



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2331

Introduced 1/8/2020, by

SYNOPSIS AS INTRODUCED:

| | |
|-----------------------|--------------------------|
| 10 ILCS 5/1-3 | from Ch. 46, par. 1-3 |
| 10 ILCS 5/7-60 | from Ch. 46, par. 7-60 |
| 10 ILCS 5/7-60.1 | from Ch. 46, par. 7-60.1 |
| 10 ILCS 5/8-8 | from Ch. 46, par. 8-8 |
| 10 ILCS 5/10-5 | from Ch. 46, par. 10-5 |
| 10 ILCS 5/22-1 | from Ch. 46, par. 22-1 |
| 10 ILCS 5/22-7 | from Ch. 46, par. 22-7 |
| 10 ILCS 5/22-17 | from Ch. 46, par. 22-17 |
| 10 ILCS 5/7-10.1 rep. | |

Amends the Election Code. Repeals provisions requiring a petition or certificate of nomination to include a statement that the filing candidate is not affiliated with a communist organization or any foreign political agency, party, organization, or government that advocates the overthrow of constitutional government by force or other means not permitted under the U.S Constitution. Makes conforming changes throughtout the Code. Effective immediately.

LRB101 15983 SMS 65345 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 1-3, 7-60, 7-60.1, 8-8, 10-5, 22-1, 22-7, and 22-17 as
6 follows:

7 (10 ILCS 5/1-3) (from Ch. 46, par. 1-3)

8 Sec. 1-3. As used in this Act, unless the context otherwise
9 requires:

10 1. "Election" includes the submission of all questions of
11 public policy, propositions, and all measures submitted to
12 popular vote, and includes primary elections when so indicated
13 by the context.

14 2. "Regular election" means the general, general primary,
15 consolidated and consolidated primary elections regularly
16 scheduled in Article 2A. The even numbered year municipal
17 primary established in Article 2A is a regular election only
18 with respect to those municipalities in which a primary is
19 required to be held on such date.

20 3. "Special election" means an election not regularly
21 recurring at fixed intervals, irrespective of whether it is
22 held at the same time and place and by the same election
23 officers as a regular election.

1 4. "General election" means the biennial election at which
2 members of the General Assembly are elected. "General primary
3 election", "consolidated election" and "consolidated primary
4 election" mean the respective elections or the election dates
5 designated and established in Article 2A of this Code.

6 5. "Municipal election" means an election or primary,
7 either regular or special, in cities, villages, and
8 incorporated towns; and "municipality" means any such city,
9 village or incorporated town.

10 6. "Political or governmental subdivision" means any unit
11 of local government, or school district in which elections are
12 or may be held. "Political or governmental subdivision" also
13 includes, for election purposes, Regional Boards of School
14 Trustees, and Township Boards of School Trustees.

15 7. The word "township" and the word "town" shall apply
16 interchangeably to the type of governmental organization
17 established in accordance with the provisions of the Township
18 Code. The term "incorporated town" shall mean a municipality
19 referred to as an incorporated town in the Illinois Municipal
20 Code, as now or hereafter amended.

21 8. "Election authority" means a county clerk or a Board of
22 Election Commissioners.

23 9. "Election Jurisdiction" means (a) an entire county, in
24 the case of a county in which no city board of election
25 commissioners is located or which is under the jurisdiction of
26 a county board of election commissioners; (b) the territorial

1 jurisdiction of a city board of election commissioners; and (c)
2 the territory in a county outside of the jurisdiction of a city
3 board of election commissioners. In each instance election
4 jurisdiction shall be determined according to which election
5 authority maintains the permanent registration records of
6 qualified electors.

7 10. "Local election official" means the clerk or secretary
8 of a unit of local government or school district, as the case
9 may be, the treasurer of a township board of school trustees,
10 and the regional superintendent of schools with respect to the
11 various school officer elections and school referenda for which
12 the regional superintendent is assigned election duties by The
13 School Code, as now or hereafter amended.

