

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, 13-2, and 14-3.1 as follows:

6 (10 ILCS 5/1-3) (from Ch. 46, par. 1-3)

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

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

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

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

23 4. "General election" means the biennial election at
24 which members of the General Assembly are elected. "General
25 primary election", "consolidated election" and "consolidated
26 primary election" mean the respective elections or the
27 election dates designated and established in Article 2A of
28 this Code.

29 5. "Municipal election" means an election or primary,
30 either regular or special, in cities, villages, and
31 incorporated towns; and "municipality" means any such city,

1 village or incorporated town.

2 6. "Political or governmental subdivision" means any
3 unit of local government, or school district in which
4 elections are or may be held. "Political or governmental
5 subdivision" also includes, for election purposes, Regional
6 Boards of School Trustees, and Township Boards of School
7 Trustees.

8 7. The word "township" and the word "town" shall apply
9 interchangeably to the type of governmental organization
10 established in accordance with the provisions of the Township
11 Code. The term "incorporated town" shall mean a municipality
12 referred to as an incorporated town in the Illinois Municipal
13 Code, as now or hereafter amended.

14 8. "Election authority" means a county clerk or a Board
15 of Election Commissioners.

16 9. "Election Jurisdiction" means (a) an entire county,
17 in the case of a county in which no city board of election
18 commissioners is located or which is under the jurisdiction
19 of a county board of election commissioners; (b) the
20 territorial jurisdiction of a city board of election
21 commissioners; and (c) the territory in a county outside of
22 the jurisdiction of a city board of election commissioners.
23 In each instance election jurisdiction shall be determined
24 according to which election authority maintains the permanent
25 registration records of qualified electors.

26 10. "Local election official" means the clerk or
27 secretary of a unit of local government or school district,
28 as the case may be, the treasurer of a township board of
29 school trustees, and the regional superintendent of schools
30 with respect to the various school officer elections and
31 school referenda for which the regional superintendent is
32 assigned election duties by The School Code, as now or
33 hereafter amended.

34 11. "Judges of election", "primary judges" and similar

1 terms, as applied to cases where there are 2 sets of judges,
2 when used in connection with duties at an election during the
3 hours the polls are open, refer to the team of judges of
4 election on duty during such hours; and, when used with
5 reference to duties after the closing of the polls, refer to
6 the team of tally judges designated to count the vote after
7 the closing of the polls and the holdover judges designated
8 pursuant to Section 13-6.2 or 14-5.2. In such case, where,
9 after the closing of the polls, any act is required to be
10 performed by each of the judges of election, it shall be
11 performed by each of the tally judges and by each of the
12 holdover judges.

13 12. "Petition" of candidacy as used in Sections 7-10 and
14 7-10.1 shall consist of a statement of candidacy, candidate's
15 statement containing oath, and sheets containing signatures
16 of qualified primary electors bound together.

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

22 14. "District" means any area which votes as a unit for
23 the election of any officer, other than the State or a unit
24 of local government or school district, and includes, but is
25 not limited to, legislative, congressional and judicial
26 districts, judicial circuits, county board districts,
27 municipal and sanitary district wards, school board
28 districts, and precincts.

29 15. "Question of public policy" or "public question"
30 means any question, proposition or measure submitted to the
31 voters at an election dealing with subject matter other than
32 the nomination or election of candidates and shall include,
33 but is not limited to, any bond or tax referendum, and
34 questions relating to the Constitution.

1 16. "Ordinance providing the form of government of a
2 municipality or county pursuant to Article VII of the
3 Constitution" includes ordinances, resolutions and petitions
4 adopted by referendum which provide for the form of
5 government, the officers or the manner of selection or terms
6 of office of officers of such municipality or county,
7 pursuant to the provisions of Sections 4, 6 or 7 of Article
8 VII of the Constitution.

9 17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29,
10 6-60, and 6-66 shall include a computer tape or computer disc
11 or other electronic data processing information containing
12 voter information.

13 18. "Accessible" means accessible to handicapped and
14 elderly individuals for the purpose of voting or
15 registration, as determined by rule of the State Board of
16 Elections.

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

18 20. "Handicapped" means having a temporary or permanent
19 physical disability.

20 21. "Leading political party" means one of the two
21 political parties whose candidates for governor at the most
22 recent three gubernatorial election elections received either
23 the highest or second highest average number of votes. The
24 political party whose candidates for governor received the
25 highest average number of votes shall be known as the first
26 leading political party and the political party whose
27 candidates for governor received the second highest average
28 number of votes shall be known as the second leading
29 political party.

30 22. "Business day" means any day in which the office of
31 an election authority, local election official or the State
32 Board of Elections is open to the public for a minimum of 7
33 hours.

34 23. "Homeless individual" means any person who has a

1 nontraditional residence, including but not limited to, a
2 shelter, day shelter, park bench, street corner, or space
3 under a bridge.

4 (Source: P.A. 90-358, eff. 1-1-98.)

