



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4143

Introduced 1/30/2012, by Rep. Jehan A. Gordon

SYNOPSIS AS INTRODUCED:

10 ILCS 5/6-19.5 new	
10 ILCS 5/6A-1	from Ch. 46, par. 6A-1
10 ILCS 5/6A-2	from Ch. 46, par. 6A-2
10 ILCS 5/6A-4	from Ch. 46, par. 6A-4
10 ILCS 5/6A-5	from Ch. 46, par. 6A-5

Amends the Election Code. Permits the establishment of a county board of election commissioners, by referendum initiated by the county board, in a county with a population of less than 200,000 but more than 175,000 persons that has a municipality with a municipal board of election commissioners. Provides that, upon the opening of the office of county board of election commissioners, the county clerk and any municipal board of election commissioners in the county shall turn over to the county board any unused appropriations related to elections or the holding of elections in the county. Provides that a county board of election commissioners that supersedes a municipal board of election commissioners shall be composed of 5 members appointed by the circuit court of the county, at least 2 members shall reside in the municipality and shall be selected from the 2 leading political parties of the State, and at least 2 members shall reside outside of the municipality but within the county and shall be selected from the 2 leading political parties of the State. Provides that the annual budget of a county board of election commissioners shall be determined by the county board of that county. Effective immediately.

LRB097 17395 PJG 62597 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 6A-1, 6A-2, 6A-4, and 6A-5 and by adding Section
6 6-19.5 as follows:

7 (10 ILCS 5/6-19.5 new)

8 Sec. 6-19.5. Rejection of Article by superseding county
9 board of election commissioners. In addition to any other
10 method of rejection provided in this Article, when a county
11 board of election commissioners is established in accordance
12 with subsection (b) of Section 6A-1 in a county in which is
13 located any portion of a municipality with a municipal board of
14 election commissioners, the application of the provisions of
15 this Article to the territory of that municipality located
16 within that county is rejected.

17 (10 ILCS 5/6A-1) (from Ch. 46, par. 6A-1)

18 Sec. 6A-1. Adoption of Article.

19 (a) Any county in which there is no city, village or
20 incorporated town with a board of election commissioners may
21 establish a county board of election commissioners either (1)
22 by ordinance of the county board or (2) by vote of the electors

1 of the county in accordance with subsection (a) of Section
2 6A-2.

3 The fact that some territory in a county is within the
4 corporate limits of a city, village or incorporated town with a
5 board of election commissioners does not prevent that county
6 from establishing a county board of election commissioners in
7 accordance with this Article if no portion of such city,
8 village or incorporated town was within the county at the time
9 of the establishment of the board of election commissioners for
10 such city, village or incorporated town. If such a county
11 establishes a county board of election commissioners pursuant
12 to this Article, the county board of election commissioners
13 shall, with respect to the territory in the county within the
14 corporate limits of the city, village or incorporated town,
15 supersede the board of election commissioners of that city,
16 village or incorporated town.

17 (b) Any county with a population of less than 200,000 but
18 more than 175,000 persons as of the 2010 federal census in
19 which a city, village, or incorporated town with a board of
20 election commissioners is located may establish a county board
21 of election commissioners by vote of the electors of the county
22 in accordance with subsection (b) of Section 6A-2. If such a
23 county establishes a county board of election commissioners,
24 the county board of election commissioners, with respect to the
25 territory in the county within the corporate limits of the
26 city, village, or incorporated town, shall supersede the board

1 of election commissioners of that city, village, or
2 incorporated town.

3 (Source: P.A. 81-1433.)

4 (10 ILCS 5/6A-2) (from Ch. 46, par. 6A-2)

5 Sec. 6A-2. Submission to voters.

6 (a) Whenever registered voters in a ~~the~~ county described in
7 subsection (a) of Section 6A-1, numbering at least 1,000 or 1/8
8 of the number voting at the last preceding general election in
9 the county, whichever is less, petition the circuit court to
10 submit to the electors of the county a proposition to establish
11 a county board of election commissioners, the circuit court
12 shall cause such proposition to be submitted to the electors of
13 the county at the next succeeding general election.

14 (b) After approval and certification by the county board of
15 a county described in subsection (b) of Section 6A-1, the
16 proposition to establish a county board of election
17 commissioners shall be submitted to the electors of that county
18 at the next possible general election.

19 (c) The proposition shall be submitted in the same manner
20 as provided in Article 6 for the adoption of Articles 6, 14 and
21 18 by cities, villages and incorporated towns, except that the
22 question shall be stated: "Shall a board of election
23 commissioners be established for County?"

24 (Source: P.A. 78-465.)

1 (10 ILCS 5/6A-4) (from Ch. 46, par. 6A-4)

2 Sec. 6A-4. Transfer of records. Upon the opening of the
3 office of the county board of election commissioners, the
4 county clerk and any municipal board of election commissioners
5 in the county shall turn over to such county board all registry
6 books, registration record cards, poll books, tally sheets and
7 ballot boxes and all other books, forms, blanks and stationery
8 of every description in the clerk's or municipal board's
9 possession ~~his hands~~ in any way relating to elections or the
10 holding of elections in the county and any unused
11 appropriations related to elections or the holding of elections
12 in the county. Thereupon, all functions, powers and duties of
13 the county clerk, ~~or~~ the county board, or the municipal board
14 relating to elections in that county are transferred to the
15 county board of election commissioners.

16 (Source: P.A. 78-465.)

17 (10 ILCS 5/6A-5) (from Ch. 46, par. 6A-5)

18 Sec. 6A-5. The provisions of Articles 6, 14 and 18 of this
19 Act relating to boards of election commissioners in cities,
20 villages and incorporated towns shall, insofar as they can be
21 made applicable, apply to and govern county boards of election
22 commissioners established pursuant to this Article. For a
23 county described in subsection (b) of Section 6A-1, the board
24 of election commissioners shall be composed of 5 members
25 appointed by the circuit court of the county, at least 2

1 members shall reside in the municipality that had a board of
2 election commissioners superseded by subsection (b) of Section
3 6A-1 and shall be selected from the 2 leading political parties
4 of the State, one from each of those parties, and at least 2
5 members shall reside outside of such municipality but within
6 the county and shall be selected from the 2 leading political
7 parties of the State, one from each of those parties. A deputy
8 registrar serving as such by virtue of his status as a
9 municipal clerk, or a duly authorized deputy of a municipal
10 clerk, of a municipality the territory of which lies in more
11 than one county, where one such county is governed by a county
12 board of election commissioners established pursuant to this
13 Article, may accept the registration of any qualified resident
14 of the municipality, regardless of which county the resident,
15 municipal clerk or the duly authorized deputy of the municipal
16 clerk lives in. The annual budget for a county board of
17 election commissioners shall be determined by the county board
18 of that county. However, the county board, in fixing the
19 compensation of the members of the county board of election
20 commissioners and of the executive director and assistant
21 executive director, is not subject to the limitations of
22 Section 6-70 and may provide for either an annual salary or a
23 per diem compensation.

24 (Source: P.A. 85-958.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.