



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2472

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-9	from Ch. 46, par. 10-9
10 ILCS 5/10-10	from Ch. 46, par. 10-10
65 ILCS 5/7-7-11	from Ch. 24, par. 7-7-11

Amends the Election Code. Abolishes municipal officers electoral boards, township officers electoral boards, and education officers electoral boards and transfers their duties to the county officers electoral board of counties with a population of less than 3,000,000. Provides that if a municipality, township, or community college district is located in 2 or more counties, including a county with a population of 3,000,000 or more, the county officers electoral board of the county in which the principal office of the municipality, township, or community college district is located shall hear and pass upon objections to nominations of candidates. Makes conforming changes. Amends the Illinois Municipal Code to make a conforming change.

LRB100 09877 MLM 20048 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
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 or
13 legislative offices that are in more than one county or are
14 wholly located within a single county with a population of
15 less than 3,000,000 and judicial offices of districts,
16 subcircuits, or circuits situated in more than one county,
17 nominations of candidates for the offices of State's
18 attorney or regional superintendent of schools to be
19 elected from more than one county, and petitions for
20 proposed amendments to the Constitution of the State of
21 Illinois as provided for in Section 3 of Article XIV of the
22 Constitution.

23 2. The county officers electoral board of a county with

1 a population of less than 3,000,000 to hear and pass upon
2 objections to the nominations of candidates for county
3 offices and judicial offices of a district, subcircuit, or
4 circuit coterminous with or less than a county, for any
5 school district offices, for the office of multi-township
6 assessor where candidates for such office are nominated in
7 accordance with this Code, for officers of municipalities,
8 for township officers, for offices in community college
9 districts, and for all special district offices, shall be
10 composed of the county clerk, or an assistant designated by
11 the county clerk, the State's attorney of the county or an
12 Assistant State's Attorney designated by the State's
13 Attorney, and the clerk of the circuit court, or an
14 assistant designated by the clerk of the circuit court, of
15 the county, of whom the county clerk or his designee shall
16 be the chairman, except that in any county which has
17 established a county board of election commissioners that
18 board shall constitute the county officers electoral board
19 ex-officio. If a school district, municipality, township,
20 or community college district is located in 2 or more
21 counties, the county officers electoral board of the county
22 in which the principal office of the school district,
23 municipality, township, or community college district is
24 located shall hear and pass upon objections to nominations
25 of candidates for ~~school district~~ office in that school
26 district, municipality, township, or community college

1 district.

2 2.5. The county officers electoral board of a county
3 with a population of 3,000,000 or more to hear and pass
4 upon objections to the nominations of candidates for county
5 offices, candidates for congressional and legislative
6 offices if the district is wholly within a county with a
7 population of 3,000,000 or more, unless the district is
8 wholly or partially within the jurisdiction of a municipal
9 board of election commissioners, and judicial offices of a
10 district, subcircuit, or circuit coterminous with or less
11 than a county, for any school district offices, for the
12 office of multi-township assessor where candidates for
13 such office are nominated in accordance with this Code, and
14 for all special district offices, shall be composed of the
15 county clerk, or an assistant designated by the county
16 clerk, the State's Attorney of the county or an Assistant
17 State's Attorney designated by the State's Attorney, and
18 the clerk of the circuit court, or an assistant designated
19 by the clerk of the circuit court, of the county, of whom
20 the county clerk or his designee shall be the chairman,
21 except that, in any county which has established a county
22 board of election commissioners, that board shall
23 constitute the county officers electoral board ex-officio.
24 If a school district, municipality, township, or community
25 college district is located in 2 or more counties, the
26 county officers electoral board of the county in which the

1 principal office of the school district, municipality,
2 township, or community college district is located shall
3 hear and pass upon objections to nominations of candidates
4 for ~~school district~~ office in that school district,
5 municipality, township, or community college district.

