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State of Illinois

LOCAL ELECTION OFFICIALS HANDBOOK

for the

2003

CONSOLIDATED ELECTIONS



Issued by
the
State Board of Elections

PREFACE

This Local Election Officials Handbook for the Consolidated Elections has been prepared to be used as a guide for the administration of the Consolidated Primary and Consolidated Elections in the year 2003. The passage of Public Act 90-0358 in 1997 abolished the November Nonpartisan Election in odd-numbered years and merged it with the April Consolidated Election. Information pertaining to offices formerly elected at the Nonpartisan Election is included in this handbook.

Local election officials responsible for the election of officers and/or referenda for municipalities, libraries, parks, school districts and other special purpose districts should find the information contained in this publication beneficial in completing their duties as either a clerk or secretary. All citations contained herein refer to the Illinois Election Code, 10 ILCS 5/1-1 *et seq*, or as otherwise indicated. Legislative revisions and court decisions made after July 1, 2002, may not be included in this handbook.

This handbook is designed to assist local election officials with the administration and conduct of the election process. It is not intended to be used as a substitute for relevant statutes, the Illinois Constitution, or applicable case law. Whenever there is a question regarding the interpretation of information contained in this handbook, or of a particular section of the Election Code or any other statute, the user should contact competent legal counsel or the State Board of Elections.

STATE BOARD OF ELECTIONS

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CONSOLIDATED PRIMARY

Last Tuesday in February

February 25, 2003

- ESTABLISHED POLITICAL PARTY - OFFICES TO BE NOMINATED

MUNICIPAL - over 5,000 population and/or Special Charter

Mayor or President

Treasurer

Clerk

Alderman or Trustees

Municipalities under 5,000 population may determine by ordinance (by November 15, 2002) that political parties shall nominate candidates for municipal offices by primary election. (10 ILCS 5/7-1)

- NONPARTISAN - OFFICES TO BE NOMINATED

MUNICIPAL - Council-Manager form (councilmen at-large and from districts) and Commission

Mayor or President

Treasurer (Council-Manager form only)

Council Members or Trustees or Commissioners

A village may conduct a nonpartisan primary if approved by referendum. (65 ILCS 5/3.1-25-60)

- NONPARTISAN - OFFICES TO BE ELECTED

MUNICIPAL – City of Chicago - (65 ILCS 20/21-5, 21-12, 21-25)

Mayor

Clerk

Treasurer

Aldermen

CONSOLIDATED ELECTION

First Tuesday in April

April 1, 2003

ESTABLISHED POLITICAL PARTIES, INDEPENDENT AND NEW POLITICAL PARTY OFFICES TO BE NOMINATED

MUNICIPAL – Including Special Charter

Mayor or President
Treasurer
Clerk
Aldermen or Trustees

NONPARTISAN OFFICES TO BE ELECTED

MUNICIPAL - Council-Manager form (Council at-large and from districts), Commission form

Mayor or President
Treasurer (Council-Manager only)
Council Members or Commissioners or Trustees

MUNICIPAL – City of Chicago, Mayor, Clerk, Treasurer, Alderman (Supplemental Election)
(65 ILCS 20-21-5a, 21-12)

PARK DISTRICT - Commissioners

PUBLIC LIBRARY DISTRICT - Trustees

TOWNSHIP AND MUNICIPAL LIBRARY - Trustees

REGIONAL BOARD OF SCHOOL TRUSTEES - Trustees

SCHOOL DISTRICT - Board Members, School Directors

SCHOOL DISTRICT - Special Charter - Inspectors, Board Members

TOWNSHIP TRUSTEES OF SCHOOLS - (Cook County only)

COMMUNITY COLLEGE DISTRICT - Trustees

TOWNSHIP LAND COMMISSIONERS - (in counties under 220,000 population)

FIRE PROTECTION DISTRICT - Trustees

FOX WATERWAY MANAGEMENT AGENCY - Directors, Chairman (2-year unexpired term)

FOREST PRESERVE DISTRICT - Commissioners

ROAD DISTRICT - Clerk, Commissioner

SPRINGFIELD METROPOLITAN EXPOSITION AND AUDITORIUM AUTHORITY -
Commissioners

OTHER SPECIAL PURPOSE DISTRICTS (see applicable statutes)

FILING PERIODS (and caucus date information)

December 9 - 16, 2002

Filing period for candidates seeking nomination at the Consolidated Primary Election, FEBRUARY 25, 2003. See page "iii."

Petitions may NOT be circulated prior to September 17, 2002.

January 13 - 21, 2003

(Final day extended due to observance of Martin Luther King holiday.)

Filing period for candidates seeking election at the Consolidated Election, APRIL 1, 2003. See page "iv."

Petitions may NOT be circulated prior to October 23, 2002.

In MUNICIPALITIES under 5,000 population, established political parties hold their caucuses on January 6, 2003, and file their certificates of nomination with the municipal clerk during the filing period, January 13 - 21, 2003.

Note: Municipalities of 5,000 or less may determine by ordinance (by November 15, 2002) that established political parties shall nominate candidates for municipal offices by primary election. (10 ILCS 5/7-1 et seq.)

New political parties file nominating petitions which must include a full slate of candidates as well as a certificate stating the names and addresses of the party officers authorized to fill vacancies.

Independent and nonpartisan candidates must file nominating petitions.

