



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2745

Introduced 2/16/2016, by Sen. Don Harmon

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-10.1  
105 ILCS 5/9-10

from Ch. 46, par. 10-10.1  
from Ch. 122, par. 9-10

Amends the Election Code. Provides that a party seeking judicial review of decisions of an electoral board must serve a copy of the court petition with the election authority. Amends the School Code. Removes provisions that the county clerk or the county board of election shall receive and file only those petitions for members of a board of education that include certain documents. Effective immediately.

LRB099 16643 MLM 40981 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 10-10.1 as follows:

6 (10 ILCS 5/10-10.1) (from Ch. 46, par. 10-10.1)

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

1           The court shall set the matter for hearing to be held  
2 within 30 days after the filing of the petition and shall make  
3 its decision promptly after such hearing.

4           (b) An objector or proponent aggrieved by the decision of  
5 an electoral board regarding a petition filed pursuant to  
6 Section 18-120 of the Property Tax Code may secure a review of  
7 such decision by the State Board of Elections. The party  
8 seeking such review must file a petition therefor with the  
9 State Board of Elections within 10 days after the decision of  
10 the electoral board. Any such objector or proponent may apply  
11 for and obtain judicial review of a decision of the State Board  
12 of Elections entered under this amendatory Act of 1985, in  
13 accordance with the provisions of the Administrative Review  
14 Law, as amended.

15           (Source: P.A. 96-1008, eff. 7-6-10.)

16           Section 10. The School Code is amended by changing Section  
17 9-10 as follows:

18           (105 ILCS 5/9-10) (from Ch. 122, par. 9-10)

19           Sec. 9-10. Candidates for office - Nominating petitions.  
20 Candidates for the office of school director shall be nominated  
21 by petition signed by at least 25 voters or 5% of the voters,  
22 whichever is less, residing within the district and filed with  
23 the county clerk or the county board of election commissioners,  
24 as the case may be, of the county in which the principal office

1 of the school district is located.

2 Nominations for members of boards of education, including  
3 non-high school boards of education shall be made by a petition  
4 signed by at least 50 voters or 10% of the voters, whichever is  
5 less, residing within the district and shall be filed with the  
6 county clerk or the county board of election commissioners, as  
7 the case may be, of the county in which the principal office of  
8 the school district is located. In addition to the requirements  
9 of the general election law, the form of such petitions shall  
10 be substantially as follows:

11 NOMINATING PETITIONS

12 (LEAVE OUT THE INAPPLICABLE PART.)

13 To the (County Clerk or County Board of Election  
14 Commissioners) .... of .... County:

15 We the undersigned, being (.... or more) (or 10% or more)  
16 (or 5% or more) of the voters residing within said district,  
17 hereby petition that .... who resides at .... in the (city or  
18 village) of .... in Township .... (or who resides outside any  
19 city, village or incorporated town and in Township ....) in  
20 said district shall be a candidate for the office of .... of  
21 the board of education (or board of directors) (full term)  
22 (vacancy) to be voted for at the election to be held on (insert  
23 date).

24 Name: ..... Address: .....

25 In the designation of the name of a candidate on a petition

1 for nomination, the candidate's given name or names, initial or  
2 initials, a nickname by which the candidate is commonly known,  
3 or a combination thereof may be used in addition to the  
4 candidate's surname. If a candidate has changed his or her  
5 name, whether by a statutory or common law procedure in  
6 Illinois or any other jurisdiction, within 3 years before the  
7 last day for filing the petition, then (i) the candidate's name  
8 on the petition must be followed by "formerly known as (list  
9 all prior names during the 3-year period) until name changed on  
10 (list date of each such name change)" and (ii) the petition  
11 must be accompanied by the candidate's affidavit stating the  
12 candidate's previous names during the period specified in  
13 clause (i) and the date or dates each of those names was  
14 changed; failure to meet these requirements shall be grounds  
15 for denying certification of the candidate's name for the  
16 ballot, but these requirements do not apply to name changes  
17 resulting from adoption to assume an adoptive parent's or  
18 parents' surname, marriage to assume a spouse's surname, or  
19 dissolution of marriage or declaration of invalidity of  
20 marriage to assume a former surname. No other designation, such  
21 as a political slogan, as defined by Section 7-17 of the  
22 Election Code, title or degree, or nickname suggesting or  
23 implying possession of a title, degree or professional status,  
24 or similar information may be used in connection with the  
25 candidate's surname.

26 Nomination papers filed under this Section are not valid

1 unless the candidate named therein files with the county clerk  
2 or the county board of election commissioners, as the case may  
3 be, of the county in which the principal office of the school  
4 district is located a receipt from the county clerk showing  
5 that the candidate has filed a statement of economic interests  
6 as required by the Illinois Governmental Ethics Act. Such  
7 receipt shall be so filed either previously during the calendar  
8 year in which his nomination papers were filed or within the  
9 period for the filing of nomination papers in accordance with  
10 the general election law.

11 All petitions for the nomination of members of a board of  
12 education shall be filed with the county clerk or the county  
13 board of election commissioners, as the case may be, of the  
14 county in which the principal office of the school district is  
15 located within the time provided for by the general election  
16 law. ~~The county clerk or the county board of election~~  
17 ~~commissioners shall receive and file only those petitions which~~  
18 ~~include a statement of candidacy, the required number of voter~~  
19 ~~signatures, the notarized signature of the petition circulator~~  
20 ~~and a receipt from the County Clerk showing that the candidate~~  
21 ~~has filed a statement of economic interest on or before the~~  
22 ~~last day to file as required by the Illinois Governmental~~  
23 ~~Ethics Act.~~ The county clerk or the county board of election  
24 commissioners may have petition forms available for issuance to  
25 potential candidates, and may give notice of the petition  
26 filing period by publication in a newspaper of general

1 circulation within the school district not less than 10 days  
2 prior to the first day of filing. The county clerk or the  
3 county board of election commissioners shall make  
4 certification to the proper election authorities in accordance  
5 with the general election law.

6 The county clerk or the county board of election  
7 commissioners, as the case may be, of the county in which the  
8 principal office of the school district is located shall notify  
9 the candidates for whom a petition for nomination is filed or  
10 the appropriate committee of the obligations under the Campaign  
11 Financing Act as provided in the general election law. Such  
12 notice shall be given on a form prescribed by the State Board  
13 of Elections and in accordance with the requirements of the  
14 general election law. The county clerk or county board of  
15 election commissioners shall within 7 days of filing or on the  
16 last day for filing, whichever is earlier, acknowledge to the  
17 petitioner in writing the office's acceptance of the petition.

18 A candidate for membership on the board of education or for  
19 office as a school director, who has petitioned for nomination  
20 to fill a full term and to fill a vacant term to be voted upon  
21 at the same election, must withdraw his or her petition for  
22 nomination from either the full term or the vacant term by  
23 written declaration.

24 In all newly organized districts the petition for the  
25 nomination of candidates for members of the board of education  
26 at the first election shall be addressed to and filed with the

1 regional superintendent of schools in the manner herein  
2 specified for the petitions for members of a board of  
3 education. For such election the regional superintendent shall  
4 fulfill all duties otherwise assigned to the secretary of the  
5 board of education.

6 (Source: P.A. 98-115, eff. 7-29-13.)

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