



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4866

by Rep. David S. Olsen

SYNOPSIS AS INTRODUCED:

10 ILCS 5/11-1	from Ch. 46, par. 11-1
10 ILCS 5/11-2	from Ch. 46, par. 11-2
10 ILCS 5/11-3	from Ch. 46, par. 11-3
10 ILCS 5/11-5	from Ch. 46, par. 11-5

Amends the Election Code. Provides that each election precinct shall contain 1,200 voters (now, 500 voters in counties, 600 voters in a municipality with a board of election commissioners and fewer than 500,000 inhabitants, or 400 voters in a municipality with a board of election commissioners and more than 500,000 inhabitants). Provides that, in a city with fewer than 500,000 inhabitants, if any election precinct casts more than 1,500 votes (now, 800 votes) at 2 consecutive general elections, the state's attorney shall apply to the Circuit Court to compel the board to divide the precinct. Provides that, in a city with more than 500,000 inhabitants, if any election precinct casts more than 1,200 votes (now, 600 votes) at 2 consecutive general elections, the state's attorney shall apply to the Circuit Court to compel the board to divide the precinct. Provides that in counties not under township organization, the election precincts shall remain as now established until changed by the Board of County Commissioners, but said County Board may change (rather than, may, from time to time, change) the boundaries of election precincts and establish new ones, but only to the extent a significant shift in voter population has occurred. Effective immediately.

LRB100 20189 MJP 35474 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 11-1, 11-2, 11-3, and 11-5 as follows:

6 (10 ILCS 5/11-1) (from Ch. 46, par. 11-1)

7 Sec. 11-1. In counties not under township organization, the
8 election precincts shall remain as now established until
9 changed by the Board of County Commissioners, but said County
10 Board may, ~~from time to time,~~ change the boundaries of election
11 precincts and establish new ones, but only to the extent a
12 significant shift in voter population has occurred. In counties
13 under township organization, each town shall constitute at
14 least one election precinct. Insofar as is practicable, each
15 precinct shall be situated within a single congressional,
16 legislative and representative district and within a single
17 municipal ward. In order to situate each precinct within a
18 single district or ward, the County Board shall change the
19 boundaries of election precincts after each decennial census as
20 soon as is practicable following the completion of
21 congressional and legislative redistricting.

22 At any consolidated primary or consolidated election at
23 which municipal officers are to be elected, and at any

1 emergency referendum at which a public question relating to a
2 municipality is to be voted on, notwithstanding any other
3 provision of this Code, the election authority shall establish
4 a polling place within such municipality upon the request of
5 the municipal council or board of trustees at least 60 days
6 before the election and provided that the municipality provides
7 a suitable polling place. To accomplish this purpose, the
8 election authority may establish an election precinct
9 constituting a single municipality of under 500 population for
10 all elections, notwithstanding the minimum precinct size
11 otherwise specified herein.

12 Notwithstanding the above, when there are not more than 50
13 registered voters in a precinct who are entitled to vote in a
14 local government or school district election, the election
15 authority having jurisdiction over the precinct is authorized
16 to reassign such voters to one or more polling places in
17 adjacent precincts, within or without the election authority's
18 jurisdiction, for that election. For the purposes of such local
19 government or school district election only, the votes of the
20 reassigned voters shall be tallied and canvassed as votes from
21 the precinct of the polling place to which such voters have
22 been reassigned. The election authority having jurisdiction
23 over the precinct shall approve all administrative and polling
24 place procedures. Such procedures shall take into account voter
25 convenience, and ensure that the integrity of the election
26 process is maintained and that the secrecy of the ballot is not

1 violated.

2 Except in the event of a fire, flood or total loss of heat
3 in a place fixed or established by any election authority
4 pursuant to this Section as a polling place for an election, no
5 election authority shall change the location of a polling place
6 so established for any precinct after notice of the place of
7 holding the election for that precinct has been given as
8 required under Article 12 unless the election authority
9 notifies all registered voters in the precinct of the change in
10 location by first class mail in sufficient time for such notice
11 to be received by the registered voters in the precinct at
12 least one day prior to the date of the election.

