

AN ACT concerning elections.

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

Section 5. The Election Code is amended by changing Sections 6-9, 6-11, 6-74, 7-56, 7-58, 7-59, 7-60, 7-60.1, 7-63, 22-1, 22-8, 22-9, 22-9.1, 22-12, 22-15, 22-17, 22-18, and 23-23 and by adding Section 1-8 as follows:

(10 ILCS 5/1-8 new)

Sec. 1-8. Canvassing boards abolished. Notwithstanding any other provision of this Code, local canvassing boards are abolished. In this Code or any other law a reference to a local or county canvassing board means (i) for elections in which the political subdivision that is choosing candidates or submitting a public question is located entirely within the jurisdiction of a single election authority, that election authority and (ii) for elections for offices and public questions not listed in Section 22-1 of this Code in which the political subdivision that is choosing candidates or submitting a public question is located within the jurisdiction of 2 or more election authorities, the election authority having jurisdiction over the location at which the political subdivision has its principal office.

(10 ILCS 5/6-9) (from Ch. 46, par. 6-9)

Sec. 6-9. After ascertaining and announcing the result as aforesaid, such judges shall make, fill up and sign duplicate ~~triplicate~~ returns or statements of the votes cast for and against such proposition as aforesaid, in the form found in Section 6--3 of this Article, each of which shall be attested by the other judges, and each of which shall then be enclosed and sealed in an envelope, one of which shall be on the outside addressed to the appropriate election authority ~~the circuit~~

~~court, one to the clerk of the circuit court,~~ and one to the comptroller of such city, or to the officer whose duties correspond with those of the comptroller. Upon each of which statements shall be endorsed "city election law returns". In the same manner the tally sheet in duplicate shall be signed by the judges, and shall be enclosed and sealed in separate envelopes, one of which shall be addressed to the county judge and one to the city clerk; upon both of the envelopes shall be endorsed "city election law tallies". On the outside of each envelope shall be endorsed whether it contains a statement of the votes cast or the tallies, and for what precinct and ward. After the envelopes respectively containing such returns and tallies are closed and sealed, the judges of election shall each write across the folds of such envelopes their names, and thereupon each of the judges of election shall take one of said returns or tallies, and shall deliver, each one respectively, to the person or officer to whom addressed, by noon of the next day, and when delivered he shall receive a receipt therefor from the officer to whom delivered, and it shall be the duty of such officer to give such receipts, and to safely keep such envelopes unopened until called for by the election authority ~~as canvassing board~~ herein provided.

(Source: P.A. 80-704.)

(10 ILCS 5/6-11) (from Ch. 46, par. 6-11)

Sec. 6-11. The returns must be canvassed in the same manner as any other referendum held in the municipality. ~~On the sixth day after such election the judge of the circuit court shall call to his assistance two well known electors of integrity and character, one of whom voted for and one of whom voted against such proposition, who shall constitute the canvassing board to canvass the returns and votes so cast for and against such proposition. Such canvass shall be conducted in public in the room usually occupied by the circuit court. The envelopes containing all the returns and all the tally sheets shall, upon the demand of the judge of the court, be delivered to said~~

~~board by the officers, so having either of them in his possession. Thereupon the same shall be opened in order and the vote on such proposition ascertained and announced. All of such returns and tallies may be used in ascertaining the result, and when, in the opinion of said board, any doubt exists as to what the actual vote was which was cast for or against such proposition in any precinct, or upon the written application of 2 persons who were at such canvass and who shall make oath that they believe that the returns of the said judges of election as to such proposition are not correct, said judge shall demand of and receive possession from such county clerk the ballots so cast in such precinct at such election, and it shall then be the duty of said board to open the envelope containing said ballots and to recount the same, and to hear evidence of any person present at such precinct canvass touching the same; and thereupon, said board shall announce and declare the vote cast for and against such proposition in such precinct, which shall be conclusive as to the ballots so cast; and, thereupon, the judge of the court, so having received possession of such ballots, shall again place them upon a string or twine and place them in the same envelope, or another with like endorsements, and seal the same, and shall write across the face thereof, "Opened by the judge of the circuit court," and sign his name thereunder, and shall then return such ballots to the possession of the county clerk. Said returns and tallies shall also be returned to the officers from whom received, who shall safely keep the same for 6 months, and then destroy the same if there be no contest. At the completion of the canvass of all the precincts in such city, the total number of votes cast for and against such proposition in the various precincts ascertained as aforesaid shall be added together by said board, who shall then declare the total result; thereupon said court shall enter an order declaring the number of votes so ascertained cast for, and the number of votes cast against such proposition, and if such proposition shall have received a majority of the votes cast for and against the same at such~~

~~election, the court shall, by its order, declare this Article 6 and Articles 14 and 18 of this Act adopted. And it shall be the duty of such judge to file a copy of such order in the office of the Secretary of State, and thereupon said Articles of this act shall become operative and binding, and the law for all elections in such city, and for the electors thereof, and all courts and other persons shall take notice thereof.~~

(Source: Laws 1965, p. 3481.)