14 11. "Judges of election", "primary judges" and similar
15 terms, as applied to cases where there are 2 sets of judges,
16 when used in connection with duties at an election during the
17 hours the polls are open, refer to the team of judges of
18 election on duty during such hours; and, when used with
19 reference to duties after the closing of the polls, refer to
20 the team of tally judges designated to count the vote after the
21 closing of the polls and the holdover judges designated
22 pursuant to Section 13-6.2 or 14-5.2. In such case, where,
23 after the closing of the polls, any act is required to be
24 performed by each of the judges of election, it shall be
25 performed by each of the tally judges and by each of the
26 holdover judges.

1 12. "Petition" of candidacy as used in Section ~~Sections~~
2 7-10 ~~and 7-10.1~~ shall consist of a statement of candidacy,
3 candidate's statement containing oath, and sheets containing
4 signatures of qualified primary electors bound together.

5 13. "Election district" and "precinct", when used with
6 reference to a 30-day residence requirement, means the smallest
7 constituent territory in which electors vote as a unit at the
8 same polling place in any election governed by this Act.

9 14. "District" means any area which votes as a unit for the
10 election of any officer, other than the State or a unit of
11 local government or school district, and includes, but is not
12 limited to, legislative, congressional and judicial districts,
13 judicial circuits, county board districts, municipal and
14 sanitary district wards, school board districts, and
15 precincts.

16 15. "Question of public policy" or "public question" means
17 any question, proposition or measure submitted to the voters at
18 an election dealing with subject matter other than the
19 nomination or election of candidates and shall include, but is
20 not limited to, any bond or tax referendum, and questions
21 relating to the Constitution.

22 16. "Ordinance providing the form of government of a
23 municipality or county pursuant to Article VII of the
24 Constitution" includes ordinances, resolutions and petitions
25 adopted by referendum which provide for the form of government,
26 the officers or the manner of selection or terms of office of

1 officers of such municipality or county, pursuant to the
2 provisions of Sections 4, 6 or 7 of Article VII of the
3 Constitution.

4 17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29,
5 6-60, and 6-66 shall include a computer tape or computer disc
6 or other electronic data processing information containing
7 voter information.

8 18. "Accessible" means accessible to persons with
9 disabilities and elderly individuals for the purpose of voting
10 or registration, as determined by rule of the State Board of
11 Elections.

12 19. "Elderly" means 65 years of age or older.

13 20. "Person with a disability" means a person having a
14 temporary or permanent physical disability.

15 21. "Leading political party" means one of the two
16 political parties whose candidates for governor at the most
17 recent three gubernatorial elections received either the
18 highest or second highest average number of votes. The
19 political party whose candidates for governor received the
20 highest average number of votes shall be known as the first
21 leading political party and the political party whose
22 candidates for governor received the second highest average
23 number of votes shall be known as the second leading political
24 party.

25 22. "Business day" means any day in which the office of an
26 election authority, local election official or the State Board

1 of Elections is open to the public for a minimum of 7 hours.

2 23. "Homeless individual" means any person who has a
3 nontraditional residence, including, but not limited to, a
4 shelter, day shelter, park bench, street corner, or space under
5 a bridge.

6 24. "Signature" means a name signed in ink or in digitized
7 form. This definition does not apply to a nominating or
8 candidate petition or a referendum petition.

9 25. "Intelligent mail barcode tracking system" means a
10 printed trackable barcode attached to the return business reply
11 envelope for mail-in ballots under Article 19 or Article 20
12 that allows an election authority to determine the date the
13 envelope was mailed in absence of a postmark.

14 (Source: P.A. 99-143, eff. 7-27-15; 99-522, eff. 6-30-16.)

15 (10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

16 Sec. 7-60. Not less than 74 days before the date of the
17 general election, the State Board of Elections shall certify to
18 the county clerks the names of each of the candidates who have
19 been nominated as shown by the proclamation of the State Board
20 of Elections as a canvassing board or who have been nominated
21 to fill a vacancy in nomination and direct the election
22 authority to place upon the official ballot for the general
23 election the names of such candidates in the same manner and in
24 the same order as shown upon the certification, except as
25 otherwise provided in this Section.

