

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. If a municipality, school  
 9 district, or community college district is located in 2 or  
 10 more counties, the county officers electoral board of the  
 11 county in which the principal offices of the municipality,  
 12 school district, or community college district is located  
 13 shall hear and pass upon objections to nominations of  
 14 candidates for the municipal offices, school district  
 15 offices, or community college district offices.

16 3. (Blank). ~~The--municipal--officers--electoral--board--to~~  
 17 ~~hear--and--pass--upon--objections--to--the--nominations--of~~  
 18 ~~candidates--for--officers--of--municipalities--shall--be--composed~~  
 19 ~~of--the--mayor--or--president--of--the--board--of--trustees--of--the~~  
 20 ~~city,--village--or--incorporated--town,--and--the--city,--village--or~~  
 21 ~~incorporated--town--clerk,--and--one--member--of--the--city--council~~  
 22 ~~or--board--of--trustees,--that--member--being--designated--who--is~~  
 23 ~~eligible--to--serve--on--the--electoral--board--and--has--served--the~~  
 24 ~~greatest--number--of--years--as--a--member--of--the--city--council--or~~  
 25 ~~board--of--trustees,--of--whom--the--mayor--or--president--of--the~~  
 26 ~~board--of--trustees--shall--be--the--chairman.~~

27 4. (Blank). ~~The--township--officers--electoral--board--to~~  
 28 ~~pass--upon--objections--to--the--nominations--of--township--officers~~  
 29 ~~shall--be--composed--of--the--township--supervisor,--the--town--clerk,~~  
 30 ~~and--that--eligible--town--trustee--elected--in--the--township--who~~  
 31 ~~has--had--the--longest--term--of--continuous--service--as--town~~  
 32 ~~trustee,--of--whom--the--township--supervisor--shall--be--the~~  
 33 ~~chairman.~~

34 5. (Blank). ~~The--education--officers--electoral--board--to~~

1 hear--and--pass--upon--objections--to--the--nominations--of  
 2 candidates--for--offices--in--school--or--community--college  
 3 districts--shall--be--composed--of--the--presiding--officer--of--the  
 4 school--or--community--college--district--board,--who--shall--be--the  
 5 chairman,--the--secretary--of--the--school--or--community--college  
 6 district--board--and--the--eligible--elected--school--or--community  
 7 college--board--member--who--has--the--longest--term--of--continuous  
 8 service--as--a--board--member.

9 6. In all cases, however, where the Congressional or  
 10 Legislative district is wholly within the jurisdiction of a  
 11 board of election commissioners and in all cases where the  
 12 school district or special district is wholly within the  
 13 jurisdiction of a municipal board of election commissioners  
 14 and in all cases where the municipality or township is wholly  
 15 or partially within the jurisdiction of a municipal board of  
 16 election commissioners, the board of election commissioners  
 17 shall ex-officio constitute the electoral board.

18 For special districts situated in more than one county,  
 19 the county officers electoral board of the county in which  
 20 the principal office of the district is located has  
 21 jurisdiction to hear and pass upon objections. For purposes  
 22 of this Section, "special districts" means all political  
 23 subdivisions other--than--counties,--municipalities,--townships  
 24 and--school--and--community--college--districts.

25 In the event that any member of the county officers  
 26 electoral appropriate board is a candidate for the office  
 27 with relation to which the objector's petition is filed, he  
 28 or she shall not be eligible to serve on that board and shall  
 29 not act as a member of the board and his or her place shall  
 30 be filled by the county treasurer, and if he or she is  
 31 ineligible to serve, by the sheriff of the county. as  
 32 follows:

33 a.--In--the--county--officers--electoral--board--by--the  
 34 county--treasurer,--and--if--he--or--she--is--ineligible--to

1 serve, by the sheriff of the county.

2 b. In the municipal officers electoral board by the  
3 eligible elected city council or board of trustees member  
4 who has served the second greatest number of years as a  
5 city council or board of trustees member.

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

9 d. In the education officers electoral board by the  
10 eligible elected school or community college district  
11 board member who has had the second longest term of  
12 continuous service as a board member.

13 In the event that the chairman of the electoral board is  
14 ineligible to act because of the fact that he is a candidate  
15 for the office with relation to which the objector's petition  
16 is filed, then the substitute chosen under the provisions of  
17 this Section shall be the chairman; In this case, the officer  
18 or board with whom the objector's petition is filed, shall  
19 transmit the certificate of nomination or nomination papers  
20 as the case may be, and the objector's petition to the  
21 substitute chairman of the electoral board.