(10 ILCS 5/6-74) (from Ch. 46, par. 6-74)

Sec. 6-74. The ~~quadruple~~ returns of the judges of election of such village or incorporated town, mentioned in the last section, in case of a village or town election for any officer of such village or town, shall be made to the same officer as otherwise required by law, who shall receipt therefor; and all such returns shall be canvassed by the election authority ~~canvassing board~~ of such village or incorporated town, as established by law, with the same powers of investigation and examination by the election authority ~~such board~~ as is authorized by this act to the canvassing board of any such city.

(Source: Laws 1957, p. 1450.)

(10 ILCS 5/7-56) (from Ch. 46, par. 7-56)

Sec. 7-56. As soon as complete returns are delivered to the proper election authority, the returns shall be canvassed for all primary elections as follows. The election authority acting as the canvassing board pursuant to Section 1-8 of this Code:

~~1. In the case of the nomination of candidates for city offices, by the mayor, the city attorney and the city clerk.~~

~~2. In the case of nomination of candidates for village offices, by the president of the board of trustees, one member of the board of trustees, and the village clerk.~~

~~3. In the case of nomination of candidates for township offices, by the town supervisor, the town assessor and the town clerk; in the case of nomination of candidates for incorporated~~

~~town offices, by the corporate authorities of the incorporated town.~~

~~3.5. For multi-township assessment districts, by the chairman, clerk, and assessor of the multi-township assessment district.~~

~~4. For road district offices, by the highway commissioner and the road district clerk.~~

~~5. The officers who are charged by law with the duty of canvassing returns of general elections made to the county clerk, shall also open and canvass the returns of a primary made to such county clerk. Upon the completion of the canvass of the returns by the election authority ~~county canvassing board, the election authority~~ ~~said canvassing board~~ shall make a tabulated statement of the returns for each political party separately, stating in appropriate columns and under proper headings, the total number of votes cast in said county for each candidate for nomination or election by said party, including candidates for President of the United States and for State central committeemen, and for delegates and alternate delegates to National nominating conventions, and for precinct committeemen, township committeemen, and for ward committeemen. Within 2 ~~two (2)~~ days after the completion of said canvass by the election authority, ~~said canvassing board~~ the county clerk shall mail to the State Board of Elections a certified copy of such tabulated statement of returns. ~~Provided, however, that the number of votes cast for the nomination for offices, the certificates of election for which offices, under this Act or any other laws are issued by the county clerk shall not be included in such certified copy of said tabulated statement of returns, nor shall the returns on the election of precinct, township or ward committeemen be so certified to the State Board of Elections.~~ The election authority said officers shall also determine and set down as to each precinct the number of ballots voted by the primary electors of each party at the primary.~~

~~6. In the case of the nomination or election of candidates~~

for offices, including President of the United States and the State central committeemen, and delegates and alternate delegates to National nominating conventions, certified tabulated statement of returns for which are filed with the State Board of Elections, said returns shall be canvassed by the election authority board. And, provided, further, that within 5 days after said returns shall be canvassed by the said Board, the Board shall cause to be published in one daily newspaper of general circulation at the seat of the State government in Springfield a certified statement of the returns filed in its office, showing the total vote cast in the State for each candidate of each political party for President of the United States, and showing the total vote for each candidate of each political party for President of the United States, cast in each of the several congressional districts in the State.

~~7. Where in cities or villages which have a board of election commissioners, the returns of a primary are made to such board of election commissioners, said return shall be canvassed by such board, and, excepting in the case of the nomination for any municipal office, tabulated statements of the returns of such primary shall be made to the county clerk.~~

~~8. Within 48 hours of conducting a canvass, as required by this Code, the delivery of complete returns of the consolidated primary, to the election authority, the election authority shall deliver an original certificate of results to each local election official, with respect to whose political subdivisions nominations were made at such primary, for each precinct in his jurisdiction in which such nominations were on the ballot. Such original certificate of results need not include any offices or nominations for any other political subdivisions. The local election official shall immediately transmit the certificates to the canvassing board for his political subdivisions, which shall open and canvass the returns, make a tabulated statement of the returns for each political party separately, and as nearly as possible, follow the procedures required for the county canvassing board. Such~~

~~canvass of votes shall be conducted within 7 days after the close of the consolidated primary.~~

(Source: P.A. 87-1052.)

(10 ILCS 5/7-58) (from Ch. 46, par. 7-58)

Sec. 7-58. Each county clerk or board of election commissioners ~~of the canvassing boards respectively~~ shall, upon completion of the canvassing of the returns, make and transmit to the State Board of Elections and to each election authority whose duty it is to print the official ballot for the election for which the nomination is made a proclamation of the results of the primary. The proclamation shall state the name of each candidate of each political party so nominated or elected, as shown by the returns, together with the name of the office for which he or she was nominated or elected, including precinct, township and ward committeemen, and including in the case of the State Board of Elections, candidates for State central committeemen, and delegates and alternate delegates to National nominating conventions. If a notice of contest is filed, the election authority ~~such canvassing board~~ shall, within one business day after receiving a certified copy of the court's judgment or order, amend its proclamation accordingly and proceed to file an amended proclamation with the appropriate election authorities and with the State Board of Elections.

