



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-9

from Ch. 46, par. 10-9

Amends the Election Code. In counties with 3,000,000 or more population, provides that the county officers electoral board shall serve in place of municipal, township, and educational officers electoral boards of the county other than the municipal officers electoral board of a municipality of 1,000,000 or more population.

LRB093 19858 JAM 45601 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 Section
5 10-9 as follows:

6 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

7 Sec. 10-9. The following electoral boards are designated
8 for the purpose of hearing and passing upon the objector's
9 petition described in Section 10-8.

10 1. The State Board of Elections will hear and pass upon
11 objections to the nominations of candidates for State offices,
12 nominations of candidates for congressional, legislative and
13 judicial offices of districts or circuits situated in more than
14 one county, nominations of candidates for the offices of
15 State's attorney or regional superintendent of schools to be
16 elected from more than one county, and petitions for proposed
17 amendments to the Constitution of the State of Illinois as
18 provided for in Section 3 of Article XIV of the Constitution.

19 2. The county officers electoral board to hear and pass
20 upon objections to the nominations of candidates for county
21 offices, for congressional, legislative and judicial offices
22 of a district or circuit coterminous with or less than a
23 county, for school trustees to be voted for by the electors of
24 the county or by the electors of a township of the county, for
25 the office of multi-township assessor where candidates for such
26 office are nominated in accordance with this Code, and for all
27 special district offices, shall be composed of the county
28 clerk, or an assistant designated by the county clerk, the
29 State's attorney of the county or an Assistant State's Attorney
30 designated by the State's Attorney, and the clerk of the
31 circuit court, or an assistant designated by the clerk of the
32 circuit court, of the county, of whom the county clerk or his

1 designee shall be the chairman, except that in any county which
2 has established a county board of election commissioners that
3 board shall constitute the county officers electoral board
4 ex-officio. In counties of 3,000,000 or more population, the
5 county officers electoral board shall also hear and pass upon
6 those objector's petitions that would otherwise be dealt with
7 by the municipal officers electoral boards (other than the
8 municipal officers electoral board of a municipality of
9 1,000,000 or more population), township officers electoral
10 boards, and educational officers electoral boards within that
11 county. When a county officers electoral board is serving as a
12 municipal, township, or educational officers electoral board,
13 references in this Code to a municipal, township, or
14 educational officers electoral board shall mean that county
15 officers electoral board.

16 3. The municipal officers electoral board to hear and pass
17 upon objections to the nominations of candidates for officers
18 of municipalities, except as otherwise provided in this
19 Section, shall be composed of the mayor or president of the
20 board of trustees of the city, village or incorporated town,
21 and the city, village or incorporated town clerk, and one
22 member of the city council or board of trustees, that member
23 being designated who is eligible to serve on the electoral
24 board and has served the greatest number of years as a member
25 of the city council or board of trustees, of whom the mayor or
26 president of the board of trustees shall be the chairman.

27 4. The township officers electoral board to pass upon
28 objections to the nominations of township officers, except as
29 otherwise provided in this Section, shall be composed of the
30 township supervisor, the town clerk, and that eligible town
31 trustee elected in the township who has had the longest term of
32 continuous service as town trustee, of whom the township
33 supervisor shall be the chairman.

34 5. The education officers electoral board to hear and pass
35 upon objections to the nominations of candidates for offices in
36 school or community college districts, except as otherwise

1 provided in this Section, shall be composed of the presiding
2 officer of the school or community college district board, who
3 shall be the chairman, the secretary of the school or community
4 college district board and the eligible elected school or
5 community college board member who has the longest term of
6 continuous service as a board member.

7 6. In all cases, however, where the Congressional or
8 Legislative district is wholly within the jurisdiction of a
9 board of election commissioners and in all cases where the
10 school district or special district is wholly within the
11 jurisdiction of a municipal board of election commissioners and
12 in all cases where the municipality or township is wholly or
13 partially within the jurisdiction of a municipal board of
14 election commissioners, the board of election commissioners
15 shall ex-officio constitute the electoral board.

16 For special districts situated in more than one county, the
17 county officers electoral board of the county in which the
18 principal office of the district is located has jurisdiction to
19 hear and pass upon objections. For purposes of this Section,
20 "special districts" means all political subdivisions other
21 than counties, municipalities, townships and school and
22 community college districts.

23 In the event that any member of the appropriate board is a
24 candidate for the office with relation to which the objector's
25 petition is filed, he shall not be eligible to serve on that
26 board and shall not act as a member of the board and his place
27 shall be filled as follows:

28 a. In the county officers electoral board by the county
29 treasurer, and if he or she is ineligible to serve, by the
30 sheriff of the county.

31 b. In the municipal officers electoral board by the
32 eligible elected city council or board of trustees member
33 who has served the second greatest number of years as a
34 city council or board of trustees member.

35 c. In the township officers electoral board by the
36 eligible elected town trustee who has had the second

1 longest term of continuous service as a town trustee.

2 d. In the education officers electoral board by the
3 eligible elected school or community college district
4 board member who has had the second longest term of
5 continuous service as a board member.

6 In the event that the chairman of the electoral board is
7 ineligible to act because of the fact that he is a candidate
8 for the office with relation to which the objector's petition
9 is filed, then the substitute chosen under the provisions of
10 this Section shall be the chairman; In this case, the officer
11 or board with whom the objector's petition is filed, shall
12 transmit the certificate of nomination or nomination papers as
13 the case may be, and the objector's petition to the substitute
14 chairman of the electoral board.

15 When 2 or more eligible individuals, by reason of their
16 terms of service on a city council or board of trustees,
17 township board of trustees, or school or community college
18 district board, qualify to serve on an electoral board, the one
19 to serve shall be chosen by lot.

20 Any vacancies on an electoral board not otherwise filled
21 pursuant to this Section shall be filled by public members
22 appointed by the Chief Judge of the Circuit Court for the
23 county wherein the electoral board hearing is being held upon
24 notification to the Chief Judge of such vacancies. The Chief
25 Judge shall be so notified by a member of the electoral board
26 or the officer or board with whom the objector's petition was
27 filed. In the event that none of the individuals designated by
28 this Section to serve on the electoral board are eligible, the
29 chairman of an electoral board shall be designated by the Chief
30 Judge.

31 (Source: P.A. 87-570.)