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

27 Any vacancies on the county officers an electoral board  
28 not otherwise filled pursuant to this Section shall be filled  
29 by public members appointed by the Chief Judge of the Circuit  
30 Court for the county wherein the electoral board hearing is  
31 being held upon notification to the Chief Judge of such  
32 vacancies. The Chief Judge shall be so notified by a member  
33 of the electoral board or the officer or board with whom the  
34 objector's petition was filed. In the event that none of the

1 individuals designated by this Section to serve on the  
2 electoral board are eligible, the chairman of an electoral  
3 board shall be designated by the Chief Judge.

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

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

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

1 of the certificate of nomination or nomination papers or  
2 petitions for a proposed amendment to Article IV of the  
3 Constitution or proposed statewide question of public policy,  
4 send a call by registered or certified mail to the objector  
5 who files the objector's petition, and either to the  
6 candidate whose certificate of nomination or nomination  
7 papers are objected to or to the principal proponent or  
8 attorney for proponents of the proposed Constitutional  
9 amendment or statewide question of public policy and shall  
10 state the day, hour and place at which the electoral board  
11 shall meet for the purpose, which place may be in the Capitol  
12 Building or in the principal or permanent branch office of  
13 the State Board. The day of the meeting shall not be less  
14 than 3 nor more than 5 days after the receipt of the  
15 certificate of nomination or nomination papers and the  
16 objector's petition by the chairman of the electoral board.

17 The electoral board shall have the power to administer  
18 oaths and to subpoena and examine witnesses and at the  
19 request of either party the chairman may issue subpoenas  
20 requiring the attendance of witnesses and subpoenas duces  
21 tecum requiring the production of such books, papers, records  
22 and documents as may be evidence of any matter under inquiry  
23 before the electoral board, in the same manner as witnesses  
24 are subpoenaed in the Circuit Court.

25 Service of such subpoenas shall be made by any sheriff or  
26 other person in the same manner as in cases in such court and  
27 the fees of such sheriff shall be the same as is provided by  
28 law, and shall be paid by the objector or candidate who  
29 causes the issuance of the subpoena. In case any person so  
30 served shall knowingly neglect or refuse to obey any such  
31 subpoena, or to testify, the electoral board shall at once  
32 file a petition in the circuit court of the county in which  
33 such hearing is to be heard, or has been attempted to be  
34 heard, setting forth the facts, of such knowing refusal or

1 neglect, and accompanying the petition with a copy of the  
2 citation and the answer, if one has been filed, together with  
3 a copy of the subpoena and the return of service thereon, and  
4 shall apply for an order of court requiring such person to  
5 attend and testify, and forthwith produce books and papers,  
6 before the electoral board. Any circuit court of the state,  
7 excluding the judge who is sitting on the electoral board,  
8 upon such showing shall order such person to appear and  
9 testify, and to forthwith produce such books and papers,  
10 before the electoral board at a place to be fixed by the  
11 court. If such person shall knowingly fail or refuse to obey  
12 such order of the court without lawful excuse, the court  
13 shall punish him or her by fine and imprisonment, as the  
14 nature of the case may require and may be lawful in cases of  
15 contempt of court.

16 The electoral board on the first day of its meeting shall  
17 adopt rules of procedure for the introduction of evidence and  
18 the presentation of arguments and may, in its discretion,  
19 provide for the filing of briefs by the parties to the  
20 objection or by other interested persons.

21 In the event of a State Electoral Board hearing on  
22 objections to a petition for an amendment to Article IV of  
23 the Constitution pursuant to Section 3 of Article XIV of the  
24 Constitution, or to a petition for a question of public  
25 policy to be submitted to the voters of the entire State, the  
26 certificates of the county clerks and boards of election  
27 commissioners showing the results of the random sample of  
28 signatures on the petition shall be prima facie valid and  
29 accurate, and shall be presumed to establish the number of  
30 valid and invalid signatures on the petition sheets reviewed  
31 in the random sample, as prescribed in Section 28-11 and  
32 28-12 of this Code. Either party, however, may introduce  
33 evidence at such hearing to dispute the findings as to  
34 particular signatures. In addition to the foregoing, in the

1 absence of competent evidence presented at such hearing by a  
2 party substantially challenging the results of a random  
3 sample, or showing a different result obtained by an  
4 additional sample, this certificate of a county clerk or  
5 board of election commissioners shall be presumed to  
6 establish the ratio of valid to invalid signatures within the  
7 particular election jurisdiction.

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

25 Upon the expiration of the period within which a  
26 proceeding for judicial review must be commenced under  
27 Section 10--10.1, the electoral board shall, unless a  
28 proceeding for judicial review has been commenced within such  
29 period, transmit, by registered or certified mail, a  
30 certified copy of its ruling, together with the original  
31 certificate of nomination or nomination papers or petitions  
32 and the original objector's petition, to the officer or board  
33 with whom the certificate of nomination or nomination papers  
34 or petitions, as objected to, were on file, and such officer



1 or board shall abide by and comply with the ruling so made to  
2 all intents and purposes.

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