

**100TH GENERAL ASSEMBLY****State of Illinois****2017 and 2018****HB4866**

by Rep. David S. Olsen

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/11-1	from Ch. 46, par. 11-1
10 ILCS 5/11-2	from Ch. 46, par. 11-2
10 ILCS 5/11-3	from Ch. 46, par. 11-3
10 ILCS 5/11-5	from Ch. 46, par. 11-5

Amends the Election Code. Provides that each election precinct shall contain 1,200 voters (now, 500 voters in counties, 600 voters in a municipality with a board of election commissioners and fewer than 500,000 inhabitants, or 400 voters in a municipality with a board of election commissioners and more than 500,000 inhabitants). Provides that, in a city with fewer than 500,000 inhabitants, if any election precinct casts more than 1,500 votes (now, 800 votes) at 2 consecutive general elections, the state's attorney shall apply to the Circuit Court to compel the board to divide the precinct. Provides that, in a city with more than 500,000 inhabitants, if any election precinct casts more than 1,200 votes (now, 600 votes) at 2 consecutive general elections, the state's attorney shall apply to the Circuit Court to compel the board to divide the precinct. Provides that in counties not under township organization, the election precincts shall remain as now established until changed by the Board of County Commissioners, but said County Board may change (rather than, may, from time to time, change) the boundaries of election precincts and establish new ones, but only to the extent a significant shift in voter population has occurred. Effective immediately.

LRB100 20189 MJP 35474 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 11-1, 11-2, 11-3, and 11-5 as follows:

6           (10 ILCS 5/11-1) (from Ch. 46, par. 11-1)

7           Sec. 11-1. In counties not under township organization, the  
8           election precincts shall remain as now established until  
9           changed by the Board of County Commissioners, but said County  
10          Board may, ~~from time to time~~, change the boundaries of election  
11          precincts and establish new ones, but only to the extent a  
12          significant shift in voter population has occurred. In counties  
13          under township organization, each town shall constitute at  
14          least one election precinct. Insofar as is practicable, each  
15          precinct shall be situated within a single congressional,  
16          legislative and representative district and within a single  
17          municipal ward. In order to situate each precinct within a  
18          single district or ward, the County Board shall change the  
19          boundaries of election precincts after each decennial census as  
20          soon as is practicable following the completion of  
21          congressional and legislative redistricting.

22           At any consolidated primary or consolidated election at  
23          which municipal officers are to be elected, and at any

1       emergency referendum at which a public question relating to a  
2       municipality is to be voted on, notwithstanding any other  
3       provision of this Code, the election authority shall establish  
4       a polling place within such municipality upon the request of  
5       the municipal council or board of trustees at least 60 days  
6       before the election and provided that the municipality provides  
7       a suitable polling place. To accomplish this purpose, the  
8       election authority may establish an election precinct  
9       constituting a single municipality of under 500 population for  
10      all elections, notwithstanding the minimum precinct size  
11      otherwise specified herein.

12           Notwithstanding the above, when there are not more than 50  
13      registered voters in a precinct who are entitled to vote in a  
14      local government or school district election, the election  
15      authority having jurisdiction over the precinct is authorized  
16      to reassign such voters to one or more polling places in  
17      adjacent precincts, within or without the election authority's  
18      jurisdiction, for that election. For the purposes of such local  
19      government or school district election only, the votes of the  
20      reassigned voters shall be tallied and canvassed as votes from  
21      the precinct of the polling place to which such voters have  
22      been reassigned. The election authority having jurisdiction  
23      over the precinct shall approve all administrative and polling  
24      place procedures. Such procedures shall take into account voter  
25      convenience, and ensure that the integrity of the election  
26      process is maintained and that the secrecy of the ballot is not

1 violated.

2        Except in the event of a fire, flood or total loss of heat  
3        in a place fixed or established by any election authority  
4        pursuant to this Section as a polling place for an election, no  
5        election authority shall change the location of a polling place  
6        so established for any precinct after notice of the place of  
7        holding the election for that precinct has been given as  
8        required under Article 12 unless the election authority  
9        notifies all registered voters in the precinct of the change in  
10      location by first class mail in sufficient time for such notice  
11      to be received by the registered voters in the precinct at  
12      least one day prior to the date of the election.

