



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5023

Introduced 2/18/2020, by

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-10	from Ch. 46, par. 10-10
10 ILCS 5/22-6	from Ch. 46, par. 22-6
10 ILCS 5/28-9	from Ch. 46, par. 28-9
10 ILCS 5/28-11	from Ch. 46, par. 28-11
10 ILCS 5/28-12	from Ch. 46, par. 28-12
10 ILCS 5/28-13	from Ch. 46, par. 28-13

Amends the Election Code. In provisions requiring the State Board of Elections to publish on its website precinct-by-precinct vote totals, provides that the Board only has to publish totals for offices and candidates that the Board certifies the election results. Makes changes to requirements for a petition for a proposed amendment to the Illinois Constitution or proposed statewide advisory public question. Makes other changes. Effective immediately.

LRB101 17658 SMS 67085 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 10-10, 22-6, 28-9, 28-11, 28-12, and 28-13 as follows:

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

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

1 and place at which the electoral board shall meet for the  
2 purpose, which place shall be in the county court house in the  
3 county in the case of the County Officers Electoral Board, the  
4 Municipal Officers Electoral Board, the Township Officers  
5 Electoral Board or the Education Officers Electoral Board,  
6 except that the Municipal Officers Electoral Board, the  
7 Township Officers Electoral Board, and the Education Officers  
8 Electoral Board may meet at the location where the governing  
9 body of the municipality, township, or community college  
10 district, respectively, holds its regularly scheduled  
11 meetings, if that location is available; provided that voter  
12 records may be removed from the offices of an election  
13 authority only at the discretion and under the supervision of  
14 the election authority. In those cases where the State Board of  
15 Elections is the electoral board designated under Section 10-9,  
16 the chair of the State Board of Elections shall, within 24  
17 hours after the receipt of the certificate of nomination or  
18 nomination papers or petitions for a proposed amendment to  
19 Article IV of the Constitution or proposed statewide question  
20 of public policy, send a call by registered or certified mail  
21 to the objector who files the objector's petition, and either  
22 to the candidate whose certificate of nomination or nomination  
23 papers are objected to or to the principal proponent or  
24 attorney for proponents of the proposed Constitutional  
25 amendment or statewide question of public policy and shall  
26 state the day, hour, and place at which the electoral board

1 shall meet for the purpose, which place may be in the Capitol  
2 Building or in the principal or permanent branch office of the  
3 State Board. The day of the meeting shall not be less than 3  
4 nor more than 5 days after the receipt of the certificate of  
5 nomination or nomination papers and the objector's petition by  
6 the chair of the electoral board.

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

16 Service of such subpoenas shall be made by any sheriff or  
17 other person in the same manner as in cases in such court and  
18 the fees of such sheriff shall be the same as is provided by  
19 law, and shall be paid by the objector or candidate who causes  
20 the issuance of the subpoena. In case any person so served  
21 shall knowingly neglect or refuse to obey any such subpoena, or  
22 to testify, the electoral board shall at once file a petition  
23 in the circuit court of the county in which such hearing is to  
24 be heard, or has been attempted to be heard, setting forth the  
25 facts, of such knowing refusal or neglect, and accompanying the  
26 petition with a copy of the citation and the answer, if one has

1 been filed, together with a copy of the subpoena and the return  
2 of service thereon, and shall apply for an order of court  
3 requiring such person to attend and testify, and forthwith  
4 produce books and papers, before the electoral board. Any  
5 circuit court of the state, excluding the judge who is sitting  
6 on the electoral board, upon such showing shall order such  
7 person to appear and testify, and to forthwith produce such  
8 books and papers, before the electoral board at a place to be  
9 fixed by the court. If such person shall knowingly fail or  
10 refuse to obey such order of the court without lawful excuse,  
11 the court shall punish him or her by fine and imprisonment, as  
12 the nature of the case may require and may be lawful in cases  
13 of contempt of court.

