



Sen. Terry Link

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09600SB3742sam001

LRB096 20818 JAM 38971 a

1 AMENDMENT TO SENATE BILL 3742

2 AMENDMENT NO. _____. Amend Senate Bill 3742 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Section 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

1 period of 35 business days after the last day for the
2 filing of such petitions in which objections can be filed.

3 B. In the case of petitions for advisory questions of
4 public policy to be submitted to the voters of the entire
5 State, there shall be a period of 35 business days after
6 the last day for the filing of such petitions in which
7 objections can be filed.

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

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

1 than 12:00 noon on the second business day following the last
2 day to file objections ~~after receipt of the petition~~, transmit
3 by registered mail or receipted personal delivery the petition
4 for the public question and the original objector's petition to
5 the chairman of the proper electoral board designated in
6 Section 10-9 hereof, or his authorized agent, and shall
7 transmit a copy ~~by registered mail or receipted personal~~
8 ~~delivery~~, of the objector's petition to the person designated
9 on a certificate attached to the petition as the principal
10 proponent of the public question, or as the proponent's
11 attorney, for the purposes of receiving notice of objections.

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

23 Candidate Office Sheet Number

24 A mark, such as an "x" or "v", indicates that the signature on

1 the designated sheet and line is objected to for the reasons
 2 set forth above the column in which the identifying mark
 3 appears, in accordance with the Objector's Petition, of which
 4 this Appendix-Recapitulation is made a part.

5	<u>Objection</u>	<u>a. Signer</u>	<u>b.</u>	<u>c.</u>
6	<u>-----</u>	<u>not</u>	<u>Signer's</u>	<u>Signer</u>
7	<u>---</u>	<u>registered</u>	<u>signature</u>	<u>resides</u>
8	<u>LINE #</u>	<u>at address</u>	<u>not</u>	<u>outside</u>
9		<u>shown</u>	<u>genuine</u>	<u>District</u>
10	<u>1</u>			
11	<u>2</u>			
12	<u>3</u>			
13	<u>Objection</u>	<u>d.</u>	<u>e. Signer</u>	<u>f. Other</u>
14	<u>-----</u>	<u>Signer's</u>	<u>signed</u>	<u>(Must</u>
15	<u>---</u>	<u>address</u>	<u>Petition</u>	<u>specify</u>
16	<u>LINE #</u>	<u>missing or</u>	<u>more than</u>	<u>legal</u>
17		<u>incomplete</u>	<u>once at</u>	<u>basis for</u>
18			<u>Sheet/Line</u>	<u>objection)</u>
19			<u>indicated</u>	
20	<u>1</u>			
21	<u>2</u>			
22	<u>3</u>			

23 The mandated use of this form shall not preclude an objector

1 from making objections to the qualifications of a circulator or
2 the manner in which the petition was circulated or notarized.
3 Such circulator or notarization objections may be included on
4 the recapitulation form. Use of the recapitulation form shall
5 not preclude an opposing party from challenging the sufficiency
6 of the objector's petition when it is shown by such party that
7 the objection appears on its face to have been filed without
8 the objector first conducting a diligent examination of the
9 challenged signatures to determine whether they are indeed
10 invalid. In the event such a challenge is raised, in the form
11 of a motion to strike or otherwise, the electoral board may
12 conduct an examination of a sample of no less than 20% of the
13 challenged signatures to determine whether a sufficient number
14 of signatures in the sample are valid or invalid, thereby
15 determining whether a complete examination of all the
16 challenged signatures is necessary. If, following the
17 examination of the 20% sample of challenged signatures, the
18 number of sustained challenges is no greater than 35% of the
19 total number of challenged signatures, the electoral board may
20 suspend the records examination and order the objector to
21 appear before the board and show cause as to why the objection
22 should not be dismissed; this provision does not apply to
23 objections to a candidate's nomination petition for an office
24 with a petition signature requirement of fewer than 500.

25 The provisions of this Section and of Sections 10-9, 10-10
26 and 10-10.1 shall also apply to and govern objections to

1 petitions for nomination filed under Article 7 or Article 8,
2 except as otherwise provided in Section 7-13 for cases to which
3 it is applicable, and also apply to and govern petitions for
4 the submission of public questions under Article 28.
5 (Source: P.A. 86-1348.)"