



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1592

Introduced 2/9/2017, by Sen. Don Harmon

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/6-19.5  
10 ILCS 5/Art. 6B heading new  
10 ILCS 5/6B-1 new  
10 ILCS 5/6B-5 new  
10 ILCS 5/6B-10 new  
10 ILCS 5/6B-15 new  
10 ILCS 5/6B-20 new  
10 ILCS 5/6B-25 new  
10 ILCS 5/6B-30 new  
10 ILCS 5/6B-35 new  
10 ILCS 5/6B-40 new  
10 ILCS 5/6B-45 new  
10 ILCS 5/6B-50 new  
10 ILCS 5/6B-55 new  
10 ILCS 5/6B-60 new  
10 ILCS 5/6B-65 new  
10 ILCS 5/6B-70 new

Amends the Elections Code. Allows counties to create a board of election commissioners within the office of the county clerk. Sets forth procedures for adoption, compensation, effect, transfer of records, procurement of supplies, references, personnel, and legal representation. Creates a county director of elections. Requires certain meetings of the board. Requires retention of records and audits. Effective immediately.

LRB100 10571 MLM 20788 b

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 6-19.5 and by adding Article 6B as follows:

6 (10 ILCS 5/6-19.5)

7 Sec. 6-19.5. Rejection of Article by superseding county  
8 board of election commissioners. In addition to any other  
9 method of rejection provided in this Article, when a county  
10 board of election commissioners is established in accordance  
11 with subsection (c) of Section 6A-1, or when a county board of  
12 election commissioners within the office of the county clerk is  
13 established in accordance with Article 6B, in a county in which  
14 is located any portion of a municipality with a municipal board  
15 of election commissioners, the application of the provisions of  
16 this Article to the territory of that municipality located  
17 within that county is rejected.

18 (Source: P.A. 98-115, eff. 7-29-13.)

19 (10 ILCS 5/Art. 6B heading new)

20 ARTICLE 6B. COUNTY BOARD OF ELECTION COMMISSIONERS WITHIN THE  
21 OFFICE OF THE COUNTY CLERK

1 (10 ILCS 5/6B-1 new)

2 Sec. 6B-1. Adoption of this Article.

3 (a) Any county may adopt this Article and establish a  
4 county board of election commissioners within the office of the  
5 county clerk by (1) ordinance of the county board and with the  
6 approval of the county clerk, or (2) by vote of the electors of  
7 the county.

8 (b) When a county board of election commissioners within  
9 the office of the county clerk is established in accordance  
10 with this Section in a county in which is located any portion  
11 of a municipality with a municipal board of election  
12 commissioners, the application of the provisions of Article 6  
13 of this Code to the territory of that municipality located  
14 within that county is rejected.

15 (c) When a county board of election commissioners within  
16 the office of the county clerk is established in accordance  
17 with this Section in a county that has previously adopted  
18 Article 6A of this Code, the application of the provisions of  
19 Article 6A to that county is rejected.

20 (10 ILCS 5/6B-5 new)

21 Sec. 6B-5. County board of election commissioners within  
22 the office of the county clerk.

23 (a) A county board of election commissioners within the  
24 office of the county clerk shall consist of 5 commissioners.  
25 The county clerk shall serve ex-officio as an election

1 commissioner, with vote, and as chairman of the county board of  
2 election commissioners.

3 (b) The chairman of the county board shall appoint, with  
4 the advice and consent of the county board, 4 commissioners  
5 from among the 2 leading established political parties of the  
6 State, with at least 2 commissioners from each of those  
7 parties. Two of the commissioners first appointed shall hold  
8 their offices until June 1 of the next odd-numbered year and  
9 the remaining 2 commissioners shall hold their offices until  
10 June 1 of the next following odd-numbered year and until their  
11 successors have been appointed and qualified. Thereafter the  
12 commissioners and their successors shall be appointed for  
13 4-year terms such that not more than one commissioner from each  
14 leading political party may be designated for the same term.

15 (c) The county clerk shall give written notice to the  
16 chairman of the county board and the chairman of the county  
17 central committee of each leading political party (i) within 3  
18 days of any vacancy in the office of election commissioner and  
19 (ii) 60 days prior to the expiration of an election  
20 commissioner's term of office as set forth in subsection (b) of  
21 this Section. The notice shall reflect the name of each  
22 commissioner who has resigned or whose term is expiring and the  
23 commissioner's political affiliation. Prior to his appointment  
24 of commissioners under this Section, the chairman of the county  
25 board shall consult with elected officials who are members of  
26 the respective leading political parties and seek their

1 recommendation as to prospective commissioners.

2 (d) No appointed election commissioner may hold, accept, or  
3 seek election or appointment to any other public or political  
4 office during the term to which he or she was appointed an  
5 election commissioner.

