



State Government Administration Committee

**Filed: 3/21/2007**

09500HB3602ham001

LRB095 07624 MJR 34112 a

1 AMENDMENT TO HOUSE BILL 3602

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3602 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Sections 2A-1.2, 7-12, 10-9, 22-1, and 22-7 as follows:

6 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

7 Sec. 2A-1.2. Consolidated schedule of elections; offices  
8 designated.

9 (a) At the general election in the appropriate  
10 even-numbered years, the following offices shall be filled or  
11 shall be on the ballot as otherwise required by this Code:

12 (1) Elector of President and Vice President of the  
13 United States;

14 (2) United States Senator and United States  
15 Representative;

16 (3) State Executive Branch elected officers;

1 (4) State Senator and State Representative;

2 (5) County elected officers, including State's  
3 Attorney, County Board member, County Commissioners, and  
4 elected President of the County Board or County Chief  
5 Executive;

6 (6) Circuit Court Clerk;

7 (7) Regional Superintendent of Schools, except in  
8 counties or educational service regions in which that  
9 office has been abolished;

10 (8) Judges of the Supreme, Appellate and Circuit  
11 Courts, on the question of retention, to fill vacancies and  
12 newly created judicial offices;

13 (9) Members of the Illinois Commerce Commission  
14 ~~(Blank)~~;

15 (10) Trustee of the Metropolitan Sanitary District of  
16 Chicago, and elected Trustee of other Sanitary Districts;

17 (11) Special District elected officers, not otherwise  
18 designated in this Section, where the statute creating or  
19 authorizing the creation of the district requires an annual  
20 election and permits or requires election of candidates of  
21 political parties.

22 (b) At the general primary election:

23 (1) in each even-numbered year candidates of political  
24 parties shall be nominated for those offices to be filled  
25 at the general election in that year, except where pursuant  
26 to law nomination of candidates of political parties is

1 made by caucus.

2 (2) in the appropriate even-numbered years the  
3 political party offices of State central committeeman,  
4 township committeeman, ward committeeman, and precinct  
5 committeeman shall be filled and delegates and alternate  
6 delegates to the National nominating conventions shall be  
7 elected as may be required pursuant to this Code. In the  
8 even-numbered years in which a Presidential election is to  
9 be held, candidates in the Presidential preference primary  
10 shall also be on the ballot.

11 (3) in each even-numbered year, where the municipality  
12 has provided for annual elections to elect municipal  
13 officers pursuant to Section 6(f) or Section 7 of Article  
14 VII of the Constitution, pursuant to the Illinois Municipal  
15 Code or pursuant to the municipal charter, the offices of  
16 such municipal officers shall be filled at an election held  
17 on the date of the general primary election, provided that  
18 the municipal election shall be a nonpartisan election  
19 where required by the Illinois Municipal Code. For partisan  
20 municipal elections in even-numbered years, a primary to  
21 nominate candidates for municipal office to be elected at  
22 the general primary election shall be held on the Tuesday 6  
23 weeks preceding that election.

24 (4) in each school district which has adopted the  
25 provisions of Article 33 of the School Code, successors to  
26 the members of the board of education whose terms expire in

1 the year in which the general primary is held shall be  
2 elected.

3 (c) At the consolidated election in the appropriate  
4 odd-numbered years, the following offices shall be filled:

5 (1) Municipal officers, provided that in  
6 municipalities in which candidates for alderman or other  
7 municipal office are not permitted by law to be candidates  
8 of political parties, the runoff election where required by  
9 law, or the nonpartisan election where required by law,  
10 shall be held on the date of the consolidated election; and  
11 provided further, in the case of municipal officers  
12 provided for by an ordinance providing the form of  
13 government of the municipality pursuant to Section 7 of  
14 Article VII of the Constitution, such offices shall be  
15 filled by election or by runoff election as may be provided  
16 by such ordinance;

17 (2) Village and incorporated town library directors;

18 (3) City boards of stadium commissioners;

19 (4) Commissioners of park districts;

20 (5) Trustees of public library districts;

21 (6) Special District elected officers, not otherwise  
22 designated in this section, where the statute creating or  
23 authorizing the creation of the district permits or  
24 requires election of candidates of political parties;

