



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2884

by Rep. Dan Brady

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-3	from Ch. 46, par. 6A-3
10 ILCS 5/6A-4	from Ch. 46, par. 6A-4
10 ILCS 5/6A-8 new	

Amends the Election Code. Provides that when a county board of election commissioners is established in certain counties where any portion of a municipality with a municipal board of election commissioners is located, the application of certain provisions of the Code to the territory of that municipality located within that county is rejected. Authorizes the establishment of a county board of election commissioners by vote of the electors of any county with a population of less than 200,000, but more than 175,000 persons as of the 2010 federal census in which a city, village, or incorporated town or a part thereof with a board of election commissioners is located. Provides for the transfer of records from municipal board of election commissioners that has been abolished. Authorizes a county board to certify and submit a proposition to establish a county board of election commissioners. Provides that no appointed commissioner shall hold or be a candidate for any elective public or political office during his or her term. Provides that certain county boards of election commissioners shall be funded by an annual election fund tax not to exceed .040% of the value, as equalized or assessed, of all the taxable property within its jurisdiction. Effective immediately.

LRB098 08775 HLH 38901 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-3, and 6A-4 and by adding Sections
6 6-19.5 and 6A-8 as follows:

7 (10 ILCS 5/6-19.5 new)

8 Sec. 6-19.5. Rejection by superseding county board of
9 election commissioners. In addition to any other method of
10 rejection provided in this Article, when a county board of
11 election commissioners is established in accordance with
12 subsection (b) of Section 6A-1 of this Code in a county in
13 which any portion of a municipality with a municipal board of
14 election commissioners is located, the application of the
15 provisions of this Article to the territory of that
16 municipality located within that county is rejected only if the
17 proposition creating the county board of election
18 commissioners is approved by a majority of votes cast on the
19 proposition in such city, village, or incorporated town.

20 (10 ILCS 5/6A-1) (from Ch. 46, par. 6A-1)

21 Sec. 6A-1. Establishment.

22 (a) Any county in which there is no city, village or

1 incorporated town with a board of election commissioners may
2 establish a county board of election commissioners either (1)
3 by ordinance of the county board or (2) by vote of the electors
4 of the county in accordance with subsection (a) of Section
5 6A-2.

6 (b) Any county with a population of less than 200,000 and
7 more than 175,000 persons as of the 2010 federal census in
8 which a city, village, incorporated town, or a part thereof is
9 located and has a board of election commissioners may establish
10 a county board of election commissioners by vote of the
11 electors of the county in accordance with subsection (a) of
12 Section 6A-2 of this Code. If any residents of such city,
13 village, or incorporated town reside in a county that adjoins
14 the county in which the referendum election is held, then those
15 residents shall also be entitled to vote on that referendum. If
16 such a county establishes a county board of election
17 commissioners, the county board of election commissioners,
18 with respect to the territory in the county within the
19 corporate limits of the city, village, or incorporated town,
20 shall supersede the board of election commissioners of that
21 city, village, or incorporated town only if the proposition
22 creating the county board of election commissioners is approved
23 by a majority of all of the votes cast on the proposition in
24 such city, village, or incorporated town as well as by a
25 majority of votes cast in the entire county.

26 ~~The fact that some territory in a county is within the~~

~~1 eorporate limits of a city, village or incorporated town with a
2 board of election commissioners does not prevent that county
3 from establishing a county board of election commissioners in
4 accordance with this Article if no portion of such city,
5 village or incorporated town was within the county at the time
6 of the establishment of the board of election commissioners for
7 such city, village or incorporated town. If such a county
8 establishes a county board of election commissioners pursuant
9 to this Article, the county board of election commissioners
10 shall, with respect to the territory in the county within the
11 eorporate limits of the city, village or incorporated town,
12 supersede the board of election commissioners of that city,
13 village or incorporated town.~~

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

15 (10 ILCS 5/6A-2) (from Ch. 46, par. 6A-2)

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

17 (a) Whenever registered voters in a the county described in
18 subsection (a) or (b) of Section 6A-1 of this Code, numbering
19 at least 1,000 or 1/8 of the number voting at the last
20 preceding general election in the county, whichever is less,
21 petition the circuit court to submit to the electors of the
22 county a proposition to establish a county board of election
23 commissioners, the circuit court shall cause such proposition
24 to be submitted to the electors of the county at the next
25 succeeding general election.

