

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.)