25 (7) Township officers, including township park  
26 commissioners, township library directors, and boards of

1 managers of community buildings, and Multi-Township  
2 Assessors;

3 (8) Highway commissioners and road district clerks;

4 (9) Members of school boards in school districts which  
5 adopt Article 33 of the School Code;

6 (10) The directors and chairman of the Chain O Lakes -  
7 Fox River Waterway Management Agency;

8 (11) Forest preserve district commissioners elected  
9 under Section 3.5 of the Downstate Forest Preserve District  
10 Act;

11 (12) Elected members of school boards, school  
12 trustees, directors of boards of school directors,  
13 trustees of county boards of school trustees (except in  
14 counties or educational service regions having a  
15 population of 2,000,000 or more inhabitants) and members of  
16 boards of school inspectors, except school boards in school  
17 districts that adopt Article 33 of the School Code;

18 (13) Members of Community College district boards;

19 (14) Trustees of Fire Protection Districts;

20 (15) Commissioners of the Springfield Metropolitan  
21 Exposition and Auditorium Authority;

22 (16) Elected Trustees of Tuberculosis Sanitarium  
23 Districts;

24 (17) Elected Officers of special districts not  
25 otherwise designated in this Section for which the law  
26 governing those districts does not permit candidates of

1 political parties.

2 (d) At the consolidated primary election in each  
3 odd-numbered year, candidates of political parties shall be  
4 nominated for those offices to be filled at the consolidated  
5 election in that year, except where pursuant to law nomination  
6 of candidates of political parties is made by caucus, and  
7 except those offices listed in paragraphs (12) through (17) of  
8 subsection (c).

9 At the consolidated primary election in the appropriate  
10 odd-numbered years, the mayor, clerk, treasurer, and aldermen  
11 shall be elected in municipalities in which candidates for  
12 mayor, clerk, treasurer, or alderman are not permitted by law  
13 to be candidates of political parties, subject to runoff  
14 elections to be held at the consolidated election as may be  
15 required by law, and municipal officers shall be nominated in a  
16 nonpartisan election in municipalities in which pursuant to law  
17 candidates for such office are not permitted to be candidates  
18 of political parties.

19 At the consolidated primary election in the appropriate  
20 odd-numbered years, municipal officers shall be nominated or  
21 elected, or elected subject to a runoff, as may be provided by  
22 an ordinance providing a form of government of the municipality  
23 pursuant to Section 7 of Article VII of the Constitution.

24 (e) (Blank).

25 (f) At any election established in Section 2A-1.1, public  
26 questions may be submitted to voters pursuant to this Code and

1 any special election otherwise required or authorized by law or  
2 by court order may be conducted pursuant to this Code.

3 Notwithstanding the regular dates for election of officers  
4 established in this Article, whenever a referendum is held for  
5 the establishment of a political subdivision whose officers are  
6 to be elected, the initial officers shall be elected at the  
7 election at which such referendum is held if otherwise so  
8 provided by law. In such cases, the election of the initial  
9 officers shall be subject to the referendum.

10 Notwithstanding the regular dates for election of  
11 officials established in this Article, any community college  
12 district which becomes effective by operation of law pursuant  
13 to Section 6-6.1 of the Public Community College Act, as now or  
14 hereafter amended, shall elect the initial district board  
15 members at the next regularly scheduled election following the  
16 effective date of the new district.

17 (g) At any election established in Section 2A-1.1, if in  
18 any precinct there are no offices or public questions required  
19 to be on the ballot under this Code then no election shall be  
20 held in the precinct on that date.

21 (h) There may be conducted a referendum in accordance with  
22 the provisions of Division 6-4 of the Counties Code.

23 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,  
24 eff. 8-9-96; 90-358, eff. 1-1-98.)