6 (e) Each appointed election commissioner, before taking  
7 his or her seat on the board, shall take an oath of office,  
8 which in substance shall be in the following form:

9 "I, .... do solemnly swear, (or affirm) that I am a citizen  
10 of the United States, and that I am a legal voter and resident  
11 of the County of .... That I will support the Constitution of  
12 the United States and of the State of Illinois, and the laws  
13 passed in pursuance thereof, to the best of my ability, and  
14 will faithfully and honestly discharge the duties of the office  
15 of election commissioner."

16 The oath, when subscribed and sworn to, shall be filed in  
17 the office of the county clerk of the county and be there  
18 preserved. Such appointed election commissioner shall also,  
19 before taking such oath, give an official bond in the sum of  
20 \$10,000.00 with two securities, to be approved by the county  
21 clerk, conditioned for the faithful and honest performance of  
22 his or her duties and the preservation of the property of his  
23 or her office.

24 (10 ILCS 5/6B-10 new)

25 Sec. 6B-10. Compensation of appointed election

1 commissioners. The county board shall determine the  
2 compensation of the election commissioners other than the  
3 county clerk, who shall receive no additional compensation for  
4 his service as chairman or as a member of the board of election  
5 commissioners. The county board may, by ordinance, provide for  
6 an annual salary for the election commissioners other than the  
7 county clerk or authorize payment on a per diem or per meeting  
8 basis. The county board shall not alter the manner or the  
9 amount of compensation of an election commissioner to take  
10 effect during an election commissioner's present term of  
11 office. The provisions of the Local Government Officer  
12 Compensation Act shall not apply to the compensation appointed  
13 election commissioners.

14 (10 ILCS 5/6B-15 new)

15 Sec. 6B-15. Superseding effect. The fact that some  
16 territory in a county is within the corporate limits of a city,  
17 village, or incorporated town with a board of election  
18 commissioners does not prevent that county from establishing a  
19 county board of election commissioners in accordance with this  
20 Article. If such a county establishes a county board of  
21 election commissioners within the office of the county clerk  
22 pursuant to this Article, the county board of election  
23 commissioners within the office of the county clerk shall, with  
24 respect to the territory in the county within the corporate  
25 limits of the city, village, or incorporated town, supersede

1 the board of election commissioners of that city, village, or  
2 incorporated town.

3 (10 ILCS 5/6B-20 new)

4 Sec. 6B-20. Transfer of records. Upon a county's adoption  
5 of this Article, an existing county board of election  
6 commissioners established under Article 6A of this Code and any  
7 municipal board of election commissioners in the county shall  
8 turn over to the new county board of election commissioners all  
9 registry books, registration record cards, poll books, tally  
10 sheets and ballot boxes, and all other books, forms, blanks,  
11 and stationery of every description in the former commissions'  
12 possession in any way relating to elections or the holding of  
13 elections in the county and any unused appropriations related  
14 to elections or the holding of elections in the county.  
15 Thereupon, all functions, powers, and duties of the county  
16 clerk, the county board, or board of election commissioners  
17 relating to elections in that county are transferred to the  
18 county board of election commissioners within the office county  
19 clerk.

20 (10 ILCS 5/6B-25 new)

21 Sec. 6B-25. County director of elections. The chairman of  
22 the board of election commissioners within the office of the  
23 county clerk shall have the right to employ a county director  
24 of elections who shall have charge of the office of said board

1 and who shall be present and in attendance at all proper  
2 business hours. The director shall take an oath of office to  
3 the effect that he or she will honestly and faithfully perform  
4 all the duties of the office, under the direction of the  
5 chairman of the board, which shall be preserved in the same  
6 way, and he shall be under the direction of the chairman of  
7 board, and he or she shall have the right to administer all  
8 oaths required under this Code to be administered by the  
9 commissioners.

10 (10 ILCS 5/6B-30 new)

11 Sec. 6B-30. Procurement of election supplies, equipment,  
12 and services.

13 (a) A county board of election commissioners within the  
14 office of the county clerk shall procure all election supplies,  
15 equipment, and services, other than professional services,  
16 necessary to perform the election-related duties imposed on it  
17 under Articles 6, 14, and 18 of this Code in accordance with  
18 the centralized purchasing procedures established by the  
19 county board of the county. Any procurements shall be  
20 authorized by the board of election commissioners within the  
21 office of the county clerk, rather than by the county board,  
22 subject to appropriation, and in the manner Section 5-1022 of  
23 the Counties Code authorizes county boards to make these  
24 purchases.

25 (b) A county board of election commissioners within the



1 office of the county clerk may determine the method by which it  
2 procures election-related professional services subject to  
3 appropriation consistent with the requirements of law and  
4 county ordinance.

5 (c) The provisions of the Local Government Prompt Payment  
6 Act apply to all procurements of election supplies, equipment,  
7 and services as set forth in this Section.

