

# HB2566



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2566

Introduced 2/4/2025, by Rep. Jay Hoffman

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-8  
10 ILCS 5/10-10

from Ch. 46, par. 10-8  
from Ch. 46, par. 10-10

Amends the Election Code. In provisions concerning the objection to specified election documents, adds references to declarations of intent to be a write-in-candidate.

LRB104 11157 SPS 21239 b

A BILL FOR

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 10-8 and 10-10 as follows:

6 (10 ILCS 5/10-8) (from Ch. 46, par. 10-8)

7 Sec. 10-8. Except as otherwise provided in this Code,  
8 certificates of nomination and nomination papers, declarations  
9 of intent to be a write-in candidate, and petitions to submit  
10 public questions to a referendum, being filed as required by  
11 this Code, and being in apparent conformity with the  
12 provisions of this Act, shall be deemed to be valid unless  
13 objection thereto is duly made in writing within 5 business  
14 days after the last day for filing the certificate of  
15 nomination or nomination papers, declarations of intent to be  
16 a write-in candidate, or petition for a public question, with  
17 the following exceptions:

18 A. In the case of petitions to amend Article IV of the  
19 Constitution of the State of Illinois, there shall be a  
20 period of 35 business days after the last day for the  
21 filing of such petitions in which objections can be filed.

22 B. In the case of petitions for advisory questions of  
23 public policy to be submitted to the voters of the entire

1 State, there shall be a period of 35 business days after  
2 the last day for the filing of such petitions in which  
3 objections can be filed.

4 Any legal voter of the political subdivision or district  
5 in which the candidate or public question is to be voted on, or  
6 any legal voter in the State in the case of a proposed  
7 amendment to Article IV of the Constitution or an advisory  
8 public question to be submitted to the voters of the entire  
9 State, having objections to any certificate of nomination or  
10 nomination papers, declarations of intent to be a write-in  
11 candidate, or petitions filed, shall file an objector's  
12 petition together with 2 copies thereof in the principal  
13 office or the permanent branch office of the State Board of  
14 Elections, or in the office of the election authority or local  
15 election official with whom the certificate of nomination,  
16 nomination papers, declarations of intent to be a write-in  
17 candidate, or petitions are on file. Objection petitions that  
18 do not include 2 copies thereof, shall not be accepted. In the  
19 case of nomination papers or certificates of nomination, the  
20 State Board of Elections, election authority or local election  
21 official shall note the day and hour upon which such  
22 objector's petition is filed, and shall, not later than 12:00  
23 noon on the second business day after receipt of the petition,  
24 transmit by registered mail or receipted personal delivery the  
25 certificate of nomination or nomination papers and the  
26 original objector's petition to the chair of the proper

1 electoral board designated in Section 10-9 hereof, or his  
2 authorized agent, and shall transmit a copy by registered mail  
3 or receipted personal delivery of the objector's petition, to  
4 the candidate whose certificate of nomination or nomination  
5 papers or declaration of intent to be a write-in candidate are  
6 objected to, addressed to the place of residence designated in  
7 said certificate of nomination or nomination papers or  
8 declaration of intent to be a write-in candidate. In the case  
9 of objections to a petition for a proposed amendment to  
10 Article IV of the Constitution or for an advisory public  
11 question to be submitted to the voters of the entire State, the  
12 State Board of Elections shall note the day and hour upon which  
13 such objector's petition is filed and shall transmit a copy of  
14 the objector's petition by registered mail or receipted  
15 personal delivery to the person designated on a certificate  
16 attached to the petition as the principal proponent of such  
17 proposed amendment or public question, or as the proponents'  
18 attorney, for the purpose of receiving notice of objections.  
19 In the case of objections to a petition for a public question,  
20 to be submitted to the voters of a political subdivision, or  
21 district thereof, the election authority or local election  
22 official with whom such petition is filed shall note the day  
23 and hour upon which such objector's petition was filed, and  
24 shall, not later than 12:00 noon on the second business day  
25 after receipt of the petition, transmit by registered mail or  
26 receipted personal delivery the petition for the public

1 question and the original objector's petition to the chair of  
2 the proper electoral board designated in Section 10-9 hereof,  
3 or his authorized agent, and shall transmit a copy by  
4 registered mail or receipted personal delivery, of the  
5 objector's petition to the person designated on a certificate  
6 attached to the petition as the principal proponent of the  
7 public question, or as the proponent's attorney, for the  
8 purposes of receiving notice of objections.

