



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB1854

by Rep. Dan Brady

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/28-10	from Ch. 46, par. 28-10
10 ILCS 5/28-11	from Ch. 46, par. 28-11

Amends the Election Code. In provisions concerning petitions for constitutional amendments and statewide advisory public questions, provides that on 15th business day (now, the 10th business day) following the last day for petition filing, the State Board of Elections shall conduct a hearing at which the proponents may present arguments and evidence as to the conformity of any purported nonconforming petition signatures. In provisions concerning petition signature verification, requires that within 20 business days (now, 14 business days) following the last day for filing a petition, the State Board of Elections shall prepare and transit to each proper election authority a list of the signatures from its election jurisdiction selected for verification. Effective immediately.

LRB097 07062 HLH 47155 b

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing  
5 Sections 28-10 and 28-11 as follows:

6 (10 ILCS 5/28-10) (from Ch. 46, par. 28-10)

7 Sec. 28-10. Upon receipt of an original petition for a  
8 proposed Constitutional amendment or statewide advisory public  
9 question, the designated Board staff shall examine the petition  
10 sheets in each election jurisdiction section for conformity  
11 with the single jurisdiction signature requirement prescribed  
12 in Section 28-9. The Board staff shall determine from the name  
13 of the election jurisdiction printed at the top of the petition  
14 sheet or from the election jurisdiction of the circulator of  
15 that petition sheet, as the case may be, whether any signatures  
16 on that sheet are not in conformity. If any signatures are  
17 determined to be nonconforming, the Board staff shall prepare,  
18 for each election jurisdiction section, a list by page and line  
19 number of purported nonconforming signatures and shall  
20 immediately transmit such lists to the Board Chairman and  
21 copies of such lists to the principal proponent of the proposed  
22 Constitutional amendment or statewide advisory public  
23 question, or the proponent's attorney, whichever is designated

1 on the certificate attached to the petition, as provided in  
2 Section 10-8 of this Code.

3 On the 15th ~~10th~~ business day following the last day for  
4 petition filing, the Board shall conduct a hearing at which the  
5 proponents may present arguments and evidence as to the  
6 conformity of any purported nonconforming signatures. At the  
7 conclusion of the hearing the Board shall make a final  
8 determination with respect to each purported nonconforming  
9 signature. Any signatures on petition sheets in an election  
10 jurisdiction section finally determined to be nonconforming  
11 shall not be considered part of the petition for the purpose of  
12 the random sample verification and shall not be counted toward  
13 the minimum number of signatures required to qualify the  
14 proposed Constitutional amendment or statewide advisory public  
15 question for the ballot.

16 (Source: P.A. 83-999.)

17 (10 ILCS 5/28-11) (from Ch. 46, par. 28-11)

18 Sec. 28-11. The Board shall design a standard and  
19 scientific random sampling method for the verification of  
20 petition signatures and shall conduct a public test to prove  
21 the validity of its sampling method. Notice of the time and  
22 place for such test shall be given at least 10 days before the  
23 date on which such test is to be conducted and in the manner  
24 prescribed for notice of regular Board meetings.

25 Within 20 ~~14~~ business days following the last day for the

1 filing of the original petition as prescribed in Section 28-9,  
2 the Board shall apply its proven random sampling method to the  
3 petition sheets in each election jurisdiction section for the  
4 purpose of selecting and identifying the petition signatures to  
5 be included in the sample signature verification for the  
6 respective jurisdictions and shall prepare and transmit to each  
7 proper election authority a list by page and line number of the  
8 signatures from its election jurisdiction selected for  
9 verification.

10 For each election jurisdiction, the sample verification  
11 shall include an examination of either (a) 10% of the  
12 signatures if 5,010 or more signatures are involved; or (b) 500  
13 signatures if more than 500 but less than 5,010 signatures are  
14 involved; or (c) all signatures if 500 or less signatures are  
15 involved.

16 Each election authority with whom jurisdictional copies of  
17 petition sheets were filed shall use the proven random sampling  
18 method designed and furnished by the Board for the verification  
19 of signatures shown on the list supplied by the Board and in  
20 accordance with the following criteria for determination of  
21 petition signature validity:

22 1. Determine if the person who signed the petition is a  
23 registered voter in that election jurisdiction or was a  
24 registered voter therein on the date the petition was signed;

25 2. Determine if the signature of the person who signed the  
26 petition reasonably compares with the signature shown on that

1 person's registration record card.

2       Within 14 business days following receipt from the Board of  
3 the list of signatures for verification, each election  
4 authority shall transmit a properly dated certificate to the  
5 Board which shall indicate; (a) the page and line number of  
6 petition signatures examined, (b) the validity or invalidity of  
7 such signatures, and (c) the reasons for invalidity, based on  
8 the criteria heretofore prescribed. The Board shall prepare and  
9 adopt a standard form of certificate for use by the election  
10 authorities which shall be transmitted with the list of  
11 signatures for verification.

12       Upon written request of the election authority that, due to  
13 the volume of signatures in the sample for its jurisdiction,  
14 additional time is needed to properly perform the signature  
15 verification, the Board may grant the election authority  
16 additional days to complete the verification and transmit the  
17 certificate of results. These certificates of random sample  
18 verification results shall be available for public inspection  
19 within 24 hours after receipt by the State Board of Elections.

20 (Source: P.A. 83-999.)

21       Section 99. Effective date. This Act takes effect upon  
22 becoming law.