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

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

24 5. (Blank). ~~The education officers electoral board to~~
25 ~~hear and pass upon objections to the nominations of~~
26 ~~candidates for offices in community college districts~~

1 ~~shall be composed of the presiding officer of the community~~
2 ~~college district board, who shall be the chairman, the~~
3 ~~secretary of the community college district board and the~~
4 ~~eligible elected community college board member who has the~~
5 ~~longest term of continuous service as a board member.~~

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

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

24 In the event that any member of the county electoral board
25 is a candidate for the office with relation to which the
26 objector's petition is filed, he or she shall not be eligible

1 to serve on that board and shall not act as a member of the
2 board and he or she shall be replaced by the county treasurer,
3 and if he or she is ineligible to serve, by the sheriff of the
4 county. ~~In the event that any member of the appropriate board~~
5 ~~is a candidate for the office with relation to which the~~
6 ~~objector's petition is filed, he shall not be eligible to serve~~
7 ~~on that board and shall not act as a member of the board and his~~
8 ~~place shall be filled as follows:~~

9 ~~a. In the county officers electoral board by the county~~
10 ~~treasurer, and if he or she is ineligible to serve, by the~~
11 ~~sheriff of the county.~~

12 ~~b. In the municipal officers electoral board by the~~
13 ~~eligible elected city council or board of trustees member~~
14 ~~who has served the second greatest number of years as a~~
15 ~~city council or board of trustees member.~~

16 ~~c. In the township officers electoral board by the~~
17 ~~eligible elected town trustee who has had the second~~
18 ~~longest term of continuous service as a town trustee.~~

19 ~~d. In the education officers electoral board by the~~
20 ~~eligible elected community college district board member~~
21 ~~who has had the second longest term of continuous service~~
22 ~~as a board member.~~

23 In the event that the chairman of the electoral board is
24 ineligible to act because of the fact that he or she is a
25 candidate for the office with relation to which the objector's
26 petition is filed, then the substitute chosen under the

1 provisions of this Section shall be the chairman; In this case,
2 the officer or board with whom the objector's petition is
3 filed, shall transmit the certificate of nomination or
4 nomination papers as the case may be, and the objector's
5 petition to the substitute chairman of the electoral board.

6 When 2 or more eligible individuals, by reason of their
7 terms of service ~~on a city council or board of trustees,~~
8 ~~township board of trustees, or community college district~~
9 ~~board,~~ qualify to serve on an electoral board, the one to serve
10 shall be chosen by lot.

11 Any vacancies on an electoral board not otherwise filled
12 pursuant to this Section shall be filled by public members
13 appointed by the Chief Judge of the Circuit Court for the
14 county wherein the electoral board hearing is being held upon
15 notification to the Chief Judge of such vacancies. The Chief
16 Judge shall be so notified by a member of the electoral board
17 or the officer or board with whom the objector's petition was
18 filed. In the event that none of the individuals designated by
19 this Section to serve on the electoral board are eligible, the
20 chairman of an electoral board shall be designated by the Chief
21 Judge.

22 (Source: P.A. 98-115, eff. 7-29-13; 98-1171, eff. 6-1-15.)

23 (10 ILCS 5/10-10) (from Ch. 46, par. 10-10)

24 Sec. 10-10. Within 24 hours after the receipt of the
25 certificate of nomination or nomination papers or proposed

1 question of public policy, as the case may be, and the
2 objector's petition, the chairman of the electoral board other
3 than the State Board of Elections shall send a call by
4 registered or certified mail to each of the members of the
5 electoral board, and to the objector who filed the objector's
6 petition, and either to the candidate whose certificate of
7 nomination or nomination papers are objected to or to the
8 principal proponent or attorney for proponents of a question of
9 public policy, as the case may be, whose petitions are objected
10 to, and shall also cause the sheriff of the county or counties
11 in which such officers and persons reside to serve a copy of
12 such call upon each of such officers and persons, which call
13 shall set out the fact that the electoral board is required to
14 meet to hear and pass upon the objections to nominations made
15 for the office, designating it, and shall state the day, hour
16 and place at which the electoral board shall meet for the
17 purpose, which place shall be in the county court house in the
18 county in the case of the County Officers Electoral Board,~~the~~
19 ~~Municipal Officers Electoral Board, the Township Officers~~
20 ~~Electoral Board or the Education Officers Electoral Board,~~
21 ~~except that the Municipal Officers Electoral Board, the~~
22 ~~Township Officers Electoral Board, and the Education Officers~~
23 ~~Electoral Board may meet at the location where the governing~~
24 ~~body of the municipality, township, or community college~~
25 ~~district, respectively, holds its regularly scheduled~~
26 ~~meetings, if that location is available; provided that voter~~