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

19 In the event of a State Electoral Board hearing on  
20 objections to a petition for an amendment to Article IV of the  
21 Constitution pursuant to Section 3 of Article XIV of the  
22 Constitution, or to a petition for a question of public policy  
23 to be submitted to the voters of the entire State, ~~the~~  
24 ~~certificates of the county clerks and boards of election~~  
25 ~~commissioners showing~~ the results of the random sample of  
26 signatures on the petition shall be prima facie valid and

1 accurate, and shall be presumed to establish the number of  
2 valid and invalid signatures on the petition ~~sheets reviewed in~~  
3 ~~the random sample~~, as prescribed in Section 28-11 and 28-12 of  
4 this Code. Either party, however, may introduce evidence at  
5 such hearing to dispute the findings as to particular  
6 signatures. In addition to the foregoing, in the absence of  
7 competent evidence presented at such hearing by a party  
8 substantially challenging the results of a random sample, such  
9 results ~~or showing a different result obtained by an additional~~  
10 ~~sample, this certificate of a county clerk or board of election~~  
11 ~~commissioners~~ shall be presumed to establish the ratio of valid  
12 to invalid signatures on the petition ~~within the particular~~  
13 ~~election jurisdiction.~~

14 The electoral board shall take up the question as to  
15 whether or not the certificate of nomination or nomination  
16 papers or petitions are in proper form, and whether or not they  
17 were filed within the time and under the conditions required by  
18 law, and whether or not they are the genuine certificate of  
19 nomination or nomination papers or petitions which they purport  
20 to be, and whether or not in the case of the certificate of  
21 nomination in question it represents accurately the decision of  
22 the caucus or convention issuing it, and in general shall  
23 decide whether or not the certificate of nomination or  
24 nominating papers or petitions on file are valid or whether the  
25 objections thereto should be sustained and the decision of a  
26 majority of the electoral board shall be final subject to

1 judicial review as provided in Section 10-10.1. The electoral  
2 board must state its findings in writing and must state in  
3 writing which objections, if any, it has sustained. A copy of  
4 the decision shall be served upon the parties to the  
5 proceedings in open proceedings before the electoral board. If  
6 a party does not appear for receipt of the decision, the  
7 decision shall be deemed to have been served on the absent  
8 party on the date when a copy of the decision is personally  
9 delivered or on the date when a copy of the decision is  
10 deposited in the United States mail, in a sealed envelope or  
11 package, with postage prepaid, addressed to each party affected  
12 by the decision or to such party's attorney of record, if any,  
13 at the address on record for such person in the files of the  
14 electoral board.

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

26 (Source: P.A. 99-78, eff. 7-20-15; 99-642, eff. 7-28-16;

1 100-1027, eff. 1-1-19.)

2 (10 ILCS 5/22-6) (from Ch. 46, par. 22-6)

3 Sec. 22-6. E-Canvass.

4 (a) Within 22 days after each election, each Election  
5 Authority shall provide unit-by-unit vote totals to the State  
6 Board of Elections in an electronic format to be prescribed by  
7 the State Board of Elections. The State Board of Elections  
8 shall promulgate rules necessary for the implementation of this  
9 Section.

10 (b) Beginning with the November 2014 general election and  
11 every primary, ~~consolidated~~, general, and special election  
12 thereafter, within 52 days after each election, the State Board  
13 of Elections shall publish the precinct-by-precinct vote  
14 totals for offices and candidates that the State Board of  
15 Elections certifies the election results on its website and  
16 make them available in a downloadable form.

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

18 (10 ILCS 5/28-9) (from Ch. 46, par. 28-9)

19 Sec. 28-9. Petitions for proposed amendments to Article IV  
20 of the Constitution pursuant to Section 3, Article XIV of the  
21 Constitution shall be signed by a number of electors equal in  
22 number to at least 8% of the total votes cast for candidates  
23 for Governor in the preceding gubernatorial election. Such  
24 petition shall have been signed by the petitioning electors not



1 more than 24 months preceding the general election at which the  
2 proposed amendment is to be submitted and shall be filed with  
3 the Secretary of State at least 6 months before that general  
4 election.

5 Upon receipt of a petition for a proposed Constitutional  
6 amendment, the Secretary of State shall, as soon as is  
7 practicable, but no later than the close of the next business  
8 day, deliver such petition to the State Board of Elections.

