



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5313

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-8

from Ch. 46, par. 10-8

Amends the Election Code. Allows for objections to certificates of nomination and petitions to submit public question to a referendum to also be submitted using an electronic method approved and provided by the election authority. Provides that if an election authority has required paperless submission of an objector's petitions and has provided a secure Internet-based portal for such, the election authority shall provide the objector with the ability to provide general explanations of objections, attach exhibits, and save progress before submitting and may further require that the objector or his or her agent use the software to indicate each line on the petition to which he or she objects individually. Makes conforming changes.

LRB101 20551 SMS 70167 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 10-8 as follows:

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

7 Sec. 10-8. Certificates of nomination and nomination
8 papers, and petitions to submit public questions to a
9 referendum, being filed as required by this Code, and being in
10 apparent conformity with the provisions of this Act, shall be
11 deemed to be valid unless objection thereto is duly made in
12 writing, or submitted using an electronic method approved and
13 provided by the election authority, within 5 business days
14 after the last day for filing the certificate of nomination or
15 nomination papers or petition for a public question, with the
16 following exceptions:

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

21 B. In the case of petitions for advisory questions of
22 public policy to be submitted to the voters of the entire
23 State, there shall be a period of 35 business days after

1 the last day for the filing of such petitions in which
2 objections can be filed.

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

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

1 business day after receipt of the petition, transmit by
2 registered mail or receipted personal delivery the petition for
3 the public question and the original objector's petition to the
4 chair of the proper electoral board designated in Section 10-9
5 hereof, or his authorized agent, or by an electronic method
6 mutually agreed upon by the election authority and the
7 electoral board, and shall transmit a copy by registered mail
8 or receipted personal delivery, of the objector's petition to
9 the person designated on a certificate attached to the
10 petition, unless the election authority has required paperless
11 service of documents and notices through an Internet-based
12 portal that allows secure access and timestamping of
13 information submitted and retrieved, as the principal
14 proponent of the public question, or as the proponent's
15 attorney, for the purposes of receiving notice of objections.

16 The objector's petition shall give the objector's name and
17 residence address, and shall state fully the nature of the
18 objections to the certificate of nomination or nomination
19 papers or petitions in question, and shall state the interest
20 of the objector and shall state what relief is requested of the
21 electoral board. If an election authority has required
22 paperless submission of an objector's petitions and has
23 provided a secure Internet-based portal for such, the election
24 authority shall provide the objector with the ability to
25 provide general explanations of objections, attach exhibits,
26 and save progress before submitting and may further require

1 that the objector or his or her agent use the software to
2 indicate each line on the petition to which he or she objects
3 individually.

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

10 (Source: P.A. 100-1027, eff. 1-1-19.)