



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5004

by Rep. David E. Miller

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/7-13	from Ch. 46, par. 7-13
10 ILCS 5/8-9	from Ch. 46, par. 8-9
10 ILCS 5/8-17.1	from Ch. 46, par. 8-17.1
10 ILCS 5/10-6	from Ch. 46, par. 10-6
10 ILCS 5/10-10	from Ch. 46, par. 10-10
10 ILCS 5/10-10.1	from Ch. 46, par. 10-10.1
10 ILCS 5/10-11.1	from Ch. 46, par. 10-11.1
10 ILCS 5/10-11.2	from Ch. 46, par. 10-11.2
10 ILCS 5/28-2	from Ch. 46, par. 28-2
235 ILCS 5/9-2	from Ch. 43, par. 167
235 ILCS 5/9-4	from Ch. 43, par. 169

Amends the Election Code and the Liquor Control Act of 1934. With certain exceptions, makes the filing periods for candidate and public question petitions 14 days earlier and shortens the filing period for an objector's petition by 5 days. Makes changes regarding service of an objector's petition. Requires an electoral board to make a final decision within 30 days after receiving the objector's petition. Effective immediately.

LRB095 18020 JAM 44103 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  
5 Sections 7-12, 7-13, 8-9, 8-17.1, 10-6, 10-10, 10-10.1,  
6 10-11.1, 10-11.2, and 28-2 as follows:

7 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

8 Sec. 7-12. All petitions for nomination shall be filed by  
9 mail or in person as follows:

10 (1) Where the nomination is to be made for a State,  
11 congressional, or judicial office, or for any office a  
12 nomination for which is made for a territorial division or  
13 district which comprises more than one county or is partly in  
14 one county and partly in another county or counties, then,  
15 except as otherwise provided in this Section, such petition for  
16 nomination shall be filed in the principal office of the State  
17 Board of Elections not more than 113 ~~99~~ and not less than 106  
18 ~~92~~ days prior to the date of the primary, but, in the case of  
19 petitions for nomination to fill a vacancy by special election  
20 in the office of representative in Congress from this State,  
21 such petition for nomination shall be filed in the principal  
22 office of the State Board of Elections not more than 57 days  
23 and not less than 50 days prior to the date of the primary.

1           Where a vacancy occurs in the office of Supreme, Appellate  
2 or Circuit Court Judge within the 3-week period preceding the  
3 106th ~~92nd~~ day before a general primary election, petitions for  
4 nomination for the office in which the vacancy has occurred  
5 shall be filed in the principal office of the State Board of  
6 Elections not more than 92 ~~78~~ nor less than 85 ~~71~~ days prior to  
7 the date of the general primary election.

8           Where the nomination is to be made for delegates or  
9 alternate delegates to a national nominating convention, then  
10 such petition for nomination shall be filed in the principal  
11 office of the State Board of Elections not more than 113 ~~99~~ and  
12 not less than 106 ~~92~~ days prior to the date of the primary;  
13 provided, however, that if the rules or policies of a national  
14 political party conflict with such requirements for filing  
15 petitions for nomination for delegates or alternate delegates  
16 to a national nominating convention, the chairman of the State  
17 central committee of such national political party shall notify  
18 the Board in writing, citing by reference the rules or policies  
19 of the national political party in conflict, and in such case  
20 the Board shall direct such petitions to be filed not more than  
21 83 ~~69~~ and not less than 76 ~~62~~ days prior to the date of the  
22 primary.

23           (2) Where the nomination is to be made for a county office  
24 or trustee of a sanitary district then such petition shall be  
25 filed in the office of the county clerk not more than 113 ~~99~~  
26 nor less than 106 ~~92~~ days prior to the date of the primary.

1           (3) Where the nomination is to be made for a municipal or  
2 township office, such petitions for nomination shall be filed  
3 in the office of the local election official, not more than 113  
4 ~~78~~ nor less than 106 ~~71~~ days prior to the date of the primary;  
5 provided, where a municipality's or township's boundaries are  
6 coextensive with or are entirely within the jurisdiction of a  
7 municipal board of election commissioners, the petitions shall  
8 be filed in the office of such board; and provided, that  
9 petitions for the office of multi-township assessor shall be  
10 filed with the election authority.

11           (4) The petitions of candidates for State central  
12 committeeman shall be filed in the principal office of the  
13 State Board of Elections not more than 113 ~~99~~ nor less than 106  
14 ~~92~~ days prior to the date of the primary.

15           (5) Petitions of candidates for precinct, township or ward  
16 committeemen shall be filed in the office of the county clerk  
17 not more than 113 ~~99~~ nor less than 106 ~~92~~ days prior to the date  
18 of the primary.

19           (6) The State Board of Elections and the various election  
20 authorities and local election officials with whom such  
21 petitions for nominations are filed shall specify the place  
22 where filings shall be made and upon receipt shall endorse  
23 thereon the day and hour on which each petition was filed. All  
24 petitions filed by persons waiting in line as of 8:00 a.m. on  
25 the first day for filing, or as of the normal opening hour of  
26 the office involved on such day, shall be deemed filed as of

1 8:00 a.m. or the normal opening hour, as the case may be.  
2 Petitions filed by mail and received after midnight of the  
3 first day for filing and in the first mail delivery or pickup  
4 of that day shall be deemed as filed as of 8:00 a.m. of that day  
5 or as of the normal opening hour of such day, as the case may  
6 be. All petitions received thereafter shall be deemed as filed  
7 in the order of actual receipt. Where 2 or more petitions are  
8 received simultaneously, the State Board of Elections or the  
9 various election authorities or local election officials with  
10 whom such petitions are filed shall break ties and determine  
11 the order of filing, by means of a lottery or other fair and  
12 impartial method of random selection approved by the State  
13 Board of Elections. Such lottery shall be conducted within 9  
14 days following the last day for petition filing and shall be  
15 open to the public. Seven days written notice of the time and  
16 place of conducting such random selection shall be given by the  
17 State Board of Elections to the chairman of the State central  
18 committee of each established political party, and by each  
19 election authority or local election official, to the County  
20 Chairman of each established political party, and to each  
21 organization of citizens within the election jurisdiction  
22 which was entitled, under this Article, at the next preceding  
23 election, to have pollwatchers present on the day of election.  
24 The State Board of Elections, election authority or local  
25 election official shall post in a conspicuous, open and public  
26 place, at the entrance of the office, notice of the time and

1 place of such lottery. The State Board of Elections shall adopt  
2 rules and regulations governing the procedures for the conduct  
3 of such lottery. All candidates shall be certified in the order  
4 in which their petitions have been filed. Where candidates have  
5 filed simultaneously, they shall be certified in the order  
6 determined by lot and prior to candidates who filed for the  
7 same office at a later time.