5 (10 ILCS 5/13-2) (from Ch. 46, par. 13-2)

6 Sec. 13-2. In counties under the township organization
7 the county board shall at its meeting in May in each
8 even-numbered year except in counties containing a population
9 of 3,000,000 inhabitants or over and except when such judges
10 are appointed by election commissioners, select in each
11 election precinct in the county, 5 capable and discreet
12 persons to be judges of election who shall possess the
13 qualifications required by this Act for such judges. Where
14 neither voting machines nor electronic, mechanical or
15 electric voting systems are used, the county board may, for
16 any precinct with respect to which the board considers such
17 action necessary or desirable in view of the number of
18 voters, and shall for general elections for any precinct
19 containing more than 600 registered voters, appoint in
20 addition to the 5 judges of election a team of 5 tally
21 judges. In such precincts the judges of election shall
22 preside over the election during the hours the polls are
23 open, and the tally judges, with the assistance of the
24 holdover judges designated pursuant to Section 13-6.2, shall
25 count the vote after the closing of the polls. The tally
26 judges shall possess the same qualifications and shall be
27 appointed in the same manner and with the same division
28 between political parties as is provided for judges of
29 election.

30 However, the county board may appoint 3 judges of
31 election to serve in lieu of the 5 judges of election
32 otherwise required by this Section to serve in any emergency
33 referendum, or in any odd-year regular election or in any

1 special primary or special election called for the purpose of
2 filling a vacancy in the office of representative in the
3 United States Congress or to nominate candidates for such
4 purpose.

5 In addition to such precinct judges, the county board
6 shall appoint special panels of 3 judges each, who shall
7 possess the same qualifications and shall be appointed in the
8 same manner and with the same division between political
9 parties as is provided for other judges of election. The
10 number of such panels of judges required shall be determined
11 by regulations of the State Board of Elections, which shall
12 base the required number of special panels on the number of
13 registered voters in the jurisdiction or the number of
14 absentee ballots voted at recent elections or any combination
15 of such factors.

16 No more than 3 persons of the same political party shall
17 be appointed judges in the same election district or
18 undivided precinct. For precincts with boundaries unchanged
19 since the last preceding gubernatorial election, the election
20 of the judges of election in the various election precincts
21 shall be made in the following manner: The county board shall
22 select and approve 3 of the election judges in each precinct
23 from a certified list furnished by the chairman of the County
24 Central Committee of the first leading political party in
25 such election precinct and shall also select and approve 2
26 judges of election in each election precinct from a certified
27 list furnished by the chairman of the County Central
28 Committee of the second leading political party in such
29 election precinct. However, if only 3 judges of election
30 serve in each election precinct, no more than 2 persons of
31 the same political party shall be judges of election in the
32 same election precinct; and which political party is entitled
33 to 2 judges of election and which political party is entitled
34 to one judge of election shall be determined in the same

1 manner as set forth in the next two preceding sentences with
2 regard to 5 election judges in each precinct. The respective
3 County Central Committee chairman shall notify the county
4 board by June 1 of each odd-numbered year immediately
5 preceding the annual meeting of the county board whether or
6 not such certified list will be filed by such chairman. Such
7 list shall be arranged according to precincts. The chairman
8 of each county central committee shall, insofar as possible,
9 list persons who reside within the precinct in which they are
10 to serve as judges. However, he may, in his sole discretion,
11 submit the names of persons who reside outside the precinct
12 but within the county embracing the precinct in which they
13 are to serve. He must, however, submit the names of at least
14 2 residents of the precinct for each precinct in which his
15 party is to have 3 judges and must submit the name of at
16 least one resident of the precinct for each precinct in which
17 his party is to have 2 judges. Such certified list, if filed,
18 shall be filed with the county clerk not less than 20 days
19 before the annual meeting of the county board. The county
20 board shall acknowledge in writing to each county chairman
21 the names of all persons submitted on such certified list and
22 the total number of persons listed thereon. If no such list
23 is filed or the list is incomplete (that is, no names or an
24 insufficient number of names are furnished for certain
25 election precincts), the county board shall make or complete
26 such list from the names contained in the supplemental list
27 provided for in Section 13-1.1. Provided, further, that in
28 any case where a township has been or shall be redistricted,
29 in whole or in part, subsequent to one general election for
30 Governor, and prior to the next, the judges of election to be
31 selected for all new or altered precincts shall be selected
32 in that one of the methods above detailed, which shall be
33 applicable according to the facts and circumstances of the
34 particular case, but the majority of such judges for each

1 such precinct shall, to the extent possible and
2 ascertainable, be selected from the first leading political
3 party, and the minority judges from the second leading
4 political party. Provided, further, that in counties having a
5 population of 1,000,000 inhabitants or over the selection of
6 judges of election shall be made in the same manner in all
7 respects as in other counties, except that the provisions
8 relating to tally judges are inapplicable to such counties
9 and except that the county board shall meet during the month
10 of January for the purpose of making such selection and the
11 chairman of each county central committee shall notify the
12 county board by the preceding October 1 whether or not the
13 certified list will be filed. Such judges of election shall
14 hold their office for 2 years from their appointment and
15 until their successors are duly appointed in the manner
16 provided in this Act. The county board shall fill all
17 vacancies in the office of judges of elections at any time in
18 the manner herein provided.