8 (10 ILCS 5/6B-35 new)

9 Sec. 6B-35. Applicability of Articles 6, 14, and 18. The  
10 provisions of Articles 6, 14, and 18 of this Act, other than  
11 Section 6-70, relating to boards of election commissioners in  
12 cities, villages, and incorporated towns shall, insofar as they  
13 can be made applicable, apply to and govern county boards of  
14 election commissioners within the office of the county clerk  
15 established pursuant to this Article. Whenever Article 6  
16 requires an act of the commissioners to be accompanied by the  
17 advice, consent, or approval of the circuit court, the act by a  
18 county board of election commissioners within the office of the  
19 county clerk shall be accompanied by the advice, consent, or  
20 approval of the county clerk.

21 A deputy registrar serving as such by virtue of his status  
22 as a municipal clerk, or a duly authorized deputy of a  
23 municipal clerk, of a municipality the territory of which lies  
24 in more than one county, where one such county is governed by a  
25 county board of election commissioners within the office of the

1 county clerk established pursuant to this Article, may accept  
2 the registration of any qualified resident of the municipality,  
3 regardless of which county the resident, municipal clerk or the  
4 duly authorized deputy of the municipal clerk lives in.

5 (10 ILCS 5/6B-40 new)

6 Sec. 6B-40. References to county clerk. Any references in  
7 this Code to the county clerk, other than as described in this  
8 Article, or the county board with respect to the registration  
9 of voters, filing of petitions, certification of candidates,  
10 preparation of ballots, establishment of election precincts,  
11 designation of polling places, or any other matter pertaining  
12 to the conduct of elections, shall, as applied to any county  
13 having a county board of election commissioners within the  
14 office of the county clerk, be construed as referring to the  
15 county board of election commissioners within the office of the  
16 county clerk.

17 (10 ILCS 5/6B-45 new)

18 Sec. 6B-45. Personnel. The chairman of the board of  
19 election commissions shall hire all personnel necessary for the  
20 commission to perform the duties enjoined upon it by statute  
21 and determine their compensation. All personnel hired by the  
22 chairman of the board of election commissioners shall be  
23 employees of the county clerk and subject to all employment  
24 policies as the clerk may from time to time promulgate. All

1 personnel hired under this Section shall also be deemed  
2 employees of the respective county for payroll, taxation, and  
3 employee benefit purposes.

4 (10 ILCS 5/6B-50 new)

5 Sec. 6B-50. Legal representation. The State's Attorney of  
6 the county shall be the exclusive legal representative of the  
7 county board of election commissioners within the office of the  
8 county clerk.

9 (10 ILCS 5/6B-55 new)

10 Sec. 6B-55. Meetings of the election commissioners. A  
11 county board of election commissioners within the office of the  
12 county clerk is a public body, as the Open Meetings Act defines  
13 the term, and shall be subject to all of the requirements of  
14 that Act. The election commissioners shall meet as frequently  
15 as their duties may require, but no less frequently than 10  
16 times annually, whether sitting as the county board of election  
17 commissioners or as an electoral board the purpose of the  
18 hearing and passing on objector's petitions as set forth in  
19 Section 10-9 of this Code, and may meet in any location in  
20 their county that is convenient and accessible to the public.

21 (10 ILCS 5/6B-60 new)

22 Sec. 6B-60. County officers electoral board. The county  
23 board of election commissions within the office of the county

1 clerk shall have the same powers and duties as a county board  
2 of election commissioners for the purpose of the hearing and  
3 passing on objector's petitions as set forth in Section 10-9 of  
4 this Code and shall constitute the county officers electoral  
5 board in such county. Whenever the chairman of a county board  
6 of election commissioners is a candidate for an office with  
7 relation to which an objector's petition is filed, he shall not  
8 be eligible to serve on that board and shall not act as a  
9 member of the board and his place shall be filled as set forth  
10 in Section 10-9 of the Code with respect to all proceedings  
11 involving such an objection.

12 (10 ILCS 5/6B-65 new)

13 Sec. 6B-65. Retention of records. The clerk shall retain  
14 all records of the county board of election commissioners  
15 within the office of the county clerk in the manner required by  
16 federal and State law. In the event of a conflict between  
17 multiple provisions of law, the clerk shall retain all records  
18 in accordance with the provision that requires the greatest  
19 period of retention.

20 (10 ILCS 5/6B-70 new)

21 Sec. 6B-70. Audit and payment. The county auditor or a  
22 person performing the duties of the county auditor shall audit  
23 the salaries and expenses of the county board of election  
24 commissioners within the office of the county clerk. All

1 salaries and expenditures for an audit shall be paid by the  
2 county upon the warrant of the county clerk of any money in the  
3 county treasury not otherwise appropriated.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.