13        The provisions of this Section apply to all precincts,  
14        including those where voting machines or electronic voting  
15        systems are used.

16        If, as a result of the redistricting of legislative,  
17        representative, or congressional districts following a  
18        decennial census, there exists a census block with only one  
19        voter that is the only census block in a precinct that is in a  
20        legislative, representative, or congressional district, then  
21        the county board, at any meeting of the county board, may  
22        change the precinct boundaries so that the census block is  
23        within a precinct that has more than one voter in the  
24        legislative, representative, or congressional district.

25        (Source: P.A. 88-525.)

1                   (10 ILCS 5/11-2) (from Ch. 46, par. 11-2)

2                 Sec. 11-2. The County Board in each county, except in  
3                 counties having a population of 3,000,000 inhabitants or over,  
4                 shall, at its regular meeting in June, divide its election  
5                 precincts which contain more than 1,500 ~~800~~ voters, into  
6                 election districts so that each district shall contain, as near  
7                 as may be practicable, 1,200 ~~500~~ voters, and not more in any  
8                 case than 1,300 ~~800~~. Whenever the County Board ascertains that  
9                 any election precinct contains more than 1,300 ~~600~~ registered  
10                voters, it may divide such precinct, at its regular meeting in  
11                June, into election precincts so that each precinct shall  
12                contain, as nearly as may be practicable, 1,200 ~~500~~ voters.  
13                Insofar as is practicable, each precinct shall be situated  
14                within a single congressional, legislative and representative  
15                district and in not more than one County Board district and one  
16                municipal ward. In order to situate each precinct within a  
17                single district or ward, the County Board shall change the  
18                boundaries of election precincts after each decennial census as  
19                soon as is practicable following the completion of  
20                congressional and legislative redistricting. In determining  
21                whether a division of precincts should be made, the county  
22                board may anticipate increased voter registration in any  
23                precinct in which there is in progress new construction of  
24                dwelling units which will be occupied by voters more than 30  
25                days before the next election. Each district shall be composed  
26                of contiguous territory in as compact form as can be for the

1 convenience of the electors voting therein. The several county  
2 boards in establishing districts shall describe them by metes  
3 and bounds and number them. And so often thereafter as it shall  
4 appear by the number of votes cast at the general election held  
5 in November of any year, that any election district or  
6 undivided election precinct contains more than 1,500 ~~800~~  
7 voters, the County Board of the county in which the district or  
8 precinct may be, shall at its regular meeting in June, or an  
9 adjourned meeting in July next, after such November election,  
10 redivide or readjust such election district or election  
11 precinct, so that no district or election precinct shall  
12 contain more than the number of votes above specified. If for  
13 any reason the County Board fails in any year to redivide or  
14 readjust the election districts or election precinct, then the  
15 districts or precincts as then existing shall continue until  
16 the next regular June meeting of the County Board; at which  
17 regular June meeting or an adjourned meeting in July the County  
18 Board shall redivide or readjust the election districts or  
19 election precincts in manner as herein required. When at any  
20 meeting of the County Board any redivision, readjustment or  
21 change in name or number of election districts or election  
22 precincts is made by the County Board, the County Clerk shall  
23 immediately notify the State Board of Elections of such  
24 redivision, readjustment or change. The County Board in every  
25 case shall fix and establish the places for holding elections  
26 in its respective county and all elections shall be held at the

1 places so fixed. The polling places shall in all cases be upon  
2 the ground floor in the front room, the entrance to which is in  
3 a highway or public street which is at least 40 feet wide, and  
4 is as near the center of the voting population of the precinct  
5 as is practicable, and for the convenience of the greatest  
6 number of electors to vote thereat; provided, however, where  
7 the County Board is unable to secure a suitable polling place  
8 within the boundaries of a precinct, it may select a polling  
9 place at the most conveniently located suitable place outside  
10 the precinct; but in no case shall an election be held in any  
11 room used or occupied as a saloon, dramshop, bowling alley or  
12 as a place of resort for idlers and disreputable persons,  
13 billiard hall or in any room connected therewith by doors or  
14 hallways. No person shall be permitted to vote at any election  
15 except at the polling place for the precinct in which he  
16 resides, except as otherwise provided in this Section or  
17 Article 19 of this Act. In counties having a population of  
18 3,000,000 inhabitants or over the County Board shall divide its  
19 election precincts and shall fix and establish places for  
20 holding elections as hereinbefore provided during the month of  
21 January instead of at its regular meeting in June or at an  
22 adjourned meeting in July.

