



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB5001**

Introduced 01/23/06, by Rep. Karen A. Yarbrough

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/10-9

from Ch. 46, par. 10-9

Amends the Election Code. Eliminates education officers electoral boards. Provides that their functions shall be performed by the county officers electoral boards, except that the State Board of Elections shall serve as the electoral board for school districts and community college districts in more than one county.

LRB094 18954 JAM 54413 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, subcircuits, or circuits  
14 situated in more than one county, nominations of candidates for  
15 the offices of State's attorney or regional superintendent of  
16 schools to be elected from more than one county, nominations of  
17 candidates for offices of a school or community college  
18 district in more than one county, and petitions for proposed  
19 amendments to the Constitution of the State of Illinois as  
20 provided for in Section 3 of Article XIV of the Constitution.

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

1 Assistant State's Attorney designated by the State's Attorney,  
2 and the clerk of the circuit court, or an assistant designated  
3 by the clerk of the circuit court, of the county, of whom the  
4 county clerk or his designee shall be the chairman, except that  
5 in any county which has established a county board of election  
6 commissioners that board shall constitute the county officers  
7 electoral board ex-officio.

8 3. The municipal officers electoral board to hear and pass  
9 upon objections to the nominations of candidates for officers  
10 of municipalities shall be composed of the mayor or president  
11 of the board of trustees of the city, village or incorporated  
12 town, and the city, village or incorporated town clerk, and one  
13 member of the city council or board of trustees, that member  
14 being designated who is eligible to serve on the electoral  
15 board and has served the greatest number of years as a member  
16 of the city council or board of trustees, of whom the mayor or  
17 president of the board of trustees shall be the chairman.

18 4. The township officers electoral board to pass upon  
19 objections to the nominations of township officers shall be  
20 composed of the township supervisor, the town clerk, and that  
21 eligible town trustee elected in the township who has had the  
22 longest term of continuous service as town trustee, of whom the  
23 township supervisor shall be the chairman.

24 5. (Blank.) ~~The education officers electoral board to hear~~  
25 ~~and pass upon objections to the nominations of candidates for~~  
26 ~~offices in school or community college districts shall be~~  
27 ~~composed of the presiding officer of the school or community~~  
28 ~~college district board, who shall be the chairman, the~~  
29 ~~secretary of the school or community college district board and~~  
30 ~~the eligible elected school or community college board member~~  
31 ~~who has the longest term of continuous service as a board~~  
32 ~~member.~~

33 6. In all cases, however, where the Congressional or  
34 Legislative district is wholly within the jurisdiction of a  
35 board of election commissioners and in all cases where the  
36 school district or special district is wholly within the

1 jurisdiction of a municipal board of election commissioners and  
2 in all cases where the municipality or township is wholly or  
3 partially within the jurisdiction of a municipal board of  
4 election commissioners, the board of election commissioners  
5 shall ex-officio constitute the electoral board.

6 For special districts situated in more than one county, the  
7 county officers electoral board of the county in which the  
8 principal office of the district is located has jurisdiction to  
9 hear and pass upon objections. For purposes of this Section,  
10 "special districts" means all political subdivisions other  
11 than counties, municipalities, townships and school and  
12 community college districts.

13 In the event that any member of the appropriate board is a  
14 candidate for the office with relation to which the objector's  
15 petition is filed, he shall not be eligible to serve on that  
16 board and shall not act as a member of the board and his place  
17 shall be filled as follows:

18 a. In the county officers electoral board by the county  
19 treasurer, and if he or she is ineligible to serve, by the  
20 sheriff of the county.

21 b. In the municipal officers electoral board by the  
22 eligible elected city council or board of trustees member  
23 who has served the second greatest number of years as a  
24 city council or board of trustees member.

25 c. In the township officers electoral board by the  
26 eligible elected town trustee who has had the second  
27 longest term of continuous service as a town trustee.

28 ~~d. In the education officers electoral board by the~~  
29 ~~eligible elected school or community college district~~  
30 ~~board member who has had the second longest term of~~  
31 ~~continuous service as a board member.~~

32 In the event that the chairman of the electoral board is  
33 ineligible to act because of the fact that he is a candidate  
34 for the office with relation to which the objector's petition  
35 is filed, then the substitute chosen under the provisions of  
36 this Section shall be the chairman; In this case, the officer

1 or board with whom the objector's petition is filed, shall  
2 transmit the certificate of nomination or nomination papers as  
3 the case may be, and the objector's petition to the substitute  
4 chairman of the electoral board.

5 When 2 or more eligible individuals, by reason of their  
6 terms of service on a city council or board of trustees, or  
7 township board of trustees, ~~or school or community college~~  
8 ~~district board,~~ qualify to serve on an electoral board, the one  
9 to serve shall be chosen by lot.

10 Any vacancies on an electoral board not otherwise filled  
11 pursuant to this Section shall be filled by public members  
12 appointed by the Chief Judge of the Circuit Court for the  
13 county wherein the electoral board hearing is being held upon  
14 notification to the Chief Judge of such vacancies. The Chief  
15 Judge shall be so notified by a member of the electoral board  
16 or the officer or board with whom the objector's petition was  
17 filed. In the event that none of the individuals designated by  
18 this Section to serve on the electoral board are eligible, the  
19 chairman of an electoral board shall be designated by the Chief  
20 Judge.

21 (Source: P.A. 94-645, eff. 8-22-05.)