



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4947

by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-10.4 new

10 ILCS 5/10-10

from Ch. 46, par. 10-10

Amends the Election Code. Provides that each petition or certificate of nomination may include a voluntarily waiver of personal service of process and consent to notice of any objection by registered or certified mail and posting on the website of the unit of local government associated with the proper local election official or, if the unit of local government does not maintain a website, by posting at the principal office of the unit of local government. Makes conforming changes.

LRB104 16917 SPS 30329 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 Section 10-10 and by adding Section 7-10.4 as follows:

6 (10 ILCS 5/7-10.4 new)

7 Sec. 7-10.4. Waiver of personal service. Each petition or
8 certificate of nomination may include as a part thereof, for
9 each of the candidates filing, a voluntarily waiver of
10 personal service of process under Section 10-10 and consent to
11 notice of any objection by registered or certified mail and
12 posting on the website of the unit of local government
13 associated with the proper local election official or, if the
14 unit of local government does not maintain a website, by
15 posting at the principal office of the unit of local
16 government.

17 The waiver shall be subscribed and sworn to by such
18 candidate before some officer authorized to take
19 acknowledgment of deeds in this State and shall be in
20 substantially the following form:

21 United States of America)

22 _____) ss

23 State of Illinois)

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

2 Sec. 10-10. Within 24 hours after the receipt of the
3 certificate of nomination or nomination papers or proposed
4 question of public policy, as the case may be, and the
5 objector's petition, the chair of the electoral board other
6 than the State Board of Elections shall send a call by
7 registered or certified mail: to each of the members of the
8 electoral board; to the objector who filed the objector's
9 petition; either to the candidate whose certificate of
10 nomination or nomination papers are objected to or to the
11 principal proponent or attorney for proponents of a question
12 of public policy, as the case may be, whose petitions are
13 objected to; to the election authority to whom the ballot is
14 certified; and to the appropriate county clerk. The chair of
15 the electoral board other than the State Board of Elections
16 shall also cause the sheriff of the county or counties in which
17 such officers and persons reside to serve a copy of such call
18 upon each of such officers and persons, except that the chair
19 shall not cause service upon any person who has filed a waiver
20 of personal service in accordance with Section 7-10.4, and the
21 chair shall cause the proper local election official to
22 provide notice of the call by conspicuous posting on a website
23 maintained by the unit of local government associated with the
24 proper local election official, or, if the unit of local
25 government does not maintain a website, by conspicuous posting
26 at the principal office of the unit of local government, and

1 the posting shall be made promptly and no later than 24 hours
2 after the proper local election official receives the call and
3 shall remain continuously posted until the conclusion of the
4 hearing on the objection, which call shall set out the fact
5 that the electoral board is required to meet to hear and pass
6 upon the objections to nominations made for the office,
7 designating it, and shall state the day, hour and place at
8 which the electoral board shall meet for the purpose, which
9 place shall be in the county court house in the county in the
10 case of the County Officers Electoral Board, the Municipal
11 Officers Electoral Board, the Township Officers Electoral
12 Board or the Education Officers Electoral Board, except that
13 the Municipal Officers Electoral Board, the Township Officers
14 Electoral Board, and the Education Officers Electoral Board
15 may meet at the location where the governing body of the
16 municipality, township, or community college district,
17 respectively, holds its regularly scheduled meetings, if that
18 location is available; provided that voter records may be
19 removed from the offices of an election authority only at the
20 discretion and under the supervision of the election
21 authority. In those cases where the State Board of Elections
22 is the electoral board designated under Section 10-9, the
23 chair of the State Board of Elections shall, within 24 hours
24 after the receipt of the certificate of nomination or
25 nomination papers or petitions for a proposed amendment to
26 Article IV of the Constitution or proposed statewide question

1 of public policy, send a call by registered or certified mail
2 to the objector who files the objector's petition, and either
3 to the candidate whose certificate of nomination or nomination
4 papers are objected to or to the principal proponent or
5 attorney for proponents of the proposed Constitutional
6 amendment or statewide question of public policy and shall
7 state the day, hour, and place at which the electoral board
8 shall meet for the purpose, which place may be in the Capitol
9 Building or in the principal or permanent branch office of the
10 State Board. The day of the meeting shall not be less than 3
11 nor more than 5 days after the receipt of the certificate of
12 nomination or nomination papers and the objector's petition by
13 the chair of the electoral board.

14 The electoral board shall have the power to administer
15 oaths and to subpoena and examine witnesses and, at the
16 request of either party and only upon a vote by a majority of
17 its members, may authorize the chair to issue subpoenas
18 requiring the attendance of witnesses and subpoenas duces
19 tecum requiring the production of such books, papers, records
20 and documents as may be evidence of any matter under inquiry
21 before the electoral board, in the same manner as witnesses
22 are subpoenaed in the Circuit Court.