13 The provisions of this Section apply to all precincts,
14 including those where voting machines or electronic voting
15 systems are used.

16 If, as a result of the redistricting of legislative,
17 representative, or congressional districts following a
18 decennial census, there exists a census block with only one
19 voter that is the only census block in a precinct that is in a
20 legislative, representative, or congressional district, then
21 the county board, at any meeting of the county board, may
22 change the precinct boundaries so that the census block is
23 within a precinct that has more than one voter in the
24 legislative, representative, or congressional district.

25 (Source: P.A. 88-525.)

1 (10 ILCS 5/11-2) (from Ch. 46, par. 11-2)

2 Sec. 11-2. The County Board in each county, except in
3 counties having a population of 3,000,000 inhabitants or over,
4 shall, at its regular meeting in June, divide its election
5 precincts which contain more than 1,500 ~~800~~ voters, into
6 election districts so that each district shall contain, as near
7 as may be practicable, 1,200 ~~500~~ voters, and not more in any
8 case than 1,300 ~~800~~. Whenever the County Board ascertains that
9 any election precinct contains more than 1,300 ~~600~~ registered
10 voters, it may divide such precinct, at its regular meeting in
11 June, into election precincts so that each precinct shall
12 contain, as nearly as may be practicable, 1,200 ~~500~~ voters.
13 Insofar as is practicable, each precinct shall be situated
14 within a single congressional, legislative and representative
15 district and in not more than one County Board district and one
16 municipal ward. In order to situate each precinct within a
17 single district or ward, the County Board shall change the
18 boundaries of election precincts after each decennial census as
19 soon as is practicable following the completion of
20 congressional and legislative redistricting. In determining
21 whether a division of precincts should be made, the county
22 board may anticipate increased voter registration in any
23 precinct in which there is in progress new construction of
24 dwelling units which will be occupied by voters more than 30
25 days before the next election. Each district shall be composed
26 of contiguous territory in as compact form as can be for the

1 convenience of the electors voting therein. The several county
2 boards in establishing districts shall describe them by metes
3 and bounds and number them. And so often thereafter as it shall
4 appear by the number of votes cast at the general election held
5 in November of any year, that any election district or
6 undivided election precinct contains more than 1,500 ~~800~~
7 voters, the County Board of the county in which the district or
8 precinct may be, shall at its regular meeting in June, or an
9 adjourned meeting in July next, after such November election,
10 redivide or readjust such election district or election
11 precinct, so that no district or election precinct shall
12 contain more than the number of votes above specified. If for
13 any reason the County Board fails in any year to redivide or
14 readjust the election districts or election precinct, then the
15 districts or precincts as then existing shall continue until
16 the next regular June meeting of the County Board; at which
17 regular June meeting or an adjourned meeting in July the County
18 Board shall redivide or readjust the election districts or
19 election precincts in manner as herein required. When at any
20 meeting of the County Board any redivision, readjustment or
21 change in name or number of election districts or election
22 precincts is made by the County Board, the County Clerk shall
23 immediately notify the State Board of Elections of such
24 redivision, readjustment or change. The County Board in every
25 case shall fix and establish the places for holding elections
26 in its respective county and all elections shall be held at the

1 places so fixed. The polling places shall in all cases be upon
2 the ground floor in the front room, the entrance to which is in
3 a highway or public street which is at least 40 feet wide, and
4 is as near the center of the voting population of the precinct
5 as is practicable, and for the convenience of the greatest
6 number of electors to vote thereat; provided, however, where
7 the County Board is unable to secure a suitable polling place
8 within the boundaries of a precinct, it may select a polling
9 place at the most conveniently located suitable place outside
10 the precinct; but in no case shall an election be held in any
11 room used or occupied as a saloon, dramshop, bowling alley or
12 as a place of resort for idlers and disreputable persons,
13 billiard hall or in any room connected therewith by doors or
14 hallways. No person shall be permitted to vote at any election
15 except at the polling place for the precinct in which he
16 resides, except as otherwise provided in this Section or
17 Article 19 of this Act. In counties having a population of
18 3,000,000 inhabitants or over the County Board shall divide its
19 election precincts and shall fix and establish places for
20 holding elections as hereinbefore provided during the month of
21 January instead of at its regular meeting in June or at an
22 adjourned meeting in July.