1           Sec. 7-12. Filing of petitions for nomination. All  
2 petitions for nomination shall be filed by mail or in person as  
3 follows:

4           (1) Where the nomination is to be made for a State,  
5 congressional, Illinois Commerce Commission, or judicial  
6 office, or for any office a nomination for which is made for a  
7 territorial division or district which comprises more than one  
8 county or is partly in one county and partly in another county  
9 or counties, then, except as otherwise provided in this  
10 Section, such petition for nomination shall be filed in the  
11 principal office of the State Board of Elections not more than  
12 99 and not less than 92 days prior to the date of the primary,  
13 but, in the case of petitions for nomination to fill a vacancy  
14 by special election in the office of representative in Congress  
15 from this State, such petition for nomination shall be filed in  
16 the principal office of the State Board of Elections not more  
17 than 57 days and not less than 50 days prior to the date of the  
18 primary.

19           Where a vacancy occurs in the office of Supreme, Appellate  
20 or Circuit Court Judge within the 3-week period preceding the  
21 92nd day before a general primary election, petitions for  
22 nomination for the office in which the vacancy has occurred  
23 shall be filed in the principal office of the State Board of  
24 Elections not more than 78 nor less than 71 days prior to the  
25 date of the general primary election.

26           Where the nomination is to be made for delegates or



1 alternate delegates to a national nominating convention, then  
2 such petition for nomination shall be filed in the principal  
3 office of the State Board of Elections not more than 99 and not  
4 less than 92 days prior to the date of the primary; provided,  
5 however, that if the rules or policies of a national political  
6 party conflict with such requirements for filing petitions for  
7 nomination for delegates or alternate delegates to a national  
8 nominating convention, the chairman of the State central  
9 committee of such national political party shall notify the  
10 Board in writing, citing by reference the rules or policies of  
11 the national political party in conflict, and in such case the  
12 Board shall direct such petitions to be filed not more than 69  
13 and not less than 62 days prior to the date of the primary.

14 (2) Where the nomination is to be made for a county office  
15 or trustee of a sanitary district then such petition shall be  
16 filed in the office of the county clerk not more than 99 nor  
17 less than 92 days prior to the date of the primary.

18 (3) Where the nomination is to be made for a municipal or  
19 township office, such petitions for nomination shall be filed  
20 in the office of the local election official, not more than 78  
21 nor less than 71 days prior to the date of the primary;  
22 provided, where a municipality's or township's boundaries are  
23 coextensive with or are entirely within the jurisdiction of a  
24 municipal board of election commissioners, the petitions shall  
25 be filed in the office of such board; and provided, that  
26 petitions for the office of multi-township assessor shall be

1 filed with the election authority.

2 (4) The petitions of candidates for State central  
3 committeeman shall be filed in the principal office of the  
4 State Board of Elections not more than 99 nor less than 92 days  
5 prior to the date of the primary.

6 (5) Petitions of candidates for precinct, township or ward  
7 committeemen shall be filed in the office of the county clerk  
8 not more than 99 nor less than 92 days prior to the date of the  
9 primary.

10 (6) The State Board of Elections and the various election  
11 authorities and local election officials with whom such  
12 petitions for nominations are filed shall specify the place  
13 where filings shall be made and upon receipt shall endorse  
14 thereon the day and hour on which each petition was filed. All  
15 petitions filed by persons waiting in line as of 8:00 a.m. on  
16 the first day for filing, or as of the normal opening hour of  
17 the office involved on such day, shall be deemed filed as of  
18 8:00 a.m. or the normal opening hour, as the case may be.  
19 Petitions filed by mail and received after midnight of the  
20 first day for filing and in the first mail delivery or pickup  
21 of that day shall be deemed as filed as of 8:00 a.m. of that day  
22 or as of the normal opening hour of such day, as the case may  
23 be. All petitions received thereafter shall be deemed as filed  
24 in the order of actual receipt. Where 2 or more petitions are  
25 received simultaneously, the State Board of Elections or the  
26 various election authorities or local election officials with

