of the objector's petition when it is shown by such party that
 24 the objection appears on its face to have been filed without

1 the objector first conducting a diligent examination of the
2 challenged signatures to determine whether they are indeed
3 invalid. In the event such a challenge is raised, in the form
4 of a motion to strike or otherwise, the electoral board may
5 conduct an examination of a sample of the challenged signatures
6 to determine whether a sufficient number of signatures in the
7 sample are valid or invalid, thereby determining whether a
8 complete examination of all the challenged signatures is
9 necessary. The threshold number of signatures in the sample, or
10 a percentage thereof, as well as the size of the sample and
11 other associated procedures, may be provided for in the rules
12 of procedure adopted by the relevant electoral board at its
13 initial meeting.

14 The provisions of this Section and of Sections 10-9, 10-10
15 and 10-10.1 shall also apply to and govern objections to
16 petitions for nomination filed under Article 7 or Article 8,
17 except as otherwise provided in Section 7-13 for cases to which
18 it is applicable, and also apply to and govern petitions for
19 the submission of public questions under Article 28.

20 (Source: P.A. 86-1348.)