23 Service of such subpoenas shall be made by any sheriff or
24 other person in the same manner as in cases in such court and
25 the fees of such sheriff shall be the same as is provided by
26 law, and shall be paid by the objector or candidate who causes

1 the issuance of the subpoena. In case any person so served
2 shall knowingly neglect or refuse to obey any such subpoena,
3 or to testify, the electoral board shall at once file a
4 petition in the circuit court of the county in which such
5 hearing is to be heard, or has been attempted to be heard,
6 setting forth the facts, of such knowing refusal or neglect,
7 and accompanying the petition with a copy of the citation and
8 the answer, if one has been filed, together with a copy of the
9 subpoena and the return of service thereon, and shall apply
10 for an order of court requiring such person to attend and
11 testify, and forthwith produce books and papers, before the
12 electoral board. Any circuit court of the state, excluding the
13 judge who is sitting on the electoral board, upon such showing
14 shall order such person to appear and testify, and to
15 forthwith produce such books and papers, before the electoral
16 board at a place to be fixed by the court. If such person shall
17 knowingly fail or refuse to obey such order of the court
18 without lawful excuse, the court shall punish him or her by
19 fine and imprisonment, as the nature of the case may require
20 and may be lawful in cases of contempt of court.

21 The electoral board on the first day of its meeting shall
22 adopt rules of procedure for the introduction of evidence and
23 the presentation of arguments and may, in its discretion,
24 provide for the filing of briefs by the parties to the
25 objection or by other interested persons.

26 In the event of a State Electoral Board hearing on

1 objections to a petition for an amendment to Article IV of the
2 Constitution pursuant to Section 3 of Article XIV of the
3 Constitution, or to a petition for a question of public policy
4 to be submitted to the voters of the entire State, the
5 certificates of the county clerks and boards of election
6 commissioners showing the results of the random sample of
7 signatures on the petition shall be prima facie valid and
8 accurate, and shall be presumed to establish the number of
9 valid and invalid signatures on the petition sheets reviewed
10 in the random sample, as prescribed in Section 28-11 and 28-12
11 of this Code. Either party, however, may introduce evidence at
12 such hearing to dispute the findings as to particular
13 signatures. In addition to the foregoing, in the absence of
14 competent evidence presented at such hearing by a party
15 substantially challenging the results of a random sample, or
16 showing a different result obtained by an additional sample,
17 this certificate of a county clerk or board of election
18 commissioners shall be presumed to establish the ratio of
19 valid to invalid signatures within the particular election
20 jurisdiction.

21 The electoral board shall take up the question as to
22 whether or not the certificate of nomination or nomination
23 papers or petitions are in proper form, and whether or not they
24 were filed within the time and under the conditions required
25 by law, and whether or not they are the genuine certificate of
26 nomination or nomination papers or petitions which they

1 purport to be, and whether or not in the case of the
2 certificate of nomination in question it represents accurately
3 the decision of the caucus or convention issuing it, and in
4 general shall decide whether or not the certificate of
5 nomination or nominating papers or petitions on file are valid
6 or whether the objections thereto should be sustained and the
7 decision of a majority of the electoral board shall be final
8 subject to judicial review as provided in Section 10-10.1. The
9 electoral board must state its findings in writing and must
10 state in writing which objections, if any, it has sustained. A
11 copy of the decision shall be served upon the parties to the
12 proceedings in open proceedings before the electoral board. If
13 a party does not appear for receipt of the decision, the
14 decision shall be deemed to have been served on the absent
15 party on the date when a copy of the decision is personally
16 delivered or on the date when a copy of the decision is
17 deposited in the United States mail, in a sealed envelope or
18 package, with postage prepaid, addressed to each party
19 affected by the decision or to such party's attorney of
20 record, if any, at the address on record for such person in the
21 files of the electoral board.

22 Upon the expiration of the period within which a
23 proceeding for judicial review must be commenced under Section
24 10-10.1, the electoral board shall, unless a proceeding for
25 judicial review has been commenced within such period,
26 transmit, by registered or certified mail, a certified copy of

1 its ruling, together with the original certificate of
2 nomination or nomination papers or petitions and the original
3 objector's petition, to the officer or board with whom the
4 certificate of nomination or nomination papers or petitions,
5 as objected to, were on file and to the election authority to
6 whom the ballot is certified and the appropriate county clerk,
7 and such officer or board shall abide by and comply with the
8 ruling so made to all intents and purposes.

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