1 Not less than 68 days before the date of the general
2 election, each county clerk shall certify the names of each of
3 the candidates for county offices who have been nominated as
4 shown by the proclamation of the county election authority or
5 who have been nominated to fill a vacancy in nomination and
6 declare that the names of such candidates for the respective
7 offices shall be placed upon the official ballot for the
8 general election in the same manner and in the same order as
9 shown upon the certification, except as otherwise provided by
10 this Section. Each county clerk shall place a copy of the
11 certification on file in his or her office and at the same time
12 issue to the State Board of Elections a copy of such
13 certification. In addition, each county clerk in whose county
14 there is a board of election commissioners shall, not less than
15 68 days before the date of the general election, issue to such
16 board a copy of the certification that has been filed in the
17 county clerk's office, together with a copy of the
18 certification that has been issued to the clerk by the State
19 Board of Elections, with directions to the board of election
20 commissioners to place upon the official ballot for the general
21 election in that election jurisdiction the names of all
22 candidates that are listed on such certifications, in the same
23 manner and in the same order as shown upon such certifications,
24 except as otherwise provided in this Section.

25 Whenever there are two or more persons nominated by the
26 same political party for multiple offices for any board, the

1 name of the candidate of such party receiving the highest
2 number of votes in the primary election as a candidate for such
3 office, as shown by the official election returns of the
4 primary, shall be certified first under the name of such
5 offices, and the names of the remaining candidates of such
6 party for such offices shall follow in the order of the number
7 of votes received by them respectively at the primary election
8 as shown by the official election results.

9 No person who is shown by the final proclamation to have
10 been nominated or elected at the primary as a write-in
11 candidate shall have his or her name certified unless such
12 person shall have filed with the certifying office or board
13 within 10 days after the election authority's proclamation a
14 statement of candidacy pursuant to Section 7-10,~~a statement~~
15 ~~pursuant to Section 7-10.1,~~ and a receipt for the filing of a
16 statement of economic interests in relation to the unit of
17 government to which he or she has been elected or nominated.

18 Each county clerk and board of election commissioners shall
19 determine by a fair and impartial method of random selection
20 the order of placement of established political party
21 candidates for the general election ballot. Such determination
22 shall be made within 30 days following the canvass and
23 proclamation of the results of the general primary in the
24 office of the county clerk or board of election commissioners
25 and shall be open to the public. Seven days written notice of
26 the time and place of conducting such random selection shall be

1 given, by each such election authority, to the County Chair of
2 each established political party, and to each organization of
3 citizens within the election jurisdiction which was entitled,
4 under this Article, at the next preceding election, to have
5 pollwatchers present on the day of election. Each election
6 authority shall post in a conspicuous, open and public place,
7 at the entrance of the election authority office, notice of the
8 time and place of such lottery. However, a board of election
9 commissioners may elect to place established political party
10 candidates on the general election ballot in the same order
11 determined by the county clerk of the county in which the city
12 under the jurisdiction of such board is located.

13 Each certification shall indicate, where applicable, the
14 following:

15 (1) The political party affiliation of the candidates
16 for the respective offices;

17 (2) If there is to be more than one candidate elected
18 to an office from the State, political subdivision or
19 district;

20 (3) If the voter has the right to vote for more than
21 one candidate for an office;

22 (4) The term of office, if a vacancy is to be filled
23 for less than a full term or if the offices to be filled in
24 a political subdivision are for different terms.

25 The State Board of Elections or the county clerk, as the
26 case may be, shall issue an amended certification whenever it

1 is discovered that the original certification is in error.