1 whom such petitions are filed shall break ties and determine  
2 the order of filing, by means of a lottery or other fair and  
3 impartial method of random selection approved by the State  
4 Board of Elections. Such lottery shall be conducted within 9  
5 days following the last day for petition filing and shall be  
6 open to the public. Seven days written notice of the time and  
7 place of conducting such random selection shall be given by the  
8 State Board of Elections to the chairman of the State central  
9 committee of each established political party, and by each  
10 election authority or local election official, to the County  
11 Chairman of each established political party, and to each  
12 organization of citizens within the election jurisdiction  
13 which was entitled, under this Article, at the next preceding  
14 election, to have pollwatchers present on the day of election.  
15 The State Board of Elections, election authority or local  
16 election official shall post in a conspicuous, open and public  
17 place, at the entrance of the office, notice of the time and  
18 place of such lottery. The State Board of Elections shall adopt  
19 rules and regulations governing the procedures for the conduct  
20 of such lottery. All candidates shall be certified in the order  
21 in which their petitions have been filed. Where candidates have  
22 filed simultaneously, they shall be certified in the order  
23 determined by lot and prior to candidates who filed for the  
24 same office at a later time.

25 (7) The State Board of Elections or the appropriate  
26 election authority or local election official with whom such a

1 petition for nomination is filed shall notify the person for  
2 whom a petition for nomination has been filed of the obligation  
3 to file statements of organization, reports of campaign  
4 contributions, and annual reports of campaign contributions  
5 and expenditures under Article 9 of this Act. Such notice shall  
6 be given in the manner prescribed by paragraph (7) of Section  
7 9-16 of this Code.

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

24 (9) Any person for whom a petition for nomination, or for  
25 committeeman or for delegate or alternate delegate to a  
26 national nominating convention has been filed may cause his

1 name to be withdrawn by request in writing, signed by him and  
2 duly acknowledged before an officer qualified to take  
3 acknowledgments of deeds, and filed in the principal or  
4 permanent branch office of the State Board of Elections or with  
5 the appropriate election authority or local election official,  
6 not later than the date of certification of candidates for the  
7 consolidated primary or general primary ballot. No names so  
8 withdrawn shall be certified or printed on the primary ballot.  
9 If petitions for nomination have been filed for the same person  
10 with respect to more than one political party, his name shall  
11 not be certified nor printed on the primary ballot of any  
12 party. If petitions for nomination have been filed for the same  
13 person for 2 or more offices which are incompatible so that the  
14 same person could not serve in more than one of such offices if  
15 elected, that person must withdraw as a candidate for all but  
16 one of such offices within the 5 business days following the  
17 last day for petition filing. If he fails to withdraw as a  
18 candidate for all but one of such offices within such time his  
19 name shall not be certified, nor printed on the primary ballot,  
20 for any office. For the purpose of the foregoing provisions, an  
21 office in a political party is not incompatible with any other  
22 office.

23 (10) (a) Notwithstanding the provisions of any other  
24 statute, no primary shall be held for an established  
25 political party in any township, municipality, or ward  
26 thereof, where the nomination of such party for every

1 office to be voted upon by the electors of such township,  
2 municipality, or ward thereof, is uncontested. Whenever a  
3 political party's nomination of candidates is uncontested  
4 as to one or more, but not all, of the offices to be voted  
5 upon by the electors of a township, municipality, or ward  
6 thereof, then a primary shall be held for that party in  
7 such township, municipality, or ward thereof; provided  
8 that the primary ballot shall not include those offices  
9 within such township, municipality, or ward thereof, for  
10 which the nomination is uncontested. For purposes of this  
11 Article, the nomination of an established political party  
12 of a candidate for election to an office shall be deemed to  
13 be uncontested where not more than the number of persons to  
14 be nominated have timely filed valid nomination papers  
15 seeking the nomination of such party for election to such  
16 office.

17 (b) Notwithstanding the provisions of any other  
18 statute, no primary election shall be held for an  
19 established political party for any special primary  
20 election called for the purpose of filling a vacancy in the  
21 office of representative in the United States Congress  
22 where the nomination of such political party for said  
23 office is uncontested. For the purposes of this Article,  
24 the nomination of an established political party of a  
25 candidate for election to said office shall be deemed to be  
26 uncontested where not more than the number of persons to be

1 nominated have timely filed valid nomination papers  
2 seeking the nomination of such established party for  
3 election to said office. This subsection (b) shall not  
4 apply if such primary election is conducted on a regularly  
5 scheduled election day.