The State Board of Elections shall issue a certificate of election to each of the persons shown by the returns and the proclamation thereof to be elected State central committeemen, and delegates and alternate delegates to National nomination conventions; and the county clerk shall issue a certificate of election to each person shown by the returns to be elected precinct, township or ward committeeman. The certificate issued to such precinct committeeman shall state the number of ballots voted in his or her precinct by the primary electors of his or her party at the primary at which he or she was elected. The certificate issued to such township committeeman shall

state the number of ballots voted in his or her township or part of a township, as the case may be, by the primary electors of his or her party at the primary at which he or she was elected. The certificate issued to such ward committeeman shall state the number of ballots voted in his or her ward by the primary electors of his or her party at the primary at which he or she was elected.

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

(10 ILCS 5/7-59) (from Ch. 46, par. 7-59)

Sec. 7-59. (a) The person receiving the highest number of votes at a primary as a candidate of a party for the nomination for an office shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the election then next ensuing; provided, that where there are two or more persons to be nominated for the same office or board, the requisite number of persons receiving the highest number of votes shall be nominated and their names shall be placed on the official ballot at the following election.

Except as otherwise provided by Section 7-8 of this Act, the person receiving the highest number of votes of his party for State central committeeman of his congressional district shall be declared elected State central committeeman from said congressional district.

Unless a national political party specifies that delegates and alternate delegates to a National nominating convention be allocated by proportional selection representation according to the results of a Presidential preference primary, the requisite number of persons receiving the highest number of votes of their party for delegates and alternate delegates to National nominating conventions from the State at large, and the requisite number of persons receiving the highest number of votes of their party for delegates and alternate delegates to National nominating conventions in their respective congressional districts shall be declared elected delegates

and alternate delegates to the National nominating conventions of their party.

A political party which elects the members to its State Central Committee by Alternative B under paragraph (a) of Section 7-8 shall select its congressional district delegates and alternate delegates to its national nominating convention by proportional selection representation according to the results of a Presidential preference primary in each congressional district in the manner provided by the rules of the national political party and the State Central Committee, when the rules and policies of the national political party so require.

A political party which elects the members to its State Central Committee by Alternative B under paragraph (a) of Section 7-8 shall select its at large delegates and alternate delegates to its national nominating convention by proportional selection representation according to the results of a Presidential preference primary in the whole State in the manner provided by the rules of the national political party and the State Central Committee, when the rules and policies of the national political party so require.

The person receiving the highest number of votes of his party for precinct committeeman of his precinct shall be declared elected precinct committeeman from said precinct.

The person receiving the highest number of votes of his party for township committeeman of his township or part of a township as the case may be, shall be declared elected township committeeman from said township or part of a township as the case may be. In cities where ward committeemen are elected, the person receiving the highest number of votes of his party for ward committeeman of his ward shall be declared elected ward committeeman from said ward.

When two or more persons receive an equal and the highest number of votes for the nomination for the same office or for committeeman of the same political party, or where more than one person of the same political party is to be nominated as a

candidate for office or committeeman, if it appears that more than the number of persons to be nominated for an office or elected committeeman have the highest and an equal number of votes for the nomination for the same office or for election as committeeman, the election authority ~~board~~ by which the returns of the primary are canvassed shall decide by lot which of said persons shall be nominated or elected, as the case may be. In such case the election authority ~~such canvassing board~~ shall issue notice in writing to such persons of such tie vote stating therein the place, the day (which shall not be more than 5 ~~five~~ ~~(5)~~ days thereafter) and the hour when such nomination or election shall be so determined.

(b) Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the proper election authority or authorities not later than 5:00 p.m. on the Tuesday immediately preceding the primary.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the election authorities. Such declaration shall specify the office for which the person seeks nomination or election as a write-in candidate.

The election authority or authorities shall deliver a list of all persons who have filed such declarations to the election judges in the appropriate precincts prior to the primary.

(c) (1) Notwithstanding any other provisions of this Section, where the number of candidates whose names have been printed on a party's ballot for nomination for or election to an office at a primary is less than the number of persons the party is entitled to nominate for or elect to the office at the primary, a person whose name was not printed on the party's primary ballot as a candidate for nomination for or election to the office, is not nominated for or elected to that office as a result of a write-in vote at the primary unless the number of votes he received equals or exceeds the number of signatures required on a petition for nomination for that office; or unless the number of votes he receives exceeds the number of

votes received by at least one of the candidates whose names were printed on the primary ballot for nomination for or election to the same office.

(2) Paragraph (1) of this subsection does not apply where the number of candidates whose names have been printed on the party's ballot for nomination for or election to the office at the primary equals or exceeds the number of persons the party is entitled to nominate for or elect to the office at the primary.