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

3 (10 ILCS 5/7-60.1) (from Ch. 46, par. 7-60.1)

4 Sec. 7-60.1. Certification of candidates - consolidated
5 election. Each local election official of a political
6 subdivision in which candidates for the respective local
7 offices are nominated at the consolidated primary shall, no
8 later than 5 days following the canvass and proclamation of the
9 results of the consolidated primary, certify to each election
10 authority whose duty it is to prepare the official ballot for
11 the consolidated election in that political subdivision the
12 names of each of the candidates who have been nominated as
13 shown by the proclamation of the appropriate election authority
14 or who have been nominated to fill a vacancy in nomination and
15 direct the election authority to place upon the official ballot
16 for the consolidated election the names of such candidates in
17 the same manner and in the same order as shown upon the
18 certification, except as otherwise provided by this Section.

19 Whenever there are two or more persons nominated by the
20 same political party for multiple offices for any board, the
21 name of the candidate of such party receiving the highest
22 number of votes in the consolidated primary election as a
23 candidate for such consolidated primary, shall be certified
24 first under the name of such office, and the names of the
25 remaining candidates of such party for such offices shall

1 follow in the order of the number of votes received by them
2 respectively at the consolidated primary election as shown by
3 the official election results.

4 No person who is shown by the election authority's
5 proclamation to have been nominated at the consolidated primary
6 as a write-in candidate shall have his or her name certified
7 unless such person shall have filed with the certifying office
8 or board within 5 days after the election authority's
9 proclamation a statement of candidacy pursuant to Section 7-10
10 ~~and a statement pursuant to Section 7-10.1.~~

11 Each board of election commissioners of the cities in which
12 established political party candidates for city offices are
13 nominated at the consolidated primary shall determine by a fair
14 and impartial method of random selection the order of placement
15 of the established political party candidates for the
16 consolidated ballot. Such determination shall be made within 5
17 days following the canvass and proclamation of the results of
18 the consolidated primary and shall be open to the public. Three
19 days written notice of the time and place of conducting such
20 random selection shall be given, by each such election
21 authority, to the County Chair of each established political
22 party, and to each organization of citizens within the election
23 jurisdiction which was entitled, under this Article, at the
24 next preceding election, to have pollwatchers present on the
25 day of election. Each election authority shall post in a
26 conspicuous, open and public place, at the entrance of the

1 election authority office, notice of the time and place of such
2 lottery.

3 Each local election official of a political subdivision in
4 which established political party candidates for the
5 respective local offices are nominated by primary shall
6 determine by a fair and impartial method of random selection
7 the order of placement of the established political party
8 candidates for the consolidated election ballot and, in the
9 case of certain municipalities having annual elections, on the
10 general primary ballot for election. Such determination shall
11 be made prior to the canvass and proclamation of results of the
12 consolidated primary or special municipal primary, as the case
13 may be, in the office of the local election official and shall
14 be open to the public. Three days written notice of the time
15 and place of conducting such random selection shall be given,
16 by each such local election official, to the County Chair of
17 each established political party, and to each organization of
18 citizens within the election jurisdiction which was entitled,
19 under this Article, at the next preceding election, to have
20 pollwatchers present on the day of election. Each local
21 election official shall post in a conspicuous, open and public
22 place notice of such lottery. Immediately thereafter, the local
23 election official shall certify the ballot placement order so
24 determined to the proper election authorities charged with the
25 preparation of the consolidated election, or general primary,
26 ballot for that political subdivision.

1 Not less than 68 days before the date of the consolidated
2 election, each local election official of a political
3 subdivision in which established political party candidates
4 for the respective local offices have been nominated by caucus
5 or have been nominated because no primary was required to be
6 held shall certify to each election authority whose duty it is
7 to prepare the official ballot for the consolidated election in
8 that political subdivision the names of each of the candidates
9 whose certificates of nomination or nomination papers have been
10 filed in his or her office and direct the election authority to
11 place upon the official ballot for the consolidated election
12 the names of such candidates in the same manner and in the same
13 order as shown upon the certification. Such local election
14 official shall, prior to certification, determine by a fair and
15 impartial method of random selection the order of placement of
16 the established political party candidates for the
17 consolidated election ballot. Such determination shall be made
18 in the office of the local election official and shall be open
19 to the public. Three days written notice of the time and place
20 of conducting such random selection shall be given by each such
21 local election official to the county chair of each established
22 political party, and to each organization of citizens within
23 the election jurisdiction which was entitled, under this
24 Article, at the next preceding election, to have pollwatchers
25 present on the day of election. Each local election official
26 shall post in a conspicuous, open and public place, at the

1 entrance of the office, notice of the time and place of such
2 lottery. The local election official shall certify the ballot
3 placement order so determined as part of his official
4 certification of candidates to the election authorities whose
5 duty it is to prepare the official ballot for the consolidated
6 election in that political subdivision.