1 records may be removed from the offices of an election
2 authority only at the discretion and under the supervision of
3 the election authority. In those cases where the State Board of
4 Elections is the electoral board designated under Section 10-9,
5 the chairman of the State Board of Elections shall, within 24
6 hours after the receipt of the certificate of nomination or
7 nomination papers or petitions for a proposed amendment to
8 Article IV of the Constitution or proposed statewide question
9 of public policy, send a call by registered or certified mail
10 to the objector who files the objector's petition, and either
11 to the candidate whose certificate of nomination or nomination
12 papers are objected to or to the principal proponent or
13 attorney for proponents of the proposed Constitutional
14 amendment or statewide question of public policy and shall
15 state the day, hour, and place at which the electoral board
16 shall meet for the purpose, which place may be in the Capitol
17 Building or in the principal or permanent branch office of the
18 State Board. The day of the meeting shall not be less than 3
19 nor more than 5 days after the receipt of the certificate of
20 nomination or nomination papers and the objector's petition by
21 the chairman of the electoral board.

22 The electoral board shall have the power to administer
23 oaths and to subpoena and examine witnesses and, at the request
24 of either party and only upon a vote by a majority of its
25 members, may authorize the chairman to issue subpoenas
26 requiring the attendance of witnesses and subpoenas duces tecum

1 requiring the production of such books, papers, records and
2 documents as may be evidence of any matter under inquiry before
3 the electoral board, in the same manner as witnesses are
4 subpoenaed in the Circuit Court.

5 Service of such subpoenas shall be made by any sheriff or
6 other person in the same manner as in cases in such court and
7 the fees of such sheriff shall be the same as is provided by
8 law, and shall be paid by the objector or candidate who causes
9 the issuance of the subpoena. In case any person so served
10 shall knowingly neglect or refuse to obey any such subpoena, or
11 to testify, the electoral board shall at once file a petition
12 in the circuit court of the county in which such hearing is to
13 be heard, or has been attempted to be heard, setting forth the
14 facts, of such knowing refusal or neglect, and accompanying the
15 petition with a copy of the citation and the answer, if one has
16 been filed, together with a copy of the subpoena and the return
17 of service thereon, and shall apply for an order of court
18 requiring such person to attend and testify, and forthwith
19 produce books and papers, before the electoral board. Any
20 circuit court of the state, excluding the judge who is sitting
21 on the electoral board, upon such showing shall order such
22 person to appear and testify, and to forthwith produce such
23 books and papers, before the electoral board at a place to be
24 fixed by the court. If such person shall knowingly fail or
25 refuse to obey such order of the court without lawful excuse,
26 the court shall punish him or her by fine and imprisonment, as

1 the nature of the case may require and may be lawful in cases
2 of contempt of court.

3 The electoral board on the first day of its meeting shall
4 adopt rules of procedure for the introduction of evidence and
5 the presentation of arguments and may, in its discretion,
6 provide for the filing of briefs by the parties to the
7 objection or by other interested persons.

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

1 to invalid signatures within the particular election
2 jurisdiction.

3 The electoral board shall take up the question as to
4 whether or not the certificate of nomination or nomination
5 papers or petitions are in proper form, and whether or not they
6 were filed within the time and under the conditions required by
7 law, and whether or not they are the genuine certificate of
8 nomination or nomination papers or petitions which they purport
9 to be, and whether or not in the case of the certificate of
10 nomination in question it represents accurately the decision of
11 the caucus or convention issuing it, and in general shall
12 decide whether or not the certificate of nomination or
13 nominating papers or petitions on file are valid or whether the
14 objections thereto should be sustained and the decision of a
15 majority of the electoral board shall be final subject to
16 judicial review as provided in Section 10-10.1. The electoral
17 board must state its findings in writing and must state in
18 writing which objections, if any, it has sustained. A copy of
19 the decision shall be served upon the parties to the
20 proceedings in open proceedings before the electoral board. If
21 a party does not appear for receipt of the decision, the
22 decision shall be deemed to have been served on the absent
23 party on the date when a copy of the decision is personally
24 delivered or on the date when a copy of the decision is
25 deposited in the United States mail, in a sealed envelope or
26 package, with postage prepaid, addressed to each party affected

1 by the decision or to such party's attorney of record, if any,
2 at the address on record for such person in the files of the
3 electoral board.