6 (c) Notwithstanding the provisions in subparagraph (a)  
7 and (b) of this paragraph (10), whenever a person who has  
8 not timely filed valid nomination papers and who intends to  
9 become a write-in candidate for a political party's  
10 nomination for any office for which the nomination is  
11 uncontested files a written statement or notice of that  
12 intent with the State Board of Elections or the local  
13 election official with whom nomination papers for such  
14 office are filed, a primary ballot shall be prepared and a  
15 primary shall be held for that office. Such statement or  
16 notice shall be filed on or before the date established in  
17 this Article for certifying candidates for the primary  
18 ballot. Such statement or notice shall contain (i) the name  
19 and address of the person intending to become a write-in  
20 candidate, (ii) a statement that the person is a qualified  
21 primary elector of the political party from whom the  
22 nomination is sought, (iii) a statement that the person  
23 intends to become a write-in candidate for the party's  
24 nomination, and (iv) the office the person is seeking as a  
25 write-in candidate. An election authority shall have no  
26 duty to conduct a primary and prepare a primary ballot for

1           any office for which the nomination is uncontested unless a  
2           statement or notice meeting the requirements of this  
3           Section is filed in a timely manner.

4           (11) If multiple sets of nomination papers are filed for a  
5           candidate to the same office, the State Board of Elections,  
6           appropriate election authority or local election official  
7           where the petitions are filed shall within 2 business days  
8           notify the candidate of his or her multiple petition filings  
9           and that the candidate has 3 business days after receipt of the  
10          notice to notify the State Board of Elections, appropriate  
11          election authority or local election official that he or she  
12          may cancel prior sets of petitions. If the candidate notifies  
13          the State Board of Elections, appropriate election authority or  
14          local election official, the last set of petitions filed shall  
15          be the only petitions to be considered valid by the State Board  
16          of Elections, election authority or local election official. If  
17          the candidate fails to notify the State Board of Elections,  
18          election authority or local election official then only the  
19          first set of petitions filed shall be valid and all subsequent  
20          petitions shall be void.

21          (12) All nominating petitions shall be available for public  
22          inspection and shall be preserved for a period of not less than  
23          6 months.

24          (Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1089;  
25          87-1052.)



1 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

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

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

16 2. The county officers electoral board to hear and pass  
17 upon objections to the nominations of candidates for county  
18 offices, for congressional, legislative and judicial offices  
19 of a district, subcircuit, or circuit coterminous with or less  
20 than a county, for school trustees to be voted for by the  
21 electors of the county or by the electors of a township of the  
22 county, for the office of multi-township assessor where  
23 candidates for such office are nominated in accordance with  
24 this Code, and for all special district offices, shall be  
25 composed of the county clerk, or an assistant designated by the  
26 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. The education officers electoral board to hear and pass  
25 upon objections to the nominations of candidates for offices in  
26 school or community college districts shall be composed of the

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

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

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

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

1           a. In the county officers electoral board by the county  
2 treasurer, and if he or she is ineligible to serve, by the  
3 sheriff of the county.

4           b. In the municipal officers electoral board by the  
5 eligible elected city council or board of trustees member  
6 who has served the second greatest number of years as a  
7 city council or board of trustees member.

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

11           d. In the education officers electoral board by the  
12 eligible elected school or community college district  
13 board member who has had the second longest term of  
14 continuous service as a board member.

15           In the event that the chairman of the electoral board is  
16 ineligible to act because of the fact that he is a candidate  
17 for the office with relation to which the objector's petition  
18 is filed, then the substitute chosen under the provisions of  
19 this Section shall be the chairman; In this case, the officer  
20 or board with whom the objector's petition is filed, shall  
21 transmit the certificate of nomination or nomination papers as  
22 the case may be, and the objector's petition to the substitute  
23 chairman of the electoral board.

24           When 2 or more eligible individuals, by reason of their  
25 terms of service on a city council or board of trustees,  
26 township board of trustees, or school or community college

1 district board, qualify to serve on an electoral board, the one  
2 to serve shall be chosen by lot.