7 The certification shall indicate, where applicable, the
8 following:

9 (1) The political party affiliation of the candidates
10 for the respective offices;

11 (2) If there is to be more than one candidate elected
12 or nominated to an office from the State, political
13 subdivision or district;

14 (3) If the voter has the right to vote for more than
15 one candidate for an office;

16 (4) The term of office, if a vacancy is to be filled
17 for less than a full term or if the offices to be filled in
18 a political subdivision or district are for different
19 terms.

20 The local election official shall issue an amended
21 certification whenever it is discovered that the original
22 certification is in error.

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

24 (10 ILCS 5/8-8) (from Ch. 46, par. 8-8)

25 Sec. 8-8. Form of petition for nomination. The name of no

1 candidate for nomination shall be printed upon the primary
 2 ballot unless a petition for nomination shall have been filed
 3 in his behalf as provided for in this Section. Each such
 4 petition shall include as a part thereof ~~the oath required by~~
 5 ~~Section 7-10.1 of this Act and~~ a statement of candidacy by the
 6 candidate filing or in whose behalf the petition is filed. This
 7 statement shall set out the address of such candidate, the
 8 office for which he is a candidate, shall state that the
 9 candidate is a qualified primary voter of the party to which
 10 the petition relates, is qualified for the office specified and
 11 has filed a statement of economic interests as required by the
 12 Illinois Governmental Ethics Act, shall request that the
 13 candidate's name be placed upon the official ballot and shall
 14 be subscribed and sworn by such candidate before some officer
 15 authorized to take acknowledgment of deeds in this State and
 16 may be in substantially the following form:

17 State of Illinois)

18) ss.

19 County)

20 I,, being first duly sworn, say that I reside at
 21 street in the city (or village of) in the county of
 22 State of Illinois; that I am a qualified voter therein and am a
 23 qualified primary voter of party; that I am a candidate
 24 for nomination to the office of to be voted upon at the
 25 primary election to be held on (insert date); that I am legally
 26 qualified to hold such office and that I have filed a statement

1 of economic interests as required by the Illinois Governmental
2 Ethics Act and I hereby request that my name be printed upon
3 the official primary ballot for nomination for such office.

4 Signed

5 Subscribed and sworn to (or affirmed) before me by,
6 who is to me personally known, on (insert date).

7 Signed (Official Character)

8 (Seal if officer has one.)

9 The receipt issued by the Secretary of State indicating
10 that the candidate has filed the statement of economic
11 interests required by the Illinois Governmental Ethics Act must
12 be filed with the petitions for nomination as provided in
13 subsection (8) of Section 7-12 of this Code.

14 All petitions for nomination for the office of State
15 Senator shall be signed by at least 1,000 but not more than
16 3,000 of the qualified primary electors of the candidate's
17 party in his legislative district.

18 All petitions for nomination for the office of
19 Representative in the General Assembly shall be signed by at
20 least 500 but not more than 1,500 of the qualified primary
21 electors of the candidate's party in his or her representative
22 district.

23 Opposite the signature of each qualified primary elector
24 who signs a petition for nomination for the office of State
25 Representative or State Senator such elector's residence
26 address shall be written or printed. The residence address

1 required to be written or printed opposite each qualified
2 primary elector's name shall include the street address or
3 rural route number of the signer, as the case may be, as well
4 as the signer's county and city, village or town.

5 For the purposes of this Section, the number of primary
6 electors shall be determined by taking the total vote cast, in
7 the applicable district, for the candidate for such political
8 party who received the highest number of votes, state-wide, at
9 the last general election in the State at which electors for
10 President of the United States were elected.