8 (7) The State Board of Elections or the appropriate  
9 election authority or local election official with whom such a  
10 petition for nomination is filed shall notify the person for  
11 whom a petition for nomination has been filed of the obligation  
12 to file statements of organization, reports of campaign  
13 contributions, and annual reports of campaign contributions  
14 and expenditures under Article 9 of this Act. Such notice shall  
15 be given in the manner prescribed by paragraph (7) of Section  
16 9-16 of this Code.

17 (8) Nomination papers filed under this Section are not  
18 valid if the candidate named therein fails to file a statement  
19 of economic interests as required by the Illinois Governmental  
20 Ethics Act in relation to his candidacy with the appropriate  
21 officer by the end of the period for the filing of nomination  
22 papers unless he has filed a statement of economic interests in  
23 relation to the same governmental unit with that officer within  
24 a year preceding the date on which such nomination papers were  
25 filed. If the nomination papers of any candidate and the  
26 statement of economic interest of that candidate are not

1 required to be filed with the same officer, the candidate must  
2 file with the officer with whom the nomination papers are filed  
3 a receipt from the officer with whom the statement of economic  
4 interests is filed showing the date on which such statement was  
5 filed. Such receipt shall be so filed not later than the last  
6 day on which nomination papers may be filed.

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

1 candidate for all but one of such offices within such time his  
2 name shall not be certified, nor printed on the primary ballot,  
3 for any office. For the purpose of the foregoing provisions, an  
4 office in a political party is not incompatible with any other  
5 office.

6 (10) (a) Notwithstanding the provisions of any other  
7 statute, no primary shall be held for an established  
8 political party in any township, municipality, or ward  
9 thereof, where the nomination of such party for every  
10 office to be voted upon by the electors of such township,  
11 municipality, or ward thereof, is uncontested. Whenever a  
12 political party's nomination of candidates is uncontested  
13 as to one or more, but not all, of the offices to be voted  
14 upon by the electors of a township, municipality, or ward  
15 thereof, then a primary shall be held for that party in  
16 such township, municipality, or ward thereof; provided  
17 that the primary ballot shall not include those offices  
18 within such township, municipality, or ward thereof, for  
19 which the nomination is uncontested. For purposes of this  
20 Article, the nomination of an established political party  
21 of a candidate for election to an office shall be deemed to  
22 be uncontested where not more than the number of persons to  
23 be nominated have timely filed valid nomination papers  
24 seeking the nomination of such party for election to such  
25 office.

26 (b) Notwithstanding the provisions of any other



1 statute, no primary election shall be held for an  
2 established political party for any special primary  
3 election called for the purpose of filling a vacancy in the  
4 office of representative in the United States Congress  
5 where the nomination of such political party for said  
6 office is uncontested. For the purposes of this Article,  
7 the nomination of an established political party of a  
8 candidate for election to said office shall be deemed to be  
9 uncontested where not more than the number of persons to be  
10 nominated have timely filed valid nomination papers  
11 seeking the nomination of such established party for  
12 election to said office. This subsection (b) shall not  
13 apply if such primary election is conducted on a regularly  
14 scheduled election day.

15 (c) Notwithstanding the provisions in subparagraph (a)  
16 and (b) of this paragraph (10), whenever a person who has  
17 not timely filed valid nomination papers and who intends to  
18 become a write-in candidate for a political party's  
19 nomination for any office for which the nomination is  
20 uncontested files a written statement or notice of that  
21 intent with the State Board of Elections or the local  
22 election official with whom nomination papers for such  
23 office are filed, a primary ballot shall be prepared and a  
24 primary shall be held for that office. Such statement or  
25 notice shall be filed on or before the date established in  
26 this Article for certifying candidates for the primary

1 ballot. Such statement or notice shall contain (i) the name  
2 and address of the person intending to become a write-in  
3 candidate, (ii) a statement that the person is a qualified  
4 primary elector of the political party from whom the  
5 nomination is sought, (iii) a statement that the person  
6 intends to become a write-in candidate for the party's  
7 nomination, and (iv) the office the person is seeking as a  
8 write-in candidate. An election authority shall have no  
9 duty to conduct a primary and prepare a primary ballot for  
10 any office for which the nomination is uncontested unless a  
11 statement or notice meeting the requirements of this  
12 Section is filed in a timely manner.

13 (11) If multiple sets of nomination papers are filed for a  
14 candidate to the same office, the State Board of Elections,  
15 appropriate election authority or local election official  
16 where the petitions are filed shall within 2 business days  
17 notify the candidate of his or her multiple petition filings  
18 and that the candidate has 3 business days after receipt of the  
19 notice to notify the State Board of Elections, appropriate  
20 election authority or local election official that he or she  
21 may cancel prior sets of petitions. If the candidate notifies  
22 the State Board of Elections, appropriate election authority or  
23 local election official, the last set of petitions filed shall  
24 be the only petitions to be considered valid by the State Board  
25 of Elections, election authority or local election official. If  
26 the candidate fails to notify the State Board of Elections,

1 election authority or local election official then only the  
2 first set of petitions filed shall be valid and all subsequent  
3 petitions shall be void.

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

7 (Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1089;  
8 87-1052.)

9 (10 ILCS 5/7-13) (from Ch. 46, par. 7-13)

10 Sec. 7-13. The board of election commissioners in cities of  
11 500,000 or more population having such board, shall constitute  
12 an electoral board for the hearing and passing upon objections  
13 to nomination petitions for ward committeemen.

14 Such objections shall be filed in the office of the county  
15 clerk within 5 business days after the last day for filing  
16 nomination papers ~~not less than 81 days prior to the primary.~~

17 The objection shall state the name and address of the objector,  
18 who may be any qualified elector in the ward, the specific  
19 grounds of objection and the relief requested of the electoral  
20 board. Upon the receipt of the objection, the county clerk  
21 shall forthwith transmit such objection and the petition of the  
22 candidate to the board of election commissioners. The board of  
23 election commissioners shall forthwith notify the objector and  
24 candidate objected to of the time and place for hearing hereon.  
25 After a hearing upon the validity of such objections, the board

1 shall, ~~not less than 74 days prior to the date of the primary,~~  
2 certify to the county clerk, its decision stating whether or  
3 not the name of the candidate shall be printed on the ballot  
4 and the county clerk in his or her certificate to the board of  
5 election commissioners shall leave off of the certificate the  
6 name of the candidate for ward committeeman that the election  
7 commissioners order not to be printed on the ballot. However,  
8 the decision of the board of election commissioners is subject  
9 to judicial review as provided in Section 10-10.1.

