



Sen. Kirk W. Dillard

**Filed: 4/11/2005**

09400SB0204sam003

LRB094 05130 JAM 44770 a

1 AMENDMENT TO SENATE BILL 204

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 204, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Election Code is amended by changing  
6 Sections 10-5 and 10-9 as follows:

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

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

10 1. The office or offices to which such candidate or  
11 candidates shall be nominated.

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

18 3. The place of residence of any such candidate or  
19 candidates with the street and number thereof, if any. In the  
20 case of electors for President and Vice-President of the United  
21 States, the names of candidates for President and  
22 Vice-President may be added to the party name or appellation.

23 Such certificate of nomination or nomination papers in  
24 addition shall include as a part thereof, the oath required by

1 Section 7-10.1 of this Act and must include a statement of  
 2 candidacy for each of the candidates named therein, except  
 3 candidates for electors for President and Vice-President of the  
 4 United States. Each such statement shall set out the address of  
 5 such candidate, the office for which he is a candidate, shall  
 6 state that the candidate is qualified for the office specified  
 7 and has filed (or will file before the close of the petition  
 8 filing period) a statement of economic interests as required by  
 9 the Illinois Governmental Ethics Act, shall state whether  
 10 objections to the nomination (if for a municipal, township,  
 11 school district, or community college district office) shall be  
 12 heard by an appropriate municipal, township, or education  
 13 officers electoral board or by the county officers electoral  
 14 board, shall request that the candidate's name be placed upon  
 15 the official ballot and shall be subscribed and sworn to by  
 16 such candidate before some officer authorized to take  
 17 acknowledgments of deeds in this State, and may be in  
 18 substantially the following form:

19 State of Illinois)

20 ) SS.

21 County of.....)

22 I,....., being first duly sworn, say that I reside at....  
 23 street, in the city (or village) of.... in the county of....  
 24 State of Illinois; ~~and~~ that I am a qualified voter therein;  
 25 that I am a candidate for election to the office of.... to be  
 26 voted upon at the election to be held on the.... day  
 27 of.....,.....; ~~and~~ that I am legally qualified to hold such  
 28 office; ~~and~~ that I have filed (or will file before the close of  
 29 the petition filing period) a statement of economic interests  
 30 as required by the Illinois Governmental Ethics Act; if I am a  
 31 candidate for a municipal, township, school district, or  
 32 community college district office, that objections to my  
 33 nomination shall be heard by (indicate 1 or 2) ... (1) the  
 34 appropriate municipal, township, or education officers

1 electoral board or ... (2) the county officers electoral  
2 board; and that I hereby request that my name be printed upon  
3 the official ballot for election to such office.

4 Signed.....

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

7 Signed.....

8 (Official Character)

9 (Seal, if officer has one.)

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

14 Nomination papers filed under this Section are not valid if  
15 the candidate named therein fails to file a statement of  
16 economic interests as required by the Illinois Governmental  
17 Ethics Act in relation to his candidacy with the appropriate  
18 officer by the end of the period for the filing of nomination  
19 papers unless he has filed a statement of economic interests in  
20 relation to the same governmental unit with that officer during  
21 the same calendar year as the year in which such nomination  
22 papers were filed. If the nomination papers of any candidate  
23 and the statement of economic interest of that candidate are  
24 not required to be filed with the same officer, the candidate  
25 must file with the officer with whom the nomination papers are  
26 filed a receipt from the officer with whom the statement of  
27 economic interests is filed showing the date on which such  
28 statement was filed. Such receipt shall be so filed not later  
29 than the last day on which nomination papers may be filed.

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

31 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

32 Sec. 10-9. The following electoral boards are designated  
33 for the purpose of hearing and passing upon the objector's

1 petition described in Section 10-8.

2 1. The State Board of Elections will hear and pass upon  
3 objections to the nominations of candidates for State offices,  
4 nominations of candidates for congressional, legislative and  
5 judicial offices of districts or circuits situated in more than  
6 one county, nominations of candidates for the offices of  
7 State's attorney or regional superintendent of schools to be  
8 elected from more than one county, and petitions for proposed  
9 amendments to the Constitution of the State of Illinois as  
10 provided for in Section 3 of Article XIV of the Constitution.