11 A "qualified primary elector" of a party may not sign
12 petitions for or be a candidate in the primary of more than one
13 party.

14 In the affidavit at the bottom of each sheet, the petition
15 circulator, who shall be a person 18 years of age or older who
16 is a citizen of the United States, shall state his or her
17 street address or rural route number, as the case may be, as
18 well as his or her county, city, village or town, and state;
19 and shall certify that the signatures on that sheet of the
20 petition were signed in his or her presence; and shall certify
21 that the signatures are genuine; and shall certify that to the
22 best of his or her knowledge and belief the persons so signing
23 were at the time of signing the petition qualified primary
24 voters for which the nomination is sought.

25 In the affidavit at the bottom of each petition sheet, the
26 petition circulator shall either (1) indicate the dates on

1 which he or she circulated that sheet, or (2) indicate the
2 first and last dates on which the sheet was circulated, or (3)
3 certify that none of the signatures on the sheet were signed
4 more than 90 days preceding the last day for the filing of the
5 petition. No petition sheet shall be circulated more than 90
6 days preceding the last day provided in Section 8-9 for the
7 filing of such petition.

8 All petition sheets which are filed with the State Board of
9 Elections shall be the original sheets which have been signed
10 by the voters and by the circulator, and not photocopies or
11 duplicates of such sheets.

12 The person circulating the petition, or the candidate on
13 whose behalf the petition is circulated, may strike any
14 signature from the petition, provided that:

15 (1) the person striking the signature shall initial the
16 petition at the place where the signature is struck; and

17 (2) the person striking the signature shall sign a
18 certification listing the page number and line number of
19 each signature struck from the petition. Such
20 certification shall be filed as a part of the petition.

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

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

23 Sec. 10-5. All petitions for nomination shall, besides
24 containing the names of candidates, specify as to each:

25 1. The office or offices to which such candidate or

1 candidates shall be nominated.

2 2. The new political party, if any, represented, expressed
3 in not more than 5 words. However, such party shall not bear
4 the same name as, nor include the name of any established
5 political party as defined in this Article. This prohibition
6 does not preclude any established political party from making
7 nominations in those cases in which it is authorized to do so.

8 3. The place of residence of any such candidate or
9 candidates with the street and number thereof, if any. In the
10 case of electors for President and Vice-President of the United
11 States, the names of candidates for President and
12 Vice-President may be added to the party name or appellation.

13 Such certificate of nomination or nomination papers in
14 addition ~~shall include as a part thereof, the oath required by~~
15 ~~Section 7-10.1 of this Act and~~ must include a statement of
16 candidacy for each of the candidates named therein, except
17 candidates for electors for President and Vice-President of the
18 United States. Each such statement shall set out the address of
19 such candidate, the office for which he is a candidate, shall
20 state that the candidate is qualified for the office specified
21 and has filed (or will file before the close of the petition
22 filing period) a statement of economic interests as required by
23 the Illinois Governmental Ethics Act, shall request that the
24 candidate's name be placed upon the official ballot and shall
25 be subscribed and sworn to by such candidate before some
26 officer authorized to take acknowledgments of deeds in this

1 State, and may be in substantially the following form:

2 State of Illinois)

3) SS.

4 County of.....)

5 I,....., being first duly sworn, say that I reside at....
6 street, in the city (or village) of.... in the county of....
7 State of Illinois; and that I am a qualified voter therein;
8 that I am a candidate for election to the office of.... to be
9 voted upon at the election to be held on the.... day
10 of.....,.....; and that I am legally qualified to hold such
11 office and that I have filed (or will file before the close of
12 the petition filing period) a statement of economic interests
13 as required by the Illinois Governmental Ethics Act, and I
14 hereby request that my name be printed upon the official ballot
15 for election to such office.

16 Signed.....

17 Subscribed and sworn to (or affirmed) before me by.... who
18 is to me personally known, this.... day of.....,.....

19 Signed.....

20 (Official Character)

21 (Seal, if officer has one.)