23 However, in the event that additional divisions of election
24 precincts are indicated after a division made by the County
25 Board in the month of January, such additional divisions may be
26 made by the County Board in counties having a population of

1 3,000,000 inhabitants or over, at the regular meeting in June
2 or at adjourned meeting in July. The county board of such
3 county may divide or readjust precincts at any meeting of the
4 county board when the voter registration in a precinct has
5 increased beyond 1,500 ~~800~~ and an election is scheduled before
6 the next regular January or June meeting of the county board.

7 When in any city, village or incorporated town territory
8 has been annexed thereto or disconnected therefrom, which
9 annexation or disconnection becomes effective after election
10 precincts or election districts have been established as above
11 provided in this Section, the clerk of the municipality shall
12 inform the county clerk thereof as provided in Section 4-21,
13 5-28.1, or 6-31.1, whichever is applicable. In the event that a
14 regular meeting of the County Board is to be held after such
15 notification and before any election, the County Board shall,
16 at its next regular meeting establish new election precinct
17 lines in affected territory. In the event that no regular
18 meeting of the County Board is to be held before such election
19 the county clerk shall, within 5 days after being so informed,
20 call a special meeting of the county board on a day fixed by
21 him not more than 20 days thereafter for the purpose of
22 establishing election precincts or election districts in the
23 affected territory for the ensuing elections.

24 At any consolidated primary or consolidated election at
25 which municipal officers are to be elected, and at any
26 emergency referendum at which a public question relating to a

1 municipality is to be voted on, notwithstanding any other
2 provision of this Code, the election authority shall establish
3 a polling place within such municipality, upon the request of
4 the municipal council or board of trustees at least 60 days
5 before the election and provided that the municipality provides
6 a suitable polling place. To accomplish this purpose, the
7 election authority may establish an election precinct
8 constituting a single municipality of under 500 population for
9 all elections, notwithstanding the minimum precinct size
10 otherwise specified herein.

11 Notwithstanding the above, when there are no more than 50
12 registered voters in a precinct who are entitled to vote in a
13 local government or school district election, the election
14 authority having jurisdiction over the precinct is authorized
15 to reassign such voters to one or more polling places in
16 adjacent precincts, within or without the election authority's
17 jurisdiction, for that election. For the purposes of such local
18 government or school district election only, the votes of the
19 reassigned voters shall be tallied and canvassed as votes from
20 the precinct of the polling place to which such voters have
21 been reassigned. The election authority having jurisdiction
22 over the precinct shall approve all administrative and polling
23 place procedures. Such procedures shall take into account voter
24 convenience, and ensure that the integrity of the election
25 process is maintained and that the secrecy of the ballot is not
26 violated.

1 Except in the event of a fire, flood or total loss of heat
2 in a place fixed or established by any county board or election
3 authority pursuant to this Section as a polling place for an
4 election, no election authority shall change the location of a
5 polling place so established for any precinct after notice of
6 the place of holding the election for that precinct has been
7 given as required under Article 12 unless the election
8 authority notifies all registered voters in the precinct of the
9 change in location by first class mail in sufficient time for
10 such notice to be received by the registered voters in the
11 precinct at least one day prior to the date of the election.

12 The provisions of this Section apply to all precincts,
13 including those where voting machines or electronic voting
14 systems are used.

15 (Source: P.A. 86-867.)

