



Rep. Kelly M. Cassidy

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1 AMENDMENT TO HOUSE BILL 3114

2 AMENDMENT NO. _____. Amend House Bill 3114 on page 1, line
3 5, by replacing "and 10-5" with "10-5, 10-8, and 10-10"; and
4 on page 22, immediately below line 7, by inserting the
5 following:

6 "(10 ILCS 5/10-8) (from Ch. 46, par. 10-8)

7 Sec. 10-8. Certificates of nomination and nomination
8 papers, and petitions to submit public questions to a
9 referendum, being filed as required by this Code, and being in
10 apparent conformity with the provisions of this Act, shall be
11 deemed to be valid unless objection thereto is duly made in
12 writing within 5 business days after the last day for filing
13 the certificate of nomination or nomination papers or petition
14 for a public question, with the following exceptions:

15 A. In the case of petitions to amend Article IV of the
16 Constitution of the State of Illinois, there shall be a

1 period of 35 business days after the last day for the
2 filing of such petitions in which objections can be filed.

3 B. In the case of petitions for advisory questions of
4 public policy to be submitted to the voters of the entire
5 State, there shall be a period of 35 business days after
6 the last day for the filing of such petitions in which
7 objections can be filed.

8 Any legal voter of the political subdivision or district in
9 which the candidate or public question is to be voted on, or
10 any legal voter in the State in the case of a proposed
11 amendment to Article IV of the Constitution or an advisory
12 public question to be submitted to the voters of the entire
13 State, having objections to any certificate of nomination or
14 nomination papers or petitions filed, shall file an objector's
15 petition together with 2 copies thereof in the principal office
16 or the permanent branch office of the State Board of Elections,
17 or in the office of the election authority or local election
18 official with whom the certificate of nomination, nomination
19 papers or petitions are on file. Objection petitions that do
20 not include 2 copies thereof, shall not be accepted. In the
21 case of nomination papers or certificates of nomination, the
22 State Board of Elections, election authority or local election
23 official shall note the day and hour upon which such objector's
24 petition is filed, and shall, not later than 12:00 noon on the
25 second business day after receipt of the petition, transmit by
26 registered mail or receipted personal delivery the certificate

1 of nomination or nomination papers and the original objector's
2 petition to the chair of the proper electoral board designated
3 in Section 10-9 hereof, or his authorized agent, and shall
4 transmit a copy by registered mail or receipted personal
5 delivery of the objector's petition, to the candidate whose
6 certificate of nomination or nomination papers are objected to,
7 addressed to the place of residence designated in said
8 certificate of nomination or nomination papers. In the case of
9 objections to a petition for a proposed amendment to Article IV
10 of the Constitution or for an advisory public question to be
11 submitted to the voters of the entire State, the State Board of
12 Elections shall note the day and hour upon which such
13 objector's petition is filed and shall transmit a copy of the
14 objector's petition by registered mail or receipted personal
15 delivery to the person designated on a certificate attached to
16 the petition as the principal proponent of such proposed
17 amendment or public question, or as the proponents' attorney,
18 for the purpose of receiving notice of objections. In the case
19 of objections to a petition for a public question, to be
20 submitted to the voters of a political subdivision, or district
21 thereof, the election authority or local election official with
22 whom such petition is filed shall note the day and hour upon
23 which such objector's petition was filed, and shall, not later
24 than 12:00 noon on the second business day after receipt of the
25 petition, transmit by registered mail or receipted personal
26 delivery the petition for the public question and the original

1 objector's petition to the chair of the proper electoral board
2 designated in Section 10-9 hereof, or his authorized agent, and
3 shall transmit a copy by registered mail or receipted personal
4 delivery, of the objector's petition to the person designated
5 on a certificate attached to the petition as the principal
6 proponent of the public question, or as the proponent's
7 attorney, for the purposes of receiving notice of objections.

8 The objector's petition shall give the objector's name and
9 residence address, and shall state fully the nature of the
10 objections to the certificate of nomination or nomination
11 papers or petitions in question, and shall state the interest
12 of the objector and shall state what relief is requested of the
13 electoral board. By signing the objector's petition, the
14 objectors certify that: (1) it is not being presented for any
15 improper purpose, such as to harass; (2) the objections are
16 warranted by existing law or by a nonfrivolous argument for
17 extending, modifying, or reversing existing law or for
18 establishing new law; and (3) the factual contentions have
19 evidentiary support. The electoral board hearing the objection
20 may impose an appropriate sanction on the objectors and their
21 legal counsel for any false certification, including a monetary
22 sanction payable to the county clerk and opposing parties.

23 The provisions of this Section and of Sections 10-9, 10-10
24 and 10-10.1 shall also apply to and govern objections to
25 petitions for nomination filed under Article 7 or Article 8,
26 except as otherwise provided in Section 7-13 for cases to which

1 it is applicable, and also apply to and govern petitions for
2 the submission of public questions under Article 28.

3 (Source: P.A. 100-1027, eff. 1-1-19.)