22 In addition, a new political party petition shall have
23 attached thereto a certificate stating the names and addresses
24 of the party officers authorized to fill vacancies in
25 nomination pursuant to Section 10-11.

26 Nomination papers filed under this Section are not valid if

1 the candidate named therein fails to file a statement of
2 economic interests as required by the Illinois Governmental
3 Ethics Act in relation to his candidacy with the appropriate
4 officer by the end of the period for the filing of nomination
5 papers unless he has filed a statement of economic interests in
6 relation to the same governmental unit with that officer during
7 the same calendar year as the year in which such nomination
8 papers were filed. If the nomination papers of any candidate
9 and the statement of economic interest of that candidate are
10 not required to be filed with the same officer, the candidate
11 must file with the officer with whom the nomination papers are
12 filed a receipt from the officer with whom the statement of
13 economic interests is filed showing the date on which such
14 statement was filed. Such receipt shall be so filed not later
15 than the last day on which nomination papers may be filed.

16 (Source: P.A. 84-551.)

17 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

18 Sec. 22-1. Abstracts of votes. Within 21 days after the
19 close of the election at which candidates for offices
20 hereinafter named in this Section are voted upon, the election
21 authorities of the respective counties shall open the returns
22 and make abstracts of the votes on a separate sheet for each of
23 the following:

24 A. For Governor and Lieutenant Governor;

25 B. For State officers;

- 1 C. For presidential electors;
- 2 D. For United States Senators and Representatives to
3 Congress;
- 4 E. For judges of the Supreme Court;
- 5 F. For judges of the Appellate Court;
- 6 G. For judges of the circuit court;
- 7 H. For Senators and Representatives to the General
8 Assembly;
- 9 I. For State's Attorneys elected from 2 or more
10 counties;
- 11 J. For amendments to the Constitution, and for other
12 propositions submitted to the electors of the entire State;
- 13 K. For county officers and for propositions submitted
14 to the electors of the county only;
- 15 L. For Regional Superintendent of Schools;
- 16 M. For trustees of Sanitary Districts; and
- 17 N. For Trustee of a Regional Board of School Trustees.

18 Each sheet shall report the returns by precinct or ward.

19 Multiple originals of each of the sheets shall be prepared
20 and one of each shall be turned over to the chair of the county
21 central committee of each of the then existing established
22 political parties, as defined in Section 10-2, or his duly
23 authorized representative immediately after the completion of
24 the entries on the sheets and before the totals have been
25 compiled.

26 The foregoing abstracts shall be preserved by the election

1 authority in its office.

2 Whenever any county clerk is unable to canvass the vote,
3 the deputy county clerk or a designee of the county clerk shall
4 serve in his or her place.

5 The powers and duties of the election authority canvassing
6 the votes are limited to those specified in this Section.

7 No person who is shown by the election authority's
8 proclamation to have been elected at the consolidated election
9 or general election as a write-in candidate shall take office
10 unless that person has first filed with the certifying office
11 or board a statement of candidacy pursuant to Section 7-10 or
12 Section 10-5, ~~a statement pursuant to Section 7-10.1,~~ and a
13 receipt for filing a statement of economic interests in
14 relation to the unit of government to which he or she has been
15 elected. For officers elected at the consolidated election, the
16 certifying officer shall notify the election authority of the
17 receipt of those documents, and the county clerk shall issue
18 the certification of election under the provisions of Section
19 22-18.

