



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4255

Introduced 2/27/2009, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/10-9	from Ch. 46, par. 10-9
10 ILCS 5/22-1	from Ch. 46, par. 22-1
10 ILCS 5/22-7	from Ch. 46, par. 22-7
220 ILCS 5/2-101	from Ch. 111 2/3, par. 2-101
220 ILCS 5/2-101.5 new	
220 ILCS 5/2-102	from Ch. 111 2/3, par. 2-102

Amends the Election Code. Requires that the election of commissioners of the Illinois Commerce Commission be included on general election ballots. Provides guidelines for the form and filing of petitions for nomination in the election of commissioners to the Commission. Provides that the State Board of Elections will hear and pass upon objections to the nominations of candidates for the Commission. Amends the Public Utilities Act. Provides for a Commission consisting of 7 members elected on a non-partisan basis. Provides that 3 members of the Commission shall be elected from the First Judicial District and one member shall be elected from each of the remaining 4 judicial districts. Provides that the members of the Commission shall elect one of the members to serve as chairperson of the Commission. Provides for the chairperson to serve a 2-year term. Makes other changes. Effective immediately.

LRB096 09073 MJR 19214 b

1 AN ACT concerning utilities.

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 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;

17 (4) State Senator and State Representative;

18 (5) County elected officers, including State's
19 Attorney, County Board member, County Commissioners, and
20 elected President of the County Board or County Chief
21 Executive;

22 (6) Circuit Court Clerk;

23 (7) Regional Superintendent of Schools, except in

1 counties or educational service regions in which that
2 office has been abolished;

3 (8) Judges of the Supreme, Appellate and Circuit
4 Courts, on the question of retention, to fill vacancies and
5 newly created judicial offices;

6 (9) Members of the Illinois Commerce Commission
7 ~~(Blank)~~;

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

10 (11) Special District elected officers, not otherwise
11 designated in this Section, where the statute creating or
12 authorizing the creation of the district requires an annual
13 election and permits or requires election of candidates of
14 political parties.

15 (b) At the general primary election:

16 (1) in each even-numbered year candidates of political
17 parties shall be nominated for those offices to be filled
18 at the general election in that year, except where pursuant
19 to law nomination of candidates of political parties is
20 made by caucus.

21 (2) in the appropriate even-numbered years the
22 political party offices of State central committeeman,
23 township committeeman, ward committeeman, and precinct
24 committeeman shall be filled and delegates and alternate
25 delegates to the National nominating conventions shall be
26 elected as may be required pursuant to this Code. In the

1 even-numbered years in which a Presidential election is to
2 be held, candidates in the Presidential preference primary
3 shall also be on the ballot.

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

17 (4) in each school district which has adopted the
18 provisions of Article 33 of the School Code, successors to
19 the members of the board of education whose terms expire in
20 the year in which the general primary is held shall be
21 elected.

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

24 (1) Municipal officers, provided that in
25 municipalities in which candidates for alderman or other
26 municipal office are not permitted by law to be candidates

1 of political parties, the runoff election where required by
2 law, or the nonpartisan election where required by law,
3 shall be held on the date of the consolidated election; and
4 provided further, in the case of municipal officers
5 provided for by an ordinance providing the form of
6 government of the municipality pursuant to Section 7 of
7 Article VII of the Constitution, such offices shall be
8 filled by election or by runoff election as may be provided
9 by such ordinance;

10 (2) Village and incorporated town library directors;

11 (3) City boards of stadium commissioners;

12 (4) Commissioners of park districts;

13 (5) Trustees of public library districts;

14 (6) Special District elected officers, not otherwise
15 designated in this section, where the statute creating or
16 authorizing the creation of the district permits or
17 requires election of candidates of political parties;

18 (7) Township officers, including township park
19 commissioners, township library directors, and boards of
20 managers of community buildings, and Multi-Township
21 Assessors;

22 (8) Highway commissioners and road district clerks;

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

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

1 (11) Forest preserve district commissioners elected
2 under Section 3.5 of the Downstate Forest Preserve District
3 Act;

4 (12) Elected members of school boards, school
5 trustees, directors of boards of school directors,
6 trustees of county boards of school trustees (except in
7 counties or educational service regions having a
8 population of 2,000,000 or more inhabitants) and members of
9 boards of school inspectors, except school boards in school
10 districts that adopt Article 33 of the School Code;

11 (13) Members of Community College district boards;

12 (14) Trustees of Fire Protection Districts;

13 (15) Commissioners of the Springfield Metropolitan
14 Exposition and Auditorium Authority;

15 (16) Elected Trustees of Tuberculosis Sanitarium
16 Districts;

17 (17) Elected Officers of special districts not
18 otherwise designated in this Section for which the law
19 governing those districts does not permit candidates of
20 political parties.