(Source: P.A. 89-653, eff. 8-14-96.)

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

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

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

61 days before the date of the general election, issue to such board a copy of the certification that has been filed in the county clerk's office, together with a copy of the certification that has been issued to the clerk by the State Board of Elections, with directions to the board of election commissioners to place upon the official ballot for the general election in that election jurisdiction the names of all candidates that are listed on such certifications, in the same manner and in the same order as shown upon such certifications, except as otherwise provided in this Section.

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

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

Each county clerk and board of election commissioners shall determine by a fair and impartial method of random selection the order of placement of established political party candidates for the general election ballot. Such determination shall be made within 30 days following the canvass and proclamation of the results of the general primary in the office of the county clerk or board of election commissioners and shall be open to the public. Seven days written notice of

the time and place of conducting such random selection shall be given, by each such election authority, to the County Chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. Each election authority shall post in a conspicuous, open and public place, at the entrance of the election authority office, notice of the time and place of such lottery. However, a board of election commissioners may elect to place established political party candidates on the general election ballot in the same order determined by the county clerk of the county in which the city under the jurisdiction of such board is located.

Each certification shall indicate, where applicable, the following:

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

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

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

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

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

(Source: P.A. 86-867; 86-875; 86-1028.)

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

Sec. 7-60.1. Certification of Candidates - Consolidated Election. Each local election official of a political subdivision in which candidates for the respective local offices are nominated at the consolidated primary shall, no later than 5 days following the canvass and proclamation of the results of the consolidated primary, certify to each election

authority whose duty it is to prepare the official ballot for the consolidated election in that political subdivision the names of each of the candidates who have been nominated as shown by the proclamation of the appropriate election authority ~~canvassing board~~ or who have been nominated to fill a vacancy in nomination and direct the election authority to place upon the official ballot for the consolidated election the names of such candidates in the same manner and in the same order as shown upon the certification, except as otherwise provided by this Section.

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

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

Each board of election commissioners of the cities in which established political party candidates for city offices are nominated at the consolidated primary shall determine by a fair and impartial method of random selection the order of placement of the established political party candidates for the consolidated ballot. Such determination shall be made within 5 days following the canvass and proclamation of the results of the consolidated primary and shall be open to the public. Three

days written notice of the time and place of conducting such random selection shall be given, by each such election authority, to the County Chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. Each election authority shall post in a conspicuous, open and public place, at the entrance of the election authority office, notice of the time and place of such lottery.

Each local election official of a political subdivision in which established political party candidates for the respective local offices are nominated by primary shall determine by a fair and impartial method of random selection the order of placement of the established political party candidates for the consolidated election ballot and, in the case of certain municipalities having annual elections, on the general primary ballot for election. Such determination shall be made prior to the canvass and proclamation of results of the consolidated primary or special municipal primary, as the case may be, in the office of the local election official and shall be open to the public. Three days written notice of the time and place of conducting such random selection shall be given, by each such local election official, to the County Chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. Each local election official shall post in a conspicuous, open and public place notice of such lottery. Immediately thereafter, the local election official shall certify the ballot placement order so determined to the proper election authorities charged with the preparation of the consolidated election, or general primary, ballot for that political subdivision.

Not less than 61 days before the date of the consolidated election, each local election official of a political

subdivision in which established political party candidates for the respective local offices have been nominated by caucus or have been nominated because no primary was required to be held shall certify to each election authority whose duty it is to prepare the official ballot for the consolidated election in that political subdivision the names of each of the candidates whose certificates of nomination or nomination papers have been filed in his or her office and direct the election authority to place upon the official ballot for the consolidated election the names of such candidates in the same manner and in the same order as shown upon the certification. Such local election official shall, prior to certification, determine by a fair and impartial method of random selection the order of placement of the established political party candidates for the consolidated election ballot. Such determination shall be made in the office of the local election official and shall be open to the public. Three days written notice of the time and place of conducting such random selection shall be given by each such local election official to the county chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. Each local election official shall post in a conspicuous, open and public place, at the entrance of the office, notice of the time and place of such lottery. The local election official shall certify the ballot placement order so determined as part of his official certification of candidates to the election authorities whose duty it is to prepare the official ballot for the consolidated election in that political subdivision.

The certification shall indicate, where applicable, the following:

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

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

district;

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

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

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

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

(10 ILCS 5/7-63) (from Ch. 46, par. 7-63)

Sec. 7-63. Any candidate whose name appears upon the primary ballot of any political party may contest the election of the candidate or candidates nominated for the office for which he or she was a candidate by his or her political party, upon the face of the returns, by filing with the clerk of the circuit court a petition in writing, setting forth the grounds of contest, which petition shall be verified by the affidavit of the petitioner or other person, and which petition shall be filed within 10 days after the completion of the canvass of the returns by the election authority ~~canvassing board~~ making the final canvass of returns. The contestant shall also file with that election authority ~~canvassing board~~ (and if for the nomination for an office, certified tabulated statements of the returns of which are to be filed with the State Board of Elections, also with the election authorities in whose jurisdiction the election was held ~~county canvassing board~~), a notice of the pendency of the contest.

