



Rep. Elaine Nekritz

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LRB096 04888 JAM 41311 a

1 AMENDMENT TO SENATE BILL 2168

2 AMENDMENT NO. _____. Amend Senate Bill 2168, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by changing
6 Sections 7-11, 7-12, 7-13, 7-13.1, 7-14, 7-60, 7-60.1, 8-9,
7 8-17, 8-17.1, 10-6, 10-9, 10-10, 10-10.1, 10-11.1, 10-11.2,
8 10-14, 10-15, and 28-2 and by adding Section 1-20 as follows:

9 (10 ILCS 5/1-20 new)

10 Sec. 1-20. Public university registration and voting pilot
11 project. For the 2010 general election, each appropriate
12 election authority shall conduct grace period registration and
13 early voting in a high traffic location on the main campus of
14 each public university within the election authority's
15 jurisdiction. For the purposes of this Section, "public
16 university" means the University of Illinois, Southern

1 Illinois University, Chicago State University, Eastern
2 Illinois University, Governors State University, Illinois
3 State University, Northeastern Illinois University, Northern
4 Illinois University, and Western Illinois University. The
5 registration conducted under this Section shall be available to
6 any qualified resident of this State.

7 The registration and voting required by this Section to be
8 conducted on campus must be conducted as otherwise required by
9 this Code.

10 Each public university shall make the space available in a
11 high traffic area for, and cooperate and coordinate with the
12 appropriate election authority in, the implementation of this
13 Section.

14 By March 1, 2011, the election authorities affected by this
15 pilot project shall report to the State Board of Elections the
16 following information: (i) the total number of individuals that
17 engaged in grace period registration or early voting at the
18 campus site and (ii) how grace period registration or early
19 voting at the campus site was conducted.

20 This Section is repealed March 2, 2011.

21 (10 ILCS 5/7-11) (from Ch. 46, par. 7-11)

22 Sec. 7-11. Any candidate for President of the United States
23 may have his name printed upon the primary ballot of his
24 political party by filing in the office of the State Board of
25 Elections not more than 113 ~~99~~ and not less than 106 ~~92~~ days

1 prior to the date of the general primary, in any year in which
2 a Presidential election is to be held, a petition signed by not
3 less than 3000 or more than 5000 primary electors, members of
4 and affiliated with the party of which he is a candidate, and
5 no candidate for President of the United States, who fails to
6 comply with the provisions of this Article shall have his name
7 printed upon any primary ballot: Provided, however, that if the
8 rules or policies of a national political party conflict with
9 such requirements for filing petitions for President of the
10 United States in a presidential preference primary, the
11 Chairman of the State central committee of such national
12 political party shall notify the State Board of Elections in
13 writing, citing by reference the rules or policies of the
14 national political party in conflict, and in such case the
15 Board shall direct such petitions to be filed not more than 69
16 and not less than 62 days prior to the date of the general
17 primary, in any year in which a Presidential election is to be
18 held. Provided, further, unless rules or policies of a national
19 political party otherwise provide, the vote for President of
20 the United States, as herein provided for, shall be for the
21 sole purpose of securing an expression of the sentiment and
22 will of the party voters with respect to candidates for
23 nomination for said office, and the vote of the state at large
24 shall be taken and considered as advisory to the delegates and
25 alternates at large to the national conventions of respective
26 political parties; and the vote of the respective congressional

1 districts shall be taken and considered as advisory to the
2 delegates and alternates of said congressional districts to the
3 national conventions of the respective political parties.

4 (Source: P.A. 86-873; 86-1089.)

5 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

6 Sec. 7-12. All petitions for nomination shall be filed by
7 mail or in person as follows:

8 (1) Where the nomination is to be made for a State,
9 congressional, or judicial office, or for any office a
10 nomination for which is made for a territorial division or
11 district which comprises more than one county or is partly in
12 one county and partly in another county or counties, then,
13 except as otherwise provided in this Section, such petition for
14 nomination shall be filed in the principal office of the State
15 Board of Elections not more than 113 ~~99~~ and not less than 106
16 ~~92~~ days prior to the date of the primary, but, in the case of
17 petitions for nomination to fill a vacancy by special election
18 in the office of representative in Congress from this State,
19 such petition for nomination shall be filed in the principal
20 office of the State Board of Elections not more than 57 days
21 and not less than 50 days prior to the date of the primary.

22 Where a vacancy occurs in the office of Supreme, Appellate
23 or Circuit Court Judge within the 3-week period preceding the
24 106th ~~92nd~~ day before a general primary election, petitions for
25 nomination for the office in which the vacancy has occurred

1 shall be filed in the principal office of the State Board of
2 Elections not more than 92 ~~78~~ nor less than 85 ~~71~~ days prior to
3 the date of the general primary election.

4 Where the nomination is to be made for delegates or
5 alternate delegates to a national nominating convention, then
6 such petition for nomination shall be filed in the principal
7 office of the State Board of Elections not more than 113 ~~99~~ and
8 not less than 106 ~~92~~ days prior to the date of the primary;
9 provided, however, that if the rules or policies of a national
10 political party conflict with such requirements for filing
11 petitions for nomination for delegates or alternate delegates
12 to a national nominating convention, the chairman of the State
13 central committee of such national political party shall notify
14 the Board in writing, citing by reference the rules or policies
15 of the national political party in conflict, and in such case
16 the Board shall direct such petitions to be filed not more than
17 83 ~~69~~ and not less than 76 ~~62~~ days prior to the date of the
18 primary.

19 (2) Where the nomination is to be made for a county office
20 or trustee of a sanitary district then such petition shall be
21 filed in the office of the county clerk not more than 113 ~~99~~
22 nor less than 106 ~~92~~ days prior to the date of the primary.

23 (3) Where the nomination is to be made for a municipal or
24 township office, such petitions for nomination shall be filed
25 in the office of the local election official, not more than 99
26 ~~78~~ nor less than 92 ~~71~~ days prior to the date of the primary;

1 provided, where a municipality's or township's boundaries are
2 coextensive with or are entirely within the jurisdiction of a
3 municipal board of election commissioners, the petitions shall
4 be filed in the office of such board; and provided, that
5 petitions for the office of multi-township assessor shall be
6 filed with the election authority.

7 (4) The petitions of candidates for State central
8 committeeman shall be filed in the principal office of the
9 State Board of Elections not more than 113 ~~99~~ nor less than 106
10 ~~92~~ days prior to the date of the primary.

11 (5) Petitions of candidates for precinct, township or ward
12 committeemen shall be filed in the office of the county clerk
13 not more than 113 ~~99~~ nor less than 106 ~~92~~ days prior to the date
14 of the primary.

15 (6) The State Board of Elections and the various election
16 authorities and local election officials with whom such
17 petitions for nominations are filed shall specify the place
18 where filings shall be made and upon receipt shall endorse
19 thereon the day and hour on which each petition was filed. All
20 petitions filed by persons waiting in line as of 8:00 a.m. on
21 the first day for filing, or as of the normal opening hour of
22 the office involved on such day, shall be deemed filed as of
23 8:00 a.m. or the normal opening hour, as the case may be.
24 Petitions filed by mail and received after midnight of the
25 first day for filing and in the first mail delivery or pickup
26 of that day shall be deemed as filed as of 8:00 a.m. of that day

1 or as of the normal opening hour of such day, as the case may
2 be. All petitions received thereafter shall be deemed as filed
3 in the order of actual receipt. Where 2 or more petitions are
4 received simultaneously, the State Board of Elections or the
5 various election authorities or local election officials with
6 whom such petitions are filed shall break ties and determine
7 the order of filing, by means of a lottery or other fair and
8 impartial method of random selection approved by the State
9 Board of Elections. Such lottery shall be conducted within 9
10 days following the last day for petition filing and shall be
11 open to the public. Seven days written notice of the time and
12 place of conducting such random selection shall be given by the
13 State Board of Elections to the chairman of the State central
14 committee of each established political party, and by each
15 election authority or local election official, to the County
16 Chairman of each established political party, and to each
17 organization of citizens within the election jurisdiction
18 which was entitled, under this Article, at the next preceding
19 election, to have pollwatchers present on the day of election.
20 The State Board of Elections, election authority or local
21 election official shall post in a conspicuous, open and public
22 place, at the entrance of the office, notice of the time and
23 place of such lottery. The State Board of Elections shall adopt
24 rules and regulations governing the procedures for the conduct
25 of such lottery. All candidates shall be certified in the order
26 in which their petitions have been filed. Where candidates have

1 filed simultaneously, they shall be certified in the order
2 determined by lot and prior to candidates who filed for the
3 same office at a later time.

4 (7) The State Board of Elections or the appropriate
5 election authority or local election official with whom such a
6 petition for nomination is filed shall notify the person for
7 whom a petition for nomination has been filed of the obligation
8 to file statements of organization, reports of campaign
9 contributions, and annual reports of campaign contributions
10 and expenditures under Article 9 of this Act. Such notice shall
11 be given in the manner prescribed by paragraph (7) of Section
12 9-16 of this Code.

13 (8) Nomination papers filed under this Section are not
14 valid if the candidate named therein fails to file a statement
15 of economic interests as required by the Illinois Governmental
16 Ethics Act in relation to his candidacy with the appropriate
17 officer by the end of the period for the filing of nomination
18 papers unless he has filed a statement of economic interests in
19 relation to the same governmental unit with that officer within
20 a year preceding the date on which such nomination papers were
21 filed. If the nomination papers of any candidate and the
22 statement of economic interest of that candidate are not
23 required to be filed with the same officer, the candidate must
24 file with the officer with whom the nomination papers are filed
25 a receipt from the officer with whom the statement of economic
26 interests is filed showing the date on which such statement was

1 filed. Such receipt shall be so filed not later than the last
2 day on which nomination papers may be filed.

3 (9) Any person for whom a petition for nomination, or for
4 committeeman or for delegate or alternate delegate to a
5 national nominating convention has been filed may cause his
6 name to be withdrawn by request in writing, signed by him and
7 duly acknowledged before an officer qualified to take
8 acknowledgments of deeds, and filed in the principal or
9 permanent branch office of the State Board of Elections or with
10 the appropriate election authority or local election official,
11 not later than the date of certification of candidates for the
12 consolidated primary or general primary ballot. No names so
13 withdrawn shall be certified or printed on the primary ballot.
14 If petitions for nomination have been filed for the same person
15 with respect to more than one political party, his name shall
16 not be certified nor printed on the primary ballot of any
17 party. If petitions for nomination have been filed for the same
18 person for 2 or more offices which are incompatible so that the
19 same person could not serve in more than one of such offices if
20 elected, that person must withdraw as a candidate for all but
21 one of such offices within the 5 business days following the
22 last day for petition filing. If he fails to withdraw as a
23 candidate for all but one of such offices within such time his
24 name shall not be certified, nor printed on the primary ballot,
25 for any office. For the purpose of the foregoing provisions, an
26 office in a political party is not incompatible with any other

1 office.

