

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.

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

20 4. (Blank). ~~The township officers electoral board to~~
 21 ~~pass upon objections to the nominations of township officers~~
 22 ~~shall be composed of the township supervisor, the town clerk,~~
 23 ~~and that eligible town trustee elected in the township who~~
 24 ~~has had the longest term of continuous service as town~~
 25 ~~trustee, of whom the township supervisor shall be the~~
 26 ~~chairman.~~

27 5. (Blank). ~~The education officers electoral board to~~
 28 ~~hear and pass upon objections to the nominations of~~
 29 ~~candidates for offices in school or community college~~
 30 ~~districts shall be composed of the presiding officer of the~~
 31 ~~school or community college district board, who shall be the~~
 32 ~~chairman, the secretary of the school or community college~~
 33 ~~district board and the eligible elected school or community~~
 34 ~~college board member who has the longest term of continuous~~

1 ~~service-as-a-board-member.~~

2 6. In all cases, however, where the Congressional or
3 Legislative district is wholly within the jurisdiction of a
4 board of election commissioners and in all cases where the
5 school district or special district is wholly within the
6 jurisdiction of a municipal board of election commissioners
7 and in all cases where the municipality or township is wholly
8 or partially within the jurisdiction of a municipal board of
9 election commissioners, the board of election commissioners
10 shall ex-officio constitute the electoral board.

11 For special districts situated in more than one county,
12 the county officers electoral board of the county in which
13 the principal office of the district is located has
14 jurisdiction to hear and pass upon objections. For purposes
15 of this Section, "special districts" means all political
16 subdivisions ~~other-than-counties,-municipalities,-townships~~
17 ~~and-school-and-community-college-districts.~~

18 In the event that any member of the county officers
19 electoral appropriate board is a candidate for the office
20 with relation to which the objector's petition is filed, he
21 or she shall not be eligible to serve on that board and shall
22 not act as a member of the board and his or her place shall
23 be filled by the county treasurer, and if he or she is
24 ineligible to serve, by the sheriff of the county. as
25 follows:

26 a. ~~In the county officers electoral board by the~~
27 ~~county treasurer, and if he or she is ineligible to~~
28 ~~serve, by the sheriff of the county.~~

29 b. ~~In the municipal officers electoral board by the~~
30 ~~eligible-elected-city-council-or-board-of-trustees-member~~
31 ~~who has served the second-greatest-number-of-years-as-a~~
32 ~~city-council-or-board-of-trustees-member.~~

33 c. ~~In the township officers electoral board by the~~
34 ~~eligible-elected-town-trustee-who-has-had-the-second~~

1 longest-term-of-continuous-service-as-a-town-trustee-
 2 d.--In-the-education-officers-electoral-board-by-the
 3 eligible-elected-school--or--community--college--district
 4 board--member--who--has--had--the--second-longest-term-of
 5 continuous-service-as-a-board-member-

6 In the event that the chairman of the electoral board is
 7 ineligible to act because of the fact that he is a candidate
 8 for the office with relation to which the objector's petition
 9 is filed, then the substitute chosen under the provisions of
 10 this Section shall be the chairman; In this case, the officer
 11 or board with whom the objector's petition is filed, shall
 12 transmit the certificate of nomination or nomination papers
 13 as the case may be, and the objector's petition to the
 14 substitute chairman of the electoral board.

15 When-2-or-more-eligible-individuals,7-by-reason--of--their
 16 terms--of--service--on--a--city-council-or-board-of-trustees,7
 17 township-board-of-trustees,7-or-school--or--community--college
 18 district--board,7--qualify-to-serve-on-an-electoral-board,7-the
 19 one-to-serve-shall-be-chosen-by-lot-

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

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

32 (10 ILCS 5/10-10) (from Ch. 46, par. 10-10)
 33 Sec. 10-10. Within 24 hours after the receipt of the

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

1 attorney for proponents of the proposed Constitutional
2 amendment or statewide question of public policy and shall
3 state the day, hour and place at which the electoral board
4 shall meet for the purpose, which place may be in the Capitol
5 Building or in the principal or permanent branch office of
6 the State Board. The day of the meeting shall not be less
7 than 3 nor more than 5 days after the receipt of the
8 certificate of nomination or nomination papers and the
9 objector's petition by the chairman of the electoral board.