23       However, in the event that additional divisions of election  
24       precincts are indicated after a division made by the County  
25       Board in the month of January, such additional divisions may be  
26       made by the County Board in counties having a population of

1       3,000,000 inhabitants or over, at the regular meeting in June  
2       or at adjourned meeting in July. The county board of such  
3       county may divide or readjust precincts at any meeting of the  
4       county board when the voter registration in a precinct has  
5       increased beyond 1,500 ~~800~~ and an election is scheduled before  
6       the next regular January or June meeting of the county board.

7       When in any city, village or incorporated town territory  
8       has been annexed thereto or disconnected therefrom, which  
9       annexation or disconnection becomes effective after election  
10      precincts or election districts have been established as above  
11      provided in this Section, the clerk of the municipality shall  
12      inform the county clerk thereof as provided in Section 4-21,  
13      5-28.1, or 6-31.1, whichever is applicable. In the event that a  
14      regular meeting of the County Board is to be held after such  
15      notification and before any election, the County Board shall,  
16      at its next regular meeting establish new election precinct  
17      lines in affected territory. In the event that no regular  
18      meeting of the County Board is to be held before such election  
19      the county clerk shall, within 5 days after being so informed,  
20      call a special meeting of the county board on a day fixed by  
21      him not more than 20 days thereafter for the purpose of  
22      establishing election precincts or election districts in the  
23      affected territory for the ensuing elections.

24       At any consolidated primary or consolidated election at  
25       which municipal officers are to be elected, and at any  
26       emergency referendum at which a public question relating to a

1       municipality is to be voted on, notwithstanding any other  
2 provision of this Code, the election authority shall establish  
3 a polling place within such municipality, upon the request of  
4 the municipal council or board of trustees at least 60 days  
5 before the election and provided that the municipality provides  
6 a suitable polling place. To accomplish this purpose, the  
7 election authority may establish an election precinct  
8 constituting a single municipality of under 500 population for  
9 all elections, notwithstanding the minimum precinct size  
10 otherwise specified herein.

11       Notwithstanding the above, when there are no more than 50  
12 registered voters in a precinct who are entitled to vote in a  
13 local government or school district election, the election  
14 authority having jurisdiction over the precinct is authorized  
15 to reassign such voters to one or more polling places in  
16 adjacent precincts, within or without the election authority's  
17 jurisdiction, for that election. For the purposes of such local  
18 government or school district election only, the votes of the  
19 reassigned voters shall be tallied and canvassed as votes from  
20 the precinct of the polling place to which such voters have  
21 been reassigned. The election authority having jurisdiction  
22 over the precinct shall approve all administrative and polling  
23 place procedures. Such procedures shall take into account voter  
24 convenience, and ensure that the integrity of the election  
25 process is maintained and that the secrecy of the ballot is not  
26 violated.

1        Except in the event of a fire, flood or total loss of heat  
2        in a place fixed or established by any county board or election  
3        authority pursuant to this Section as a polling place for an  
4        election, no election authority shall change the location of a  
5        polling place so established for any precinct after notice of  
6        the place of holding the election for that precinct has been  
7        given as required under Article 12 unless the election  
8        authority notifies all registered voters in the precinct of the  
9        change in location by first class mail in sufficient time for  
10      such notice to be received by the registered voters in the  
11      precinct at least one day prior to the date of the election.

12       The provisions of this Section apply to all precincts,  
13       including those where voting machines or electronic voting  
14       systems are used.

15       (Source: P.A. 86-867.)