19 Such selections under this Section shall be confirmed by
20 the circuit court as provided in Section 13-3 of this
21 Article.

22 (Source: P.A. 91-352, eff. 1-1-00.)

23 (10 ILCS 5/14-3.1) (from Ch. 46, par. 14-3.1)

24 Sec. 14-3.1. The board of election commissioners shall,
25 during the month of May of each even-numbered year, select
26 for each election precinct within the jurisdiction of the
27 board 5 persons to be judges of election who shall possess
28 the qualifications required by this Act for such judges. For
29 precincts with boundaries unchanged since the last preceding
30 gubernatorial election, the selection shall be made by a
31 county board of election commissioners in the following
32 manner: the county board of election commissioners shall
33 select and approve 3 persons as judges of election in each

1 election precinct from a certified list furnished by the
2 chairman of the county central committee of the first leading
3 political party in that precinct; the county board of
4 election commissioners also shall select and approve 2
5 persons as judges of election in each election precinct from
6 a certified list furnished by the chairman of the county
7 central committee of the second leading political party in
8 that precinct. For precincts with boundaries unchanged since
9 the last preceding gubernatorial election, the selection by a
10 municipal board of election commissioners shall be made in
11 the following manner: for each precinct, 3 judges shall be
12 selected from one of the 2 leading political parties and the
13 other 2 judges shall be selected from the other leading
14 political party; the parties entitled to 3 and 2 judges,
15 respectively, in the several precincts shall be determined as
16 provided in Section 14-4. However, a Board of Election
17 Commissioners may appoint three judges of election to serve
18 in lieu of the 5 judges of election otherwise required by
19 this Section to serve in any emergency referendum, or in any
20 odd-year regular election or in any special primary or
21 special election called for the purpose of filling a vacancy
22 in the office of representative in the United States Congress
23 or to nominate candidates for such purpose.

24 If only 3 judges of election serve in each election
25 precinct, no more than 2 persons of the same political party
26 shall be judges of election in the same election precinct,
27 and which political party is entitled to 2 judges of election
28 and which political party is entitled to one judge of
29 election shall be determined as set forth in this Section for
30 a county board of election commissioners' selection of 5
31 election judges in each precinct or in Section 14-4 for a
32 municipal board of election commissioners' selection of
33 election judges in each precinct, whichever is appropriate.
34 In addition to such precinct judges, the board of election

1 commissioners shall appoint special panels of 3 judges each,
2 who shall possess the same qualifications and shall be
3 appointed in the same manner and with the same division
4 between political parties as is provided for other judges of
5 election. The number of such panels of judges required shall
6 be determined by regulation of the State Board of Elections,
7 which shall base the required number of special panels on the
8 number of registered voters in the jurisdiction or the number
9 of absentee ballots voted at recent elections or any
10 combination of such factors. A municipal board of election
11 commissioners shall make the selections of persons qualified
12 under Section 14-1 from certified lists furnished by the
13 chairman of the respective county central committees of the 2
14 leading political parties. Lists furnished by chairmen of
15 county central committees under this Section shall be
16 arranged according to precincts. The chairman of each county
17 central committee shall, insofar as possible, list persons
18 who reside within the precinct in which they are to serve as
19 judges. However, he may, in his sole discretion, submit the
20 names of persons who reside outside the precinct but within
21 the county embracing the precinct in which they are to serve.
22 He must, however, submit the names of at least 2 residents of
23 the precinct for each precinct in which his party is to have
24 3 judges and must submit the name of at least one resident of
25 the precinct for each precinct in which his party is to have
26 2 judges. The board of election commissioners shall no later
27 than March 1 of each even-numbered year notify the chairmen
28 of the respective county central committees of their
29 responsibility to furnish such lists, and each such chairman
30 shall furnish the board of election commissioners with the
31 list for his party on or before May 1 of each even-numbered
32 year. The board of election commissioners shall acknowledge
33 in writing to each county chairman the names of all persons
34 submitted on such certified list and the total number of

1 persons listed thereon. If no such list is furnished or if no
2 names or an insufficient number of names are furnished for
3 certain precincts, the board of election commissioners shall
4 make or complete such list from the names contained in the
5 supplemental list provided for in Section 14-3.2. Judges of
6 election shall hold their office for 2 years from their
7 appointment and until their successors are duly appointed in
8 the manner herein provided. The board of election
9 commissioners shall, subject to the provisions of Section
10 14-3.2, fill all vacancies in the office of judges of
11 election at any time in the manner herein provided.

12 Such selections under this Section shall be confirmed by
13 the court as provided in Section 14-5.

14 (Source: P.A. 89-471, eff. 6-13-96.)