2 (10) (a) Notwithstanding the provisions of any other
3 statute, no primary shall be held for an established
4 political party in any township, municipality, or ward
5 thereof, where the nomination of such party for every
6 office to be voted upon by the electors of such township,
7 municipality, or ward thereof, is uncontested. Whenever a
8 political party's nomination of candidates is uncontested
9 as to one or more, but not all, of the offices to be voted
10 upon by the electors of a township, municipality, or ward
11 thereof, then a primary shall be held for that party in
12 such township, municipality, or ward thereof; provided
13 that the primary ballot shall not include those offices
14 within such township, municipality, or ward thereof, for
15 which the nomination is uncontested. For purposes of this
16 Article, the nomination of an established political party
17 of a candidate for election to an office shall be deemed to
18 be uncontested where not more than the number of persons to
19 be nominated have timely filed valid nomination papers
20 seeking the nomination of such party for election to such
21 office.

22 (b) Notwithstanding the provisions of any other
23 statute, no primary election shall be held for an
24 established political party for any special primary
25 election called for the purpose of filling a vacancy in the
26 office of representative in the United States Congress

1 where the nomination of such political party for said
2 office is uncontested. For the purposes of this Article,
3 the nomination of an established political party of a
4 candidate for election to said office shall be deemed to be
5 uncontested where not more than the number of persons to be
6 nominated have timely filed valid nomination papers
7 seeking the nomination of such established party for
8 election to said office. This subsection (b) shall not
9 apply if such primary election is conducted on a regularly
10 scheduled election day.

11 (c) Notwithstanding the provisions in subparagraph (a)
12 and (b) of this paragraph (10), whenever a person who has
13 not timely filed valid nomination papers and who intends to
14 become a write-in candidate for a political party's
15 nomination for any office for which the nomination is
16 uncontested files a written statement or notice of that
17 intent with the State Board of Elections or the local
18 election official with whom nomination papers for such
19 office are filed, a primary ballot shall be prepared and a
20 primary shall be held for that office. Such statement or
21 notice shall be filed on or before the date established in
22 this Article for certifying candidates for the primary
23 ballot. Such statement or notice shall contain (i) the name
24 and address of the person intending to become a write-in
25 candidate, (ii) a statement that the person is a qualified
26 primary elector of the political party from whom the

1 nomination is sought, (iii) a statement that the person
2 intends to become a write-in candidate for the party's
3 nomination, and (iv) the office the person is seeking as a
4 write-in candidate. An election authority shall have no
5 duty to conduct a primary and prepare a primary ballot for
6 any office for which the nomination is uncontested unless a
7 statement or notice meeting the requirements of this
8 Section is filed in a timely manner.

9 (11) If multiple sets of nomination papers are filed for a
10 candidate to the same office, the State Board of Elections,
11 appropriate election authority or local election official
12 where the petitions are filed shall within 2 business days
13 notify the candidate of his or her multiple petition filings
14 and that the candidate has 3 business days after receipt of the
15 notice to notify the State Board of Elections, appropriate
16 election authority or local election official that he or she
17 may cancel prior sets of petitions. If the candidate notifies
18 the State Board of Elections, appropriate election authority or
19 local election official, the last set of petitions filed shall
20 be the only petitions to be considered valid by the State Board
21 of Elections, election authority or local election official. If
22 the candidate fails to notify the State Board of Elections,
23 election authority or local election official then only the
24 first set of petitions filed shall be valid and all subsequent
25 petitions shall be void.

26 (12) All nominating petitions shall be available for public

1 inspection and shall be preserved for a period of not less than
2 6 months.

3 (Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1089;
4 87-1052.)

5 (10 ILCS 5/7-13) (from Ch. 46, par. 7-13)

6 Sec. 7-13. The board of election commissioners in cities of
7 500,000 or more population having such board, shall constitute
8 an electoral board for the hearing and passing upon objections
9 to nomination petitions for ward committeemen.

10 Such objections shall be filed in the office of the county
11 clerk within 5 business days after the last day for filing
12 nomination papers ~~not less than 81 days prior to the primary.~~

13 The objection shall state the name and address of the objector,
14 who may be any qualified elector in the ward, the specific
15 grounds of objection and the relief requested of the electoral
16 board. Upon the receipt of the objection, the county clerk
17 shall forthwith transmit such objection and the petition of the
18 candidate to the board of election commissioners. The board of
19 election commissioners shall forthwith notify the objector and
20 candidate objected to of the time and place for hearing hereon.
21 After a hearing upon the validity of such objections, the board
22 shall, ~~not less than 74 days prior to the date of the primary,~~
23 certify to the county clerk, its decision stating whether or
24 not the name of the candidate shall be printed on the ballot
25 and the county clerk in his or her certificate to the board of

1 election commissioners shall leave off of the certificate the
2 name of the candidate for ward committeeman that the election
3 commissioners order not to be printed on the ballot. However,
4 the decision of the board of election commissioners is subject
5 to judicial review as provided in Section 10-10.1.

6 The county electoral board composed as provided in Section
7 10-9 shall constitute an electoral board for the hearing and
8 passing upon objections to nomination petitions for precinct
9 and township committeemen. Such objections shall be filed in
10 the office of the county clerk within 5 business days after the
11 last day for filing nomination papers ~~not less than 81 days~~
12 ~~prior to the primary~~. The objection shall state the name and
13 address of the objector who may be any qualified elector in the
14 precinct or in the township or part of a township that lies
15 outside of a city having a population of 500,000 or more, the
16 specific grounds of objection and the relief requested of the
17 electoral board. Upon the receipt of the objection the county
18 clerk shall forthwith transmit such objection and the petition
19 of the candidate to the chairman of the county electoral board.
20 The chairman of the county electoral board shall forthwith
21 notify the objector, the candidate whose petition is objected
22 to and the other members of the electoral board of the time and
23 place for hearing thereon. After hearing upon the validity of
24 such objections the board shall, ~~not less than 74 days prior to~~
25 ~~the date of the primary,~~ certify its decision to the county
26 clerk stating whether or not the name of the candidate shall be

1 printed on the ballot, and the county clerk, in his or her
2 certificate to the board of election commissioners, shall leave
3 off of the certificate the name of the candidate ordered by the
4 board not to be printed on the ballot, and the county clerk
5 shall also refrain from printing on the official primary
6 ballot, the name of any candidate whose name has been ordered
7 by the electoral board not to be printed on the ballot.
8 However, the decision of the board is subject to judicial
9 review as provided in Section 10-10.1.

10 In such proceedings the electoral boards have the same
11 powers as other electoral boards under the provisions of
12 Section 10-10 of this Act and their decisions are subject to
13 judicial review under Section 10-10.1.

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

15 (10 ILCS 5/7-13.1) (from Ch. 46, par. 7-13.1)

16 Sec. 7-13.1. Certification of Candidates-Consolidated
17 primary. Not less than 68 ~~61~~ days before the date of the
18 consolidated primary, each local election official of each
19 political subdivision required to nominate candidates for the
20 respective offices by primary shall certify to each election
21 authority whose duty it is to prepare the official ballot for
22 the consolidated primary in such political subdivision the
23 names of all candidates in whose behalf nomination papers have
24 been filed in the office of such local election official and
25 direct the election authority to place upon the official ballot

1 for the consolidated primary election the names of such
2 candidates in the same manner and in the same order as shown
3 upon the certification. However, subject to appeal, the names
4 of candidates whose nomination papers have been held invalid by
5 the appropriate electoral board provided in Section 10-9 of
6 this Code shall not be so certified. The certification shall be
7 modified as necessary to comply with the requirements of any
8 other statute or any ordinance adopted pursuant to Article VII
9 of the Constitution prescribing specific provisions for
10 nonpartisan elections, including without limitation Articles
11 3, 4 and 5 of "The Municipal Code".

12 The names of candidates shall be listed on the
13 certification for the respective offices in the order in which
14 the candidates have filed their nomination papers, or as
15 determined by lot, or as otherwise specified by statute.

16 In every instance where applicable, the following shall
17 also be indicated in the certification:

18 (1) Where there is to be more than one candidate elected to
19 an office from a political subdivision or district;

20 (2) Where a voter has the right to vote for more than one
21 candidate for an office;

22 (3) The terms of the office to be on the ballot, when a
23 vacancy is to be filled for less than a full term, or when
24 offices of a particular subdivision to be on the ballot at the
25 same election are to be filled for different terms;

26 (4) The territory in which a candidate is required by law

1 to reside, when such residency requirement is not identical to
2 the territory of the political subdivision from which the
3 candidate is to be elected or nominated;

4 (5) Where a candidate's nominating papers or petitions have
5 been objected to and the objection has been sustained by the
6 electoral board established in Section 10-10, the words
7 "OBJECTION SUSTAINED" shall be placed under the title of the
8 office being sought by the candidate and the name of the
9 aggrieved candidate shall not appear; and

10 (6) Where a candidate's nominating papers or petitions have
11 been objected to and the decision of the electoral board
12 established in Section 10-10 is either unknown or known to be
13 in judicial review, the words "OBJECTION PENDING" shall be
14 placed under the title of the office being sought by the
15 candidate and next to the name of the candidate.

16 The local election official shall issue an amended
17 certification whenever it is discovered that the original
18 certification is in error.

19 (Source: P.A. 95-699, eff. 11-9-07.)

20 (10 ILCS 5/7-14) (from Ch. 46, par. 7-14)

21 Sec. 7-14. Not less than 68 ~~61~~ days before the date of the
22 general primary the State Board of Elections shall meet and
23 shall examine all petitions filed under this Article 7, in the
24 office of the State Board of Elections. The State Board of
25 Elections shall then certify to the county clerk of each

1 county, the names of all candidates whose nomination papers or
2 certificates of nomination have been filed with the Board and
3 direct the county clerk to place upon the official ballot for
4 the general primary election the names of such candidates in
5 the same manner and in the same order as shown upon the
6 certification.