If the contest relates to an office involving more than one county, the venue of the contest is (a) in the county in which the alleged grounds of the contest exist or (b) if grounds for the contest are alleged to exist in more than one county, then in any of those counties or in the county in which any defendant resides.

Authority and jurisdiction are hereby vested in the circuit

court, to hear and determine primary contests. When a petition to contest a primary is filed in the office of the clerk of the court, the petition shall forthwith be presented to a judge thereof, who shall note thereon the date of presentation, and shall note thereon the day when the petition will be heard, which shall not be more than 10 days thereafter.

Summons shall forthwith issue to each defendant named in the petition and shall be served for the same manner as is provided for other civil cases. Summons may be issued and served in any county in the State. The case may be heard and determined by the circuit court at any time not less than 5 days after service of process, and shall have preference in the order of hearing to all other cases. The petitioner shall give security for all costs.

~~In any contest involving the selection of nominees for the office of State representative, each candidate of the party and district involved, who is not a petitioner or a named defendant in the contest, shall be given notice of the contest at the same time summons is issued to the defendants, and any other candidate may, upon application to the court within 5 days after receiving such notice, be made a party to the contest.~~

~~Any defendant may, within 5 days after service of process upon him or her, file a counterclaim in the same manner as in other civil cases and shall give security for all costs relating to such counterclaim.~~

~~Any party to such proceeding may have a substitution of judge from the judge to whom such contest is assigned for hearing, where he or she fears or has cause to believe such judge is prejudiced against, or is related to any of the parties either by blood or by marriage. Notice of the application for such substitution of judge must be served upon the opposite party and filed with such judge not later than one day after such contest is assigned to such judge, Sundays and legal holidays excepted. No party shall be entitled to more than one substitution of judge in such proceeding.~~

~~If, in the opinion of the court, in which the petition is~~

~~filed, the grounds for contest alleged are insufficient in law the petition shall be dismissed. If the grounds alleged are sufficient in law, the court shall proceed in a summary manner and may hear evidence, examine the returns, recount the ballots and make such orders and enter such judgment as justice may require. In the case of a contest relating to nomination for the office of Representative in the General Assembly where the contestant received votes equal in number to at least 95% of the number of votes cast for any apparently successful candidate for nomination for that office by the same political party, the court may order a recount for the entire district and may order the cost of such recount to be borne by the respective counties.~~ The court shall ascertain and declare by a judgment to be entered of record, the result of such election ~~in the territorial area for which the contest is made.~~ The judgment of the court shall be appealable as in other civil cases. A certified copy of the judgment shall forthwith be made by the clerk of the court and transmitted to the election authority board canvassing the returns for such office, and in case of contest, if for nomination for an office, tabulated statements of returns for which are filed with the State Board of Elections, also in the office of the election authorities having jurisdiction ~~county clerk in the proper county.~~ The proper election authority or authorities ~~canvassing board, or boards,~~ as the case may be, shall correct the returns or the tabulated statement of returns in accordance with the judgment. (Source: P.A. 84-1308.)

(10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

Sec. 22-1. Abstracts of votes. Within 21 days after the close of the election at which candidates for offices hereinafter named in this Section are voted upon, the election authorities ~~county clerks~~ of the respective counties, ~~with the assistance of the chairmen of the county central committees of the Republican and Democratic parties of the county,~~ shall open the returns and make abstracts of the votes on a separate sheet

for each of the following:

- A. For Governor and Lieutenant Governor;
- B. For State officers;
- C. For presidential electors;
- D. For United States Senators and Representatives to Congress;
- E. For judges of the Supreme Court;
- F. For judges of the Appellate Court;
- G. For judges of the circuit court;
- H. For Senators and Representatives to the General Assembly;
- I. For State's Attorneys elected from 2 or more counties;
- J. For amendments to the Constitution, and for other propositions submitted to the electors of the entire State;
- K. For county officers and for propositions submitted to the electors of the county only;
- L. For Regional Superintendent of Schools;
- M. For trustees of Sanitary Districts; and
- N. For Trustee of a Regional Board of School Trustees.

Multiple originals of each of the sheets shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2, or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.

The foregoing abstracts shall be preserved by the election authority ~~county clerk~~ in its ~~his~~ office.

