



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4852

Introduced 1/27/2022, by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-10

from Ch. 46, par. 10-10

Amends the Election Code. In provisions relating to the receipt of the certificate of nomination, nomination papers, or proposed question of public policy and an objector's petition by the electoral board, provides that the chair of the electoral board shall also send a call (as well as a certified copy of its ruling with other specified documents) by registered or certified mail to the election authority to whom the ballot is certified (currently, the call needs to be sent to: each of the members of the electoral board; the objector who filed the objector's petition; and either the candidate whose certificate of nomination or nomination papers are objected to or the principal proponent or attorney for proponents of a question of public policy, as the case may be, whose petitions are objected to).

LRB102 24039 AWJ 33256 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 Section 10-10 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
17 of public policy, as the case may be, whose petitions are
18 objected to; and to the election authority to whom the ballot
19 is certified. The chair of the electoral board other than the
20 State Board of Elections,~~and~~ shall also cause the sheriff of
21 the county or counties in which such officers and persons
22 reside to serve a copy of such call upon each of such officers
23 and persons, which call shall set out the fact that the

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

1 proponents of the proposed Constitutional amendment or
2 statewide question of public policy and shall state the day,
3 hour, and place at which the electoral board shall meet for the
4 purpose, which place may be in the Capitol Building or in the
5 principal or permanent branch office of the State Board. The
6 day of the meeting shall not be less than 3 nor more than 5
7 days after the receipt of the certificate of nomination or
8 nomination papers and the objector's petition by the chair of
9 the electoral board.

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

19 Service of such subpoenas shall be made by any sheriff or
20 other person in the same manner as in cases in such court and
21 the fees of such sheriff shall be the same as is provided by
22 law, and shall be paid by the objector or candidate who causes
23 the issuance of the subpoena. In case any person so served
24 shall knowingly neglect or refuse to obey any such subpoena,
25 or to testify, the electoral board shall at once file a
26 petition in the circuit court of the county in which such

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

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

22 In the event of a State Electoral Board hearing on
23 objections to a petition for an amendment to Article IV of the
24 Constitution pursuant to Section 3 of Article XIV of the
25 Constitution, or to a petition for a question of public policy
26 to be submitted to the voters of the entire State, the

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

17 The electoral board shall take up the question as to
18 whether or not the certificate of nomination or nomination
19 papers or petitions are in proper form, and whether or not they
20 were filed within the time and under the conditions required
21 by law, and whether or not they are the genuine certificate of
22 nomination or nomination papers or petitions which they
23 purport to be, and whether or not in the case of the
24 certificate of nomination in question it represents accurately
25 the decision of the caucus or convention issuing it, and in
26 general shall decide whether or not the certificate of

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

18 Upon the expiration of the period within which a
19 proceeding for judicial review must be commenced under Section
20 10-10.1, the electoral board shall, unless a proceeding for
21 judicial review has been commenced within such period,
22 transmit, by registered or certified mail, a certified copy of
23 its ruling, together with the original certificate of
24 nomination or nomination papers or petitions and the original
25 objector's petition, to the officer or board with whom the
26 certificate of nomination or nomination papers or petitions,

1 as objected to, were on file and to the election authority to
2 whom the ballot is certified, and such officer or board shall
3 abide by and comply with the ruling so made to all intents and
4 purposes.

5 (Source: P.A. 99-78, eff. 7-20-15; 99-642, eff. 7-28-16;
6 100-1027, eff. 1-1-19.)