10 The county electoral board composed as provided in Section  
11 10-9 shall constitute an electoral board for the hearing and  
12 passing upon objections to nomination petitions for precinct  
13 and township committeemen. Such objections shall be filed in  
14 the office of the county clerk within 5 business days after the  
15 last day for filing nomination papers ~~not less than 81 days~~  
16 ~~prior to the primary.~~ The objection shall state the name and  
17 address of the objector who may be any qualified elector in the  
18 precinct or in the township or part of a township that lies  
19 outside of a city having a population of 500,000 or more, the  
20 specific grounds of objection and the relief requested of the  
21 electoral board. Upon the receipt of the objection the county  
22 clerk shall forthwith transmit such objection and the petition  
23 of the candidate to the chairman of the county electoral board.  
24 The chairman of the county electoral board shall forthwith  
25 notify the objector, the candidate whose petition is objected  
26 to and the other members of the electoral board of the time and

1 place for hearing thereon. After hearing upon the validity of  
2 such objections the board shall, ~~not less than 74 days prior to~~  
3 ~~the date of the primary,~~ certify its decision to the county  
4 clerk stating whether or not the name of the candidate shall be  
5 printed on the ballot, and the county clerk, in his or her  
6 certificate to the board of election commissioners, shall leave  
7 off of the certificate the name of the candidate ordered by the  
8 board not to be printed on the ballot, and the county clerk  
9 shall also refrain from printing on the official primary  
10 ballot, the name of any candidate whose name has been ordered  
11 by the electoral board not to be printed on the ballot.  
12 However, the decision of the board is subject to judicial  
13 review as provided in Section 10-10.1.

14 In such proceedings the electoral boards have the same  
15 powers as other electoral boards under the provisions of  
16 Section 10-10 of this Act and their decisions are subject to  
17 judicial review under Section 10-10.1.

18 (Source: P.A. 84-1308.)

19 (10 ILCS 5/8-9) (from Ch. 46, par. 8-9)

20 Sec. 8-9. All petitions for nomination shall be filed by  
21 mail or in person as follows:

22 (1) Where the nomination is made for a legislative office,  
23 such petition for nomination shall be filed in the principal  
24 office of the State Board of Elections not more than 113 ~~99~~ and  
25 not less than 106 ~~92~~ days prior to the date of the primary.

1           (2) The State Board of Elections shall, upon receipt of  
2 each petition, endorse thereon the day and hour on which it was  
3 filed. Petitions filed by mail and received after midnight on  
4 the first day for filing and in the first mail delivery or  
5 pickup of that day, shall be deemed as filed as of 8:00 a.m. of  
6 that day or as of the normal opening hour of such day as the  
7 case may be, and all petitions received thereafter shall be  
8 deemed as filed in the order of actual receipt. Where 2 or more  
9 petitions are received simultaneously, the State Board of  
10 Elections shall break ties and determine the order of filing,  
11 by means of a lottery as provided in Section 7-12 of this Code.

12           (3) Any person for whom a petition for nomination has been  
13 filed, may cause his name to be withdrawn by a request in  
14 writing, signed by him, duly acknowledged before an officer  
15 qualified to take acknowledgments of deeds, and filed in the  
16 principal or permanent branch office of the State Board of  
17 Elections not later than the date of certification of  
18 candidates for the general primary ballot, and no names so  
19 withdrawn shall be certified by the State Board of Elections to  
20 the county clerk, or printed on the primary ballot. If  
21 petitions for nomination have been filed for the same person  
22 with respect to more than one political party, his name shall  
23 not be certified nor printed on the primary ballot of any  
24 party. If petitions for nomination have been filed for the same  
25 person for 2 or more offices which are incompatible so that the  
26 same person could not serve in more than one of such offices if

1 elected, that person must withdraw as a candidate for all but  
2 one of such offices within the 5 business days following the  
3 last day for petition filing. If he fails to withdraw as a  
4 candidate for all but one of such offices within such time, his  
5 name shall not be certified, nor printed on the primary ballot,  
6 for any office. For the purpose of the foregoing provisions, an  
7 office in a political party is not incompatible with any other  
8 office.

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

21 (Source: P.A. 86-875; 87-1052.)

22 (10 ILCS 5/8-17.1) (from Ch. 46, par. 8-17.1)

23 Sec. 8-17.1. Whenever a vacancy in the office of State  
24 Senator is to be filled by election pursuant to Article IV,  
25 Section 2(d) of the Constitution and Section 25-6 of this Code,

1 nominations shall be made and any vacancy in nomination shall  
2 be filled pursuant to this Section:

3 (1) If the vacancy in office occurs before the first date  
4 provided in Section 8-9 for filing nomination papers for the  
5 primary in the next even-numbered year following the  
6 commencement of the term, the nominations for the election for  
7 filling such vacancy shall be made as otherwise provided in  
8 Article 8.

9 (2) If the vacancy in office occurs during the time  
10 provided in Section 8-9 for filing nomination papers for the  
11 office of State Senator for the primary in the next  
12 even-numbered year following commencement of the term of office  
13 in which such vacancy occurs, the time for filing nomination  
14 papers for such office for the primary shall be not more than  
15 105 ~~91~~ days and not less than 99 ~~85~~ days prior to the date of  
16 the primary election.

17 (3) If the vacancy in office occurs after the last day  
18 provided in Section 8-9 for filing nomination papers for the  
19 office of State Senator, a vacancy in nomination shall be  
20 deemed to have occurred and the legislative committee of each  
21 established political party shall nominate, by resolution, a  
22 candidate to fill such vacancy in nomination for the election  
23 to such office at such general election. In the proceedings to  
24 fill the vacancy in nomination the voting strength of the  
25 members of the legislative committee shall be as provided in  
26 Section 8-6. The name of the candidate so nominated shall not



1 appear on the ballot at the general primary election. Such  
2 vacancy in nomination shall be filled prior to the date of  
3 certification of candidates for the general election.

4 (4) The resolution to fill the vacancy shall be duly  
5 acknowledged before an officer qualified to take  
6 acknowledgments of deeds and shall include, upon its face, the  
7 following information;

8 (a) the names of the original nominee and the office  
9 vacated;

10 (b) the date on which the vacancy occurred;

11 (c) the name and address of the nominee selected to fill  
12 the vacancy and the date of selection.

13 The resolution to fill the vacancy shall be accompanied by  
14 a Statement of Candidacy, as prescribed in Section 7-10,  
15 completed by the selected nominee and a receipt indicating that  
16 such nominee has filed a statement of economic interests as  
17 required by the Illinois Governmental Ethics Act.

18 The provisions of Sections 10-8 through 10-10.1 relating to  
19 objections to nomination papers, hearings on objections and  
20 judicial review, shall also apply to and govern objections to  
21 nomination papers and resolutions for filling vacancies in  
22 nomination filed pursuant to this Section.

23 Unless otherwise specified herein, the nomination and  
24 election provided for in this Section shall be governed by this  
25 Code.

26 (Source: P.A. 84-790.)