Whenever any ~~county chairman is also~~ county clerk ~~or whenever any county chairman~~ is unable to canvass the vote, ~~serve as a member of such canvassing board~~ the deputy county clerk or a designee of the county clerk ~~vice chairman or secretary of his county central committee, in that order,~~ shall serve in his or her place ~~as member of such canvassing board;~~ ~~provided, that if none of these persons is able to serve, the county chairman may appoint a member of his county central~~

~~committee to serve as a member of such canvassing board.~~

The powers and duties of the election authority canvassing the votes ~~county canvassing board~~ are limited to those specified in this Section. ~~In no event shall such canvassing board open any package in which the ballots have been wrapped or any envelope containing "defective" or "objected to" ballots, or in any manner undertake to examine the ballots used in the election, except as provided in Section 22-9.1 or when directed by a court in an election contest. Nor shall such canvassing board call in the precinct judges of election or any other persons to open or recount the ballots.~~

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

(10 ILCS 5/22-8) (from Ch. 46, par. 22-8)

Sec. 22-8. In municipalities operating under Article 6 of this Act, within 21 days after the close of such election, ~~a judge of the circuit court, with the assistance of the city attorney and the board of election commissioners, who are hereby declared a canvassing board for such city,~~ shall open all returns ~~left respectively, with the election commissioners, the county clerk, and city comptroller,~~ and shall make abstracts or statements of the votes for all offices and questions voted on at the election. ~~in the following manner, as the case may require, viz: All votes for Governor and Lieutenant Governor on one sheet; all votes for other State officers on another sheet; all votes for presidential electors on another sheet; all votes for United States Senators and Representatives to Congress on another sheet; all votes for judges of the Supreme Court on another sheet; all votes for judges of the Appellate Court on another sheet; all votes for Judges of the Circuit Court on another sheet; all votes for Senators and Representatives to the General Assembly on another sheet; all votes for State's Attorneys where elected from 2 or more counties on another sheet; all votes for County Officers on another sheet; all votes for City Officers on another sheet; all votes for Town Officers on another sheet; and all votes for~~

~~any other office on a separate and appropriate sheet; all votes for any proposition, which may be submitted to a vote of the people, on another sheet, and all votes against any proposition, submitted to a vote of the people, on another sheet.~~

Multiple originals of each of the abstracts or statements ~~sheets~~ shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2, ~~or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.~~

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

(10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

Sec. 22-9. It shall be the duty of the election authority ~~such Board of Canvassers~~ to canvass, and add up and declare the result of every election hereafter held within the boundaries of such city, village or incorporated town, operating under Article 6 of this Act. The election authority shall file, ~~and the judge of the circuit court shall thereupon enter of record such abstract and result,~~ and a certified copy of the ~~such~~ record shall ~~thereupon be filed~~ with the County Clerk of the county; and such abstracts or results shall be treated, by the County Clerk in all respects, as if made by the election authority ~~Canvassing Board~~ now provided by the foregoing sections of this law, and he shall transmit the same, by facsimile, e-mail, or any other electronic means, to the State Board of Elections, or other proper officer, as required hereinabove. The county clerk or board of election commissioners, as the case may be, shall also send the abstract and result in a sealed envelope addressed to the State Board of Elections via overnight mail so it arrives at the address the following calendar day. And such abstracts or results so ~~entered and declared by such judge,~~ and a certified copy thereof, shall be treated everywhere within the state, and by

all public officers, with the same binding force and effect as the abstract of votes now authorized by the foregoing provisions of this Act.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/22-9.1) (from Ch. 46, par. 22-9.1)

Sec. 22-9.1. Within 5 days after the last day for proclamation of the results of any canvass declaring persons nominated, elected or declared eligible for a runoff election for any office or declaring the adoption or rejection of a question of public policy, the following persons may file a petition for discovery:

(a) any candidate who, in the entire area in which votes may be cast for the office for which he is a candidate, received votes equal in number to at least 95% of the number of votes cast for any successful candidate for the same office; and

(b) any 5 electors of the same area within which votes may be cast on a question of public policy, if the results of the canvass are such that the losing side on the question would have been the prevailing side had it received an additional number of votes equal to 5% of the total number of votes cast on the question.

A petition under this Section shall be filed with the election authority for purposes of discovery only. The petition shall ask that ballots, voting machines, or ballot cards - as the case may be - shall be examined, that any automatic tabulating equipment shall be tested, and that ballots, recorded votes, or ballot cards - as the case may be - shall be counted in specified precincts, not exceeding 25% of the total number of precincts within the jurisdiction of the election authority. Where there are fewer than 4 precincts under the jurisdiction of the election authority and within the area in which votes could be cast in the election in connection with which the petition has been filed, discovery shall be permitted in one of such precincts.

A petition filed under this Section shall be accompanied by the payment of a fee of \$10.00 per precinct specified. All such fees shall be paid by the election authority into the county or city treasury, as the case may be.

~~Upon receipt of such petition the county canvassing board or board of election commissioners shall reconvene. Where a local canvassing board, as provided in Section 22-17, has jurisdiction, the election authority shall notify the chairman of such board who shall reconvene such board in the office of the election authority or other location designated by the election authority.~~

After 3 days notice in writing to the successful candidate for the same office or, in the case of a question of public policy, such notice as will reasonably inform interested persons of the time and place of the discovery proceedings, the election authority ~~such board~~ shall examine the ballots, voting machines, ballot cards, voter affidavits and applications for ballot, test the automatic tabulating equipment, and count the ballots, recorded votes, and ballot cards in the specified election districts or precincts. At the request of any candidate entitled to participate in the discovery proceedings, the election authority shall also make available for examination the ballot applications and voter affidavits for the specified precincts. Each candidate affected by such examination shall have the right to attend the same in person or by his representative. In the case of a question of public policy, the board shall permit an equal number of acknowledged proponents and acknowledged opponents to attend the examination.