10 The electoral board shall have the power to administer
11 oaths and to subpoena and examine witnesses and at the
12 request of either party the chairman may issue subpoenas
13 requiring the attendance of witnesses and subpoenas duces
14 tecum requiring the production of such books, papers, records
15 and documents as may be evidence of any matter under inquiry
16 before the electoral board, in the same manner as witnesses
17 are subpoenaed in the Circuit Court.

18 Service of such subpoenas shall be made by any sheriff or
19 other person in the same manner as in cases in such court and
20 the fees of such sheriff shall be the same as is provided by
21 law, and shall be paid by the objector or candidate who
22 causes the issuance of the subpoena. In case any person so
23 served shall knowingly neglect or refuse to obey any such
24 subpoena, or to testify, the electoral board shall at once
25 file a petition in the circuit court of the county in which
26 such hearing is to be heard, or has been attempted to be
27 heard, setting forth the facts, of such knowing refusal or
28 neglect, and accompanying the petition with a copy of the
29 citation and the answer, if one has been filed, together with
30 a copy of the subpoena and the return of service thereon, and
31 shall apply for an order of court requiring such person to
32 attend and testify, and forthwith produce books and papers,
33 before the electoral board. Any circuit court of the state,
34 excluding the judge who is sitting on the electoral board,

1 upon such showing shall order such person to appear and
2 testify, and to forthwith produce such books and papers,
3 before the electoral board at a place to be fixed by the
4 court. If such person shall knowingly fail or refuse to obey
5 such order of the court without lawful excuse, the court
6 shall punish him or her by fine and imprisonment, as the
7 nature of the case may require and may be lawful in cases of
8 contempt of court.

9 The electoral board on the first day of its meeting shall
10 adopt rules of procedure for the introduction of evidence and
11 the presentation of arguments and may, in its discretion,
12 provide for the filing of briefs by the parties to the
13 objection or by other interested persons.

14 In the event of a State Electoral Board hearing on
15 objections to a petition for an amendment to Article IV of
16 the Constitution pursuant to Section 3 of Article XIV of the
17 Constitution, or to a petition for a question of public
18 policy to be submitted to the voters of the entire State, the
19 certificates of the county clerks and boards of election
20 commissioners showing the results of the random sample of
21 signatures on the petition shall be prima facie valid and
22 accurate, and shall be presumed to establish the number of
23 valid and invalid signatures on the petition sheets reviewed
24 in the random sample, as prescribed in Section 28-11 and
25 28-12 of this Code. Either party, however, may introduce
26 evidence at such hearing to dispute the findings as to
27 particular signatures. In addition to the foregoing, in the
28 absence of competent evidence presented at such hearing by a
29 party substantially challenging the results of a random
30 sample, or showing a different result obtained by an
31 additional sample, this certificate of a county clerk or
32 board of election commissioners shall be presumed to
33 establish the ratio of valid to invalid signatures within the
34 particular election jurisdiction.

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

18 Upon the expiration of the period within which a
19 proceeding for judicial review must be commenced under
20 Section 10--10.1, the electoral board shall, unless a
21 proceeding for judicial review has been commenced within such
22 period, transmit, by registered or certified mail, a
23 certified copy of its ruling, together with the original
24 certificate of nomination or nomination papers or petitions
25 and the original objector's petition, to the officer or board
26 with whom the certificate of nomination or nomination papers
27 or petitions, as objected to, were on file, and such officer
28 or board shall abide by and comply with the ruling so made to
29 all intents and purposes.

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