9 Petitions for advisory questions of public policy to be  
10 submitted to the voters of the entire State shall be signed by  
11 a number of voters equal in number to 8% of the total votes  
12 cast for candidates for Governor in the preceding gubernatorial  
13 election. Such petition shall have been signed by said  
14 petitioners not more than 24 months preceding the date of the  
15 general election at which the question is to be submitted and  
16 shall be filed with the State Board of Elections at least 6  
17 months before that general election.

18 ~~The proponents of the proposed statewide advisory public~~  
19 ~~question shall file the original petition for a proposed~~  
20 ~~Constitutional amendment or a statewide advisory public~~  
21 ~~question in bound sections. Each section shall be composed of~~  
22 ~~consecutively numbered petition sheets bound in sections~~  
23 ~~containing only the original signatures of registered voters in~~  
24 ~~the State. Any petition sheets not consecutively numbered or~~  
25 ~~which contain duplicate page numbers already used on other~~  
26 ~~sheets, or are photocopies or duplicates of the original~~

1 ~~sheets, shall not be considered part of the petition for the~~  
2 ~~purpose of the random sampling verification and shall not be~~  
3 ~~counted toward the minimum number of signatures required to~~  
4 ~~qualify the proposed statewide advisory public question for the~~  
5 ~~ballot.~~

6 ~~Within 7 business days following the last day for filing~~  
7 ~~the original petition, the proponents shall also file copies of~~  
8 ~~the petition sheets with each proper election authority and~~  
9 ~~obtain a receipt therefor.~~

10 For purposes of this Act, the following terms shall be  
11 defined and construed as follows:

12 1. "Board" means the State Board of Elections.

13 2. "Election Authority" means a county clerk or city or  
14 county board of election commissioners.

15 3. (Blank).

16 4. "Proponents" means any person, association, committee,  
17 organization or other group, or their designated  
18 representatives, who advocate and cause the circulation and  
19 filing of petitions for a statewide advisory question of public  
20 policy or a proposed constitutional amendment for submission at  
21 a general election and who has registered with the Board as  
22 provided in this Act.

23 5. "Opponents" means any person, association, committee,  
24 organization or other group, or their designated  
25 representatives, who oppose a statewide advisory question of  
26 public policy or a proposed constitutional amendment for

1 submission at a general election and who have registered with  
2 the Board as provided in this Act.

3 (Source: P.A. 97-81, eff. 7-5-11; 98-1171, eff. 6-1-15.)

4 (10 ILCS 5/28-11) (from Ch. 46, par. 28-11)

5 Sec. 28-11. The Board shall design a standard and  
6 scientific random sampling method for the verification of  
7 petition signatures for statewide advisory referenda and  
8 proposed Constitutional amendments. In addition, the Board  
9 shall adopt rules of procedure for the petition filing process,  
10 including, but not limited to, the signature verification and  
11 signature rehabilitation procedures. ~~shall conduct a public~~  
12 ~~test to prove the validity of its sampling method. Notice of~~  
13 ~~the time and place for such test shall be given at least 10~~  
14 ~~days before the date on which such test is to be conducted and~~  
15 ~~in the manner prescribed for notice of regular Board meetings.~~  
16 ~~Signatures on petitions for constitutional amendments~~  
17 ~~initiated pursuant to Article XIV, Section 3 of the Illinois~~  
18 ~~Constitution need not be segregated by election jurisdiction.~~  
19 ~~The Board shall design an alternative signature verification~~  
20 ~~method for referenda initiated pursuant to Article XIV, Section~~  
21 ~~3 of the Illinois Constitution.~~

22 ~~Within 14 business days following the last day for the~~  
23 ~~filing of the original petition as prescribed in Section 28-9,~~  
24 ~~the~~