On completion of the count of any ballots in each district or precinct, the ballots shall be secured and sealed in the same manner required of judges of election by Sections 7-54 and 17-20 of the Election Code. The handling of the ballots in accord with this Section shall not of itself affect the admissibility in evidence of the ballots in any other proceedings, either legislative or judicial.

The results of the examination and count shall not be certified, used to amend or change the abstracts of the votes previously completed, used to deny the successful candidate for the same office his certificate of nomination or election, nor used to change the previously declared result of the vote on a question of public policy. Such count shall not be binding in an election contest brought about under the provisions of the Election Code, shall not be a prerequisite to bringing such an election contest, shall not prevent the bringing of such an election contest, nor shall it affect the results of the canvass previously proclaimed.

(Source: P.A. 84-966.)

(10 ILCS 5/22-12) (from Ch. 46, par. 22-12)

Sec. 22-12. In the canvass of such votes by the election authority ~~canvassing board~~, provided in section 22-8 hereof, the election authority ~~said board~~ shall declare who is elected to any city or town office. In the case of a tie in the election to any city, or to any office voted for only within the territory of such city, it shall be determined by lot, in such manner as such canvassers shall direct, which candidate or candidates shall hold the office, and thereupon the person in whose favor it shall result, shall be declared elected by the order entered in the court as aforesaid.

(Source: Laws 1967, p. 3843.)

(10 ILCS 5/22-15) (from Ch. 46, par. 22-15)

Sec. 22-15. The election authority ~~county clerk or board of election commissioners~~ shall, upon request, and by mail if so requested, furnish free of charge to any candidate for any State office, ~~including State Senator and Representative in the General Assembly, and any candidate for congressional office,~~ whose name appeared upon the ballot within the jurisdiction of the election authority ~~county clerk or board of election commissioners~~, a copy of the abstract of votes by precinct for all candidates for the office for which such person was a

candidate. Such abstract shall be furnished no later than 2 days after the receipt of the request or 8 days after the completing of the canvass, whichever is later.

Within one calendar day following the canvass and proclamation of each general primary election and general election, each election authority shall transmit to the principal office of the State Board of Elections copies of the abstracts of votes by precinct for the above-named offices and for the offices of ward, township, and precinct committeeman via overnight mail so that the abstract of votes arrives at the address the following calendar day. Each election authority shall also transmit to the principal office of the State Board of Elections copies of current precinct poll lists.

(Source: P.A. 93-574, eff. 8-21-03.)

(10 ILCS 5/22-17) (from Ch. 46, par. 22-17)

Sec. 22-17. (a) Except as provided in subsection (b), the canvass of votes cast at the ~~nonpartisan and~~ consolidated elections shall be conducted by the election authority ~~following canvassing boards~~ within 21 days after the close of such elections. ~~+~~

~~1. For city offices, by the mayor, the city attorney and the city clerk.~~

~~2. For village and incorporated town offices, by the president of the board of trustees, one member of the board of trustees, and the village or incorporated town clerk.~~

~~3. For township offices, by the township supervisor, the eligible town trustee elected in the township who has the longest term of continuous service as town trustee, and the township clerk.~~

~~4. For road district offices, by the highway commissioner and the road district clerk.~~

~~5. For school district or community college district offices, by the school or community college district board.~~

~~6. For special district elected offices, by the board of the special district.~~

~~7. For multi-county educational service region offices, by the regional board of school trustees.~~

~~8. For township trustee of schools or land commissioner, by the township trustees of schools or land commissioners.~~

~~9. For park district offices, by the president of the park board, one member of the board of park commissioners and the secretary of the park district.~~

~~10. For multi township assessment districts, by the chairman, clerk, and assessor of the multi township assessment district.~~

(b) The board of election commissioners as ~~city canvassing board~~ provided in Section 22-8 shall canvass the votes cast at the ~~nonpartisan and~~ consolidated elections for offices of any political subdivision entirely within the jurisdiction of a municipal board of election commissioners.

(c) The canvass of votes cast upon any public questions submitted to the voters of any political subdivision, or any precinct or combination of precincts within a political subdivision, at any regular election or at any emergency referendum election, including votes cast by voters outside of the political subdivision where the question is for annexation thereto, shall be canvassed by the same election authority as ~~board provided for in this Section~~ for the canvass of votes of the officers of such political subdivision. However, referenda conducted throughout a county and referenda of sanitary districts whose officers are elected at general elections shall be canvassed by the county clerk ~~canvassing board~~. The votes cast on a public question for the formation of a political subdivision shall be canvassed by the relevant election authority and filed with the circuit court that ordered the question submitted, ~~or by such officers of the court as may be appointed for such purpose, except where in the formation or reorganization of a school district or districts the regional superintendent of schools is designated by law as the canvassing official.~~

(d) The canvass of votes for offices of political subdivisions cast at special elections to fill vacancies held on the day of any regular election shall be conducted by the election authority ~~canvassing board~~ which is responsible for canvassing the votes at the regularly scheduled election for such office.