21 (d) At the consolidated primary election in each
22 odd-numbered year, candidates of political parties shall be
23 nominated for those offices to be filled at the consolidated
24 election in that year, except where pursuant to law nomination
25 of candidates of political parties is made by caucus, and
26 except those offices listed in paragraphs (12) through (17) of

1 subsection (c).

2 At the consolidated primary election in the appropriate
3 odd-numbered years, the mayor, clerk, treasurer, and aldermen
4 shall be elected in municipalities in which candidates for
5 mayor, clerk, treasurer, or alderman are not permitted by law
6 to be candidates of political parties, subject to runoff
7 elections to be held at the consolidated election as may be
8 required by law, and municipal officers shall be nominated in a
9 nonpartisan election in municipalities in which pursuant to law
10 candidates for such office are not permitted to be candidates
11 of political parties.

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

17 (e) (Blank).

18 (f) At any election established in Section 2A-1.1, public
19 questions may be submitted to voters pursuant to this Code and
20 any special election otherwise required or authorized by law or
21 by court order may be conducted pursuant to this Code.

22 Notwithstanding the regular dates for election of officers
23 established in this Article, whenever a referendum is held for
24 the establishment of a political subdivision whose officers are
25 to be elected, the initial officers shall be elected at the
26 election at which such referendum is held if otherwise so

1 provided by law. In such cases, the election of the initial
2 officers shall be subject to the referendum.

3 Notwithstanding the regular dates for election of
4 officials established in this Article, any community college
5 district which becomes effective by operation of law pursuant
6 to Section 6-6.1 of the Public Community College Act, as now or
7 hereafter amended, shall elect the initial district board
8 members at the next regularly scheduled election following the
9 effective date of the new district.

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

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

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

18 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

19 Sec. 7-12. Filing of petitions for nomination. All
20 petitions for nomination shall be filed by mail or in person as
21 follows:

22 (1) Where the nomination is to be made for a State,
23 congressional, Illinois Commerce Commission, or judicial
24 office, or for any office a nomination for which is made for a
25 territorial division or district which comprises more than one

1 county or is partly in one county and partly in another county
2 or counties, then, except as otherwise provided in this
3 Section, such petition for nomination shall be filed in the
4 principal office of the State Board of Elections not more than
5 99 and not less than 92 days prior to the date of the primary,
6 but, in the case of petitions for nomination to fill a vacancy
7 by special election in the office of representative in Congress
8 from this State, such petition for nomination shall be filed in
9 the principal office of the State Board of Elections not more
10 than 57 days and not less than 50 days prior to the date of the
11 primary.

12 Where a vacancy occurs in the office of Supreme, Appellate
13 or Circuit Court Judge within the 3-week period preceding the
14 92nd day before a general primary election, petitions for
15 nomination for the office in which the vacancy has occurred
16 shall be filed in the principal office of the State Board of
17 Elections not more than 78 nor less than 71 days prior to the
18 date of the general primary election.

19 Where the nomination is to be made for delegates or
20 alternate delegates to a national nominating convention, then
21 such petition for nomination shall be filed in the principal
22 office of the State Board of Elections not more than 99 and not
23 less than 92 days prior to the date of the primary; provided,
24 however, that if the rules or policies of a national political
25 party conflict with such requirements for filing petitions for
26 nomination for delegates or alternate delegates to a national

1 nominating convention, the chairman of the State central
2 committee of such national political party shall notify the
3 Board in writing, citing by reference the rules or policies of
4 the national political party in conflict, and in such case the
5 Board shall direct such petitions to be filed not more than 69
6 and not less than 62 days prior to the date of the primary.