7 The State Board of Elections shall, in its certificate to
8 the county clerk, certify the names of the offices, and the
9 names of the candidates in the order in which the offices and
10 names shall appear upon the primary ballot; such names to
11 appear in the order in which petitions have been filed in the
12 office of the State Board of Elections except as otherwise
13 provided in this Article.

14 Not less than 62 ~~55~~ days before the date of the general
15 primary, each county clerk shall certify the names of all
16 candidates whose nomination papers have been filed with such
17 clerk and declare that the names of such candidates for the
18 respective offices shall be placed upon the official ballot for
19 the general primary in the order in which such nomination
20 papers were filed with the clerk, or as determined by lot, or
21 as otherwise specified by statute. Each county clerk shall
22 place a copy of the certification on file in his or her office
23 and at the same time issue to the board of election
24 commissioners a copy of the certification that has been filed
25 in the county clerk's office, together with a copy of the
26 certification that has been issued to the clerk by the State

1 Board of Elections, with directions to the board of election
2 commissioners to place upon the official ballot for the general
3 primary in that election jurisdiction the names of all
4 candidates that are listed on such certification in the same
5 manner and in the same order as shown upon such certifications.

6 The certification shall indicate, where applicable, the
7 following:

8 (1) The political party affiliation of the candidates for
9 the respective offices;

10 (2) If there is to be more than one candidate elected or
11 nominated to an office from the State, political subdivision or
12 district;

13 (3) If the voter has the right to vote for more than one
14 candidate for an office;

15 (4) The term of office, if a vacancy is to be filled for
16 less than a full term or if the offices to be filled in a
17 political subdivision or district are for different terms.

18 The State Board of Elections or the county clerk, as the
19 case may be, shall issue an amended certification whenever it
20 is discovered that the original certification is in error.

21 Subject to appeal, the names of candidates whose nomination
22 papers have been held invalid by the appropriate electoral
23 board provided in Section 10-9 of this Code shall not be
24 certified.

25 (Source: P.A. 86-867.)

1 (10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

2 Sec. 7-60. Not less than 74 ~~67~~ days before the date of the
3 general election, the State Board of Elections shall certify to
4 the county clerks the names of each of the candidates who have
5 been nominated as shown by the proclamation of the State Board
6 of Elections as a canvassing board or who have been nominated
7 to fill a vacancy in nomination and direct the election
8 authority to place upon the official ballot for the general
9 election the names of such candidates in the same manner and in
10 the same order as shown upon the certification, except as
11 otherwise provided in this Section.

12 Not less than 68 ~~61~~ days before the date of the general
13 election, each county clerk shall certify the names of each of
14 the candidates for county offices who have been nominated as
15 shown by the proclamation of the county election authority or
16 who have been nominated to fill a vacancy in nomination and
17 declare that the names of such candidates for the respective
18 offices shall be placed upon the official ballot for the
19 general election in the same manner and in the same order as
20 shown upon the certification, except as otherwise provided by
21 this Section. Each county clerk shall place a copy of the
22 certification on file in his or her office and at the same time
23 issue to the State Board of Elections a copy of such
24 certification. In addition, each county clerk in whose county
25 there is a board of election commissioners shall, not less than
26 68 ~~61~~ days before the date of the general election, issue to

1 such board a copy of the certification that has been filed in
2 the county clerk's office, together with a copy of the
3 certification that has been issued to the clerk by the State
4 Board of Elections, with directions to the board of election
5 commissioners to place upon the official ballot for the general
6 election in that election jurisdiction the names of all
7 candidates that are listed on such certifications, in the same
8 manner and in the same order as shown upon such certifications,
9 except as otherwise provided in this Section.

10 Whenever there are two or more persons nominated by the
11 same political party for multiple offices for any board, the
12 name of the candidate of such party receiving the highest
13 number of votes in the primary election as a candidate for such
14 office, as shown by the official election returns of the
15 primary, shall be certified first under the name of such
16 offices, and the names of the remaining candidates of such
17 party for such offices shall follow in the order of the number
18 of votes received by them respectively at the primary election
19 as shown by the official election results.

20 No person who is shown by the final proclamation to have
21 been nominated or elected at the primary as a write-in
22 candidate shall have his or her name certified unless such
23 person shall have filed with the certifying office or board
24 within 10 days after the election authority's proclamation a
25 statement of candidacy pursuant to Section 7-10, a statement
26 pursuant to Section 7-10.1, and a receipt for the filing of a

1 statement of economic interests in relation to the unit of
2 government to which he or she has been elected or nominated.

3 Each county clerk and board of election commissioners shall
4 determine by a fair and impartial method of random selection
5 the order of placement of established political party
6 candidates for the general election ballot. Such determination
7 shall be made within 30 days following the canvass and
8 proclamation of the results of the general primary in the
9 office of the county clerk or board of election commissioners
10 and shall be open to the public. Seven days written notice of
11 the time and place of conducting such random selection shall be
12 given, by each such election authority, to the County Chairman
13 of each established political party, and to each organization
14 of citizens within the election jurisdiction which was
15 entitled, under this Article, at the next preceding election,
16 to have pollwatchers present on the day of election. Each
17 election authority shall post in a conspicuous, open and public
18 place, at the entrance of the election authority office, notice
19 of the time and place of such lottery. However, a board of
20 election commissioners may elect to place established
21 political party candidates on the general election ballot in
22 the same order determined by the county clerk of the county in
23 which the city under the jurisdiction of such board is located.

24 Each certification shall indicate, where applicable, the
25 following:

- 26 (1) The political party affiliation of the candidates

1 for the respective offices;

2 (2) If there is to be more than one candidate elected
3 to an office from the State, political subdivision or
4 district;

5 (3) If the voter has the right to vote for more than
6 one candidate for an office;

7 (4) The term of office, if a vacancy is to be filled
8 for less than a full term or if the offices to be filled in
9 a political subdivision are for different terms.

10 The State Board of Elections or the county clerk, as the
11 case may be, shall issue an amended certification whenever it
12 is discovered that the original certification is in error.

13 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;
14 94-1000, eff. 7-3-06.)

15 (10 ILCS 5/7-60.1) (from Ch. 46, par. 7-60.1)

16 Sec. 7-60.1. Certification of Candidates - Consolidated
17 Election. Each local election official of a political
18 subdivision in which candidates for the respective local
19 offices are nominated at the consolidated primary shall, no
20 later than 5 days following the canvass and proclamation of the
21 results of the consolidated primary, certify to each election
22 authority whose duty it is to prepare the official ballot for
23 the consolidated election in that political subdivision the
24 names of each of the candidates who have been nominated as
25 shown by the proclamation of the appropriate election authority

1 or who have been nominated to fill a vacancy in nomination and
2 direct the election authority to place upon the official ballot
3 for the consolidated election the names of such candidates in
4 the same manner and in the same order as shown upon the
5 certification, except as otherwise provided by this Section.

6 Whenever there are two or more persons nominated by the
7 same political party for multiple offices for any board, the
8 name of the candidate of such party receiving the highest
9 number of votes in the consolidated primary election as a
10 candidate for such consolidated primary, shall be certified
11 first under the name of such office, and the names of the
12 remaining candidates of such party for such offices shall
13 follow in the order of the number of votes received by them
14 respectively at the consolidated primary election as shown by
15 the official election results.

16 No person who is shown by the election authority's
17 proclamation to have been nominated at the consolidated primary
18 as a write-in candidate shall have his or her name certified
19 unless such person shall have filed with the certifying office
20 or board within 5 days after the election authority's
21 proclamation a statement of candidacy pursuant to Section 7-10
22 and a statement pursuant to Section 7-10.1.

23 Each board of election commissioners of the cities in which
24 established political party candidates for city offices are
25 nominated at the consolidated primary shall determine by a fair
26 and impartial method of random selection the order of placement

1 of the established political party candidates for the
2 consolidated ballot. Such determination shall be made within 5
3 days following the canvass and proclamation of the results of
4 the consolidated primary and shall be open to the public. Three
5 days written notice of the time and place of conducting such
6 random selection shall be given, by each such election
7 authority, to the County Chairman of each established political
8 party, and to each organization of citizens within the election
9 jurisdiction which was entitled, under this Article, at the
10 next preceding election, to have pollwatchers present on the
11 day of election. Each election authority shall post in a
12 conspicuous, open and public place, at the entrance of the
13 election authority office, notice of the time and place of such
14 lottery.

15 Each local election official of a political subdivision in
16 which established political party candidates for the
17 respective local offices are nominated by primary shall
18 determine by a fair and impartial method of random selection
19 the order of placement of the established political party
20 candidates for the consolidated election ballot and, in the
21 case of certain municipalities having annual elections, on the
22 general primary ballot for election. Such determination shall
23 be made prior to the canvass and proclamation of results of the
24 consolidated primary or special municipal primary, as the case
25 may be, in the office of the local election official and shall
26 be open to the public. Three days written notice of the time

1 and place of conducting such random selection shall be given,
2 by each such local election official, to the County Chairman of
3 each established political party, and to each organization of
4 citizens within the election jurisdiction which was entitled,
5 under this Article, at the next preceding election, to have
6 pollwatchers present on the day of election. Each local
7 election official shall post in a conspicuous, open and public
8 place notice of such lottery. Immediately thereafter, the local
9 election official shall certify the ballot placement order so
10 determined to the proper election authorities charged with the
11 preparation of the consolidated election, or general primary,
12 ballot for that political subdivision.

13 Not less than 68 ~~61~~ days before the date of the
14 consolidated election, each local election official of a
15 political subdivision in which established political party
16 candidates for the respective local offices have been nominated
17 by caucus or have been nominated because no primary was
18 required to be held shall certify to each election authority
19 whose duty it is to prepare the official ballot for the
20 consolidated election in that political subdivision the names
21 of each of the candidates whose certificates of nomination or
22 nomination papers have been filed in his or her office and
23 direct the election authority to place upon the official ballot
24 for the consolidated election the names of such candidates in
25 the same manner and in the same order as shown upon the
26 certification. Such local election official shall, prior to

1 certification, determine by a fair and impartial method of
2 random selection the order of placement of the established
3 political party candidates for the consolidated election
4 ballot. Such determination shall be made in the office of the
5 local election official and shall be open to the public. Three
6 days written notice of the time and place of conducting such
7 random selection shall be given by each such local election
8 official to the county chairman of each established political
9 party, and to each organization of citizens within the election
10 jurisdiction which was entitled, under this Article, at the
11 next preceding election, to have pollwatchers present on the
12 day of election. Each local election official shall post in a
13 conspicuous, open and public place, at the entrance of the
14 office, notice of the time and place of such lottery. The local
15 election official shall certify the ballot placement order so
16 determined as part of his official certification of candidates
17 to the election authorities whose duty it is to prepare the
18 official ballot for the consolidated election in that political
19 subdivision.