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

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

15 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

16 Sec. 22-1. Abstracts of votes. Within 21 days after the  
17 close of the election at which candidates for offices  
18 hereinafter named in this Section are voted upon, the election  
19 authorities of the respective counties shall open the returns  
20 and make abstracts of the votes on a separate sheet for each of  
21 the following:

22 A. For Governor and Lieutenant Governor;

23 B. For State officers;

24 C. For presidential electors;

25 D. For United States Senators and Representatives to

1 Congress;

2 E. For judges of the Supreme Court;

3 F. For judges of the Appellate Court;

4 G. For judges of the circuit court;

5 H. For Senators and Representatives to the General  
6 Assembly;

7 I. For State's Attorneys elected from 2 or more counties;

8 J. For amendments to the Constitution, and for other  
9 propositions submitted to the electors of the entire State;

10 K. For county officers and for propositions submitted to  
11 the electors of the county only;

12 L. For Regional Superintendent of Schools;

13 M. For trustees of Sanitary Districts; ~~and~~

14 N. For Trustee of a Regional Board of School Trustees; ~~and~~

15 O. For members of the Illinois Commerce Commission.

16 Each sheet shall report the returns by precinct or ward.

17 Multiple originals of each of the sheets shall be prepared  
18 and one of each shall be turned over to the chairman of the  
19 county central committee of each of the then existing  
20 established political parties, as defined in Section 10-2, or  
21 his duly authorized representative immediately after the  
22 completion of the entries on the sheets and before the totals  
23 have been compiled.

24 The foregoing abstracts shall be preserved by the election  
25 authority in its office.

26 Whenever any county clerk is unable to canvass the vote,

1 the deputy county clerk or a designee of the county clerk shall  
2 serve in his or her place.

3 The powers and duties of the election authority canvassing  
4 the votes are limited to those specified in this Section.

5 No person who is shown by the election authority's  
6 ~~canvassing board's~~ proclamation to have been elected at the  
7 consolidated election or general election as a write-in  
8 candidate shall take office unless that person has first filed  
9 with the certifying office or board a statement of candidacy  
10 pursuant to Section 7-10 or Section 10-5, a statement pursuant  
11 to Section 7-10.1, and a receipt for filing a statement of  
12 economic interests in relation to the unit of government to  
13 which he or she has been elected. For officers elected at the  
14 consolidated election, the certifying officer shall notify the  
15 election authority of the receipt of those documents, and the  
16 county clerk shall issue the certification of election under  
17 the provisions of Section 22-18.

18 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;  
19 94-647, eff. 1-1-06; revised 10-4-05.)

20 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

21 Sec. 22-7. Canvass of votes; declaration and proclamation  
22 of result. The State Board of Elections, shall proceed within  
23 31 days after the election, and sooner if all the returns are  
24 received, to canvass the votes given for United States Senators  
25 and Representatives to Congress, State executive officers,

1 members of the Illinois Commerce Commission, judges of the  
2 Supreme Court, judges of the Appellate Court, judges of the  
3 Circuit Court, Senators, Representatives to the General  
4 Assembly, State's Attorneys and Regional Superintendents of  
5 Schools elected from 2 or more counties, respectively, and the  
6 persons having the highest number of votes for the respective  
7 offices shall be declared duly elected, but if it appears that  
8 more than the number of persons to be elected have the highest  
9 and an equal number of votes for the same office, the electoral  
10 board shall decide by lot which of such persons shall be  
11 elected; and to each person duly elected, the Governor shall  
12 give a certificate of election or commission, as the case may  
13 require, and shall cause proclamation to be made of the result  
14 of the canvass, and they shall at the same time and in the same  
15 manner, canvass the vote cast upon amendments to the  
16 Constitution, and upon other propositions submitted to the  
17 electors of the entire State; and the Governor shall cause to  
18 be made such proclamation of the result of the canvass as the  
19 statutes elsewhere provide. The State Board of Elections shall  
20 transmit to the State Comptroller a list of the persons elected  
21 to the various offices. The State Board of Elections shall also  
22 transmit to the Supreme Court the names of persons elected to  
23 judgeships in adversary elections and the names of judges who  
24 fail to win retention in office.