1 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

2 Sec. 10-6. Time and manner of filing. Certificates of  
3 nomination and nomination papers for the nomination of  
4 candidates for offices to be filled by electors of the entire  
5 State, or any district not entirely within a county, or for  
6 congressional, state legislative or judicial offices, shall be  
7 presented to the principal office of the State Board of  
8 Elections not more than 155 ~~141~~ nor less than 148 ~~134~~ days  
9 previous to the day of election for which the candidates are  
10 nominated. The State Board of Elections shall endorse the  
11 certificates of nomination or nomination papers, as the case  
12 may be, and the date and hour of presentment to it. Except as  
13 otherwise provided in this section, all other certificates for  
14 the nomination of candidates shall be filed with the county  
15 clerk of the respective counties not more than 155 ~~141~~ but at  
16 least 148 ~~134~~ days previous to the day of such election.  
17 Certificates of nomination and nomination papers for the  
18 nomination of candidates for the offices of political  
19 subdivisions to be filled at regular elections other than the  
20 general election shall be filed with the local election  
21 official of such subdivision:

22 (1) (Blank);

23 (2) not more than 92 ~~78~~ nor less than 85 ~~71~~ days prior  
24 to the consolidated election; or

25 (3) not more than 92 ~~78~~ nor less than 85 ~~71~~ days prior

1 to the general primary in the case of municipal offices to  
2 be filled at the general primary election; or

3 (4) not more than 92 ~~78~~ nor less than 85 ~~71~~ days before  
4 the consolidated primary in the case of municipal offices  
5 to be elected on a nonpartisan basis pursuant to law  
6 (including without limitation, those municipal offices  
7 subject to Articles 4 and 5 of the Municipal Code); or

8 (5) not more than 92 ~~78~~ nor less than 85 ~~71~~ days before  
9 the municipal primary in even numbered years for such  
10 nonpartisan municipal offices where annual elections are  
11 provided; or

12 (6) in the case of petitions for the office of  
13 multi-township assessor, such petitions shall be filed  
14 with the election authority not more than 92 ~~78~~ nor less  
15 than 85 ~~71~~ days before the consolidated election.

16 However, where a political subdivision's boundaries are  
17 co-extensive with or are entirely within the jurisdiction of a  
18 municipal board of election commissioners, the certificates of  
19 nomination and nomination papers for candidates for such  
20 political subdivision offices shall be filed in the office of  
21 such Board.

22 (Source: P.A. 95-699, eff. 11-9-07.)

23 (10 ILCS 5/10-10) (from Ch. 46, par. 10-10)

24 Sec. 10-10. Within 24 hours after the receipt of the  
25 certificate of nomination or nomination papers or proposed

1 question of public policy, as the case may be, and the  
2 objector's petition, the chairman of the electoral board other  
3 than the State Board of Elections shall send a call by  
4 registered or certified mail to each of the members of the  
5 electoral board, and to the objector who filed the objector's  
6 petition, and either to the candidate whose certificate of  
7 nomination or nomination papers are objected to or to the  
8 principal proponent or attorney for proponents of a question of  
9 public policy, as the case may be, whose petitions are objected  
10 to, and shall also cause the sheriff of the county or counties  
11 in which such officers and persons reside to serve a copy of  
12 such call upon each of such officers and persons, which call  
13 shall set out the fact that the electoral board is required to  
14 meet to hear and pass upon the objections to nominations made  
15 for the office, designating it, and shall state the day, hour  
16 and place at which the electoral board shall meet for the  
17 purpose, which place shall be in the county court house in the  
18 county in the case of the County Officers Electoral Board, the  
19 Municipal Officers Electoral Board, the Township Officers  
20 Electoral Board or the Education Officers Electoral Board. The  
21 Township Officers Electoral Board may meet in the township  
22 offices, if they are available, rather than the county  
23 courthouse. In those cases where the State Board of Elections  
24 is the electoral board designated under Section 10-9, the  
25 chairman of the State Board of Elections shall, within 24 hours  
26 after the receipt of the certificate of nomination or

1 nomination papers or petitions for a proposed amendment to  
2 Article IV of the Constitution or proposed statewide question  
3 of public policy, send a call by registered or certified mail  
4 to the objector who files the objector's petition, and either  
5 to the candidate whose certificate of nomination or nomination  
6 papers are objected to or to the principal proponent or  
7 attorney for proponents of the proposed Constitutional  
8 amendment or statewide question of public policy and shall  
9 state the day, hour and place at which the electoral board  
10 shall meet for the purpose, which place may be in the Capitol  
11 Building or in the principal or permanent branch office of the  
12 State Board. The day of the meeting shall not be less than 3  
13 nor more than 5 days after the receipt of the certificate of  
14 nomination or nomination papers and the objector's petition by  
15 the chairman of the electoral board.

16 The electoral board shall have the power to administer  
17 oaths and to subpoena and examine witnesses and at the request  
18 of either party the chairman may issue subpoenas requiring the  
19 attendance of witnesses and subpoenas duces tecum requiring the  
20 production of such books, papers, records and documents as may  
21 be evidence of any matter under inquiry before the electoral  
22 board, in the same manner as witnesses are subpoenaed in the  
23 Circuit Court.

24 Service of such subpoenas shall be made by any sheriff or  
25 other person in the same manner as in cases in such court and  
26 the fees of such sheriff shall be the same as is provided by

1 law, and shall be paid by the objector or candidate who causes  
2 the issuance of the subpoena. In case any person so served  
3 shall knowingly neglect or refuse to obey any such subpoena, or  
4 to testify, the electoral board shall at once file a petition  
5 in the circuit court of the county in which such hearing is to  
6 be heard, or has been attempted to be heard, setting forth the  
7 facts, of such knowing refusal or neglect, and accompanying the  
8 petition with a copy of the citation and the answer, if one has  
9 been filed, together with a copy of the subpoena and the return  
10 of service thereon, and shall apply for an order of court  
11 requiring such person to attend and testify, and forthwith  
12 produce books and papers, before the electoral board. Any  
13 circuit court of the state, excluding the judge who is sitting  
14 on the electoral board, upon such showing shall order such  
15 person to appear and testify, and to forthwith produce such  
16 books and papers, before the electoral board at a place to be  
17 fixed by the court. If such person shall knowingly fail or  
18 refuse to obey such order of the court without lawful excuse,  
19 the court shall punish him or her by fine and imprisonment, as  
20 the nature of the case may require and may be lawful in cases  
21 of contempt of court.

22 The electoral board on the first day of its meeting shall  
23 adopt rules of procedure for the introduction of evidence and  
24 the presentation of arguments and may, in its discretion,  
25 provide for the filing of briefs by the parties to the  
26 objection or by other interested persons.