16       (10 ILCS 5/11-3) (from Ch. 46, par. 11-3)

17       Sec. 11-3. It shall be the duty of the Board of  
18       Commissioners established by Article 6 of this Act, within 2  
19       months after its first organization, to divide the city,  
20       village or incorporated town which may adopt or is operating  
21       under Article 6, into election precincts, each of which shall  
22       be situated within a single congressional, legislative and  
23       representative district insofar as is practicable and in not  
24       more than one County Board district and one municipal ward; in  
25       order to situate each precinct within a single district or

ward, the Board of Election Commissioners shall change the boundaries of election precincts after each decennial census as soon as is practicable following the completion of congressional and legislative redistricting and such precincts shall contain as nearly as practicable 1,200 ~~600~~ qualified voters, and in making such division and establishing such precincts such board shall take as a basis the poll books, or the number of votes cast at the previous presidential election. Within 90 days after each presidential election, such board in a city with fewer than 500,000 inhabitants, village or incorporated town shall revise and rearrange such precincts on the basis of the votes cast at such election, making such precincts to contain, as near as practicable, 1,200 ~~600~~ actual voters; but at any time in all instances where the vote cast at any precinct, at any election, equals 1,500 ~~800~~, there must be a rearrangement so as to reduce the vote to the standard of 1,200 ~~600~~ as near as may be. However, any apartment building in which more than 1,200 ~~800~~ registered voters reside may be made a single precinct even though the vote in such precinct exceeds 1,200 ~~800~~. Within 90 days after each presidential election, a board in a city with more than 500,000 inhabitants shall revise and rearrange such precincts on the basis of the votes cast at such election, making such precincts to contain, as near as practicable, 1,200 ~~400~~ actual voters; but at any time in all instances where the vote cast at any precinct, at any election, equals 1,500 ~~600~~, there must be a rearrangement so as to reduce

1 the vote to the standard of 1,200 400 as near as may be.  
2 However, any apartment building in which more than 1,200 600  
3 registered voters reside may be made a single precinct even  
4 though the vote in such precinct exceeds 1,200 600.

5 Immediately after the annexation of territory to the city,  
6 village or incorporated town becomes effective the Board of  
7 Election Commissioners shall revise and rearrange election  
8 precincts therein to include such annexed territory.

9 Provided, however, that at any election where but one  
10 candidate is nominated and is to be voted upon at any election  
11 held in any political subdivision of a city, village or  
12 incorporated town, the Board of Election Commissioners shall  
13 have the power in such political subdivision to determine the  
14 number of voting precincts to be established in such political  
15 subdivision at such election, without reference to the number  
16 of qualified voters therein. The precincts in each ward,  
17 village or incorporated town shall be numbered from one  
18 upwards, consecutively, with no omission.

19 The provisions of this Section apply to all precincts,  
20 including those where voting machines or electronic voting  
21 systems are used.

22 (Source: P.A. 84-1308.)

23 (10 ILCS 5/11-5) (from Ch. 46, par. 11-5)

24 Sec. 11-5. If any election district or precinct subject to  
25 the jurisdiction of a county board or a board of election

1 commissioners in a city with fewer than 500,000 inhabitants,  
2 village or incorporated town casts more than 1,500 ~~800~~ votes  
3 each at two consecutive general November elections for State  
4 officers, the state's attorney, upon the request of an elector  
5 in any such district or precinct, shall apply to the Circuit  
6 Court for relief by mandamus to compel the appropriate board to  
7 divide such district or precinct as required by law. Any relief  
8 so granted shall not apply to any election occurring within 60  
9 days thereafter. If any election precinct subject to the  
10 jurisdiction of a board of election commissioners in a city  
11 with more than 500,000 inhabitants casts more than 1,200 ~~600~~  
12 votes at each of the two consecutive general November elections  
13 for State officers, the state's attorney, upon the request of  
14 an elector in any such precinct, shall apply to the Circuit  
15 Court for relief by mandamus to compel the appropriate board to  
16 divide such precinct as required by law. Any relief so granted  
17 shall not apply to any election occurring within 60 days  
18 thereafter.

19 (Source: P.A. 84-323.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.