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

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

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

25 (5) Petitions of candidates for precinct, township or ward
26 committeemen shall be filed in the office of the county clerk

1 not more than 99 nor less than 92 days prior to the date of the
2 primary.

3 (6) The State Board of Elections and the various election
4 authorities and local election officials with whom such
5 petitions for nominations are filed shall specify the place
6 where filings shall be made and upon receipt shall endorse
7 thereon the day and hour on which each petition was filed. All
8 petitions filed by persons waiting in line as of 8:00 a.m. on
9 the first day for filing, or as of the normal opening hour of
10 the office involved on such day, shall be deemed filed as of
11 8:00 a.m. or the normal opening hour, as the case may be.
12 Petitions filed by mail and received after midnight of the
13 first day for filing and in the first mail delivery or pickup
14 of that day shall be deemed as filed as of 8:00 a.m. of that day
15 or as of the normal opening hour of such day, as the case may
16 be. All petitions received thereafter shall be deemed as filed
17 in the order of actual receipt. Where 2 or more petitions are
18 received simultaneously, the State Board of Elections or the
19 various election authorities or local election officials with
20 whom such petitions are filed shall break ties and determine
21 the order of filing, by means of a lottery or other fair and
22 impartial method of random selection approved by the State
23 Board of Elections. Such lottery shall be conducted within 9
24 days following the last day for petition filing and shall be
25 open to the public. Seven days written notice of the time and
26 place of conducting such random selection shall be given by the

1 State Board of Elections to the chairman of the State central
2 committee of each established political party, and by each
3 election authority or local election official, to the County
4 Chairman of each established political party, and to each
5 organization of citizens within the election jurisdiction
6 which was entitled, under this Article, at the next preceding
7 election, to have pollwatchers present on the day of election.
8 The State Board of Elections, election authority or local
9 election official shall post in a conspicuous, open and public
10 place, at the entrance of the office, notice of the time and
11 place of such lottery. The State Board of Elections shall adopt
12 rules and regulations governing the procedures for the conduct
13 of such lottery. All candidates shall be certified in the order
14 in which their petitions have been filed. Where candidates have
15 filed simultaneously, they shall be certified in the order
16 determined by lot and prior to candidates who filed for the
17 same office at a later time.

18 (7) The State Board of Elections or the appropriate
19 election authority or local election official with whom such a
20 petition for nomination is filed shall notify the person for
21 whom a petition for nomination has been filed of the obligation
22 to file statements of organization, reports of campaign
23 contributions, and annual reports of campaign contributions
24 and expenditures under Article 9 of this Act. Such notice shall
25 be given in the manner prescribed by paragraph (7) of Section
26 9-16 of this Code.

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

17 (9) Any person for whom a petition for nomination, or for
18 committeeman or for delegate or alternate delegate to a
19 national nominating convention has been filed may cause his
20 name to be withdrawn by request in writing, signed by him and
21 duly acknowledged before an officer qualified to take
22 acknowledgments of deeds, and filed in the principal or
23 permanent branch office of the State Board of Elections or with
24 the appropriate election authority or local election official,
25 not later than the date of certification of candidates for the
26 consolidated primary or general primary ballot. No names so

1 withdrawn shall be certified or printed on the primary ballot.
2 If petitions for nomination have been filed for the same person
3 with respect to more than one political party, his name shall
4 not be certified nor printed on the primary ballot of any
5 party. If petitions for nomination have been filed for the same
6 person for 2 or more offices which are incompatible so that the
7 same person could not serve in more than one of such offices if
8 elected, that person must withdraw as a candidate for all but
9 one of such offices within the 5 business days following the
10 last day for petition filing. If he fails to withdraw as a
11 candidate for all but one of such offices within such time his
12 name shall not be certified, nor printed on the primary ballot,
13 for any office. For the purpose of the foregoing provisions, an
14 office in a political party is not incompatible with any other
15 office.