4 (10 ILCS 5/10-10) (from Ch. 46, par. 10-10)

5 Sec. 10-10. Within 24 hours after the receipt of the
6 certificate of nomination or nomination papers or proposed
7 question of public policy, as the case may be, and the
8 objector's petition, the chair of the electoral board other
9 than the State Board of Elections shall send a call by
10 registered or certified mail to each of the members of the
11 electoral board, and to the objector who filed the objector's
12 petition, and either to the candidate whose certificate of
13 nomination or nomination papers are objected to or to the
14 principal proponent or attorney for proponents of a question of
15 public policy, as the case may be, whose petitions are objected
16 to, and shall also cause the sheriff of the county or counties
17 in which such officers and persons reside to serve a copy of
18 such call upon each of such officers and persons, which call
19 shall set out the fact that the electoral board is required to
20 meet to hear and pass upon the objections to nominations made
21 for the office, designating it, and shall state the day, hour
22 and place at which the electoral board shall meet for the
23 purpose, which place shall be in the county court house in the
24 county in the case of the County Officers Electoral Board, the
25 Municipal Officers Electoral Board, the Township Officers

1 Electoral Board or the Education Officers Electoral Board,
2 except that the Municipal Officers Electoral Board, the
3 Township Officers Electoral Board, and the Education Officers
4 Electoral Board may meet at the location where the governing
5 body of the municipality, township, or community college
6 district, respectively, holds its regularly scheduled
7 meetings, if that location is available; provided that voter
8 records may be removed from the offices of an election
9 authority only at the discretion and under the supervision of
10 the election authority. In those cases where the State Board of
11 Elections is the electoral board designated under Section 10-9,
12 the chair of the State Board of Elections shall, within 24
13 hours after the receipt of the certificate of nomination or
14 nomination papers or petitions for a proposed amendment to
15 Article IV of the Constitution or proposed statewide question
16 of public policy, send a call by registered or certified mail
17 to the objector who files the objector's petition, and either
18 to the candidate whose certificate of nomination or nomination
19 papers are objected to or to the principal proponent or
20 attorney for proponents of the proposed Constitutional
21 amendment or statewide question of public policy and shall
22 state the day, hour, and place at which the electoral board
23 shall meet for the purpose, which place may be in the Capitol
24 Building or in the principal or permanent branch office of the
25 State Board. The day of the meeting shall not be less than 3
26 nor more than 5 days after the receipt of the certificate of

1 nomination or nomination papers and the objector's petition by
2 the chair of the electoral board.

3 The electoral board shall have the power to administer
4 oaths and to subpoena and examine witnesses and, at the request
5 of either party and only upon a vote by a majority of its
6 members, may authorize the chair to issue subpoenas requiring
7 the attendance of witnesses and subpoenas duces tecum requiring
8 the production of such books, papers, records and documents as
9 may be evidence of any matter under inquiry before the
10 electoral board, in the same manner as witnesses are subpoenaed
11 in the Circuit Court.

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

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

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

15 In the event of a State Electoral Board hearing on
16 objections to a petition for an amendment to Article IV of the
17 Constitution pursuant to Section 3 of Article XIV of the
18 Constitution, or to a petition for a question of public policy
19 to be submitted to the voters of the entire State, the
20 certificates of the county clerks and boards of election
21 commissioners showing the results of the random sample of
22 signatures on the petition shall be prima facie valid and
23 accurate, and shall be presumed to establish the number of
24 valid and invalid signatures on the petition sheets reviewed in
25 the random sample, as prescribed in Section 28-11 and 28-12 of
26 this Code. Either party, however, may introduce evidence at

1 such hearing to dispute the findings as to particular
2 signatures. In addition to the foregoing, in the absence of
3 competent evidence presented at such hearing by a party
4 substantially challenging the results of a random sample, or
5 showing a different result obtained by an additional sample,
6 this certificate of a county clerk or board of election
7 commissioners shall be presumed to establish the ratio of valid
8 to invalid signatures within the particular election
9 jurisdiction.

10 The electoral board shall take up the question as to
11 whether or not the certificate of nomination or nomination
12 papers or petitions are in proper form, and whether or not they
13 were filed within the time and under the conditions required by
14 law, and whether or not they are the genuine certificate of
15 nomination or nomination papers or petitions which they purport
16 to be, and whether or not in the case of the certificate of
17 nomination in question it represents accurately the decision of
18 the caucus or convention issuing it, and in general shall
19 decide whether or not the certificate of nomination or
20 nominating papers or petitions on file are valid or whether the
21 objections thereto should be sustained and the decision of a
22 majority of the electoral board shall be final subject to
23 judicial review as provided in Section 10-10.1. The nomination
24 papers of a candidate shall be deemed invalid and a candidate's
25 name shall not appear on the ballot if he or she is found to
26 have personally engaged in material fraud or a pattern of fraud

1 in connection with the nominating papers. The electoral board
2 must state its findings in writing and must state in writing
3 which objections, if any, it has sustained. A copy of the
4 decision shall be served upon the parties to the proceedings in
5 open proceedings before the electoral board. If a party does
6 not appear for receipt of the decision, the decision shall be
7 deemed to have been served on the absent party on the date when
8 a copy of the decision is personally delivered or on the date
9 when a copy of the decision is deposited in the United States
10 mail, in a sealed envelope or package, with postage prepaid,
11 addressed to each party affected by the decision or to such
12 party's attorney of record, if any, at the address on record
13 for such person in the files of the electoral board.

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

25 (Source: P.A. 99-78, eff. 7-20-15; 99-642, eff. 7-28-16;
26 100-1027, eff. 1-1-19.)".