20 The certification shall indicate, where applicable, the
21 following:

22 (1) The political party affiliation of the candidates
23 for the respective offices;

24 (2) If there is to be more than one candidate elected
25 or nominated to an office from the State, political
26 subdivision or district;

1 (3) If the voter has the right to vote for more than
2 one candidate for an office;

3 (4) The term of office, if a vacancy is to be filled
4 for less than a full term or if the offices to be filled in
5 a political subdivision or district are for different
6 terms.

7 The local election official shall issue an amended
8 certification whenever it is discovered that the original
9 certification is in error.

10 (Source: P.A. 94-647, eff. 1-1-06.)

11 (10 ILCS 5/8-9) (from Ch. 46, par. 8-9)

12 Sec. 8-9. All petitions for nomination shall be filed by
13 mail or in person as follows:

14 (1) Where the nomination is made for a legislative office,
15 such petition for nomination shall be filed in the principal
16 office of the State Board of Elections not more than 113 ~~99~~ and
17 not less than 106 ~~92~~ days prior to the date of the primary.

18 (2) The State Board of Elections shall, upon receipt of
19 each petition, endorse thereon the day and hour on which it was
20 filed. Petitions filed by mail and received after midnight on
21 the first day for filing and in the first mail delivery or
22 pickup of that day, shall be deemed as filed as of 8:00 a.m. of
23 that day or as of the normal opening hour of such day as the
24 case may be, and all petitions received thereafter shall be
25 deemed as filed in the order of actual receipt. Where 2 or more

1 petitions are received simultaneously, the State Board of
2 Elections shall break ties and determine the order of filing,
3 by means of a lottery as provided in Section 7-12 of this Code.

4 (3) Any person for whom a petition for nomination has been
5 filed, may cause his name to be withdrawn by a request in
6 writing, signed by him, duly acknowledged before an officer
7 qualified to take acknowledgments of deeds, and filed in the
8 principal or permanent branch office of the State Board of
9 Elections not later than the date of certification of
10 candidates for the general primary ballot, and no names so
11 withdrawn shall be certified by the State Board of Elections to
12 the county clerk, or printed on the primary ballot. If
13 petitions for nomination have been filed for the same person
14 with respect to more than one political party, his name shall
15 not be certified nor printed on the primary ballot of any
16 party. If petitions for nomination have been filed for the same
17 person for 2 or more offices which are incompatible so that the
18 same person could not serve in more than one of such offices if
19 elected, that person must withdraw as a candidate for all but
20 one of such offices within the 5 business days following the
21 last day for petition filing. If he fails to withdraw as a
22 candidate for all but one of such offices within such time, his
23 name shall not be certified, nor printed on the primary ballot,
24 for any office. For the purpose of the foregoing provisions, an
25 office in a political party is not incompatible with any other
26 office.

1 (4) If multiple sets of nomination papers are filed for a
2 candidate to the same office, the State Board of Elections
3 shall within 2 business days notify the candidate of his or her
4 multiple petition filings and that the candidate has 3 business
5 days after receipt of the notice to notify the State Board of
6 Elections that he or she may cancel prior sets of petitions. If
7 the candidate notifies the State Board of Elections the last
8 set of petitions filed shall be the only petitions to be
9 considered valid by the State Board of Elections. If the
10 candidate fails to notify the State Board then only the first
11 set of petitions filed shall be valid and all subsequent
12 petitions shall be void.

13 (Source: P.A. 86-875; 87-1052.)

14 (10 ILCS 5/8-17) (from Ch. 46, par. 8-17)

15 Sec. 8-17. The death of any candidate prior to, or on, the
16 date of the primary shall not affect the canvass of the
17 ballots. If the result of such canvass discloses that such
18 candidate, if he had lived, would have been nominated, such
19 candidate shall be declared nominated.

20 In the event that a candidate of a party who has been
21 nominated under the provisions of this Article shall die before
22 election (whether death occurs prior to, or on, or after, the
23 date of the primary) or decline the nomination or should the
24 nomination for any other reason become vacant, the legislative
25 or representative committee of such party for such district

1 shall nominate a candidate of such party to fill such vacancy.
2 However, if there was no candidate for the nomination of the
3 party in the primary, no candidate of that party for that
4 office may be listed on the ballot at the general election,
5 unless the legislative or representative committee of the party
6 nominates a candidate to fill the vacancy in nomination within
7 75 ~~60~~ days after the date of the general primary election.
8 Vacancies in nomination occurring under this Article shall be
9 filled by the appropriate legislative or representative
10 committee in accordance with the provisions of Section 7-61 of
11 this Code. In proceedings to fill the vacancy in nomination,
12 the voting strength of the members of the legislative or
13 representative committee shall be as provided in Section 8-6.
14 (Source: P.A. 84-757; 84-790; 84-928; 84-1026.)

15 (10 ILCS 5/8-17.1) (from Ch. 46, par. 8-17.1)

16 Sec. 8-17.1. Whenever a vacancy in the office of State
17 Senator is to be filled by election pursuant to Article IV,
18 Section 2(d) of the Constitution and Section 25-6 of this Code,
19 nominations shall be made and any vacancy in nomination shall
20 be filled pursuant to this Section:

21 (1) If the vacancy in office occurs before the first date
22 provided in Section 8-9 for filing nomination papers for the
23 primary in the next even-numbered year following the
24 commencement of the term, the nominations for the election for
25 filling such vacancy shall be made as otherwise provided in

1 Article 8.

2 (2) If the vacancy in office occurs during the time
3 provided in Section 8-9 for filing nomination papers for the
4 office of State Senator for the primary in the next
5 even-numbered year following commencement of the term of office
6 in which such vacancy occurs, the time for filing nomination
7 papers for such office for the primary shall be not more than
8 105 ~~91~~ days and not less than 99 ~~85~~ days prior to the date of
9 the primary election.

10 (3) If the vacancy in office occurs after the last day
11 provided in Section 8-9 for filing nomination papers for the
12 office of State Senator, a vacancy in nomination shall be
13 deemed to have occurred and the legislative committee of each
14 established political party shall nominate, by resolution, a
15 candidate to fill such vacancy in nomination for the election
16 to such office at such general election. In the proceedings to
17 fill the vacancy in nomination the voting strength of the
18 members of the legislative committee shall be as provided in
19 Section 8-6. The name of the candidate so nominated shall not
20 appear on the ballot at the general primary election. Such
21 vacancy in nomination shall be filled prior to the date of
22 certification of candidates for the general election.

23 (4) The resolution to fill the vacancy shall be duly
24 acknowledged before an officer qualified to take
25 acknowledgments of deeds and shall include, upon its face, the
26 following information;

1 (a) the names of the original nominee and the office
2 vacated;

3 (b) the date on which the vacancy occurred;

4 (c) the name and address of the nominee selected to fill
5 the vacancy and the date of selection.

6 The resolution to fill the vacancy shall be accompanied by
7 a Statement of Candidacy, as prescribed in Section 7-10,
8 completed by the selected nominee and a receipt indicating that
9 such nominee has filed a statement of economic interests as
10 required by the Illinois Governmental Ethics Act.

11 The provisions of Sections 10-8 through 10-10.1 relating to
12 objections to nomination papers, hearings on objections and
13 judicial review, shall also apply to and govern objections to
14 nomination papers and resolutions for filling vacancies in
15 nomination filed pursuant to this Section.

16 Unless otherwise specified herein, the nomination and
17 election provided for in this Section shall be governed by this
18 Code.

19 (Source: P.A. 84-790.)

20 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

21 Sec. 10-6. Time and manner of filing. Certificates of
22 nomination and nomination papers for the nomination of
23 candidates for offices to be filled by electors of the entire
24 State, or any district not entirely within a county, or for
25 congressional, state legislative or judicial offices, shall be

1 presented to the principal office of the State Board of
2 Elections not more than 141 nor less than 134 days previous to
3 the day of election for which the candidates are nominated. The
4 State Board of Elections shall endorse the certificates of
5 nomination or nomination papers, as the case may be, and the
6 date and hour of presentment to it. Except as otherwise
7 provided in this section, all other certificates for the
8 nomination of candidates shall be filed with the county clerk
9 of the respective counties not more than 141 but at least 134
10 days previous to the day of such election. Certificates of
11 nomination and nomination papers for the nomination of
12 candidates for the offices of political subdivisions to be
13 filled at regular elections other than the general election
14 shall be filed with the local election official of such
15 subdivision:

16 (1) (Blank);

17 (2) not more than 113 ~~78~~ nor less than 106 ~~71~~ days
18 prior to the consolidated election; or

19 (3) not more than 113 ~~78~~ nor less than 106 ~~71~~ days
20 prior to the general primary in the case of municipal
21 offices to be filled at the general primary election; or

22 (4) not more than 99 ~~78~~ nor less than 92 ~~71~~ days before
23 the consolidated primary in the case of municipal offices
24 to be elected on a nonpartisan basis pursuant to law
25 (including without limitation, those municipal offices
26 subject to Articles 4 and 5 of the Municipal Code); or

1 (5) not more than 113 ~~78~~ nor less than 106 ~~71~~ days
2 before the municipal primary in even numbered years for
3 such nonpartisan municipal offices where annual elections
4 are provided; or

5 (6) in the case of petitions for the office of
6 multi-township assessor, such petitions shall be filed
7 with the election authority not more than 113 ~~78~~ nor less
8 than 106 ~~71~~ days before the consolidated election.

9 However, where a political subdivision's boundaries are
10 co-extensive with or are entirely within the jurisdiction of a
11 municipal board of election commissioners, the certificates of
12 nomination and nomination papers for candidates for such
13 political subdivision offices shall be filed in the office of
14 such Board.

15 (Source: P.A. 95-699, eff. 11-9-07.)

16 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

17 Sec. 10-9. The following electoral boards are designated
18 for the purpose of hearing and passing upon the objector's
19 petition described in Section 10-8.