9 The objector's petition shall give the objector's name and  
10 residence address, and shall state fully the nature of the  
11 objections to the certificate of nomination or nomination  
12 papers, declarations of intent to be a write-in candidate, or  
13 petitions in question, and shall state the interest of the  
14 objector and shall state what relief is requested of the  
15 electoral board.

16 The provisions of this Section and of Sections 10-9, 10-10  
17 and 10-10.1 shall also apply to and govern objections to  
18 petitions for nomination filed under Article 7 or Article 8,  
19 except as otherwise provided in Section 7-13 for cases to  
20 which it is applicable, and also apply to and govern petitions  
21 for the submission of public questions under Article 28.

22 (Source: P.A. 102-15, eff. 6-17-21.)

23 (10 ILCS 5/10-10) (from Ch. 46, par. 10-10)

24 Sec. 10-10. Within 24 hours after the receipt of the  
25 certificate of nomination or nomination papers, declarations

1 of intent to be a write-in candidate, or proposed question of  
2 public policy, as the case may be, and the objector's  
3 petition, the chair of the electoral board other than the  
4 State Board of Elections shall send a call by registered or  
5 certified mail: to each of the members of the electoral board;  
6 to the objector who filed the objector's petition; either to  
7 the candidate whose certificate of nomination or nomination  
8 papers or declaration of intent to be a write-in candidate are  
9 objected to or to the principal proponent or attorney for  
10 proponents of a question of public policy, as the case may be,  
11 whose petitions are objected to; to the election authority to  
12 whom the ballot is certified; and to the appropriate county  
13 clerk. The chair of the electoral board other than the State  
14 Board of Elections shall also cause the sheriff of the county  
15 or counties in which such officers and persons reside to serve  
16 a copy of such call upon each of such officers and persons,  
17 which call shall set out the fact that the electoral board is  
18 required to meet to hear and pass upon the objections to  
19 nominations made for the office, designating it, and shall  
20 state the day, hour and place at which the electoral board  
21 shall meet for the purpose, which place shall be in the county  
22 court house in the county in the case of the County Officers  
23 Electoral Board, the Municipal Officers Electoral Board, the  
24 Township Officers Electoral Board or the Education Officers  
25 Electoral Board, except that the Municipal Officers Electoral  
26 Board, the Township Officers Electoral Board, and the

1 Education Officers Electoral Board may meet at the location  
2 where the governing body of the municipality, township, or  
3 community college district, respectively, holds its regularly  
4 scheduled meetings, if that location is available; provided  
5 that voter records may be removed from the offices of an  
6 election authority only at the discretion and under the  
7 supervision of the election authority. In those cases where  
8 the State Board of Elections is the electoral board designated  
9 under Section 10-9, the chair of the State Board of Elections  
10 shall, within 24 hours after the receipt of the certificate of  
11 nomination or nomination papers, declaration of intent to be a  
12 write-in candidate, or petitions for a proposed amendment to  
13 Article IV of the Constitution or proposed statewide question  
14 of public policy, send a call by registered or certified mail  
15 to the objector who files the objector's petition, and either  
16 to the candidate whose certificate of nomination or nomination  
17 papers or declaration of intent to be a write-in candidate are  
18 objected to or to the principal proponent or attorney for  
19 proponents of the proposed Constitutional amendment or  
20 statewide question of public policy and shall state the day,  
21 hour, and place at which the electoral board shall meet for the  
22 purpose, which place may be in the Capitol Building or in the  
23 principal or permanent branch office of the State Board. The  
24 day of the meeting shall not be less than 3 nor more than 5  
25 days after the receipt of the certificate of nomination or  
26 nomination papers and the objector's petition by the chair of

1 the electoral board.

2 The electoral board shall have the power to administer  
3 oaths and to subpoena and examine witnesses and, at the  
4 request of either party and only upon a vote by a majority of  
5 its members, may authorize the chair to issue subpoenas  
6 requiring the attendance of witnesses and subpoenas duces  
7 tecum requiring the production of such books, papers, records  
8 and documents as may be evidence of any matter under inquiry  
9 before the electoral board, in the same manner as witnesses  
10 are subpoenaed in the Circuit Court.