1           In the event of a State Electoral Board hearing on  
2 objections to a petition for an amendment to Article IV of the  
3 Constitution pursuant to Section 3 of Article XIV of the  
4 Constitution, or to a petition for a question of public policy  
5 to be submitted to the voters of the entire State, the  
6 certificates of the county clerks and boards of election  
7 commissioners showing the results of the random sample of  
8 signatures on the petition shall be prima facie valid and  
9 accurate, and shall be presumed to establish the number of  
10 valid and invalid signatures on the petition sheets reviewed in  
11 the random sample, as prescribed in Section 28-11 and 28-12 of  
12 this Code. Either party, however, may introduce evidence at  
13 such hearing to dispute the findings as to particular  
14 signatures. In addition to the foregoing, in the absence of  
15 competent evidence presented at such hearing by a party  
16 substantially challenging the results of a random sample, or  
17 showing a different result obtained by an additional sample,  
18 this certificate of a county clerk or board of election  
19 commissioners shall be presumed to establish the ratio of valid  
20 to invalid signatures within the particular election  
21 jurisdiction.

22           The electoral board shall take up the question as to  
23 whether or not the certificate of nomination or nomination  
24 papers or petitions are in proper form, and whether or not they  
25 were filed within the time and under the conditions required by  
26 law, and whether or not they are the genuine certificate of

1 nomination or nomination papers or petitions which they purport  
2 to be, and whether or not in the case of the certificate of  
3 nomination in question it represents accurately the decision of  
4 the caucus or convention issuing it, and in general shall  
5 decide whether or not the certificate of nomination or  
6 nominating papers or petitions on file are valid or whether the  
7 objections thereto should be sustained and the decision of a  
8 majority of the electoral board shall be final subject to  
9 judicial review as provided in Section 10-10.1. The electoral  
10 board must state its findings in writing and must state in  
11 writing which objections, if any, it has sustained. The  
12 electoral board shall issue a written final decision as soon as  
13 is practicable but not later than 30 days after receipt of the  
14 objector's petition by the chairman of the electoral board, and  
15 a copy of the decision shall be served upon the parties to the  
16 proceedings. A decision shall be deemed to have been served  
17 either on the date when a copy of the decision is personally  
18 delivered or on the date when a copy of the decision is  
19 deposited in the United States mail, in a sealed envelope or  
20 package, with postage prepaid, addressed to each party affected  
21 by the decision or to such party's attorney of record, if any,  
22 at the address on record for such person in the files of the  
23 electoral board.

24       Upon the expiration of the period within which a proceeding  
25 for judicial review must be commenced under Section 10--10.1,  
26 the electoral board shall, unless a proceeding for judicial



1 review has been commenced within such period, transmit, by  
2 registered or certified mail, a certified copy of its ruling,  
3 together with the original certificate of nomination or  
4 nomination papers or petitions and the original objector's  
5 petition, to the officer or board with whom the certificate of  
6 nomination or nomination papers or petitions, as objected to,  
7 were on file, and such officer or board shall abide by and  
8 comply with the ruling so made to all intents and purposes.

9 (Source: P.A. 91-285, eff. 1-1-00.)

10 (10 ILCS 5/10-10.1) (from Ch. 46, par. 10-10.1)

11 Sec. 10-10.1. (a) Except as otherwise provided in this  
12 Section, a candidate or objector aggrieved by the decision of  
13 an electoral board may secure judicial review of such decision  
14 in the circuit court of the county in which the hearing of the  
15 electoral board was held. The party seeking judicial review  
16 must file a petition with the clerk of the court and must serve  
17 a copy of the petition upon the electoral board and other  
18 parties to the proceeding by registered or certified mail  
19 within 5 ~~10~~ days after service of the decision of the  
20 electoral board as provided in Section 10-10. The petition  
21 shall contain a brief statement of the reasons why the decision  
22 of the board should be reversed. The petitioner ~~shall serve a~~  
23 ~~copy of the petition upon the electoral board and other parties~~  
24 ~~to the proceeding by registered or certified mail and shall~~  
25 file proof of service with the clerk of the court. No answer to

1 the petition need be filed, but the electoral board shall cause  
2 the record of proceedings before the electoral board to be  
3 filed with the clerk of the court on or before the date of the  
4 hearing on the petition or as ordered by the court ~~any answer~~  
5 ~~must be filed within 10 days after the filing of the petition.~~

6 When a petition for judicial review is filed with the clerk  
7 of the court, the party filing the petition shall forthwith  
8 schedule the matter for initial presentment to the assigned  
9 judge thereof, the date of which shall be not later than 2  
10 court days after the filing of the petition with the clerk of  
11 the court. The petitioner shall, within one business day after  
12 filing the petition for judicial review, deliver or caused to  
13 be delivered to the respondents a copy of the petition, notice  
14 of the scheduled date for presentment of the petition, and any  
15 order or orders entered by the court, if any. The court, upon  
16 presentment of the petition, shall set the matter for hearing  
17 to be held not nor more than 5 ~~within 30~~ days after the  
18 presentment ~~filing~~ of the petition and shall make its decision  
19 promptly after such hearing.

20 The provisions of this Section for the judicial review of  
21 decisions of an electoral board shall be the exclusive  
22 procedures governing the review of such decisions.

23 (b) An objector or proponent aggrieved by the decision of  
24 an electoral board regarding a petition filed pursuant to  
25 Section 18-120 of the Property Tax Code may secure a review of  
26 such decision by the State Board of Elections. The party

1 seeking such review must file a petition therefor with the  
2 State Board of Elections within 10 days after the decision of  
3 the electoral board. Any such objector or proponent may apply  
4 for and obtain judicial review of a decision of the State Board  
5 of Elections entered under this amendatory Act of 1985, in  
6 accordance with the provisions of the Administrative Review  
7 Law, as amended.

8 (Source: P.A. 88-670, eff. 12-2-94.)

9 (10 ILCS 5/10-11.1) (from Ch. 46, par. 10-11.1)

10 Sec. 10-11.1. Whenever a vacancy in the office of State  
11 Senator is to be filled by election pursuant to Article IV,  
12 Section 2(d) of the Constitution and Section 25-6 of this Code,  
13 nominations shall be made pursuant to this Section:

14 (1) If the vacancy in office occurs before the first date  
15 provided in Section 10-3 for filing nomination papers for the  
16 general election in the next even-numbered year following the  
17 commencement of the term, the nomination of independent  
18 candidates for such office shall be made as otherwise provided  
19 in this Article.

20 (2) If the vacancy occurs in office after the first day for  
21 filing nomination papers for independent candidates as  
22 provided in Section 10-3 but before the first day provided in  
23 Section 10-6 for filing nomination papers for the general  
24 election in the next even-numbered year following the  
25 commencement of the term, independent candidates for such

1 office shall file their nomination papers during the filing  
2 period set forth in Section 10-6 for new political party  
3 candidates.