20 1. The State Board of Elections will hear and pass upon
21 objections to the nominations of candidates for State offices,
22 nominations of candidates for congressional, legislative and
23 judicial offices of districts, subcircuits, or circuits
24 situated in more than one county, nominations of candidates for
25 the offices of State's attorney or regional superintendent of

1 schools to be elected from more than one county, and petitions
2 for proposed amendments to the Constitution of the State of
3 Illinois as provided for in Section 3 of Article XIV of the
4 Constitution.

5 2. The county officers electoral board to hear and pass
6 upon objections to the nominations of candidates for county
7 offices, for congressional, legislative and judicial offices
8 of a district, subcircuit, or circuit coterminous with or less
9 than a county, for school trustees to be voted for by the
10 electors of the county or by the electors of a township of the
11 county, for the office of multi-township assessor where
12 candidates for such office are nominated in accordance with
13 this Code, and for all special district offices, shall be
14 composed of the county clerk, or an assistant designated by the
15 county clerk, the State's attorney of the county or an
16 Assistant State's Attorney designated by the State's Attorney,
17 and the clerk of the circuit court, or an assistant designated
18 by the clerk of the circuit court, of the county, of whom the
19 county clerk or his designee shall be the chairman, except that
20 in any county which has established a county board of election
21 commissioners that board shall constitute the county officers
22 electoral board ex-officio.

23 3. The municipal officers electoral board to hear and pass
24 upon objections to the nominations of candidates for officers
25 of municipalities shall be composed of the mayor or president
26 of the board of trustees of the city, village or incorporated

1 town, and the city, village or incorporated town clerk, and one
2 member of the city council or board of trustees, that member
3 being designated who is eligible to serve on the electoral
4 board and has served the greatest number of years as a member
5 of the city council or board of trustees, of whom the mayor or
6 president of the board of trustees shall be the chairman.

7 4. The township officers electoral board to pass upon
8 objections to the nominations of township officers shall be
9 composed of the township supervisor, the town clerk, and that
10 eligible town trustee elected in the township who has had the
11 longest term of continuous service as town trustee, of whom the
12 township supervisor shall be the chairman.

13 5. The education officers electoral board to hear and pass
14 upon objections to the nominations of candidates for offices in
15 school or community college districts shall be composed of the
16 presiding officer of the school or community college district
17 board, who shall be the chairman, the secretary of the school
18 or community college district board and the eligible elected
19 school or community college board member who has the longest
20 term of continuous service as a board member.

21 6. In all cases, however, where the Congressional, ~~or~~
22 Legislative, or Representative district is wholly or partially
23 within the jurisdiction of a single municipal board of election
24 commissioners and in all cases where the school district or
25 special district is wholly within the jurisdiction of a
26 municipal board of election commissioners and in all cases

1 where the municipality or township is wholly or partially
2 within the jurisdiction of a municipal board of election
3 commissioners, the board of election commissioners shall
4 ex-officio constitute the electoral board.

5 For special districts situated in more than one county, the
6 county officers electoral board of the county in which the
7 principal office of the district is located has jurisdiction to
8 hear and pass upon objections. For purposes of this Section,
9 "special districts" means all political subdivisions other
10 than counties, municipalities, townships and school and
11 community college districts.

12 In the event that any member of the appropriate board is a
13 candidate for the office with relation to which the objector's
14 petition is filed, he shall not be eligible to serve on that
15 board and shall not act as a member of the board and his place
16 shall be filled as follows:

17 a. In the county officers electoral board by the county
18 treasurer, and if he or she is ineligible to serve, by the
19 sheriff of the county.

20 b. In the municipal officers electoral board by the
21 eligible elected city council or board of trustees member
22 who has served the second greatest number of years as a
23 city council or board of trustees member.

24 c. In the township officers electoral board by the
25 eligible elected town trustee who has had the second
26 longest term of continuous service as a town trustee.

1 d. In the education officers electoral board by the
2 eligible elected school or community college district
3 board member who has had the second longest term of
4 continuous service as a board member.

5 In the event that the chairman of the electoral board is
6 ineligible to act because of the fact that he is a candidate
7 for the office with relation to which the objector's petition
8 is filed, then the substitute chosen under the provisions of
9 this Section shall be the chairman; In this case, the officer
10 or board with whom the objector's petition is filed, shall
11 transmit the certificate of nomination or nomination papers as
12 the case may be, and the objector's petition to the substitute
13 chairman of the electoral board.

14 When 2 or more eligible individuals, by reason of their
15 terms of service on a city council or board of trustees,
16 township board of trustees, or school or community college
17 district board, qualify to serve on an electoral board, the one
18 to serve shall be chosen by lot.

19 Any vacancies on an electoral board not otherwise filled
20 pursuant to this Section shall be filled by public members
21 appointed by the Chief Judge of the Circuit Court for the
22 county wherein the electoral board hearing is being held upon
23 notification to the Chief Judge of such vacancies. The Chief
24 Judge shall be so notified by a member of the electoral board
25 or the officer or board with whom the objector's petition was
26 filed. In the event that none of the individuals designated by

1 this Section to serve on the electoral board are eligible, the
2 chairman of an electoral board shall be designated by the Chief
3 Judge.

4 (Source: P.A. 94-645, eff. 8-22-05.)

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

6 Sec. 10-10. Within 24 hours after the receipt of the
7 certificate of nomination or nomination papers or proposed
8 question of public policy, as the case may be, and the
9 objector's petition, the chairman of the electoral board other
10 than the State Board of Elections shall send a call by
11 registered or certified mail to each of the members of the
12 electoral board, and to the objector who filed the objector's
13 petition, and either to the candidate whose certificate of
14 nomination or nomination papers are objected to or to the
15 principal proponent or attorney for proponents of a question of
16 public policy, as the case may be, whose petitions are objected
17 to, and shall also cause the sheriff of the county or counties
18 in which such officers and persons reside to serve a copy of
19 such call upon each of such officers and persons, which call
20 shall set out the fact that the electoral board is required to
21 meet to hear and pass upon the objections to nominations made
22 for the office, designating it, and shall state the day, hour
23 and place at which the electoral board shall meet for the
24 purpose, which place shall be in the county court house in the
25 county in the case of the County Officers Electoral Board, the

1 Municipal Officers Electoral Board, the Township Officers
2 Electoral Board or the Education Officers Electoral Board,
3 except that the Municipal Officers Electoral Board, the
4 Township Officers Electoral Board, and the Education Officers
5 Electoral Board may meet at the location where the governing
6 body of the municipality, township, or school or community
7 college district, respectively, holds its regularly scheduled
8 meetings, if that location is available; provided that voter
9 records may be removed from the offices of an election
10 authority only at the discretion and under the supervision of
11 the election authority. In those cases where the State Board of
12 Elections is the electoral board designated under Section 10-9,
13 the chairman of the State Board of Elections shall, within 24
14 hours after the receipt of the certificate of nomination or
15 nomination papers or petitions for a proposed amendment to
16 Article IV of the Constitution or proposed statewide question
17 of public policy, send a call by registered or certified mail
18 to the objector who files the objector's petition, and either
19 to the candidate whose certificate of nomination or nomination
20 papers are objected to or to the principal proponent or
21 attorney for proponents of the proposed Constitutional
22 amendment or statewide question of public policy and shall
23 state the day, hour and place at which the electoral board
24 shall meet for the purpose, which place may be in the Capitol
25 Building or in the principal or permanent branch office of the
26 State Board. The day of the meeting shall not be less than 3

1 nor more than 5 days after the receipt of the certificate of
2 nomination or nomination papers and the objector's petition by
3 the chairman of the electoral board.

4 The electoral board shall have the power to administer
5 oaths and to subpoena and examine witnesses and at the request
6 of either party the chairman may issue subpoenas requiring the
7 attendance of witnesses and subpoenas duces tecum requiring the
8 production of such books, papers, records and documents as may
9 be evidence of any matter under inquiry before the electoral
10 board, in the same manner as witnesses are subpoenaed in the
11 Circuit Court.

12 Service of such subpoenas shall be made by any sheriff or
13 other person in the same manner as in cases in such court and
14 the fees of such sheriff shall be the same as is provided by
15 law, and shall be paid by the objector or candidate who causes
16 the issuance of the subpoena. In case any person so served
17 shall knowingly neglect or refuse to obey any such subpoena, or
18 to testify, the electoral board shall at once file a petition
19 in the circuit court of the county in which such hearing is to
20 be heard, or has been attempted to be heard, setting forth the
21 facts, of such knowing refusal or neglect, and accompanying the
22 petition with a copy of the citation and the answer, if one has
23 been filed, together with a copy of the subpoena and the return
24 of service thereon, and shall apply for an order of court
25 requiring such person to attend and testify, and forthwith
26 produce books and papers, before the electoral board. Any

1 circuit court of the state, excluding the judge who is sitting
2 on the electoral board, upon such showing shall order such
3 person to appear and testify, and to forthwith produce such
4 books and papers, before the electoral board at a place to be
5 fixed by the court. If such person shall knowingly fail or
6 refuse to obey such order of the court without lawful excuse,
7 the court shall punish him or her by fine and imprisonment, as
8 the nature of the case may require and may be lawful in cases
9 of contempt of court.

10 The electoral board on the first day of its meeting shall
11 adopt rules of procedure for the introduction of evidence and
12 the presentation of arguments and may, in its discretion,
13 provide for the filing of briefs by the parties to the
14 objection or by other interested persons.

15 In the event of a State Electoral Board hearing on
16 objections to a petition for an amendment to Article IV of the
17 Constitution pursuant to Section 3 of Article XIV of the
18 Constitution, or to a petition for a question of public policy
19 to be submitted to the voters of the entire State, the
20 certificates of the county clerks and boards of election
21 commissioners showing the results of the random sample of
22 signatures on the petition shall be prima facie valid and
23 accurate, and shall be presumed to establish the number of
24 valid and invalid signatures on the petition sheets reviewed in
25 the random sample, as prescribed in Section 28-11 and 28-12 of
26 this Code. Either party, however, may introduce evidence at

1 such hearing to dispute the findings as to particular
2 signatures. In addition to the foregoing, in the absence of
3 competent evidence presented at such hearing by a party
4 substantially challenging the results of a random sample, or
5 showing a different result obtained by an additional sample,
6 this certificate of a county clerk or board of election
7 commissioners shall be presumed to establish the ratio of valid
8 to invalid signatures within the particular election
9 jurisdiction.