1 (b) A county board may, by ordinance or resolution, certify
2 to the appropriate election authorities and cause to be
3 submitted to the electors of such county at the next general
4 election a proposition to establish a county board of election
5 commissioners pursuant to subsection (a) of Section 6A-1 of
6 this Code.

7 (c) The proposition shall be submitted in the same manner
8 as provided in Article 6 for the adoption of Articles 6, 14 and
9 18 by cities, villages and incorporated towns, except that the
10 question shall be stated: "Shall a county board of election
11 commissioners be established for County?"

12 (d) If a majority of the votes cast on a proposition
13 submitted in accordance with subsection (c) of this Section are
14 in favor of the creation of a county board of election
15 commissioners, a county board of election commissioners is
16 established, provided, however, that if there exists on the
17 date of the election at which the proposition is submitted to a
18 board of election commissioners in any municipality in such
19 county, the county board of election commissioners shall
20 supersede such municipal board of election commissioners and
21 the municipal board of election commissions is abolished only
22 if the proposition is approved by a majority of votes cast on
23 such proposition in such municipality. If any residents of such
24 municipality reside in a county which adjoins the county in
25 which such proposition is submitted to election, such residents
26 shall be entitled to vote on such proposition.

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

2 (10 ILCS 5/6A-3) (from Ch. 46, par. 6A-3)

3 Sec. 6A-3. Appointment. If the county board adopts an
4 ordinance providing for the establishment of a county board of
5 election commissioners, or if a majority of the votes cast on a
6 proposition submitted in accordance with Section 6A-2 are in
7 favor of a county board of election commissioners, a county
8 board of election commissioners shall be appointed in the same
9 manner as is provided in Article 6 for boards of election
10 commissioners in cities, villages and incorporated towns,
11 except that any ~~the~~ county board of election commissioners in
12 existence as of the effective date of this amendatory Act of
13 the 98th General Assembly shall continue to be appointed by the
14 chairman of the county board rather than the circuit court. No
15 appointed commissioner shall hold or be a candidate for any
16 elective public or political office during his or her term.
17 ~~However, before any appointments are made, the appointing~~
18 ~~authority shall ascertain whether the county clerk desires to~~
19 ~~be a member of the county board of election commissioners. If~~
20 ~~the county clerk so desires, he shall be one of the members of~~
21 ~~the county board of election commissioners, and the appointing~~
22 ~~authority shall appoint only 2 other members.~~

23 (Source: P.A. 91-358, eff. 7-29-99.)

24 (10 ILCS 5/6A-4) (from Ch. 46, par. 6A-4)

1 Sec. 6A-4. Transfer of records. Upon the opening of the
2 office of the county board of election commissioners, the
3 county clerk and any such municipal board of election
4 commissioners in a county that has been superseded and
5 abolished by the creation of a county board of election
6 commissioners pursuant to Section 6A-2 of this Code shall turn
7 over to such board all registry books, registration record
8 cards, poll books, tally sheets and ballot boxes and all other
9 books, forms, blanks and stationery of every description in the
10 clerk's or municipal board's possession ~~his hands~~ in any way
11 relating to elections or the holding of elections in the
12 county. Thereupon, all functions, powers and duties of the
13 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-8 new)

18 Sec. 6A-8. Funding. Any county board of election
19 commissioners established in accordance with Section 6A-2 of
20 this Code shall be funded by an annual election fund tax not to
21 exceed .040% of the value, as equalized or assessed, of all the
22 taxable property within its jurisdiction. This tax shall be in
23 addition to and exclusive of all other taxes that the county is
24 now or hereafter authorized to levy and collect and shall be
25 levied and collected in the same manner as the general taxes of

1 that county. Proceeds of such levy and tax shall be deposited
2 into an election fund to be administered and used by the county
3 board of election commissioners to pay for all expenses
4 incurred in conducting elections within its jurisdiction. The
5 county board of election commissioners may incur debt and may
6 issue tax anticipation warrants against the taxes to be
7 assessed for a calendar year.

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