



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3073

Introduced 2/17/2023, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-10

from Ch. 46, par. 10-10

Amends the Election Code. In provisions relating to the receipt of the certificate of nomination, nomination papers, or proposed question of public policy and an objector's petition by the electoral board, provides that the chair of the electoral board shall also send a call (as well as a certified copy of its ruling with other specified documents) by registered or certified mail to the election authority to whom the ballot is certified and to the appropriate county clerk (currently, the call needs to be sent to: each of the members of the electoral board; the objector who filed the objector's petition; and either the candidate whose certificate of nomination or nomination papers are objected to or the principal proponent or attorney for proponents of a question of public policy, as the case may be, whose petitions are objected to).

LRB103 26250 BMS 52610 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 as follows:

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

7 Sec. 10-10. Within 24 hours after the receipt of the  
8 certificate of nomination or nomination papers or proposed  
9 question of public policy, as the case may be, and the  
10 objector's petition, the chair of the electoral board other  
11 than the State Board of Elections shall send a call by  
12 registered or certified mail; to each of the members of the  
13 electoral board;~~and~~ to the objector who filed the objector's  
14 petition;~~and~~ either to the candidate whose certificate of  
15 nomination or nomination papers are objected to or to the  
16 principal proponent or attorney for proponents of a question  
17 of public policy, as the case may be, whose petitions are  
18 objected to; to the election authority to whom the ballot is  
19 certified; and to the appropriate county clerk. The chair of  
20 the electoral board other than the State Board of Elections,  
21 ~~and~~ shall also cause the sheriff of the county or counties in  
22 which such officers and persons reside to serve a copy of such  
23 call upon each of such officers and persons, which call shall

1 set out the fact that the electoral board is required to meet  
2 to hear and pass upon the objections to nominations made for  
3 the office, designating it, and shall state the day, hour and  
4 place at which the electoral board shall meet for the purpose,  
5 which place shall be in the county court house in the county in  
6 the case of the County Officers Electoral Board, the Municipal  
7 Officers Electoral Board, the Township Officers Electoral  
8 Board or the Education Officers Electoral Board, except that  
9 the Municipal Officers Electoral Board, the Township Officers  
10 Electoral Board, and the Education Officers Electoral Board  
11 may meet at the location where the governing body of the  
12 municipality, township, or community college district,  
13 respectively, holds its regularly scheduled meetings, if that  
14 location is available; provided that voter records may be  
15 removed from the offices of an election authority only at the  
16 discretion and under the supervision of the election  
17 authority. In those cases where the State Board of Elections  
18 is the electoral board designated under Section 10-9, the  
19 chair of the State Board of Elections shall, within 24 hours  
20 after the receipt of the certificate of nomination or  
21 nomination papers or petitions for a proposed amendment to  
22 Article IV of the Constitution or proposed statewide question  
23 of public policy, send a call by registered or certified mail  
24 to the objector who files the objector's petition, and either  
25 to the candidate whose certificate of nomination or nomination  
26 papers are objected to or to the principal proponent or

1 attorney for proponents of the proposed Constitutional  
2 amendment or statewide question of public policy and shall  
3 state the day, hour, and place at which the electoral board  
4 shall meet for the purpose, which place may be in the Capitol  
5 Building or in the principal or permanent branch office of the  
6 State Board. The day of the meeting shall not be less than 3  
7 nor more than 5 days after the receipt of the certificate of  
8 nomination or nomination papers and the objector's petition by  
9 the chair of the electoral board.

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

19 Service of such subpoenas shall be made by any sheriff or  
20 other person in the same manner as in cases in such court and  
21 the fees of such sheriff shall be the same as is provided by  
22 law, and shall be paid by the objector or candidate who causes  
23 the issuance of the subpoena. In case any person so served  
24 shall knowingly neglect or refuse to obey any such subpoena,  
25 or to testify, the electoral board shall at once file a  
26 petition in the circuit court of the county in which such

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

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

22 In the event of a State Electoral Board hearing on  
23 objections to a petition for an amendment to Article IV of the  
24 Constitution pursuant to Section 3 of Article XIV of the  
25 Constitution, or to a petition for a question of public policy  
26 to be submitted to the voters of the entire State, the

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

17 The electoral board shall take up the question as to  
18 whether or not the certificate of nomination or nomination  
19 papers or petitions are in proper form, and whether or not they  
20 were filed within the time and under the conditions required  
21 by law, and whether or not they are the genuine certificate of  
22 nomination or nomination papers or petitions which they  
23 purport to be, and whether or not in the case of the  
24 certificate of nomination in question it represents accurately  
25 the decision of the caucus or convention issuing it, and in  
26 general shall decide whether or not the certificate of

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

18       Upon the expiration of the period within which a  
19 proceeding for judicial review must be commenced under Section  
20 10-10.1, the electoral board shall, unless a proceeding for  
21 judicial review has been commenced within such period,  
22 transmit, by registered or certified mail, a certified copy of  
23 its ruling, together with the original certificate of  
24 nomination or nomination papers or petitions and the original  
25 objector's petition, to the officer or board with whom the  
26 certificate of nomination or nomination papers or petitions,

1 as objected to, were on file and to the election authority to  
2 whom the ballot is certified or the appropriate county clerk,  
3 and such officer or board shall abide by and comply with the  
4 ruling so made to all intents and purposes.

5 (Source: P.A. 99-78, eff. 7-20-15; 99-642, eff. 7-28-16;  
6 100-1027, eff. 1-1-19.)