10 The electoral board shall take up the question as to
11 whether or not the certificate of nomination or nomination
12 papers or petitions are in proper form, and whether or not they
13 were filed within the time and under the conditions required by
14 law, and whether or not they are the genuine certificate of
15 nomination or nomination papers or petitions which they purport
16 to be, and whether or not in the case of the certificate of
17 nomination in question it represents accurately the decision of
18 the caucus or convention issuing it, and in general shall
19 decide whether or not the certificate of nomination or
20 nominating papers or petitions on file are valid or whether the
21 objections thereto should be sustained and the decision of a
22 majority of the electoral board shall be final subject to
23 judicial review as provided in Section 10-10.1. The electoral
24 board must state its findings in writing and must state in
25 writing which objections, if any, it has sustained. A copy of
26 the decision shall be served upon the parties to the

1 proceedings in open proceedings before the electoral board. If
2 a party does not appear for receipt of the decision, the
3 decision shall be deemed to have been served on the absent
4 party on the date when a copy of the decision is personally
5 delivered or on the date when a copy of the decision is
6 deposited in the Unites States mail, in a sealed envelope or
7 package, with postage prepaid, addressed to each party affected
8 by the decision or to such party's attorney of record, if any,
9 at the address on record for such person in the files of the
10 electoral board.

11 Upon the expiration of the period within which a proceeding
12 for judicial review must be commenced under Section 10--10.1,
13 the electoral board shall, unless a proceeding for judicial
14 review has been commenced within such period, transmit, by
15 registered or certified mail, a certified copy of its ruling,
16 together with the original certificate of nomination or
17 nomination papers or petitions and the original objector's
18 petition, to the officer or board with whom the certificate of
19 nomination or nomination papers or petitions, as objected to,
20 were on file, and such officer or board shall abide by and
21 comply with the ruling so made to all intents and purposes.

22 (Source: P.A. 95-872, eff. 1-1-09.)

23 (10 ILCS 5/10-10.1) (from Ch. 46, par. 10-10.1)

24 Sec. 10-10.1.

25 (a) Except as otherwise provided in this Section, a

1 candidate or objector aggrieved by the decision of an electoral
2 board may secure judicial review of such decision in the
3 circuit court of the county in which the hearing of the
4 electoral board was held. The party seeking judicial review
5 must file a petition with the clerk of the court and must serve
6 a copy of the petition upon the electoral board and other
7 parties to the proceeding by registered or certified mail
8 within 5 ~~10~~ days after service of the decision of the electoral
9 board as provided in Section 10-10. The petition shall contain
10 a brief statement of the reasons why the decision of the board
11 should be reversed. The petitioner ~~shall serve a copy of the~~
12 ~~petition upon the electoral board and other parties to the~~
13 ~~proceeding by registered or certified mail and shall file proof~~
14 of service with the clerk of the court. No answer to the
15 petition need be filed, but the electoral board shall cause the
16 record of proceedings before the electoral board to be filed
17 with the clerk of the court on or before the date of the
18 hearing on the petition or as ordered by the court ~~any answer~~
19 ~~must be filed within 10 days after the filing of the petition.~~

20 The court shall set the matter for hearing to be held
21 within 30 days after the filing of the petition and shall make
22 its decision promptly after such hearing.

23 (b) An objector or proponent aggrieved by the decision of
24 an electoral board regarding a petition filed pursuant to
25 Section 18-120 of the Property Tax Code may secure a review of
26 such decision by the State Board of Elections. The party

1 seeking such review must file a petition therefor with the
2 State Board of Elections within 10 days after the decision of
3 the electoral board. Any such objector or proponent may apply
4 for and obtain judicial review of a decision of the State Board
5 of Elections entered under this amendatory Act of 1985, in
6 accordance with the provisions of the Administrative Review
7 Law, as amended.

8 (Source: P.A. 88-670, eff. 12-2-94.)

9 (10 ILCS 5/10-11.1) (from Ch. 46, par. 10-11.1)

10 Sec. 10-11.1. Whenever a vacancy in the office of State
11 Senator is to be filled by election pursuant to Article IV,
12 Section 2(d) of the Constitution and Section 25-6 of this Code,
13 nominations shall be made pursuant to this Section:

14 (1) If the vacancy in office occurs before the first date
15 provided in Section 10-3 for filing nomination papers for the
16 general election in the next even-numbered year following the
17 commencement of the term, the nomination of independent
18 candidates for such office shall be made as otherwise provided
19 in this Article.

20 (2) If the vacancy occurs in office after the first day for
21 filing nomination papers for independent candidates as
22 provided in Section 10-3 but before the first day provided in
23 Section 10-6 for filing nomination papers for the general
24 election in the next even-numbered year following the
25 commencement of the term, independent candidates for such

1 office shall file their nomination papers during the filing
2 period set forth in Section 10-6 for new political party
3 candidates.

4 (3) If a vacancy in office occurs prior to the first day
5 provided in Section 10-6 for filing nomination papers for new
6 political party candidates for the next ensuing general
7 election, new political party candidates for such office shall
8 file their nomination papers during the filing period as set
9 forth in Section 10-6 as otherwise provided in this Article.

10 (4) If the vacancy in office occurs during the time
11 provided in Section 10-6 for filing nomination papers for new
12 political party candidates for the next ensuing general
13 election, the time for independent and new political party
14 candidates to file nomination papers for such office shall be
15 not more than 92 ~~78~~ days nor less than 85 ~~71~~ days prior to the
16 date of the general election.

17 (5) If the vacancy in office occurs after the last day
18 provided in Section 10-6 for filing nomination papers for new
19 political party candidates, independent and new political
20 party candidates shall be nominated as provided by rules and
21 regulations of the State Board of Elections.

22 The provisions of Sections 10-8 and 10-10.1 relating to
23 objections to nomination papers, hearings on objections and
24 judicial review, shall also apply to and govern objections to
25 nomination papers filed pursuant to this Section.

26 Unless otherwise specified herein, the nomination and

1 election provided for in this Section shall be governed by this
2 Code.

3 (Source: P.A. 84-790.)

4 (10 ILCS 5/10-11.2) (from Ch. 46, par. 10-11.2)

5 Sec. 10-11.2. Whenever a vacancy in any elective county
6 office is to be filled by election pursuant to Section 25-11 of
7 this Code, nominations shall be made and any vacancy in
8 nomination shall be filled pursuant to this Section:

9 (1) If the vacancy in office occurs before the first date
10 provided in Section 10-3 for filing nomination papers for the
11 general election in the next even-numbered year following the
12 commencement of the term, the nomination of independent
13 candidates for such office shall be made as otherwise provided
14 in this Article.

15 (2) If the vacancy in office occurs after the first day for
16 filing nomination papers for independent candidates as
17 provided in Section 10-3 but before the first day provided in
18 Section 10-6 for filing nomination papers for new political
19 party candidates for the general election in the next
20 even-numbered year following the commencement of the term,
21 independent candidates for such office shall file their
22 nomination papers during the filing period set forth in Section
23 10-6 for new political party candidates.

24 (3) If the vacancy in office occurs prior to the first date
25 provided in Section 10-6 for filing nomination papers for new

1 political party candidates for the next ensuing general
2 election, new political party candidates for such office shall
3 file their nomination papers during the filing period as set
4 forth in Section 10-6 for new political party candidates.

5 (4) If the vacancy in office occurs during the time
6 provided in Section 10-6 for filing nomination papers for new
7 political party candidates for the next ensuing general
8 election the time for independent and new political party
9 candidates to file nomination papers for such office shall be
10 not more than 92 ~~78~~ days nor less than 85 ~~71~~ days prior to the
11 date of the general election.

12 The provisions of Sections 10-8 through 10-10.1 relating to
13 objections to nomination papers, hearings on objections and
14 judicial review, shall also apply to and govern objections to
15 nomination papers filed pursuant to this Section.

16 Unless otherwise specified herein, the nomination and
17 election provided for in this Section shall be governed by this
18 Code.

19 (Source: P.A. 84-790.)

20 (10 ILCS 5/10-14) (from Ch. 46, par. 10-14)

21 Sec. 10-14. Not less than 74 ~~67~~ days before the date of the
22 general election the State Board of Elections shall certify to
23 the county clerk of each county the name of each candidate
24 whose nomination papers, certificate of nomination or
25 resolution to fill a vacancy in nomination has been filed with

1 the State Board of Elections and direct the county clerk to
2 place upon the official ballot for the general election the
3 names of such candidates in the same manner and in the same
4 order as shown upon the certification. The name of no candidate
5 for an office to be filled by the electors of the entire state
6 shall be placed upon the official ballot unless his name is
7 duly certified to the county clerk upon a certificate signed by
8 the members of the State Board of Elections. The names of group
9 candidates on petitions shall be certified to the several
10 county clerks in the order in which such names appear on such
11 petitions filed with the State Board of Elections.

12 Not less than 68 ~~61~~ days before the date of the general
13 election, each county clerk shall certify the names of each of
14 the candidates for county offices whose nomination papers,
15 certificates of nomination or resolutions to fill a vacancy in
16 nomination have been filed with such clerk and declare that the
17 names of such candidates for the respective offices shall be
18 placed upon the official ballot for the general election in the
19 same manner and in the same order as shown upon the
20 certification. Each county clerk shall place a copy of the
21 certification on file in his or her office and at the same time
22 issue to the State Board of Elections a copy of such
23 certification. In addition, each county clerk in whose county
24 there is a board of election commissioners shall, not less than
25 69 ~~55~~ days before the election, certify to the board of
26 election commissioners the name of the person or persons

1 nominated for such office as shown by the certificate of the
2 State Board of Elections, together with the names of all other
3 candidates as shown by the certification of county officers on
4 file in the clerk's office, and in the order so certified. The
5 county clerk or board of election commissioners shall print the
6 names of the nominees on the ballot for each office in the
7 order in which they are certified to or filed with the county
8 clerk; provided, that in printing the name of nominees for any
9 office, if any of such nominees have also been nominated by one
10 or more political parties pursuant to this Act, the location of
11 the name of such candidate on the ballot for nominations made
12 under this Article shall be precisely in the same order in
13 which it appears on the certification of the State Board of
14 Elections to the county clerk.

15 For the general election, the candidates of new political
16 parties shall be placed on the ballot for said election after
17 the established political party candidates and in the order of
18 new political party petition filings.