25 No person who is shown by the canvassing board's  
26 proclamation to have been elected at the consolidated election



1 or general election as a write-in candidate shall take office  
2 unless that person has first filed with the certifying office  
3 or board a statement of candidacy pursuant to Section 7-10 or  
4 Section 10-5, a statement pursuant to Section 7-10.1, and a  
5 receipt for filing a statement of economic interests in  
6 relation to the unit of government to which he or she has been  
7 elected. For officers elected at the consolidated election, the  
8 certifying officer shall notify the election authority of the  
9 receipt of those documents, and the county clerk shall issue  
10 the certification of election under the provisions of Section  
11 22-18.

12 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05.)

13 Section 10. The Public Utilities Act is amended by changing  
14 Sections 2-101 and 2-102 and adding Section 2-101.5 as follows:

15 (220 ILCS 5/2-101) (from Ch. 111 2/3, par. 2-101)

16 Sec. 2-101. Commerce Commission created. There is created  
17 an Illinois Commerce Commission consisting of 5 members elected  
18 as provided in Section 2-101.5 ~~not more than 3 of whom shall be~~  
19 ~~members of the same political party at the time of appointment.~~  
20 The Governor shall fill a vacancy by appointment ~~appoint the~~  
21 ~~members of such Commission~~ by and with the advice and consent  
22 of the Senate. In case of a vacancy in such office during the  
23 recess of the Senate the Governor shall make a temporary  
24 appointment until the next meeting of the Senate, when he shall

1 nominate some person to fill such office; and any person so  
2 nominated who is confirmed by the Senate, shall hold his office  
3 during the remainder of the term and until his successor shall  
4 be elected ~~appointed~~ and qualified. If 28 or fewer months  
5 remain on the vacating member's term, the person appointed to  
6 fill the vacancy shall serve for the remainder of the term. If  
7 more than 28 months remain on the vacating member's term, the  
8 person appointed to fill the vacancy shall serve until the  
9 second Monday in January after the next general election; at  
10 that next general election a person shall be elected to fill  
11 the remainder of the vacating member's term. Each member of the  
12 Commission shall hold office ~~for a term of 5 years~~ from the  
13 second ~~third~~ Monday in January of the year in which his  
14 predecessor's term expires for a term as provided in Section  
15 2-101.5.

16 ~~Notwithstanding any provision of this Section to the~~  
17 ~~contrary, the term of office of each member of the Commission~~  
18 ~~is terminated on the effective date of this amendatory Act of~~  
19 ~~1995, but the incumbent members shall continue to exercise all~~  
20 ~~of the powers and be subject to all of the duties of members of~~  
21 ~~the Commission until their respective successors are appointed~~  
22 ~~and qualified. Of the members initially appointed under the~~  
23 ~~provisions of this amendatory Act of 1995, one member shall be~~  
24 ~~appointed for a term of office which shall expire on the third~~  
25 ~~Monday of January, 1997; 2 members shall be appointed for terms~~  
26 ~~of office which shall expire on the third Monday of January,~~

1 ~~1998; one member shall be appointed for a term of office which~~  
2 ~~shall expire on the third Monday of January, 1999; and one~~  
3 ~~member shall be appointed for a term of office which shall~~  
4 ~~expire on the third Monday of January, 2000. Each respective~~  
5 ~~successor shall be appointed for a term of 5 years from the~~  
6 ~~third Monday of January of the year in which his predecessor's~~  
7 ~~term expires in accordance with the provisions of the first~~  
8 ~~paragraph of this Section.~~

9 Each member shall serve until his successor is elected  
10 ~~appointed and qualified, except that if the Senate refuses to~~  
11 ~~consent to the appointment of any member, such office shall be~~  
12 ~~deemed vacant, and within 2 weeks of the date the Senate~~  
13 ~~refuses to consent to the reappointment of any member, such~~  
14 ~~member shall vacate such office. The Governor shall from time~~  
15 ~~to time designate the member of the Commission who shall be its~~  
16 ~~chairman. One member of the Commission shall be elected by the~~  
17 ~~members to serve as Chairperson for a term of 2 years. The~~  
18 ~~election for chairperson shall be held on the second Monday in~~  
19 ~~the January following the general election after the members~~  
20 ~~elected at that general election have assumed office.~~

21 Consistent with the provisions of this Act, the Chairman shall  
22 be the chief executive officer of the Commission for the  
23 purpose of ensuring that the Commission's policies are properly  
24 executed.

