



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1853

by Rep. Dan Brady

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-8

from Ch. 46, par. 10-8

Amends the Election Code. With respect to objector's petitions, requires that (i) 2 copies (now, one copy) must be filed with the petition, (ii) the petition shall not be accepted for filing without the 2 copies, and (iii) challenges to signatures must include recapitulation sheets that refer to the page and line numbers of the signatures. Permits an electoral board to examine a randomly selected sample of the signatures. Makes other changes.

LRB097 07065 HLH 47158 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section  
5 10-8 as follows:

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

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

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

19 B. In the case of petitions for advisory questions of  
20 public policy to be submitted to the voters of the entire  
21 State, there shall be a period of 35 business days after  
22 the last day for the filing of such petitions in which  
23 objections can be filed.

1 Any legal voter of the political subdivision or district in  
2 which the candidate or public question is to be voted on, or  
3 any legal voter in the State in the case of a proposed  
4 amendment to Article IV of the Constitution or an advisory  
5 public question to be submitted to the voters of the entire  
6 State, having objections to any certificate of nomination or  
7 nomination papers or petitions filed, shall file an objector's  
8 petition together with 2 copies ~~a copy~~ thereof in the principal  
9 office or the permanent branch office of the State Board of  
10 Elections, or in the office of the election authority or local  
11 election official with whom the certificate of nomination,  
12 nomination papers or petitions are on file; objector's  
13 petitions that are not accompanied by 2 copies thereof shall  
14 not be accepted by those offices. In the case of nomination  
15 papers or certificates of nomination, the State Board of  
16 Elections, election authority or local election official shall  
17 note the day and hour upon which such objector's petition is  
18 filed. Not ~~, and shall, not~~ later than 12:00 noon on the second  
19 business day following the last day to file objections ~~after~~  
20 ~~receipt of the petition,~~ the State Board of Elections, election  
21 authority, or local election official shall transmit ~~by~~  
22 ~~registered mail or receipted personal delivery~~ the certificate  
23 of nomination or nomination papers and the original objector's  
24 petition to the chairman of the proper electoral board  
25 designated in Section 10-9 hereof, or his authorized agent, and  
26 shall transmit a copy ~~by registered mail or receipted personal~~

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

1 ~~delivery,~~ of the objector's petition to the person designated  
 2 on a certificate attached to the petition as the principal  
 3 proponent of the public question, or as the proponent's  
 4 attorney, for the purposes of receiving notice of objections.

5 The objector's petition shall give the objector's name and  
 6 residence address, and shall state fully the nature of the  
 7 objections to the certificate of nomination or nomination  
 8 papers or petitions in question, and shall state the interest  
 9 of the objector and shall state what relief is requested of the  
 10 electoral board. If the objection challenges the validity of  
 11 specific signatures, the objector's petition shall include  
 12 recapitulation sheets indicating the specific page and line  
 13 number on which the challenged signature is located and  
 14 specifying the basis of the objection. Each recapitulation  
 15 sheet shall be in substantially the following form:

16 Candidate                      Office                      Sheet Number

17 A mark, such as an "x" or "v", indicates that the signature on  
 18 the designated sheet and line is objected to for the reasons  
 19 set forth above the column in which the identifying mark  
 20 appears, in accordance with the Objector's Petition, of which  
 21 this Appendix-Recapitulation is made a part.

22 Objection      a. Signer      b.                      c.  
 23 -----      not                      Signer's              Signer

1	<u>---</u>	<u>registered</u>	<u>signature</u>	<u>resides</u>
2	<u>LINE #</u>	<u>at address</u>	<u>not</u>	<u>outside</u>
3		<u>shown</u>	<u>genuine</u>	<u>District</u>
4	<u>1</u>			
5	<u>2</u>			
6	<u>3</u>			

7	<u>Objection</u>	<u>d.</u>	<u>e. Signer</u>	<u>f. Other</u>
8	<u>-----</u>	<u>Signer's</u>	<u>signed</u>	<u>(Must</u>
9	<u>---</u>	<u>address</u>	<u>Petition</u>	<u>specify</u>
10	<u>LINE #</u>	<u>missing or</u>	<u>more than</u>	<u>legal</u>
11		<u>incomplete</u>	<u>once at</u>	<u>basis for</u>
12			<u>Sheet/Line</u>	<u>objection)</u>
13			<u>indicated</u>	
14	<u>1</u>			
15	<u>2</u>			
16	<u>3</u>			

17 The mandated use of this form shall not preclude an objector  
 18 from making objections to the qualifications of a circulator or  
 19 the manner in which the petition was circulated or notarized.  
 20 Such circulator or notarization objections may be included on  
 21 the recapitulation form. Use of the recapitulation form shall  
 22 not preclude an opposing party from challenging the sufficiency  
 23 of the objector's petition when it is shown by such party that  
 24 the objection appears on its face to have been filed without

1 the objector first conducting a diligent examination of the  
2 challenged signatures to determine whether they are indeed  
3 invalid. In the event such a challenge is raised, in the form  
4 of a motion to strike or otherwise, the electoral board may  
5 conduct an examination of a randomly selected sample of no less  
6 than 20% of the challenged signatures to determine whether a  
7 sufficient number of signatures in the sample are valid or  
8 invalid, thereby determining whether a complete examination of  
9 all the challenged signatures is necessary. If, following the  
10 examination of a randomly selected 20% sample of challenged  
11 signatures, the number of sustained challenges is no greater  
12 than 35% of the total number of challenged signatures, the  
13 electoral board may suspend the records examination and order  
14 the objector to appear before the board and show cause as to  
15 why the objection should not be dismissed; this provision does  
16 not apply to objections to a candidate's nomination petition  
17 for an office with a petition signature requirement of fewer  
18 than 500.

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

25 (Source: P.A. 86-1348.)