4 (3) If a vacancy in office occurs prior to the first day  
5 provided in Section 10-6 for filing nomination papers for new  
6 political party candidates for the next ensuing general  
7 election, new political party candidates for such office shall  
8 file their nomination papers during the filing period as set  
9 forth in Section 10-6 as otherwise provided in this Article.

10 (4) If the vacancy in office occurs during the time  
11 provided in Section 10-6 for filing nomination papers for new  
12 political party candidates for the next ensuing general  
13 election, the time for independent and new political party  
14 candidates to file nomination papers for such office shall be  
15 not more than 92 ~~78~~ days nor less than 85 ~~71~~ days prior to the  
16 date of the general election.

17 (5) If the vacancy in office occurs after the last day  
18 provided in Section 10-6 for filing nomination papers for new  
19 political party candidates, independent and new political  
20 party candidates shall be nominated as provided by rules and  
21 regulations of the State Board of Elections.

22 The provisions of Sections 10-8 and 10-10.1 relating to  
23 objections to nomination papers, hearings on objections and  
24 judicial review, shall also apply to and govern objections to  
25 nomination papers filed pursuant to this Section.

26 Unless otherwise specified herein, the nomination and

1 election provided for in this Section shall be governed by this  
2 Code.

3 (Source: P.A. 84-790.)

4 (10 ILCS 5/10-11.2) (from Ch. 46, par. 10-11.2)

5 Sec. 10-11.2. Whenever a vacancy in any elective county  
6 office is to be filled by election pursuant to Section 25-11 of  
7 this Code, nominations shall be made and any vacancy in  
8 nomination shall be filled pursuant to this Section:

9 (1) If the vacancy in office occurs before the first date  
10 provided in Section 10-3 for filing nomination papers for the  
11 general election in the next even-numbered year following the  
12 commencement of the term, the nomination of independent  
13 candidates for such office shall be made as otherwise provided  
14 in this Article.

15 (2) If the vacancy in office occurs after the first day for  
16 filing nomination papers for independent candidates as  
17 provided in Section 10-3 but before the first day provided in  
18 Section 10-6 for filing nomination papers for new political  
19 party candidates for the general election in the next  
20 even-numbered year following the commencement of the term,  
21 independent candidates for such office shall file their  
22 nomination papers during the filing period set forth in Section  
23 10-6 for new political party candidates.

24 (3) If the vacancy in office occurs prior to the first date  
25 provided in Section 10-6 for filing nomination papers for new

1 political party candidates for the next ensuing general  
2 election, new political party candidates for such office shall  
3 file their nomination papers during the filing period as set  
4 forth in Section 10-6 for new political party candidates.

5 (4) If the vacancy in office occurs during the time  
6 provided in Section 10-6 for filing nomination papers for new  
7 political party candidates for the next ensuing general  
8 election the time for independent and new political party  
9 candidates to file nomination papers for such office shall be  
10 not more than 92 ~~78~~ days nor less than 85 ~~71~~ days prior to the  
11 date of the general election.

12 The provisions of Sections 10-8 through 10-10.1 relating to  
13 objections to nomination papers, hearings on objections and  
14 judicial review, shall also apply to and govern objections to  
15 nomination papers filed pursuant to this Section.

16 Unless otherwise specified herein, the nomination and  
17 election provided for in this Section shall be governed by this  
18 Code.

19 (Source: P.A. 84-790.)

20 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

21 Sec. 28-2. (a) Except as otherwise provided in this  
22 Section, petitions for the submission of public questions to  
23 referendum must be filed with the appropriate officer or board  
24 not less than 92 ~~78~~ days prior to a regular election to be  
25 eligible for submission on the ballot at such election; and

1 petitions for the submission of a question under Section 18-120  
2 of the Property Tax Code must be filed with the appropriate  
3 officer or board not more than 10 months nor less than 6 months  
4 prior to the election at which such question is to be submitted  
5 to the voters.

6 (b) However, petitions for the submission of a public  
7 question to referendum which proposes the creation or formation  
8 of a political subdivision must be filed with the appropriate  
9 officer or board not less than 122 ~~108~~ days prior to a regular  
10 election to be eligible for submission on the ballot at such  
11 election.

12 (c) Resolutions or ordinances of governing boards of  
13 political subdivisions which initiate the submission of public  
14 questions pursuant to law must be adopted not less than 79 ~~65~~  
15 days before a regularly scheduled election to be eligible for  
16 submission on the ballot at such election.

17 (d) A petition, resolution or ordinance initiating the  
18 submission of a public question may specify a regular election  
19 at which the question is to be submitted, and must so specify  
20 if the statute authorizing the public question requires  
21 submission at a particular election. However, no petition,  
22 resolution or ordinance initiating the submission of a public  
23 question, other than a legislative resolution initiating an  
24 amendment to the Constitution, may specify such submission at  
25 an election more than one year, or 15 months in the case of a  
26 back door referendum as defined in subsection (f), after the

1 date on which it is filed or adopted, as the case may be. A  
2 petition, resolution or ordinance initiating a public question  
3 which specifies a particular election at which the question is  
4 to be submitted shall be so limited, and shall not be valid as  
5 to any other election, other than an emergency referendum  
6 ordered pursuant to Section 2A-1.4.

7 (e) If a petition initiating a public question does not  
8 specify a regularly scheduled election, the public question  
9 shall be submitted to referendum at the next regular election  
10 occurring not less than 92 ~~78~~ days after the filing of the  
11 petition, or not less than 122 ~~108~~ days after the filing of a  
12 petition for referendum to create a political subdivision. If a  
13 resolution or ordinance initiating a public question does not  
14 specify a regularly scheduled election, the public question  
15 shall be submitted to referendum at the next regular election  
16 occurring not less than 79 ~~65~~ days after the adoption of the  
17 resolution or ordinance.

18 (f) In the case of back door referenda, any limitations in  
19 another statute authorizing such a referendum which restrict  
20 the time in which the initiating petition may be validly filed  
21 shall apply to such petition, in addition to the filing  
22 deadlines specified in this Section for submission at a  
23 particular election. In the case of any back door referendum,  
24 the publication of the ordinance or resolution of the political  
25 subdivision shall include a notice of (1) the specific number  
26 of voters required to sign a petition requesting that a public



1 question be submitted to the voters of the subdivision; (2) the  
2 time within which the petition must be filed; and (3) the date  
3 of the prospective referendum. The secretary or clerk of the  
4 political subdivision shall provide a petition form to any  
5 individual requesting one. The legal sufficiency of that form,  
6 if provided by the secretary or clerk of the political  
7 subdivision, cannot be the basis of a challenge to placing the  
8 back door referendum on the ballot. As used herein, a "back  
9 door referendum" is the submission of a public question to the  
10 voters of a political subdivision, initiated by a petition of  
11 voters or residents of such political subdivision, to determine  
12 whether an action by the governing body of such subdivision  
13 shall be adopted or rejected.