19 Each certification shall indicate, where applicable, the
20 following:

21 (1) The political party affiliation if any, of the
22 candidates for the respective offices;

23 (2) If there is to be more than one candidate elected
24 to an office from the State, political subdivision or
25 district;

26 (3) If the voter has the right to vote for more than

1 one candidate for an office;

2 (4) The term of office, if a vacancy is to be filled
3 for less than a full term or if the offices to be filled in
4 a political subdivision are for different terms.

5 The State Board of Elections or the county clerk, as the
6 case may be, shall issue an amended certification whenever it
7 is discovered that the original certification is in error.

8 (Source: P.A. 93-847, eff. 7-30-04.)

9 (10 ILCS 5/10-15) (from Ch. 46, par. 10-15)

10 Sec. 10-15. Not less than 68 ~~61~~ days before the date of the
11 consolidated and nonpartisan elections, each local election
12 official with whom certificates of nomination or nominating
13 petitions have been filed shall certify to each election
14 authority having jurisdiction over any of the territory of his
15 political subdivision the names of all candidates entitled to
16 be printed on the ballot for offices of that political
17 subdivision to be voted upon at such election and direct the
18 election authority to place upon the official ballot for such
19 election the names of such candidates in the same manner and in
20 the same order as shown upon the certification.

21 The local election officials shall certify such candidates
22 for each office in the order in which such candidates'
23 certificates of nomination or nominating petitions were filed
24 in his office. However, subject to appeal, the names of
25 candidates whose petitions have been held invalid by the

1 appropriate electoral board provided in Section 10-9 of this
2 Act shall not be so certified. The certification shall be
3 modified as necessary to comply with the requirements of any
4 other statute or any ordinance adopted pursuant to Article VII
5 of the Constitution prescribing specific provisions for
6 nonpartisan elections, including without limitation Articles 4
7 and 5 of "The Municipal Code" or Article 9 of The School Code.

8 In every instance where applicable, the following shall
9 also be indicated in the certification:

10 (1) The political party affiliation, if any, of the
11 candidates for the respective offices;

12 (2) Where there is to be more than one candidate elected to
13 an office from a political subdivision or district;

14 (3) Where a voter has the right to vote for more than one
15 candidate for an office;

16 (4) The terms of the office to be on the ballot, when a
17 vacancy is to be filled for less than a full term, or when
18 offices of a particular subdivision to be on the ballot at the
19 same election are to be filled for different terms;

20 (5) The territory in which a candidate is required by law
21 to reside, when such residency requirement is not identical to
22 the territory of the political subdivision from which the
23 candidate is to be elected or nominated;

24 (6) Where a candidate's nominating papers or petitions have
25 been objected to and the objection has been sustained by the
26 electoral board established in Section 10-10, the words

1 "OBJECTION SUSTAINED" shall be placed under the title of the
2 office being sought by the candidate and the name of the
3 aggrieved candidate shall not appear; and

4 (7) Where a candidate's nominating papers or petitions have
5 been objected to and the decision of the electoral board
6 established in Section 10-10 is either unknown or known to be
7 in judicial review, the words "OBJECTION PENDING" shall be
8 placed under the title of the office being sought by the
9 candidate and next to the name of the candidate.

10 For the consolidated election, and for the general primary
11 in the case of certain municipalities having annual elections,
12 the candidates of new political parties shall be placed on the
13 ballot for such elections after the established political party
14 candidates and in the order of new political party petition
15 filings.

16 The local election official shall issue an amended
17 certification whenever it is discovered that the original
18 certification is in error.

19 (Source: P.A. 95-699, eff. 11-9-07.)

20 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

21 Sec. 28-2. (a) Except as otherwise provided in this
22 Section, petitions for the submission of public questions to
23 referendum must be filed with the appropriate officer or board
24 not less than 92 ~~78~~ days prior to a regular election to be
25 eligible for submission on the ballot at such election; and

1 petitions for the submission of a question under Section 18-120
2 of the Property Tax Code must be filed with the appropriate
3 officer or board not more than 10 months nor less than 6 months
4 prior to the election at which such question is to be submitted
5 to the voters.

6 (b) However, petitions for the submission of a public
7 question to referendum which proposes the creation or formation
8 of a political subdivision must be filed with the appropriate
9 officer or board not less than 122 ~~108~~ days prior to a regular
10 election to be eligible for submission on the ballot at such
11 election.

12 (c) Resolutions or ordinances of governing boards of
13 political subdivisions which initiate the submission of public
14 questions pursuant to law must be adopted not less than 79 ~~65~~
15 days before a regularly scheduled election to be eligible for
16 submission on the ballot at such election.

17 (d) A petition, resolution or ordinance initiating the
18 submission of a public question may specify a regular election
19 at which the question is to be submitted, and must so specify
20 if the statute authorizing the public question requires
21 submission at a particular election. However, no petition,
22 resolution or ordinance initiating the submission of a public
23 question, other than a legislative resolution initiating an
24 amendment to the Constitution, may specify such submission at
25 an election more than one year, or 15 months in the case of a
26 back door referendum as defined in subsection (f), after the

1 date on which it is filed or adopted, as the case may be. A
2 petition, resolution or ordinance initiating a public question
3 which specifies a particular election at which the question is
4 to be submitted shall be so limited, and shall not be valid as
5 to any other election, other than an emergency referendum
6 ordered pursuant to Section 2A-1.4.

7 (e) If a petition initiating a public question does not
8 specify a regularly scheduled election, the public question
9 shall be submitted to referendum at the next regular election
10 occurring not less than 92 ~~78~~ days after the filing of the
11 petition, or not less than 122 ~~108~~ days after the filing of a
12 petition for referendum to create a political subdivision. If a
13 resolution or ordinance initiating a public question does not
14 specify a regularly scheduled election, the public question
15 shall be submitted to referendum at the next regular election
16 occurring not less than 79 ~~65~~ days after the adoption of the
17 resolution or ordinance.

18 (f) In the case of back door referenda, any limitations in
19 another statute authorizing such a referendum which restrict
20 the time in which the initiating petition may be validly filed
21 shall apply to such petition, in addition to the filing
22 deadlines specified in this Section for submission at a
23 particular election. In the case of any back door referendum,
24 the publication of the ordinance or resolution of the political
25 subdivision shall include a notice of (1) the specific number
26 of voters required to sign a petition requesting that a public

1 question be submitted to the voters of the subdivision; (2) the
2 time within which the petition must be filed; and (3) the date
3 of the prospective referendum. The secretary or clerk of the
4 political subdivision shall provide a petition form to any
5 individual requesting one. The legal sufficiency of that form,
6 if provided by the secretary or clerk of the political
7 subdivision, cannot be the basis of a challenge to placing the
8 back door referendum on the ballot. As used herein, a "back
9 door referendum" is the submission of a public question to the
10 voters of a political subdivision, initiated by a petition of
11 voters or residents of such political subdivision, to determine
12 whether an action by the governing body of such subdivision
13 shall be adopted or rejected.

14 (g) A petition for the incorporation or formation of a new
15 political subdivision whose officers are to be elected rather
16 than appointed must have attached to it an affidavit attesting
17 that at least 122 ~~108~~ days and no more than 152 ~~138~~ days prior
18 to such election notice of intention to file such petition was
19 published in a newspaper published within the proposed
20 political subdivision, or if none, in a newspaper of general
21 circulation within the territory of the proposed political
22 subdivision in substantially the following form:

23 NOTICE OF PETITION TO FORM A NEW.....

24 Residents of the territory described below are notified
25 that a petition will or has been filed in the Office
26 of.....requesting a referendum to establish a

1 new....., to be called the.....

2 *The officers of the new.....will be elected on the
3 same day as the referendum. Candidates for the governing board
4 of the new.....may file nominating petitions with the officer
5 named above until.....

6 The territory proposed to comprise the new.....is
7 described as follows:

8 (description of territory included in petition)

9 (signature).....

10 Name and address of person or persons proposing
11 the new political subdivision.

12 * Where applicable.

13 Failure to file such affidavit, or failure to publish the
14 required notice with the correct information contained therein
15 shall render the petition, and any referendum held pursuant to
16 such petition, null and void.

17 Notwithstanding the foregoing provisions of this
18 subsection (g) or any other provisions of this Code, the
19 publication of notice and affidavit requirements of this
20 subsection (g) shall not apply to any petition filed under
21 Article 7 or 11E of the School Code nor to any referendum held
22 pursuant to any such petition, and neither any petition filed
23 under any of those Articles nor any referendum held pursuant to
24 any such petition shall be rendered null and void because of
25 the failure to file an affidavit or publish a notice with
26 respect to the petition or referendum as required under this

1 subsection (g) for petitions that are not filed under any of
2 those Articles of the School Code.

3 (Source: P.A. 94-30, eff. 6-14-05; 94-578, eff. 8-12-05;
4 94-1019, eff. 7-10-06.)

5 Section 10. The Revised Cities and Villages Act of 1941 is
6 amended by changing Section 21-29 as follows:

7 (65 ILCS 20/21-29) (from Ch. 24, par. 21-29)

8 Sec. 21-29. Withdrawals and substitution of candidates.

9 Any candidate for alderman under the provisions of this
10 article may withdraw his name as a candidate by filing with the
11 board of election commissioners of the city of Chicago not
12 later than the date of certification of the ballot ~~twenty days~~
13 ~~before the holding of the election~~ his written request signed
14 by him and duly acknowledged before an officer qualified to
15 take acknowledgements of deeds, whereupon his name shall not be
16 printed as a candidate upon the official ballot.

17 If any candidate at an aldermanic election who was not
18 elected as provided for in this article but who shall have
19 received sufficient votes to entitle him to a place on the
20 official ballot at the ensuing supplementary election shall die
21 or withdraw his candidacy before such supplementary election,
22 the name of the candidate who shall receive the next highest
23 number of votes shall be printed on the ballot in lieu of the
24 name of the candidate who shall have died or withdrawn his

1 candidacy.

2 (Source: Laws 1941, vol. 2, p. 19.)