11 Service of such subpoenas shall be made by any sheriff or  
12 other person in the same manner as in cases in such court and  
13 the fees of such sheriff shall be the same as is provided by  
14 law, and shall be paid by the objector or candidate who causes  
15 the issuance of the subpoena. In case any person so served  
16 shall knowingly neglect or refuse to obey any such subpoena,  
17 or to testify, the electoral board shall at once file a  
18 petition in the circuit court of the county in which such  
19 hearing is to be heard, or has been attempted to be heard,  
20 setting forth the facts, of such knowing refusal or neglect,  
21 and accompanying the petition with a copy of the citation and  
22 the answer, if one has been filed, together with a copy of the  
23 subpoena and the return of service thereon, and shall apply  
24 for an order of court requiring such person to attend and  
25 testify, and forthwith produce books and papers, before the  
26 electoral board. Any circuit court of the state, excluding the

1 judge who is sitting on the electoral board, upon such showing  
2 shall order such person to appear and testify, and to  
3 forthwith produce such books and papers, before the electoral  
4 board at a place to be fixed by the court. If such person shall  
5 knowingly fail or refuse to obey such order of the court  
6 without lawful excuse, the court shall punish him or her by  
7 fine and imprisonment, as the nature of the case may require  
8 and may be lawful in cases of contempt of court.

9 The electoral board on the first day of its meeting shall  
10 adopt rules of procedure for the introduction of evidence and  
11 the presentation of arguments and may, in its discretion,  
12 provide for the filing of briefs by the parties to the  
13 objection or by other interested persons.

14 In the event of a State Electoral Board hearing on  
15 objections to a petition for an amendment to Article IV of the  
16 Constitution pursuant to Section 3 of Article XIV of the  
17 Constitution, or to a petition for a question of public policy  
18 to be submitted to the voters of the entire State, the  
19 certificates of the county clerks and boards of election  
20 commissioners showing the results of the random sample of  
21 signatures on the petition shall be prima facie valid and  
22 accurate, and shall be presumed to establish the number of  
23 valid and invalid signatures on the petition sheets reviewed  
24 in the random sample, as prescribed in Section 28-11 and 28-12  
25 of this Code. Either party, however, may introduce evidence at  
26 such hearing to dispute the findings as to particular

1 signatures. In addition to the foregoing, in the absence of  
2 competent evidence presented at such hearing by a party  
3 substantially challenging the results of a random sample, or  
4 showing a different result obtained by an additional sample,  
5 this certificate of a county clerk or board of election  
6 commissioners shall be presumed to establish the ratio of  
7 valid to invalid signatures within the particular election  
8 jurisdiction.

9 The electoral board shall take up the question as to  
10 whether or not the certificate of nomination or nomination  
11 papers, declarations of intent to be a write-in candidate, or  
12 petitions are in proper form, and whether or not they were  
13 filed within the time and under the conditions required by  
14 law, and whether or not they are the genuine certificate of  
15 nomination or nomination papers, declarations of intent to be  
16 a write-in candidate, or petitions which they purport to be,  
17 and whether or not in the case of the certificate of nomination  
18 in question it represents accurately the decision of the  
19 caucus or convention issuing it, and in general shall decide  
20 whether or not the certificate of nomination or nominating  
21 papers, declarations of intent to be a write-in candidate, or  
22 petitions on file are valid or whether the objections thereto  
23 should be sustained and the decision of a majority of the  
24 electoral board shall be final subject to judicial review as  
25 provided in Section 10-10.1. The electoral board must state  
26 its findings in writing and must state in writing which

1 objections, if any, it has sustained. A copy of the decision  
2 shall be served upon the parties to the proceedings in open  
3 proceedings before the electoral board. If a party does not  
4 appear for receipt of the decision, the decision shall be  
5 deemed to have been served on the absent party on the date when  
6 a copy of the decision is personally delivered or on the date  
7 when a copy of the decision is deposited in the United States  
8 mail, in a sealed envelope or package, with postage prepaid,  
9 addressed to each party affected by the decision or to such  
10 party's attorney of record, if any, at the address on record  
11 for such person in the files of the electoral board.

12 Upon the expiration of the period within which a  
13 proceeding for judicial review must be commenced under Section  
14 10-10.1, the electoral board shall, unless a proceeding for  
15 judicial review has been commenced within such period,  
16 transmit, by registered or certified mail, a certified copy of  
17 its ruling, together with the original certificate of  
18 nomination or nomination papers, declarations of intent to be  
19 a write-in candidate, or petitions and the original objector's  
20 petition, to the officer or board with whom the certificate of  
21 nomination or nomination papers, declarations of intent to be  
22 a write-in candidate, or petitions, as objected to, were on  
23 file and to the election authority to whom the ballot is  
24 certified and the appropriate county clerk, and such officer  
25 or board shall abide by and comply with the ruling so made to  
26 all intents and purposes.

1 (Source: P.A. 103-467, eff. 8-4-23.)