14 (g) A petition for the incorporation or formation of a new  
15 political subdivision whose officers are to be elected rather  
16 than appointed must have attached to it an affidavit attesting  
17 that at least 122 ~~108~~ days and no more than 152 ~~138~~ days prior  
18 to such election notice of intention to file such petition was  
19 published in a newspaper published within the proposed  
20 political subdivision, or if none, in a newspaper of general  
21 circulation within the territory of the proposed political  
22 subdivision in substantially the following form:

23 NOTICE OF PETITION TO FORM A NEW.....

24 Residents of the territory described below are notified  
25 that a petition will or has been filed in the Office  
26 of.....requesting a referendum to establish a

1 new....., to be called the.....

2 \*The officers of the new.....will be elected on the  
3 same day as the referendum. Candidates for the governing board  
4 of the new.....may file nominating petitions with the officer  
5 named above until.....

6 The territory proposed to comprise the new.....is  
7 described as follows:

8 (description of territory included in petition)

9 (signature).....

10 Name and address of person or persons proposing  
11 the new political subdivision.

12 \* Where applicable.

13 Failure to file such affidavit, or failure to publish the  
14 required notice with the correct information contained therein  
15 shall render the petition, and any referendum held pursuant to  
16 such petition, null and void.

17 Notwithstanding the foregoing provisions of this  
18 subsection (g) or any other provisions of this Code, the  
19 publication of notice and affidavit requirements of this  
20 subsection (g) shall not apply to any petition filed under  
21 Article 7 or 11E of the School Code nor to any referendum held  
22 pursuant to any such petition, and neither any petition filed  
23 under any of those Articles nor any referendum held pursuant to  
24 any such petition shall be rendered null and void because of  
25 the failure to file an affidavit or publish a notice with  
26 respect to the petition or referendum as required under this

1 subsection (g) for petitions that are not filed under any of  
2 those Articles of the School Code.

3 (Source: P.A. 94-30, eff. 6-14-05; 94-578, eff. 8-12-05;  
4 94-1019, eff. 7-10-06.)

5 Section 10. The Liquor Control Act of 1934 is amended by  
6 changing Sections 9-2 and 9-4 as follows:

7 (235 ILCS 5/9-2) (from Ch. 43, par. 167)

8 Sec. 9-2. When any legal voters of a precinct in any city,  
9 village or incorporated town of more than 200,000 inhabitants,  
10 as determined by the last preceding Federal census, desire to  
11 pass upon the question of whether the sale at retail of  
12 alcoholic liquor shall be prohibited in the precinct or at a  
13 particular street address within the precinct, they shall, at  
14 least 104 ~~90~~ days before an election, file in the office of the  
15 clerk of such city, village or incorporated town, a petition  
16 directed to the clerk, containing the signatures of not less  
17 than 25% of the legal voters registered with the board of  
18 election commissioners or county clerk, as the case may be,  
19 from the precinct. Provided, however, that when the petition  
20 seeks to prohibit the sale at retail of alcoholic liquor at a  
21 particular street address of a licensed establishment within  
22 the precinct the petition shall contain the signatures of not  
23 less than 40% of the legal voters requested from that precinct.  
24 The petition shall request that the proposition "Shall the sale

1 at retail of alcoholic liquor be prohibited in (or at) ....?"  
2 be submitted to the voters of the precinct at the next ensuing  
3 election at which such proposition may be voted upon. The  
4 submission of the question to the voters of such precinct at  
5 such election shall be mandatory when the petition has been  
6 filed in proper form with the clerk. If more than one set of  
7 petitions are presented to the clerk for submission at the same  
8 election, the petition presented first shall be given  
9 preference; however, the clerk shall provisionally accept any  
10 other set of petitions setting forth the same (or substantially  
11 the same) proposition. If the first set of petitions for a  
12 proposition is found to be in proper form and is not found to  
13 be invalid, it shall be accepted by the clerk and all  
14 provisionally accepted sets of petitions setting forth the same  
15 (or substantially the same) proposition shall be rejected by  
16 the clerk. If the first set of petitions for a proposition is  
17 found not to be in proper form or is found to be invalid, the  
18 clerk shall (i) reject the first set of petitions, (ii) accept  
19 the first provisionally accepted set of petitions that is in  
20 proper form and is not found to be invalid, and (iii) reject  
21 all other provisionally accepted sets of petitions setting  
22 forth the same (or substantially the same) proposition. Notice  
23 of the filing of the petition and the result of the election  
24 shall be given to the Secretary of State at his offices in  
25 both, Chicago and Springfield, Illinois. A return of the result  
26 of the election shall be made to the clerk of the city, village

1 or incorporated town in which the precinct is located. If a  
2 majority of the voters voting upon such proposition vote "YES",  
3 the sale at retail of alcoholic liquor shall be prohibited in  
4 the precinct or at the street address. If the sale at retail of  
5 alcoholic liquor at a particular street address is prohibited  
6 pursuant to this Section, the license for any establishment at  
7 that street address shall be void, and no person may apply for  
8 a license for the sale at retail of alcoholic liquor at an  
9 establishment at that street address unless such prohibition is  
10 discontinued pursuant to Section 9-10.

11 In cities, villages and incorporated towns of 200,000 or  
12 less population, as determined by the last preceding Federal  
13 census, the vote upon the question of prohibiting the sale at  
14 retail of alcoholic liquor, or alcoholic liquor other than beer  
15 containing not more than 4% of alcohol by volume, or alcoholic  
16 liquor containing more than 4% of alcohol by weight in the  
17 original package and not for consumption on the premises, shall  
18 be by the voters of the political subdivision as a unit. When  
19 any legal voters of such a city, village or incorporated town  
20 desire to pass upon the question of whether the sale at retail  
21 of alcoholic liquor shall be prohibited in the municipality,  
22 they shall, at least 104 ~~90~~ days before an election, file in  
23 the office of the clerk of the municipality, a petition  
24 directed to the clerk, containing the signatures of not less  
25 than 25% of the legal voters registered with the board of  
26 election commissioners or county clerk, as the case may be,

1 from the municipality. The petition shall request that the  
2 proposition, "Shall the sale at retail of alcoholic liquor be  
3 prohibited in....?" be submitted to the voters of the  
4 municipality at the next ensuing election at which the  
5 proposition may be voted upon. The submission of the question  
6 to the voters of the municipality at such election shall be  
7 mandatory when the petition has been filed in proper form with  
8 the clerk. If more than one set of petitions are presented to  
9 the clerk for submission at the same election, setting forth  
10 the same or different propositions, the petition presented  
11 first shall be given preference and the clerk shall refuse to  
12 accept any other set of petitions. Notice of the filing of the  
13 petition and the result of the election shall be given to the  
14 Secretary of State at his offices in both Chicago and  
15 Springfield, Illinois. A return of the result of the election  
16 shall be made to the clerk of the city, village or incorporated  
17 town. If a majority of the voters voting upon the proposition  
18 vote "Yes", the sale at retail of alcoholic liquor shall be  
19 prohibited in the municipality.