16 (10) (a) Notwithstanding the provisions of any other
17 statute, no primary shall be held for an established
18 political party in any township, municipality, or ward
19 thereof, where the nomination of such party for every
20 office to be voted upon by the electors of such township,
21 municipality, or ward thereof, is uncontested. Whenever a
22 political party's nomination of candidates is uncontested
23 as to one or more, but not all, of the offices to be voted
24 upon by the electors of a township, municipality, or ward
25 thereof, then a primary shall be held for that party in
26 such township, municipality, or ward thereof; provided

1 that the primary ballot shall not include those offices
2 within such township, municipality, or ward thereof, for
3 which the nomination is uncontested. For purposes of this
4 Article, the nomination of an established political party
5 of a candidate for election to an office shall be deemed to
6 be uncontested where not more than the number of persons to
7 be nominated have timely filed valid nomination papers
8 seeking the nomination of such party for election to such
9 office.

10 (b) Notwithstanding the provisions of any other
11 statute, no primary election shall be held for an
12 established political party for any special primary
13 election called for the purpose of filling a vacancy in the
14 office of representative in the United States Congress
15 where the nomination of such political party for said
16 office is uncontested. For the purposes of this Article,
17 the nomination of an established political party of a
18 candidate for election to said office shall be deemed to be
19 uncontested where not more than the number of persons to be
20 nominated have timely filed valid nomination papers
21 seeking the nomination of such established party for
22 election to said office. This subsection (b) shall not
23 apply if such primary election is conducted on a regularly
24 scheduled election day.

25 (c) Notwithstanding the provisions in subparagraph (a)
26 and (b) of this paragraph (10), whenever a person who has

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

23 (11) If multiple sets of nomination papers are filed for a
24 candidate to the same office, the State Board of Elections,
25 appropriate election authority or local election official
26 where the petitions are filed shall within 2 business days

1 notify the candidate of his or her multiple petition filings
2 and that the candidate has 3 business days after receipt of the
3 notice to notify the State Board of Elections, appropriate
4 election authority or local election official that he or she
5 may cancel prior sets of petitions. If the candidate notifies
6 the State Board of Elections, appropriate election authority or
7 local election official, the last set of petitions filed shall
8 be the only petitions to be considered valid by the State Board
9 of Elections, election authority or local election official. If
10 the candidate fails to notify the State Board of Elections,
11 election authority or local election official then only the
12 first set of petitions filed shall be valid and all subsequent
13 petitions shall be void.

14 (12) All nominating petitions shall be available for public
15 inspection and shall be preserved for a period of not less than
16 6 months.

17 (Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1089;
18 87-1052.)

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

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

23 1. The State Board of Elections will hear and pass upon
24 objections to the nominations of candidates for State offices,
25 nominations of candidates for congressional, legislative and

1 judicial offices of districts, subcircuits, or circuits
2 situated in more than one county, nominations of candidates for
3 members of the Illinois Commerce Commission, nominations of
4 candidates for the offices of State's attorney or regional
5 superintendent of schools to be elected from more than one
6 county, and petitions for proposed amendments to the
7 Constitution of the State of Illinois as provided for in
8 Section 3 of Article XIV of the Constitution.

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

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

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

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

25 6. In all cases, however, where the Congressional or
26 Legislative district is wholly within the jurisdiction of a

1 board of election commissioners and in all cases where the
2 school district or special district is wholly within the
3 jurisdiction of a municipal board of election commissioners and
4 in all cases where the municipality or township is wholly or
5 partially within the jurisdiction of a municipal board of
6 election commissioners, the board of election commissioners
7 shall ex-officio constitute the electoral board.

8 For special districts situated in more than one county, the
9 county officers electoral board of the county in which the
10 principal office of the district is located has jurisdiction to
11 hear and pass upon objections. For purposes of this Section,
12 "special districts" means all political subdivisions other
13 than counties, municipalities, townships and school and
14 community college districts.

15 In the event that any member of the appropriate board is a
16 candidate for the office with relation to which the objector's
17 petition is filed, he shall not be eligible to serve on that
18 board and shall not act as a member of the board and his place
19 shall be filled as follows:

20 a. In the county officers electoral board by the county
21 treasurer, and if he or she is ineligible to serve, by the
22 sheriff of the county.

23 b. In the municipal officers electoral board by the
24 eligible elected city council or board of trustees member
25 who has served the second greatest number of years as a
26 city council or board of trustees member.