16 (10 ILCS 5/11-3) (from Ch. 46, par. 11-3)

17 Sec. 11-3. It shall be the duty of the Board of
18 Commissioners established by Article 6 of this Act, within 2
19 months after its first organization, to divide the city,
20 village or incorporated town which may adopt or is operating
21 under Article 6, into election precincts, each of which shall
22 be situated within a single congressional, legislative and
23 representative district insofar as is practicable and in not
24 more than one County Board district and one municipal ward; in
25 order to situate each precinct within a single district or

1 ward, the Board of Election Commissioners shall change the
2 boundaries of election precincts after each decennial census as
3 soon as is practicable following the completion of
4 congressional and legislative redistricting and such precincts
5 shall contain as nearly as practicable 1,200 ~~600~~ qualified
6 voters, and in making such division and establishing such
7 precincts such board shall take as a basis the poll books, or
8 the number of votes cast at the previous presidential election.
9 Within 90 days after each presidential election, such board in
10 a city with fewer than 500,000 inhabitants, village or
11 incorporated town shall revise and rearrange such precincts on
12 the basis of the votes cast at such election, making such
13 precincts to contain, as near as practicable, 1,200 ~~600~~ actual
14 voters; but at any time in all instances where the vote cast at
15 any precinct, at any election, equals 1,500 ~~800~~, there must be
16 a rearrangement so as to reduce the vote to the standard of
17 1,200 ~~600~~ as near as may be. However, any apartment building in
18 which more than 1,200 ~~800~~ registered voters reside may be made
19 a single precinct even though the vote in such precinct exceeds
20 1,200 ~~800~~. Within 90 days after each presidential election, a
21 board in a city with more than 500,000 inhabitants shall revise
22 and rearrange such precincts on the basis of the votes cast at
23 such election, making such precincts to contain, as near as
24 practicable, 1,200 ~~400~~ actual voters; but at any time in all
25 instances where the vote cast at any precinct, at any election,
26 equals 1,500 ~~600~~, there must be a rearrangement so as to reduce

1 the vote to the standard of 1,200 ~~400~~ as near as may be.
2 However, any apartment building in which more than 1,200 ~~600~~
3 registered voters reside may be made a single precinct even
4 though the vote in such precinct exceeds 1,200 ~~600~~.

5 Immediately after the annexation of territory to the city,
6 village or incorporated town becomes effective the Board of
7 Election Commissioners shall revise and rearrange election
8 precincts therein to include such annexed territory.

9 Provided, however, that at any election where but one
10 candidate is nominated and is to be voted upon at any election
11 held in any political subdivision of a city, village or
12 incorporated town, the Board of Election Commissioners shall
13 have the power in such political subdivision to determine the
14 number of voting precincts to be established in such political
15 subdivision at such election, without reference to the number
16 of qualified voters therein. The precincts in each ward,
17 village or incorporated town shall be numbered from one
18 upwards, consecutively, with no omission.

19 The provisions of this Section apply to all precincts,
20 including those where voting machines or electronic voting
21 systems are used.

22 (Source: P.A. 84-1308.)

23 (10 ILCS 5/11-5) (from Ch. 46, par. 11-5)

24 Sec. 11-5. If any election district or precinct subject to
25 the jurisdiction of a county board or a board of election

1 commissioners in a city with fewer than 500,000 inhabitants,
2 village or incorporated town casts more than 1,500 ~~800~~ votes
3 each at two consecutive general November elections for State
4 officers, the state's attorney, upon the request of an elector
5 in any such district or precinct, shall apply to the Circuit
6 Court for relief by mandamus to compel the appropriate board to
7 divide such district or precinct as required by law. Any relief
8 so granted shall not apply to any election occurring within 60
9 days thereafter. If any election precinct subject to the
10 jurisdiction of a board of election commissioners in a city
11 with more than 500,000 inhabitants casts more than 1,200 ~~600~~
12 votes at each of the two consecutive general November elections
13 for State officers, the state's attorney, upon the request of
14 an elector in any such precinct, shall apply to the Circuit
15 Court for relief by mandamus to compel the appropriate board to
16 divide such precinct as required by law. Any relief so granted
17 shall not apply to any election occurring within 60 days
18 thereafter.

19 (Source: P.A. 84-323.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.