



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5003

by Rep. David E. Miller

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-8

from Ch. 46, par. 10-8

Amends the Election Code. Requires that an objector's petition that is not signed by the objector or his or her attorney be stricken. Provides that the signature is a certification that the signer has read the petition and that the petition is well grounded in fact, warranted, and not filed for an improper purpose. If the petition is signed in violation of the certification, authorizes the electoral board to impose a sanction, including a fine, upon the signer or the party represented by the signer. Effective immediately.

LRB095 18021 JAM 44104 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 10-8 as follows:

6 (10 ILCS 5/10-8) (from Ch. 46, par. 10-8)

7 Sec. 10-8. Certificates of nomination and nomination  
8 papers, and petitions to submit public questions to a  
9 referendum, being filed as required by this Code, and being in  
10 apparent conformity with the provisions of this Act, shall be  
11 deemed to be valid unless objection thereto is duly made in  
12 writing within 5 business days after the last day for filing  
13 the certificate of nomination or nomination papers or petition  
14 for a public question, with the following exceptions:

15 A. In the case of petitions to amend Article IV of the  
16 Constitution of the State of Illinois, there shall be a  
17 period of 35 business days after the last day for the  
18 filing of such petitions in which objections can be filed.

19 B. In the case of petitions for advisory questions of  
20 public policy to be submitted to the voters of the entire  
21 State, there shall be a period of 35 business days after  
22 the last day for the filing of such petitions in which  
23 objections can be filed.

1 Any legal voter of the political subdivision or district in  
2 which the candidate or public question is to be voted on, or  
3 any legal voter in the State in the case of a proposed  
4 amendment to Article IV of the Constitution or an advisory  
5 public question to be submitted to the voters of the entire  
6 State, having objections to any certificate of nomination or  
7 nomination papers or petitions filed, shall file an objector's  
8 petition together with a copy thereof in the principal office  
9 or the permanent branch office of the State Board of Elections,  
10 or in the office of the election authority or local election  
11 official with whom the certificate of nomination, nomination  
12 papers or petitions are on file. In the case of nomination  
13 papers or certificates of nomination, the State Board of  
14 Elections, election authority or local election official shall  
15 note the day and hour upon which such objector's petition is  
16 filed, and shall, not later than 12:00 noon on the second  
17 business day after receipt of the petition, transmit by  
18 registered mail or receipted personal delivery the certificate  
19 of nomination or nomination papers and the original objector's  
20 petition to the chairman of the proper electoral board  
21 designated in Section 10-9 hereof, or his authorized agent, and  
22 shall transmit a copy by registered mail or receipted personal  
23 delivery of the objector's petition, to the candidate whose  
24 certificate of nomination or nomination papers are objected to,  
25 addressed to the place of residence designated in said  
26 certificate of nomination or nomination papers. In the case of

1 objections to a petition for a proposed amendment to Article IV  
2 of the Constitution or for an advisory public question to be  
3 submitted to the voters of the entire State, the State Board of  
4 Elections shall note the day and hour upon which such  
5 objector's petition is filed and shall transmit a copy of the  
6 objector's petition by registered mail or receipted personal  
7 delivery to the person designated on a certificate attached to  
8 the petition as the principal proponent of such proposed  
9 amendment or public question, or as the proponents' attorney,  
10 for the purpose of receiving notice of objections. In the case  
11 of objections to a petition for a public question, to be  
12 submitted to the voters of a political subdivision, or district  
13 thereof, the election authority or local election official with  
14 whom such petition is filed shall note the day and hour upon  
15 which such objector's petition was filed, and shall, not later  
16 than 12:00 noon on the second business day after receipt of the  
17 petition, transmit by registered mail or receipted personal  
18 delivery the petition for the public question and the original  
19 objector's petition to the chairman of the proper electoral  
20 board designated in Section 10-9 hereof, or his authorized  
21 agent, and shall transmit a copy by registered mail or  
22 receipted personal delivery, of the objector's petition to the  
23 person designated on a certificate attached to the petition as  
24 the principal proponent of the public question, or as the  
25 proponent's attorney, for the purposes of receiving notice of  
26 objections.

1           The objector's petition shall give the objector's name and  
2 residence address, and shall state fully the nature of the  
3 objections to the certificate of nomination or nomination  
4 papers or petitions in question, and shall state the interest  
5 of the objector and shall state what relief is requested of the  
6 electoral board. The objector's petition shall be signed by the  
7 objector or by the objector's attorney; any petition not signed  
8 shall be stricken. The signature of the objector or the  
9 attorney constitutes a certification by him or her that he or  
10 she has read the objector's petition, that to the best of his  
11 or her knowledge, information, and belief formed after a  
12 reasonable inquiry it is well grounded in fact and is warranted  
13 by existing law or a good-faith argument for the extension,  
14 modification, or reversal of existing law, and that it is not  
15 filed for any improper purpose such as to harass or cause  
16 unnecessary delay or needless increase in the cost of gaining  
17 access to the ballot. If a petition is signed in violation of  
18 this Section, an electoral board may impose upon the person who  
19 signed it, a represented party, or both, an appropriate  
20 sanction, which may include an order to pay to the other party  
21 or parties the amount of reasonable expenses incurred because  
22 of the filing of the petition, including a reasonable attorney  
23 fee.

24           The provisions of this Section and of Sections 10-9, 10-10  
25 and 10-10.1 shall also apply to and govern objections to  
26 petitions for nomination filed under Article 7 or Article 8,

1     except as otherwise provided in Section 7-13 for cases to which  
2     it is applicable, and also apply to and govern petitions for  
3     the submission of public questions under Article 28.

4     (Source: P.A. 86-1348.)

5             Section 99. Effective date. This Act takes effect upon  
6     becoming law.