25 The Board shall apply its ~~proven~~ random sampling method to

1 the petition sheets ~~in each election jurisdiction section~~ for  
2 the purpose of selecting and identifying the petition  
3 signatures to be included in the sample for signature  
4 verification to be conducted by the Board. ~~for the respective~~  
5 ~~jurisdictions and shall prepare and transmit to each proper~~  
6 ~~election authority a list by page and line number of the~~  
7 ~~signatures from its election jurisdiction selected for~~  
8 ~~verification.~~

9 ~~For each election jurisdiction, the sample verification~~  
10 ~~shall include an examination of either (a) 10% of the~~  
11 ~~signatures if 5,010 or more signatures are involved; or (b) 500~~  
12 ~~signatures if more than 500 but less than 5,010 signatures are~~  
13 ~~involved; or (c) all signatures if 500 or less signatures are~~  
14 ~~involved.~~

15 ~~Each election authority with whom jurisdictional copies of~~  
16 ~~petition sheets were filed~~

17 The Board shall determine the validity of those signatures  
18 contained in the sample ~~use the proven random sampling method~~  
19 ~~designed and furnished by the Board for the verification of~~  
20 ~~signatures shown on the list supplied by the Board and in~~  
21 accordance with the adopted rules of procedure the following  
22 criteria ~~for determination of petition signature validity:~~

- 23 1. Determine if the person who signed the petition is a  
24 registered voter in that election jurisdiction or was a  
25 registered voter therein on the date the petition was  
26 signed;

1           2. Determine if the signature of the person who signed  
2           the petition reasonably compares with the signature shown  
3           on that person's registration record card.

4           ~~Within 14 business days following receipt from the Board of~~  
5           ~~the list of signatures for verification, each election~~  
6           ~~authority shall transmit a properly dated certificate to the~~  
7           ~~Board which shall indicate; (a) the page and line number of~~  
8           ~~petition signatures examined, (b) the validity or invalidity of~~  
9           ~~such signatures, and (c) the reasons for invalidity, based on~~  
10          ~~the criteria heretofore prescribed. The Board shall prepare and~~  
11          ~~adopt a standard form of certificate for use by the election~~  
12          ~~authorities which shall be transmitted with the list of~~  
13          ~~signatures for verification.~~

14          ~~Upon written request of the election authority that, due to~~  
15          ~~the volume of signatures in the sample for its jurisdiction,~~  
16          ~~additional time is needed to properly perform the signature~~  
17          ~~verification, the Board may grant the election authority~~  
18          ~~additional days to complete the verification and transmit the~~  
19          ~~certificate of results. These certificates of random sample~~  
20          ~~verification results shall be available for public inspection~~  
21          ~~within 24 hours after receipt by the State Board of Elections.~~

22          (Source: P.A. 97-81, eff. 7-5-11.)

23           (10 ILCS 5/28-12) (from Ch. 46, par. 28-12)

24           Sec. 28-12. Upon completion of the signature verification  
25          process, ~~Upon receipt of the certificates of the election~~

1 ~~authorities showing the results of the sample signature~~  
2 ~~verification,~~ the Board shall:

3 1. Based on the sample of signatures examined,  
4 calculate the ratio of invalid and ~~or~~ valid signatures on  
5 the petition in each election jurisdiction.

6 2. Apply the ratio of invalid to valid signatures ~~in an~~  
7 ~~election jurisdiction sample~~ to the total number of  
8 petition signatures submitted on the petition ~~from that~~  
9 ~~election jurisdiction~~.

10 3. Compute the degree of multiple signature  
11 contamination ~~in each election jurisdiction sample~~.

12 4. Adjusting ~~Adjust~~ for multiple signature  
13 contamination and the the number of invalid signatures,  
14 project the total number of valid petition signatures  
15 submitted ~~from each election jurisdiction~~.

16 ~~5. Aggregate the total number of projected valid~~  
17 ~~signatures from each election jurisdiction and project the~~  
18 ~~total number of valid signatures on the petition statewide~~.