20 In the event a municipality does not vote to prohibit the  
21 sale at retail of alcoholic liquor, the council or governing  
22 body shall ascertain and determine what portions of the  
23 municipality are predominantly residence districts. No license  
24 permitting the sale of alcoholic liquors shall be issued by the  
25 local liquor commissioner or licensing officer permitting the  
26 sale of alcoholic liquors at any place within the residence

1 district so determined, unless the owner or owners of at least  
2 two-thirds of the frontage, 200 feet in each direction along  
3 the street and streets adjacent to the place of business for  
4 which a license is sought, file with the local liquor  
5 commissioner or licensing officer, his or their written consent  
6 to the use of such place for the sale of alcoholic liquors.

7 In each township or road district lying outside the  
8 corporate limits of a city, village or incorporated town, or in  
9 a part of a township or road district lying partly within and  
10 partly outside a city, village or incorporated town, the vote  
11 of such township, road district or part thereof, shall be as a  
12 unit. When any legal voters of any such township, or part  
13 thereof, in counties under township organization, or any legal  
14 voters of such road district or part thereof, in counties not  
15 under township organization, desire to vote upon the  
16 proposition as to whether the sale at retail of alcoholic  
17 liquor shall be prohibited in such township or road district or  
18 part thereof, they shall, at least 104 ~~90~~ days before an  
19 election, file in the office of the township or road district  
20 clerk, of the township or road district within which the  
21 election is to be held, a petition directed to the clerk and  
22 containing the signatures of not less than 25% of the legal  
23 voters registered with the county clerk from such township or  
24 road district or part thereof. The submission of the question  
25 to the voters of the township, road district or part thereof,  
26 at the next ensuing election shall be mandatory when the

1 petition has been filed in proper form with the clerk. If more  
2 than one set of petitions are presented to the clerk for  
3 submission at the same election, setting forth the same or  
4 different propositions, the petition presented first shall be  
5 given preference and the clerk shall refuse to accept any other  
6 set of petitions. A return of the result of such election shall  
7 be made to the clerk of the township or road district in which  
8 the territory is situated, and shall also be made to the  
9 Secretary of State at his offices in both Chicago and  
10 Springfield, Illinois.

11 (Source: P.A. 88-613, eff. 1-1-95.)

12 (235 ILCS 5/9-4) (from Ch. 43, par. 169)

13 Sec. 9-4. A petition for submission of the proposition  
14 shall be in substantially the following form:

15 To the .... clerk of the (here insert the corporate or  
16 legal name of the county, township, road district, city,  
17 village or incorporated town):

18 The undersigned, residents and legal voters of the ....  
19 (insert the legal name or correct designation of the political  
20 subdivision or precinct, as the case may be), respectfully  
21 petition that you cause to be submitted, in the manner provided  
22 by law, to the voters thereof, at the next election, the  
23 proposition "Shall the sale at retail of alcoholic liquor (or  
24 alcoholic liquor other than beer containing not more than 4% of  
25 alcohol by weight) (or alcoholic liquor containing more than 4%



1 of alcohol by weight except in the original package and not for  
 2 consumption on the premises) be prohibited in this .... (or at  
 3 the following address ....)?"

4 -----  
 5 Name of P. O. address Description of precinct Date of  
 6 signer (including township, road district signing  
 7 street no., or part thereof, as of  
 8 if any). the last general  
 9 election  
 10 -----

11 A petition for a proposition to be submitted to the voters  
 12 of a precinct shall also contain in plain and nonlegal language  
 13 a description of the precinct to which the proposition is to be  
 14 submitted at the election. The description shall describe the  
 15 territory of the precinct by reference to streets, natural or  
 16 artificial landmarks, addresses, or by any other method which  
 17 would enable a voter signing such petition to be informed of  
 18 the territory of the precinct. Each such petition for a  
 19 precinct referendum shall also contain a list of the names and  
 20 addresses of all licensees in the precinct.

21 Such petition shall conform to the requirements of the  
 22 general election law, as to form and signature requirements.  
 23 The circulator's statement shall include an attestation of: (1)  
 24 that none of the signatures on this petition sheet were signed  
 25 more than 4 months before the filing of this petition, or (2)  
 26 the dates on which the petitioners signed the petition, and

1 shall be sworn to before an officer residing in the county  
2 where such legal voters reside and authorized to administer  
3 oaths therein. No signature shall be revoked except by a  
4 revocation filed within 20 days from the filing of the petition  
5 with the clerk with whom the petition is required to be filed.  
6 Upon request of any citizen for a photostatic copy of the  
7 petition and paying or tendering to the clerk the costs of  
8 making the photostatic copy, the clerk shall immediately make,  
9 or cause to be made a photostatic copy of such petition. The  
10 clerk shall also deliver to such person, his official  
11 certification that such copy is a true copy of the original,  
12 stating the day when such original was filed in his office. Any  
13 5 legal voters or any affected licensee of any political  
14 subdivision, district or precinct in which a proposed election  
15 is about to be held as provided for in this Act, within any  
16 time up to 72 ~~30~~ days immediately prior to the date of such  
17 proposed election and upon filing a bond for costs, may contest  
18 the validity of the petitions for such election by filing a  
19 verified petition in the Circuit Court for the county in which  
20 the political subdivision, district or precinct is situated,  
21 setting forth the grounds for contesting the validity of such  
22 petitions. Upon the filing of the petition, a summons shall be  
23 issued by the Court, addressed to the appropriate city,  
24 village, town, township or road district clerk, notifying the  
25 clerk of the filing of the petition and directing him to appear  
26 before the Court on behalf of the political subdivision or

1 district at the time named in the summons; provided, the time  
2 shall not be less than 5 days nor more than 15 days after the  
3 filing of the petition. The procedure in these cases, as far as  
4 may be applicable, shall be the same as that provided for the  
5 objections to petitions in the general election law. Any legal  
6 voter in the political subdivision or precinct in which such  
7 election is to be held may appear in person or by counsel, in  
8 any such contest to defend or oppose the validity of the  
9 petition for election.

10 The municipal, town or road district clerk shall certify  
11 the proposition to be submitted at the election to the  
12 appropriate election officials, in accordance with the general  
13 election law, unless the petition has been determined to be  
14 invalid. If the court determines the petitions to be invalid  
15 subsequent to the certification by the clerk, the court's order  
16 shall be transmitted to the election officials and shall  
17 nullify such certification.

18 (Source: P.A. 86-861; 87-347.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.