



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1532

Introduced 02/22/07, by Rep. Rosemary Mulligan

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-9

from Ch. 46, par. 10-9

Amends the Election Code. Provides that when a member of a municipal officers electoral board has a close personal or campaign relationship with the candidate whose nomination is the subject of an objector's petition, the objector may request that the chief judge of the appropriate circuit court conduct a hearing on whether the member's impartiality is impaired. Provides that the member is ineligible to serve on the board with respect to any objections to that candidate if the member's impartiality is found to be impaired.

LRB095 04642 JAM 24700 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, and petitions
17 for proposed amendments to the Constitution of the State of
18 Illinois as provided for in Section 3 of Article XIV of the
19 Constitution.

20 2. The county officers electoral board to hear and pass
21 upon objections to the nominations of candidates for county
22 offices, for congressional, legislative and judicial offices
23 of a district, subcircuit, or circuit coterminous with or less

1 than a county, for school trustees to be voted for by the
2 electors of the county or by the electors of a township of the
3 county, for the office of multi-township assessor where
4 candidates for such office are nominated in accordance with
5 this Code, and for all special district offices, shall be
6 composed of the county clerk, or an assistant designated by the
7 county clerk, the State's attorney of the county or an
8 Assistant State's Attorney designated by the State's Attorney,
9 and the clerk of the circuit court, or an assistant designated
10 by the clerk of the circuit court, of the county, of whom the
11 county clerk or his designee shall be the chairman, except that
12 in any county which has established a county board of election
13 commissioners that board shall constitute the county officers
14 electoral board ex-officio.

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

25 4. The township officers electoral board to pass upon
26 objections to the nominations of township officers shall be

1 composed of the township supervisor, the town clerk, and that
2 eligible town trustee elected in the township who has had the
3 longest term of continuous service as town trustee, of whom the
4 township supervisor shall be the chairman.

5 5. The education officers electoral board to hear and pass
6 upon objections to the nominations of candidates for offices in
7 school or community college districts shall be composed of the
8 presiding officer of the school or community college district
9 board, who shall be the chairman, the secretary of the school
10 or community college district board and the eligible elected
11 school or community college board member who has the longest
12 term of continuous service as a board member.

13 6. In all cases, however, where the Congressional or
14 Legislative district is wholly within the jurisdiction of a
15 board of election commissioners and in all cases where the
16 school district or special district is wholly within the
17 jurisdiction of a municipal board of election commissioners and
18 in all cases where the municipality or township is wholly or
19 partially within the jurisdiction of a municipal board of
20 election commissioners, the board of election commissioners
21 shall ex-officio constitute the electoral board.

22 For special districts situated in more than one county, the
23 county officers electoral board of the county in which the
24 principal office of the district is located has jurisdiction to
25 hear and pass upon objections. For purposes of this Section,
26 "special districts" means all political subdivisions other

1 than counties, municipalities, townships and school and
2 community college districts.

3 In the event that any member of the appropriate board is a
4 candidate for the office with relation to which the objector's
5 petition is filed, he shall not be eligible to serve on that
6 board and shall not act as a member of the board and his place
7 shall be filled as follows:

8 a. In the county officers electoral board by the county
9 treasurer, and if he or she is ineligible to serve, by the
10 sheriff of the county.

11 b. In the municipal officers electoral board by the
12 eligible elected city council or board of trustees member
13 who has served the second greatest number of years as a
14 city council or board of trustees member.

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

18 d. In the education officers electoral board by the
19 eligible elected school or community college district
20 board member who has had the second longest term of
21 continuous service as a board member.

22 In the event that the chairman of the electoral board is
23 ineligible to act because of the fact that he is a candidate
24 for the office with relation to which the objector's petition
25 is filed, then the substitute chosen under the provisions of
26 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,
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 If a member of a municipal officers electoral board has a
11 close personal or campaign relationship with a candidate whose
12 nomination is the subject of an objector's petition, that
13 objector may petition the chief judge of the circuit court for
14 the county where the electoral board hearing is to be held to
15 disqualify that member. If the chief judge determines after a
16 hearing on the request that the member's relationship impairs
17 his or her impartiality, that member is ineligible to serve on
18 the municipal officers electoral board with respect to any
19 objections to that candidate's nomination and a substitute
20 member shall be provided in accordance with this Section.

21 Any vacancies on an electoral board not otherwise filled
22 pursuant to this Section shall be filled by public members
23 appointed by the Chief Judge of the Circuit Court for the
24 county wherein the electoral board hearing is being held upon
25 notification to the Chief Judge of such vacancies. The Chief
26 Judge shall be so notified by a member of the electoral board

1 or the officer or board with whom the objector's petition was
2 filed. In the event that none of the individuals designated by
3 this Section to serve on the electoral board are eligible, the
4 chairman of an electoral board shall be designated by the Chief
5 Judge.

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