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

4 d. In the education officers electoral board by the
5 eligible elected school or community college district
6 board member who has had the second longest term of
7 continuous service as a board member.

8 In the event that the chairman of the electoral board is
9 ineligible to act because of the fact that he is a candidate
10 for the office with relation to which the objector's petition
11 is filed, then the substitute chosen under the provisions of
12 this Section shall be the chairman; In this case, the officer
13 or board with whom the objector's petition is filed, shall
14 transmit the certificate of nomination or nomination papers as
15 the case may be, and the objector's petition to the substitute
16 chairman of the electoral board.

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

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

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

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

8 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

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

15 A. For Governor and Lieutenant Governor;

16 B. For State officers;

17 C. For presidential electors;

18 D. For United States Senators and Representatives to
19 Congress;

20 E. For judges of the Supreme Court;

21 F. For judges of the Appellate Court;

22 G. For judges of the circuit court;

23 H. For Senators and Representatives to the General
24 Assembly;

25 I. For State's Attorneys elected from 2 or more

1 counties;

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

4 K. For county officers and for propositions submitted
5 to the electors of the county only;

6 L. For Regional Superintendent of Schools;

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

8 N. For Trustee of a Regional Board of School Trustees;
9 and-

10 O. For members of the Illinois Commerce Commission.

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

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

19 The foregoing abstracts shall be preserved by the election
20 authority in its office.

21 Whenever any county clerk is unable to canvass the vote,
22 the deputy county clerk or a designee of the county clerk shall
23 serve in his or her place.

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

26 No person who is shown by the election authority's

1 proclamation to have been elected at the consolidated election
2 or general election as a write-in candidate shall take office
3 unless that person has first filed with the certifying office
4 or board a statement of candidacy pursuant to Section 7-10 or
5 Section 10-5, a statement pursuant to Section 7-10.1, and a
6 receipt for filing a statement of economic interests in
7 relation to the unit of government to which he or she has been
8 elected. For officers elected at the consolidated election, the
9 certifying officer shall notify the election authority of the
10 receipt of those documents, and the county clerk shall issue
11 the certification of election under the provisions of Section
12 22-18.

13 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;
14 95-331, eff. 8-21-07.)

15 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

16 Sec. 22-7. Canvass of votes; declaration and proclamation
17 of result. The State Board of Elections, shall proceed within
18 31 days after the election, and sooner if all the returns are
19 received, to canvass the votes given for United States Senators
20 and Representatives to Congress, State executive officers,
21 members of the Illinois Commerce Commission, judges of the
22 Supreme Court, judges of the Appellate Court, judges of the
23 Circuit Court, Senators, Representatives to the General
24 Assembly, State's Attorneys and Regional Superintendents of
25 Schools elected from 2 or more counties, respectively, and the

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

20 No person who is shown by the canvassing board's
21 proclamation to have been elected at the consolidated election
22 or general election as a write-in candidate shall take office
23 unless that person has first filed with the certifying office
24 or board a statement of candidacy pursuant to Section 7-10 or
25 Section 10-5, a statement pursuant to Section 7-10.1, and a
26 receipt for filing a statement of economic interests in

1 relation to the unit of government to which he or she has been
2 elected. For officers elected at the consolidated election, the
3 certifying officer shall notify the election authority of the
4 receipt of those documents, and the county clerk shall issue
5 the certification of election under the provisions of Section
6 22-18.

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

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

10 (220 ILCS 5/2-101) (from Ch. 111 2/3, par. 2-101)

11 Sec. 2-101. Commerce Commission created. There is created
12 an Illinois Commerce Commission consisting of 7 ~~5~~ members
13 elected as provided in Section 2-101.5 ~~not more than 3 of whom~~
14 ~~shall be members of the same political party at the time of~~
15 ~~appointment.~~ The Governor shall fill a vacancy by appointment
16 ~~appoint the members of such Commission~~ by and with the advice
17 and consent of the Senate. In case of a vacancy in such office
18 during the recess of the Senate the Governor shall make a
19 temporary appointment until the next meeting of the Senate,
20 when he shall nominate some person to fill such office; and any
21 person so nominated who is confirmed by the Senate, shall hold
22 his office during the remainder of the term and until his
23 successor shall be elected ~~appointed~~ and qualified. If 28 or
24 fewer months remain on the vacating member's term, the person

1 appointed to fill the vacancy shall serve for the remainder of
2 the term. If more than 28 months remain on the vacating
3 member's term, the person appointed to fill the vacancy shall
4 serve until the second Monday in January after the next general
5 election; at that next general election a person shall be
6 elected to fill the remainder of the vacating member's term.