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

(10 ILCS 5/22-18) (from Ch. 46, par. 22-18)

Sec. 22-18. The canvass of votes and the proclamation of results by the election authority ~~local canvassing boards~~ provided in Section 22-17 shall be conducted in accordance with the procedures and requirements otherwise provided in this Article. ~~Each local canvassing board shall immediately transmit~~ A signed copy or original duplicate of its completed abstract of votes must be transmitted to each election authority having jurisdiction over any of the territory of the respective political subdivision, and transmitted, by facsimile, e-mail, or any other electronic means, to the State Board of Elections in the same manner as provided in Section 22-5.

The county clerk shall make out a certificate of election to each person declared elected to an office by the election authorities ~~such local canvassing boards,~~ and transmit such certificate to the person so entitled, upon his application. For political subdivisions whose territory extends into more than one county, the certificates of election shall be issued by the county clerk of the county which contains the principal office of the political subdivision.

Whenever an election authority ~~a canvassing board~~ canvasses the votes cast upon a public question submitted to referendum pursuant to a court order, the election authority ~~board~~ shall immediately transmit a signed copy or an original duplicate of its completed abstract of the votes to the court which ordered the referendum.

(Source: P.A. 81-1050.)

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

Sec. 23-23. The case shall be tried in like manner as other civil cases, and may be heard and determined by the court at any time not less than 10 days after service of process, or at any time after the defendant is required by notification to appear, and shall have preference in the order of hearing to all other cases. The court may make and enforce all necessary orders for the preservation and production of the ballots, poll books, tally papers, returns, registers and other papers or evidence that may bear upon the contest.

Whenever a petition for a recount has been filed as provided in this Article, any opposing candidate or any elector, under like provisions and in like manner may file a petition within 10 days after the completion of the canvass of the precincts specified in the petition for a further recount of the votes cast in any or all of the balance of the precincts in the county, municipality or other political subdivision, as the case may be.

In event the court, in any such case, is of the opinion that such action will expedite hearing and determination of the contest, the court may ~~appoint a Board of Election Commissioners or a Canvassing Board, as the case may be, and~~ refer the case to the election authority ~~it~~ to recount the ballots, to take testimony and other evidence, to examine the election returns, to make a record of all objections to be heard by the court that may be made to the election returns or to any of them or to any ballots cast or counted, and to take all necessary steps and do all necessary things to determine the true and correct result of the election and to make report thereof to the court. The election authority ~~Such Board of Election Commissioners or Canvassing Board, as the case may be,~~ shall have authority to count the ballots or cause the same to be counted under its supervision and direction, to conduct such hearing or hearings as may be necessary and proper, to apply to the court in the manner provided by law for the issuance of

subpoenas or for any other appropriate order or orders to compel the attendance of witnesses, and to take such steps and perform such duties and acts in connection with the conduct of any such hearing or hearings as may be necessary. The election authority ~~Such Board of Election Commissioners or Canvassing Board, as the case may be,~~ may, with the approval of the court, employ such assistants as may be necessary and proper to provide for counting the ballots, examining the election returns and for taking all necessary steps and doing all necessary things to determine the true and correct result of the election under the direction and supervision of the election authority ~~Board of Election Commissioners or the Canvassing Board, as the case may be.~~ The election authority ~~Such Board of Election Commissioners or the Canvassing Board, as the case may be,~~ shall receive such compensation for its services and such allowances for the services of its assistants and for reimbursement of expenses incurred by it as shall be approved by the court, and all such compensation and allowances when approved by the court shall be taxed and allowed as costs in such cause. The court may from time to time, upon the court's own motion or upon the application of the election authority ~~Board of Election Commissioners or the Canvassing Board, as the case may be,~~ or of any party to said cause, require the parties to the cause or any of them to deposit such amounts of money with the court as security for costs as the court may deem reasonable and proper.

Any petitioner may amend his petition at any time before the completion of the recount by withdrawing his request for a recount of certain precincts, or by requesting a recount of additional specified precincts. The petitioner shall deposit or shall cause to be deposited, such amounts of money as the court may require as security for costs for such additional precincts as the court may deem reasonable and proper.

Any money deposited as security for costs by a petitioner contesting an election must be returned to such petitioner if the judgment of the court is to annul the election or to

declare as elected someone other than the person whose election is contested.

Any money deposited as security for costs by a petitioner in opposition to a petition contesting an election must be returned to such petitioner if the judgment of the court is to confirm the election or to declare as elected the person whose election is contested.

(Source: P.A. 78-255; 78-891; 78-1297.)

(10 ILCS 5/22-1.2 rep.)

(10 ILCS 5/22-14 rep.)

Section 10. The Election Code is amended by repealing Sections 22-1.2 and 22-14.