25 If there is no vacancy on the Commission, 4 members of the  
26 Commission shall constitute a quorum to transact business;

1 otherwise, a majority of the Commission shall constitute a  
2 quorum to transact business, and no vacancy shall impair the  
3 right of the remaining commissioners to exercise all of the  
4 powers of the Commission. Every finding, order, or decision  
5 approved by a majority of the members of the Commission shall  
6 be deemed to be the finding, order, or decision of the  
7 Commission. The term of each appointed member of the Commission  
8 shall terminate when all of the new members initially to be  
9 elected under this amendatory Act of the 95th General Assembly  
10 have taken office.

11 (Source: P.A. 92-22, eff. 6-30-01.)

12 (220 ILCS 5/2-101.5 new)

13 Sec. 2-101.5. Election of members of the Commission.

14 (a) There shall be 5 members elected to serve on the  
15 Commission and one shall be elected from each Judicial District  
16 of Illinois.

17 (b) The members of the Commission elected in 2008 shall  
18 serve 4-year terms.

19 (c) To be eligible to serve as a member of the Commission,  
20 a person must be a United States citizen, at least 21 years  
21 old, and for the 2 years preceding his or her election or  
22 appointment a resident of the district he or she is to  
23 represent.

24 (220 ILCS 5/2-102) (from Ch. 111 2/3, par. 2-102)

1           Sec. 2-102. Commissioners and officers; prohibited  
2 activities.

3           (a) Each commissioner and each person appointed to office  
4 by the Commission shall before entering upon the duties of his  
5 office take and subscribe the constitutional oath of office.

6           Before entering upon the duties of his office each  
7 commissioner shall give bond, with security to be approved by  
8 the Governor, in the sum of \$20,000, conditioned for the  
9 faithful performance of his duty as such commissioner. Every  
10 person appointed or employed by the Commission, may, in the  
11 discretion of the Commission, before entering upon the duties  
12 of his office, be required to give bond for the faithful  
13 discharge of his duties, in such sum as the Commission may  
14 designate, which bond shall be approved by the Commission.

15           All bonds required to be filed pursuant to this section  
16 shall be filed in the office of the Secretary of State.

17           (b) No person in the employ of or holding any official  
18 relation to any corporation or person subject in whole or in  
19 part to regulation by the Commission, and no person holding  
20 stock or bonds in any such corporation, or who is in any other  
21 manner pecuniarily interested therein, directly or indirectly,  
22 shall be appointed ~~to or hold the office of commissioner or be~~  
23 ~~appointed~~ or employed by the Commission; and if any such person  
24 shall voluntarily become so interested his office or employment  
25 shall ipso facto become vacant. If any person become so  
26 interested otherwise than voluntarily he shall within a

1 reasonable time divest himself of such interest, and if he  
2 fails to do so his office or employment shall become vacant.

3 No commissioner or person appointed or employed by the  
4 Commission shall solicit or accept any gift, gratuity,  
5 emolument or employment from any person or corporation subject  
6 to the supervision of the Commission, or from any officer,  
7 agent or employee thereof; nor solicit, request from or  
8 recommend, directly or indirectly, to any such person or  
9 corporation, or to any officer, agent or employee thereof the  
10 appointment of any person to any place or position. Every such  
11 corporation and person, and every officer, agent or employee  
12 thereof, is hereby forbidden to offer to any commissioner or to  
13 any person appointed or employed by the Commission any gift,  
14 gratuity, emolument or employment. If any commissioner or any  
15 person appointed or employed by the Commission shall violate  
16 any provisions of this paragraph he shall be removed from the  
17 office or employment held by him. Every person violating the  
18 provisions of this paragraph shall be guilty of a Class A  
19 misdemeanor.

20 (c) Each commissioner shall devote his entire time to the  
21 duties of his office, and shall hold no other office or  
22 position of profit, or engage in any other business, employment  
23 or vocation.

24 (Source: P.A. 84-617.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".