11 2. The county officers electoral board to hear and pass  
12 upon objections to the nominations of candidates for county  
13 offices, for congressional, legislative and judicial offices  
14 of a district or circuit coterminous with or less than a  
15 county, for school trustees to be voted for by the electors of  
16 the county or by the electors of a township of the county, for  
17 the office of multi-township assessor where candidates for such  
18 office are nominated in accordance with this Code, and for all  
19 special district offices, shall be composed of the county  
20 clerk, or an assistant designated by the county clerk, the  
21 State's attorney of the county or an Assistant State's Attorney  
22 designated by the State's Attorney, and the clerk of the  
23 circuit court, or an assistant designated by the clerk of the  
24 circuit court, of the county, of whom the county clerk or his  
25 designee shall be the chairman, except that in any county which  
26 has established a county board of election commissioners that  
27 board shall constitute the county officers electoral board  
28 ex-officio. The county officers electoral board shall also hear  
29 and pass upon objector's petitions to the nomination of a  
30 candidate for municipal, township, school district, or  
31 community college district office if the candidate so indicated  
32 in his or her statement of candidacy.

33 3. Except as provided in paragraph 2, the ~~The~~ municipal  
34 officers electoral board to hear and pass upon objections to

1 the nominations of candidates for officers of municipalities  
2 shall be composed of the mayor or president of the board of  
3 trustees of the city, village or incorporated town, and the  
4 city, village or incorporated town clerk, and one member of the  
5 city council or board of trustees, that member being designated  
6 who is eligible to serve on the electoral board and has served  
7 the greatest number of years as a member of the city council or  
8 board of trustees, of whom the mayor or president of the board  
9 of trustees shall be the chairman.

10 4. Except as provided in paragraph 2, the ~~The~~ township  
11 officers electoral board to pass upon objections to the  
12 nominations of township officers shall be composed of the  
13 township supervisor, the town clerk, and that eligible town  
14 trustee elected in the township who has had the longest term of  
15 continuous service as town trustee, of whom the township  
16 supervisor shall be the chairman.

17 5. Except as provided in paragraph 2, the ~~The~~ education  
18 officers electoral board to hear and pass upon objections to  
19 the nominations of candidates for offices in school or  
20 community college districts shall be composed of the presiding  
21 officer of the school or community college district board, who  
22 shall be the chairman, the secretary of the school or community  
23 college district board and the eligible elected school or  
24 community college board member who has the longest term of  
25 continuous service as a board member.

26 6. In all cases, however, where the Congressional or  
27 Legislative district is wholly within the jurisdiction of a  
28 board of election commissioners and in all cases where the  
29 school district or special district is wholly within the  
30 jurisdiction of a municipal board of election commissioners and  
31 in all cases where the municipality or township is wholly or  
32 partially within the jurisdiction of a municipal board of  
33 election commissioners, the board of election commissioners  
34 shall ex-officio constitute the electoral board.

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

8 In the event that any member of the appropriate board is a  
9 candidate for the office with relation to which the objector's  
10 petition is filed, he shall not be eligible to serve on that  
11 board and shall not act as a member of the board and his place  
12 shall be filled as follows:

13 a. In the county officers electoral board by the county  
14 treasurer, and if he or she is ineligible to serve, by the  
15 sheriff of the county.

16 b. In the municipal officers electoral board by the  
17 eligible elected city council or board of trustees member  
18 who has served the second greatest number of years as a  
19 city council or board of trustees member.

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

23 d. In the education officers electoral board by the  
24 eligible elected school or community college district  
25 board member who has had the second longest term of  
26 continuous service as a board member.

27 In the event that the chairman of the electoral board is  
28 ineligible to act because of the fact that he is a candidate  
29 for the office with relation to which the objector's petition  
30 is filed, then the substitute chosen under the provisions of  
31 this Section shall be the chairman; In this case, the officer  
32 or board with whom the objector's petition is filed, shall  
33 transmit the certificate of nomination or nomination papers as  
34 the case may be, and the objector's petition to the substitute

1 chairman of the electoral board.

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

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

18 (Source: P.A. 87-570.)".