19 If such statewide projection establishes a total number of  
20 valid petition signatures less than 95% ~~not greater than 95.0%~~  
21 of the minimum number of signatures required to qualify the  
22 proposed Constitutional amendment or statewide advisory public  
23 question for the ballot, the petition shall be presumed  
24 invalid; provided that, prior to the last day for ballot  
25 certification for the general election, the Board shall conduct  
26 a hearing for the purpose of allowing the proponents to present

1 competent evidence ~~or an additional sample~~ to rebut the  
2 presumption of invalidity. At the conclusion of such hearing,  
3 and after the resolution of any specific objection filed  
4 pursuant to Section 10-8 of this Code, the Board shall issue a  
5 final order declaring the petition to be valid or invalid and  
6 shall, in accordance with its order, certify or not certify the  
7 proposition for the ballot.

8 If such statewide projection establishes a total number of  
9 valid petition signatures equal to or greater than 95% ~~greater~~  
10 ~~than 95.0%~~ of the minimum number of signatures required to  
11 qualify the proposed Constitutional amendment or statewide  
12 advisory public question for the ballot, the results of the  
13 sample shall be considered inconclusive and, if no specific  
14 objections to the petition are filed pursuant to Section 10-8  
15 of this Code, the Board shall issue a final order declaring the  
16 petition to be valid and shall certify the proposition for the  
17 ballot.

18 ~~In either event, the Board shall append to its final order~~  
19 ~~the detailed results of the sample from each election~~  
20 ~~jurisdiction which shall include: (a) specific page and line~~  
21 ~~numbers of signatures actually verified or determined to be~~  
22 ~~invalid by the respective election authorities, and (b) the~~  
23 ~~calculations and projections performed by the Board for each~~  
24 ~~election jurisdiction.~~

25 (Source: P.A. 97-81, eff. 7-5-11.)

1 (10 ILCS 5/28-13) (from Ch. 46, par. 28-13)

2 Sec. 28-13. Each political party and civic organization as  
3 well as the registered proponents and opponents of a proposed  
4 Constitutional amendment or statewide advisory public question  
5 shall be entitled ~~to one watcher in the office of the election~~  
6 ~~authority~~ to observe the conduct of the sample signature  
7 verification and participate in any proceedings related  
8 thereto. ~~However, in those election jurisdictions where a 10%~~  
9 ~~sample is required, the proponents and opponents may appoint no~~  
10 ~~more than 5 assistant watchers in addition to the 1 principal~~  
11 ~~watcher permitted herein.~~

12 Within 7 days following the last day for filing of the  
13 original petition, the proponents and opponents shall certify  
14 in writing to the Board that they publicly support or oppose  
15 the proposed statewide advisory public question. The  
16 proponents and opponents of such questions shall register the  
17 name and address of its group and the name and address of its  
18 chair and designated agent for acceptance of service of notices  
19 with the Board. Thereupon, the Board shall prepare a list of  
20 the registered proponents and opponents and shall adopt a  
21 standard proponents' and opponents' watcher credential form. ~~A~~  
22 ~~copy of such list and sufficient copies of such credentials~~  
23 ~~shall be transmitted with the list for the sample signature~~  
24 ~~verification to the appropriate election authorities. Those~~  
25 ~~election authorities shall issue credentials to the~~  
26 ~~permissible number of watchers for each proponent and opponent~~



1 ~~group; provided, however, that a prospective watcher shall~~  
2 ~~first present to the election authority a letter of~~  
3 ~~authorization signed by the chair of the proponent or opponent~~  
4 ~~group he or she represents.~~

5 Political party and qualified civic organization watcher  
6 credentials shall be substantially in the form and shall be  
7 authorized in the manner prescribed in Section 7-34 of this  
8 Code.

9 The rights and limitations of pollwatchers as prescribed by  
10 Section 7-34 of this Code, insofar as they may be made  
11 applicable, shall be applicable to watchers at the conduct of  
12 the sample signature verification.

13 The ~~principal watcher for the~~ proponents and opponents may  
14 make signed written objections to the Board relating to  
15 procedures observed during the conduct of the sample signature  
16 verification which could materially affect the results of the  
17 sample. ~~Such written objections shall be presented to the~~  
18 ~~election authority and a copy mailed to the Board and shall be~~  
19 ~~attached to the certificate of sample results transmitted by~~  
20 ~~the election authority to the Board.~~

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.