4 Upon the expiration of the period within which a proceeding
5 for judicial review must be commenced under Section 10-10.1,
6 the electoral board shall, unless a proceeding for judicial
7 review has been commenced within such period, transmit, by
8 registered or certified mail, a certified copy of its ruling,
9 together with the original certificate of nomination or
10 nomination papers or petitions and the original objector's
11 petition, to the officer or board with whom the certificate of
12 nomination or nomination papers or petitions, as objected to,
13 were on file, and such officer or board shall abide by and
14 comply with the ruling so made to all intents and purposes.

15 (Source: P.A. 98-115, eff. 7-29-13; 98-691, eff. 7-1-14; 99-78,
16 eff. 7-20-15; 99-642, eff. 7-28-16.)

17 Section 10. The Illinois Municipal Code is amended by
18 changing Section 7-7-11 as follows:

19 (65 ILCS 5/7-7-11) (from Ch. 24, par. 7-7-11)

20 Sec. 7-7-11. Elections of Initial Officers of Consolidated
21 Municipalities. (a) The day of the first election of officers
22 of the consolidated municipality shall be the next consolidated
23 election established pursuant to Section 2A-1.1 of The Election
24 Code, as now or hereafter amended, following the consolidation

1 referendum. The day of the first primary election of officers
2 of the consolidated municipality shall be the next consolidated
3 primary election pursuant to Section 2A-1.1 of The Election
4 Code, as now or hereafter amended, following the consolidation
5 referendum.

6 (b) The first election of officers of the consolidated
7 municipality shall be conducted in accordance with The Election
8 Code, as now or hereafter amended, except that the duties of
9 the local election official and boards set forth in The
10 Election Code shall be performed by the officers designated in
11 subsection (c) of this Section and the nominating petitions
12 shall meet the requirements of subsection (d) of this Section.
13 All elections after such first election of officers shall be
14 conducted in accordance with The Election Code, as now or
15 hereafter amended.

16 (c) For the first election of officers of the consolidated
17 municipality, the municipal clerk of one of the consolidating
18 municipalities in which the consolidation ordinance was
19 approved by referendum, who shall be designated by the
20 consolidation ordinance, shall perform the duties required of
21 the local election official by The Election Code. For such
22 first election of officers, the municipal clerks of all of the
23 municipalities in which the consolidation ordinance was
24 approved by referendum shall ~~constitute an electoral board to~~
25 ~~perform the duties required of the municipal officers electoral~~
26 ~~board by The Election Code and shall also constitute a~~

1 canvassing board to perform the duties required of officers
2 charged by The Election Code with the duties of canvassing
3 returns.

4 (d) For the first election of officers of the consolidated
5 municipality, with respect to the number of signatures required
6 by The Election Code for nominating petitions for partisan
7 candidates, the number of qualified primary electors in each
8 consolidating municipality in which the consolidation
9 ordinance was approved by referendum shall be added together to
10 derive a sum which shall be deemed the number of qualified
11 primary electors of the consolidated municipality. For such
12 first election of officers, with respect to the number of
13 signatures required by The Election Code for nominating
14 petitions for independent candidates and candidates of newly
15 formed political parties, the number of voters in each
16 consolidating municipality in which the consolidation
17 ordinance was approved by referendum who voted at the next
18 preceding regular election in each consolidating municipality
19 shall be added together to derive a sum which shall be deemed
20 the number of persons voting in the next preceding election in
21 which the consolidated municipality voted as a unit.

22 (e) The earliest date for circulation of nominating
23 petitions for the first election of officers of the
24 consolidated municipality and the filing date for such
25 petitions shall be as established by The Election Code, as now
26 or hereafter amended; provided, however, that nothing in The

1 Election Code or in this Code shall be construed as preventing
2 the circulation of nominating petitions for such first election
3 prior to the date of the consolidation referendum, so long as
4 the requirements of The Election Code, as now or hereafter
5 amended, relating to the earliest date for such circulation are
6 otherwise met.

7 (Source: P.A. 85-1159.)