



Sen. Rachel Ventura

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10300SB0497sam001

LRB103 02948 SPS 73761 a

1 AMENDMENT TO SENATE BILL 497

2 AMENDMENT NO. _____. Amend Senate Bill 497 by replacing
3 everything after the enacting clause with the following:

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; to the objector who filed the objector's
14 petition; 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

1 of public policy, as the case may be, whose petitions are
2 objected to; to the election authority to whom the ballot is
3 certified; and to the appropriate county clerk. The chair of
4 the electoral board other than the State Board of Elections
5 shall also cause the sheriff of the county or counties in which
6 such officers and persons reside to serve a copy of such call
7 upon each of such officers and persons, which call shall set
8 out the fact that the electoral board is required to meet to
9 hear and pass upon the objections to nominations made for the
10 office, designating it, and shall state the day, hour and
11 place at which the electoral board shall meet for the purpose,
12 which place shall be in the county court house in the county in
13 the case of the County Officers Electoral Board, the Municipal
14 Officers Electoral Board, the Township Officers Electoral
15 Board or the Education Officers Electoral Board, except that
16 the Municipal Officers Electoral Board, the Township Officers
17 Electoral Board, and the Education Officers Electoral Board
18 may meet at the location where the governing body of the
19 municipality, township, or community college district,
20 respectively, holds its regularly scheduled meetings, if that
21 location is available; provided that voter records may be
22 removed from the offices of an election authority only at the
23 discretion and under the supervision of the election
24 authority. In those cases where the State Board of Elections
25 is the electoral board designated under Section 10-9, the
26 chair of the State Board of Elections shall, within 24 hours

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

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

26 Service of such subpoenas shall be made by any sheriff or

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

24 The electoral board on the first day of its meeting shall
25 adopt rules of procedure for the introduction of evidence and
26 the presentation of arguments and may, in its discretion,

1 provide for the filing of briefs by the parties to the
2 objection or by other interested persons.

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

24 The electoral board shall take up the question as to
25 whether or not the certificate of nomination or nomination
26 papers or petitions are in proper form, and whether or not they

1 were filed within the time and under the conditions required
2 by law, and whether or not they are the genuine certificate of
3 nomination or nomination papers or petitions which they
4 purport to be, and whether or not in the case of the
5 certificate of nomination in question it represents accurately
6 the decision of the caucus or convention issuing it, and in
7 general shall decide whether or not the certificate of
8 nomination or nominating papers or petitions on file are valid
9 or whether the objections thereto should be sustained and the
10 decision of a majority of the electoral board shall be final
11 subject to judicial review as provided in Section 10-10.1. The
12 nomination papers of a candidate shall be deemed invalid and a
13 candidate's name shall not appear on the ballot if the
14 candidate is found to have personally engaged in material
15 fraud or a pattern of fraud in connection with the signatures
16 on the nominating papers or false swearing with respect to the
17 nominating papers. The electoral board must state its findings
18 in writing and must state in writing which objections, if any,
19 it has sustained. A copy of the decision shall be served upon
20 the parties to the proceedings in open proceedings before the
21 electoral board. If a party does not appear for receipt of the
22 decision, the decision shall be deemed to have been served on
23 the absent party on the date when a copy of the decision is
24 personally delivered or on the date when a copy of the decision
25 is deposited in the United States mail, in a sealed envelope or
26 package, with postage prepaid, addressed to each party

1 affected by the decision or to such party's attorney of
2 record, if any, at the address on record for such person in the
3 files of the electoral board.

4 Upon the expiration of the period within which a
5 proceeding for judicial review must be commenced under Section
6 10-10.1, the electoral board shall, unless a proceeding for
7 judicial review has been commenced within such period,
8 transmit, by registered or certified mail, a certified copy of
9 its ruling, together with the original certificate of
10 nomination or nomination papers or petitions and the original
11 objector's petition, to the officer or board with whom the
12 certificate of nomination or nomination papers or petitions,
13 as objected to, were on file and to the election authority to
14 whom the ballot is certified and the appropriate county clerk,
15 and such officer or board shall abide by and comply with the
16 ruling so made to all intents and purposes.

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