



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5207

Introduced 2/8/2012, by Rep. David Reis

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/28-12

from Ch. 46, par. 28-12

Amends the Election Code. Provides that, if a statewide projection of valid signatures on a petition for a statewide advisory public question establishes a total number of valid petition signatures greater than 95.0% of the minimum number of signatures required to qualify the proposed statewide advisory public question (now, to qualify the proposed Constitutional amendment or statewide advisory public question) for the ballot, the results of the sample shall be considered inconclusive and the State Board of Elections shall issue a final order declaring the petition to be valid. Effective immediately.

LRB097 18246 PJG 63472 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section  
5 28-12 as follows:

6 (10 ILCS 5/28-12) (from Ch. 46, par. 28-12)

7 Sec. 28-12. Upon receipt of the certificates of the  
8 election authorities showing the results of the sample  
9 signature verification, the Board shall:

10 1. Based on the sample, calculate the ratio of invalid  
11 or valid signatures in each election jurisdiction.

12 2. Apply the ratio of invalid to valid signatures in an  
13 election jurisdiction sample to the total number of  
14 petition signatures submitted from that election  
15 jurisdiction.

16 3. Compute the degree of multiple signature  
17 contamination in each election jurisdiction sample.

18 4. Adjust for multiple signature contamination and the  
19 invalid signatures, project the total number of valid  
20 petition signatures submitted from each election  
21 jurisdiction.

22 5. Aggregate the total number of projected valid  
23 signatures from each election jurisdiction and project the

1 total number of valid signatures on the petition statewide.

2 If such statewide projection establishes a total number of  
3 valid petition signatures not greater than 95.0% of the minimum  
4 number of signatures required to qualify the proposed statewide  
5 advisory public question for the ballot, the petition shall be  
6 presumed invalid; provided that, prior to the last day for  
7 ballot certification for the general election, the Board shall  
8 conduct a hearing for the purpose of allowing the proponents to  
9 present competent evidence or an additional sample to rebut the  
10 presumption of invalidity. At the conclusion of such hearing,  
11 and after the resolution of any specific objection filed  
12 pursuant to Section 10-8 of this Code, the Board shall issue a  
13 final order declaring the petition to be valid or invalid and  
14 shall, in accordance with its order, certify or not certify the  
15 proposition for the ballot.

16 If such statewide projection establishes a total number of  
17 valid petition signatures greater than 95.0% of the minimum  
18 number of signatures required to qualify the proposed  
19 ~~Constitutional amendment or~~ statewide advisory public question  
20 for the ballot, the results of the sample shall be considered  
21 inconclusive and, if no specific objections to the petition are  
22 filed pursuant to Section 10-8 of this Code, the Board shall  
23 issue a final order declaring the petition to be valid and  
24 shall certify the proposition for the ballot.

25 In either event, the Board shall append to its final order  
26 the detailed results of the sample from each election

1 jurisdiction which shall include: (a) specific page and line  
2 numbers of signatures actually verified or determined to be  
3 invalid by the respective election authorities, and (b) the  
4 calculations and projections performed by the Board for each  
5 election jurisdiction.

6 (Source: P.A. 97-81, eff. 7-5-11.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.