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

21 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

22 Sec. 22-7. Canvass of votes; declaration and proclamation
23 of result. The State Board of Elections, shall proceed within
24 31 days after the election, and sooner if all the returns are
25 received, to canvass the votes given for United States Senators

1 and Representatives to Congress, State executive officers,
2 judges of the Supreme Court, judges of the Appellate Court,
3 judges of the Circuit Court, Senators, Representatives to the
4 General Assembly, State's Attorneys and Regional
5 Superintendents of Schools elected from 2 or more counties,
6 respectively, and the persons having the highest number of
7 votes for the respective offices shall be declared duly
8 elected, but if it appears that more than the number of persons
9 to be elected have the highest and an equal number of votes for
10 the same office, the electoral board shall decide by lot which
11 of such persons shall be elected; and to each person duly
12 elected, the Governor shall give a certificate of election or
13 commission, as the case may require, and shall cause
14 proclamation to be made of the result of the canvass, and they
15 shall at the same time and in the same manner, canvass the vote
16 cast upon amendments to the Constitution, and upon other
17 propositions submitted to the electors of the entire State; and
18 the Governor shall cause to be made such proclamation of the
19 result of the canvass as the statutes elsewhere provide. The
20 State Board of Elections shall transmit to the State
21 Comptroller a list of the persons elected to the various
22 offices. The State Board of Elections shall also transmit to
23 the Supreme Court the names of persons elected to judgeships in
24 adversary elections and the names of judges who fail to win
25 retention in office.

26 No person who is shown by the canvassing board's

1 proclamation to have been elected at the consolidated election
2 or general election as a write-in candidate shall take office
3 unless that person has first filed with the certifying office
4 or board a statement of candidacy pursuant to Section 7-10 or
5 Section 10-5, ~~a statement pursuant to Section 7-10.1,~~ and a
6 receipt for filing a statement of economic interests in
7 relation to the unit of government to which he or she has been
8 elected. For officers elected at the consolidated election, the
9 certifying officer shall notify the election authority of the
10 receipt of those documents, and the county clerk shall issue
11 the certification of election under the provisions of Section
12 22-18.

13 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05.)

14 (10 ILCS 5/22-17) (from Ch. 46, par. 22-17)

15 Sec. 22-17. (a) Except as provided in subsection (b), the
16 canvass of votes cast at the consolidated election shall be
17 conducted by the election authority within 21 days after the
18 close of such elections.

19 (b) The board of election commissioners as provided in
20 Section 22-8 shall canvass the votes cast at the consolidated
21 election for offices of any political subdivision entirely
22 within the jurisdiction of a municipal board of election
23 commissioners.

24 (c) The canvass of votes cast upon any public questions
25 submitted to the voters of any political subdivision, or any

1 precinct or combination of precincts within a political
2 subdivision, at any regular election or at any emergency
3 referendum election, including votes cast by voters outside of
4 the political subdivision where the question is for annexation
5 thereto, shall be canvassed by the same election authority as
6 for the canvass of votes of the officers of such political
7 subdivision. However, referenda conducted throughout a county
8 and referenda of sanitary districts whose officers are elected
9 at general elections shall be canvassed by the county clerk.
10 The votes cast on a public question for the formation of a
11 political subdivision shall be canvassed by the relevant
12 election authority and filed with the circuit court that
13 ordered the question submitted.

14 (c-5) No person who is shown by the election authority's
15 proclamation to have been elected at the consolidated election
16 or general election as a write-in candidate shall take office
17 unless that person has first filed with the certifying office
18 or board a statement of candidacy pursuant to Section 7-10 or
19 Section 10-5, ~~a statement pursuant to Section 7-10.1,~~ and a
20 receipt for filing a statement of economic interests in
21 relation to the unit of government to which he or she has been
22 elected. For officers elected at the consolidated election, the
23 certifying officer shall notify the election authority of the
24 receipt of those documents, and the county clerk shall issue
25 the certification of election under the provisions of Section
26 22-18.

1 (d) The canvass of votes for offices of political
2 subdivisions cast at special elections to fill vacancies held
3 on the day of any regular election shall be conducted by the
4 election authority which is responsible for canvassing the
5 votes at the regularly scheduled election for such office.

6 (e) Abstracts of votes prepared pursuant to canvasses under
7 this Section shall report returns by precinct or ward.

8 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;
9 95-331, eff. 8-21-07.)

10 (10 ILCS 5/7-10.1 rep.)

11 Section 10. The Election Code is amended by repealing
12 Section 7-10.1.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.