3 Section 15. The Liquor Control Act of 1934 is amended by
4 changing Sections 9-2 and 9-4 as follows:

5 (235 ILCS 5/9-2) (from Ch. 43, par. 167)

6 Sec. 9-2. When any legal voters of a precinct in any city,
7 village or incorporated town of more than 200,000 inhabitants,
8 as determined by the last preceding Federal census, desire to
9 pass upon the question of whether the sale at retail of
10 alcoholic liquor shall be prohibited in the precinct or at a
11 particular street address within the precinct, they shall, at
12 least 104 ~~90~~ days before an election, file in the office of the
13 clerk of such city, village or incorporated town, a petition
14 directed to the clerk, containing the signatures of not less
15 than 25% of the legal voters registered with the board of
16 election commissioners or county clerk, as the case may be,
17 from the precinct. Provided, however, that when the petition
18 seeks to prohibit the sale at retail of alcoholic liquor at a
19 particular street address of a licensed establishment within
20 the precinct the petition shall contain the signatures of not
21 less than 40% of the legal voters requested from that precinct.
22 The petition shall request that the proposition "Shall the sale
23 at retail of alcoholic liquor be prohibited in (or at)?"
24 be submitted to the voters of the precinct at the next ensuing

1 election at which such proposition may be voted upon. The
2 submission of the question to the voters of such precinct at
3 such election shall be mandatory when the petition has been
4 filed in proper form with the clerk. If more than one set of
5 petitions are presented to the clerk for submission at the same
6 election, the petition presented first shall be given
7 preference; however, the clerk shall provisionally accept any
8 other set of petitions setting forth the same (or substantially
9 the same) proposition. If the first set of petitions for a
10 proposition is found to be in proper form and is not found to
11 be invalid, it shall be accepted by the clerk and all
12 provisionally accepted sets of petitions setting forth the same
13 (or substantially the same) proposition shall be rejected by
14 the clerk. If the first set of petitions for a proposition is
15 found not to be in proper form or is found to be invalid, the
16 clerk shall (i) reject the first set of petitions, (ii) accept
17 the first provisionally accepted set of petitions that is in
18 proper form and is not found to be invalid, and (iii) reject
19 all other provisionally accepted sets of petitions setting
20 forth the same (or substantially the same) proposition. Notice
21 of the filing of the petition and the result of the election
22 shall be given to the Secretary of State at his offices in
23 both, Chicago and Springfield, Illinois. A return of the result
24 of the election shall be made to the clerk of the city, village
25 or incorporated town in which the precinct is located. If a
26 majority of the voters voting upon such proposition vote "YES",

1 the sale at retail of alcoholic liquor shall be prohibited in
2 the precinct or at the street address. If the sale at retail of
3 alcoholic liquor at a particular street address is prohibited
4 pursuant to this Section, the license for any establishment at
5 that street address shall be void, and no person may apply for
6 a license for the sale at retail of alcoholic liquor at an
7 establishment at that street address unless such prohibition is
8 discontinued pursuant to Section 9-10.

9 In cities, villages and incorporated towns of 200,000 or
10 less population, as determined by the last preceding Federal
11 census, the vote upon the question of prohibiting the sale at
12 retail of alcoholic liquor, or alcoholic liquor other than beer
13 containing not more than 4% of alcohol by volume, or alcoholic
14 liquor containing more than 4% of alcohol by weight in the
15 original package and not for consumption on the premises, shall
16 be by the voters of the political subdivision as a unit. When
17 any legal voters of such a city, village or incorporated town
18 desire to pass upon the question of whether the sale at retail
19 of alcoholic liquor shall be prohibited in the municipality,
20 they shall, at least 104 ~~90~~ days before an election, file in
21 the office of the clerk of the municipality, a petition
22 directed to the clerk, containing the signatures of not less
23 than 25% of the legal voters registered with the board of
24 election commissioners or county clerk, as the case may be,
25 from the municipality. The petition shall request that the
26 proposition, "Shall the sale at retail of alcoholic liquor be

1 prohibited in....?" be submitted to the voters of the
2 municipality at the next ensuing election at which the
3 proposition may be voted upon. The submission of the question
4 to the voters of the municipality at such election shall be
5 mandatory when the petition has been filed in proper form with
6 the clerk. If more than one set of petitions are presented to
7 the clerk for submission at the same election, setting forth
8 the same or different propositions, the petition presented
9 first shall be given preference and the clerk shall refuse to
10 accept any other set of petitions. Notice of the filing of the
11 petition and the result of the election shall be given to the
12 Secretary of State at his offices in both Chicago and
13 Springfield, Illinois. A return of the result of the election
14 shall be made to the clerk of the city, village or incorporated
15 town. If a majority of the voters voting upon the proposition
16 vote "Yes", the sale at retail of alcoholic liquor shall be
17 prohibited in the municipality.

18 In the event a municipality does not vote to prohibit the
19 sale at retail of alcoholic liquor, the council or governing
20 body shall ascertain and determine what portions of the
21 municipality are predominantly residence districts. No license
22 permitting the sale of alcoholic liquors shall be issued by the
23 local liquor commissioner or licensing officer permitting the
24 sale of alcoholic liquors at any place within the residence
25 district so determined, unless the owner or owners of at least
26 two-thirds of the frontage, 200 feet in each direction along

1 the street and streets adjacent to the place of business for
2 which a license is sought, file with the local liquor
3 commissioner or licensing officer, his or their written consent
4 to the use of such place for the sale of alcoholic liquors.

5 In each township or road district lying outside the
6 corporate limits of a city, village or incorporated town, or in
7 a part of a township or road district lying partly within and
8 partly outside a city, village or incorporated town, the vote
9 of such township, road district or part thereof, shall be as a
10 unit. When any legal voters of any such township, or part
11 thereof, in counties under township organization, or any legal
12 voters of such road district or part thereof, in counties not
13 under township organization, desire to vote upon the
14 proposition as to whether the sale at retail of alcoholic
15 liquor shall be prohibited in such township or road district or
16 part thereof, they shall, at least 90 days before an election,
17 file in the office of the township or road district clerk, of
18 the township or road district within which the election is to
19 be held, a petition directed to the clerk and containing the
20 signatures of not less than 25% of the legal voters registered
21 with the county clerk from such township or road district or
22 part thereof. The submission of the question to the voters of
23 the township, road district or part thereof, at the next
24 ensuing election shall be mandatory when the petition has been
25 filed in proper form with the clerk. If more than one set of
26 petitions are presented to the clerk for submission at the same

1 election, setting forth the same or different propositions, the
2 petition presented first shall be given preference and the
3 clerk shall refuse to accept any other set of petitions. A
4 return of the result of such election shall be made to the
5 clerk of the township or road district in which the territory
6 is situated, and shall also be made to the Secretary of State
7 at his offices in both Chicago and Springfield, Illinois.

8 (Source: P.A. 88-613, eff. 1-1-95.)

9 (235 ILCS 5/9-4) (from Ch. 43, par. 169)

10 Sec. 9-4. A petition for submission of the proposition
11 shall be in substantially the following form:

12 To the clerk of the (here insert the corporate or
13 legal name of the county, township, road district, city,
14 village or incorporated town):

15 The undersigned, residents and legal voters of the
16 (insert the legal name or correct designation of the political
17 subdivision or precinct, as the case may be), respectfully
18 petition that you cause to be submitted, in the manner provided
19 by law, to the voters thereof, at the next election, the
20 proposition "Shall the sale at retail of alcoholic liquor (or
21 alcoholic liquor other than beer containing not more than 4% of
22 alcohol by weight) (or alcoholic liquor containing more than 4%
23 of alcohol by weight except in the original package and not for
24 consumption on the premises) be prohibited in this (or at
25 the following address)?"

1 -----
2 Name of P. O. address Description of precinct Date of
3 signer (including township, road district signing
4 street no., or part thereof, as of
5 if any). the last general
6 election
7 -----

8 A petition for a proposition to be submitted to the voters
9 of a precinct shall also contain in plain and nonlegal language
10 a description of the precinct to which the proposition is to be
11 submitted at the election. The description shall describe the
12 territory of the precinct by reference to streets, natural or
13 artificial landmarks, addresses, or by any other method which
14 would enable a voter signing such petition to be informed of
15 the territory of the precinct. Each such petition for a
16 precinct referendum shall also contain a list of the names and
17 addresses of all licensees in the precinct.

18 Such petition shall conform to the requirements of the
19 general election law, as to form and signature requirements.
20 The circulator's statement shall include an attestation of: (1)
21 that none of the signatures on this petition sheet were signed
22 more than 4 months before the filing of this petition, or (2)
23 the dates on which the petitioners signed the petition, and
24 shall be sworn to before an officer residing in the county
25 where such legal voters reside and authorized to administer
26 oaths therein. No signature shall be revoked except by a

1 revocation filed within 20 days from the filing of the petition
2 with the clerk with whom the petition is required to be filed.
3 Upon request of any citizen for a photostatic copy of the
4 petition and paying or tendering to the clerk the costs of
5 making the photostatic copy, the clerk shall immediately make,
6 or cause to be made a photostatic copy of such petition. The
7 clerk shall also deliver to such person, his official
8 certification that such copy is a true copy of the original,
9 stating the day when such original was filed in his office. Any
10 5 legal voters or any affected licensee of any political
11 subdivision, district or precinct in which a proposed election
12 is about to be held as provided for in this Act, within any
13 time up to 72 ~~30~~ days immediately prior to the date of such
14 proposed election and upon filing a bond for costs, may contest
15 the validity of the petitions for such election by filing a
16 verified petition in the Circuit Court for the county in which
17 the political subdivision, district or precinct is situated,
18 setting forth the grounds for contesting the validity of such
19 petitions. Upon the filing of the petition, a summons shall be
20 issued by the Court, addressed to the appropriate city,
21 village, town, township or road district clerk, notifying the
22 clerk of the filing of the petition and directing him to appear
23 before the Court on behalf of the political subdivision or
24 district at the time named in the summons; provided, the time
25 shall not be less than 5 days nor more than 15 days after the
26 filing of the petition. The procedure in these cases, as far as

1 may be applicable, shall be the same as that provided for the
2 objections to petitions in the general election law. Any legal
3 voter in the political subdivision or precinct in which such
4 election is to be held may appear in person or by counsel, in
5 any such contest to defend or oppose the validity of the
6 petition for election.

7 The municipal, town or road district clerk shall certify
8 the proposition to be submitted at the election to the
9 appropriate election officials, in accordance with the general
10 election law, unless the petition has been determined to be
11 invalid. If the court determines the petitions to be invalid
12 subsequent to the certification by the clerk, the court's order
13 shall be transmitted to the election officials and shall
14 nullify such certification.

15 (Source: P.A. 86-861; 87-347.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."