7 Each member of the Commission shall hold office ~~for a term of 5~~
8 ~~years~~ from the second ~~third~~ Monday in January of the year in
9 which his predecessor's term expires for a term as provided in
10 Section 2-101.5.

11 ~~Notwithstanding any provision of this Section to the~~
12 ~~contrary, the term of office of each member of the Commission~~
13 ~~is terminated on the effective date of this amendatory Act of~~
14 ~~1995, but the incumbent members shall continue to exercise all~~
15 ~~of the powers and be subject to all of the duties of members of~~
16 ~~the Commission until their respective successors are appointed~~
17 ~~and qualified. Of the members initially appointed under the~~
18 ~~provisions of this amendatory Act of 1995, one member shall be~~
19 ~~appointed for a term of office which shall expire on the third~~
20 ~~Monday of January, 1997; 2 members shall be appointed for terms~~
21 ~~of office which shall expire on the third Monday of January,~~
22 ~~1998; one member shall be appointed for a term of office which~~
23 ~~shall expire on the third Monday of January, 1999; and one~~
24 ~~member shall be appointed for a term of office which shall~~
25 ~~expire on the third Monday of January, 2000. Each respective~~
26 ~~successor shall be appointed for a term of 5 years from the~~

1 ~~third Monday of January of the year in which his predecessor's~~
2 ~~term expires in accordance with the provisions of the first~~
3 ~~paragraph of this Section.~~

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

16 Consistent with the provisions of this Act, the Chairman shall
17 be the chief executive officer of the Commission for the
18 purpose of ensuring that the Commission's policies are properly
19 executed.

20 If there is no vacancy on the Commission, 4 members of the
21 Commission shall constitute a quorum to transact business;
22 otherwise, a majority of the Commission shall constitute a
23 quorum to transact business, and no vacancy shall impair the
24 right of the remaining commissioners to exercise all of the
25 powers of the Commission. Every finding, order, or decision
26 approved by a majority of the members of the Commission shall

1 be deemed to be the finding, order, or decision of the
2 Commission. The term of each appointed member of the Commission
3 shall terminate when all of the new members initially to be
4 elected under this amendatory Act of the 96th General Assembly
5 have taken office.

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

7 (220 ILCS 5/2-101.5 new)

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

9 (a) There shall be 7 members elected on a non-partisan
10 basis to serve on the Commission beginning with the general
11 election in 2010. Three members shall be elected from the First
12 Judicial District of Illinois and one member shall be elected
13 from each of the remaining judicial districts.

14 (b) The members of the Commission elected in 2010 shall
15 serve 4-year terms.

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

21 (220 ILCS 5/2-102) (from Ch. 111 2/3, par. 2-102)

22 Sec. 2-102. Commissioners and officers; prohibited
23 activities.

24 (a) Each commissioner and each person appointed to office

1 by the Commission shall before entering upon the duties of his
2 office take and subscribe the constitutional oath of office.

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

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

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

26 No commissioner or person appointed or employed by the

1 Commission shall solicit or accept any gift, gratuity,
2 emolument or employment from any person or corporation subject
3 to the supervision of the Commission, or from any officer,
4 agent or employee thereof; nor solicit, request from or
5 recommend, directly or indirectly, to any such person or
6 corporation, or to any officer, agent or employee thereof the
7 appointment of any person to any place or position. Every such
8 corporation and person, and every officer, agent or employee
9 thereof, is hereby forbidden to offer to any commissioner or to
10 any person appointed or employed by the Commission any gift,
11 gratuity, emolument or employment. If any commissioner or any
12 person appointed or employed by the Commission shall violate
13 any provisions of this paragraph he shall be removed from the
14 office or employment held by him. Every person violating the
15 provisions of this paragraph shall be guilty of a Class A
16 misdemeanor.

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

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.