GLOSSARY OF TERMS

BUSINESS DAY - any day in which the office of an election authority, local election official or the State Board of Elections is open to the public for a minimum of seven hours. (10 ILCS 5/1-3)

COMPUTATION OF TIME - if the first or last day fixed by law to do any act required or allowed by the election code falls on a State holiday or a Saturday or a Sunday, the period shall extend through the first business day next following the day otherwise fixed as the first or last day, irrespective of whether any election authority or local election official conducts business on the State holiday, Saturday, or Sunday. [10 ILCS 5/1-6(a)(b)(c)]

CONSOLIDATED ELECTION - the biennial election held on the first Tuesday in April in odd-numbered years at which municipal, park district, library district, fire protection district, other special district and school district officers are elected. [10 ILCS 5/1-3(4), 2A-1.1(b)] This is a regularly scheduled election.

CONSOLIDATED PRIMARY ELECTION - the biennial election held on the last Tuesday in February in odd-numbered years at which candidates may be nominated for those offices to be filled at the Consolidated Election. [10 ILCS 5/1-3(4), 2A-1.1(b)] This is a regularly scheduled election.

DISTRICT - any area which votes as a unit for the election of any officer, other than the State or a unit of local government or school district, including but not limited to, legislative, representative, congressional and judicial districts, judicial circuits, county board districts, municipal and sanitary district wards, school board districts, and precincts. [10 ILCS 5/1-3(14)]

ELECTION AUTHORITY - the County Clerk, the Municipal Board of Election Commissioners or the County Board of Election Commissioners. [10 ILCS 5/1-3(8)]

ELECTION JURISDICTION - (1) an entire county, in the case of a county in which no city board of election commissioners is located or which is under the jurisdiction of a county board of election commissioners; (2) the territorial jurisdiction of a city board of election commissioners; and (3) the territory in a county outside of the jurisdiction of a city board of election commissioners. In each instance, election jurisdiction shall be determined according to which election authority maintains the permanent registration records of qualified electors. [10 ILCS 5/1-3(9)]

ESTABLISHED POLITICAL PARTY - a political party which at the last election received more than 5% of the entire vote cast in that election. (10 ILCS 5/7-2,10-2)

LOCAL ELECTION OFFICIAL - the clerk or secretary of a unit of local government or school district, the treasurer of a township board of school trustees; and the regional superintendent of schools with respect to the various school officer elections and school referenda for which the regional superintendent is assigned election duties by the School Code. [10 ILCS 5/1-3(10)]

NEW POLITICAL PARTY - a new political party is initially formed by a petition filed with the municipal clerk. The petition shall state the name of the party in five words or less and shall nominate candidates for all offices scheduled for election in that municipality. In addition, a new political party petition shall have attached thereto a certificate with the names and addresses of party officers authorized to fill vacancies in nomination. (10 ILCS 5/10-2)

POLITICAL OR GOVERNMENTAL SUBDIVISION - any unit of local government or school district; and for election purposes, any area electing regional boards of school trustees or township boards of school trustees. [10 ILCS 5/1-3(6)]

QUESTION OF PUBLIC POLICY OR PUBLIC QUESTION (REFERENDUM) - any question, proposition or measure submitted to the voters at an election dealing with subject matter other than the nomination or election of candidates, including, but not limited to, any bond or tax referendum and questions relating to the Constitution. [10 ILCS 5/1-3 (15)]

REGULAR ELECTION - the General, General Primary, Consolidated and Consolidated Primary Elections regularly scheduled in Article 2A. The even-numbered year municipal primary is a regular election only with respect to those municipalities in which a primary is required to be held on such date. [10 ILCS 5/1-3(2), 2A-1]

SPECIAL ELECTION - an election not regularly recurring at fixed intervals, regardless of whether it is held at the same time and place and by the same election of officers as a regular election. [10 ILCS 5/1-3(3)]

VOTER - for the purpose of determining eligibility to sign a nominating petition or a petition proposing a public question, the terms "voter," "registered voter," "qualified voter," "legal voter," "elector," "qualified elector," "primary elector" and "qualified primary elector" as used in the Election Code or in another statute shall mean a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition. (10 ILCS 5/3-1.2)

REGISTRATION AND VOTER IDENTIFICATION

DEPUTY REGISTRARS

(10 ILCS 5/4-6.2 and 5-16.2)

In counties under 500,000 population, the election authority appoints all municipal, township and road district clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective municipalities, townships or road districts. In counties over 500,000 population, all municipal and township clerks or their duly authorized deputies serving as deputy registrars may accept the registrations of all qualified residents of their respective county. Precinct committeemen are also appointed as deputy registrars and may accept registrations from any qualified residents of the county.

All municipal clerks or their duly authorized deputies serving as deputy registrars in a municipality which lies in more than one county may accept the registration of any qualified resident of the municipality regardless of which county the resident, municipal clerk or the authorized deputy of the municipal clerk lives.

The election authority shall appoint as deputy registrars employees of the Secretary of State located at driver's license examination stations who are designated by the Secretary of State who may accept the registration of any qualified residents of the county at the driver's license examination stations.

Upon written request the election authority may appoint the following as deputy registrars (1) the chief librarian or designee, (2) the principal of any high school or vocational school or their designee, (3) the president or designee of a learning institution, (4) the Public Aid director or designees, (5) the Employment Security director or designees, (6) the president of corporations or designees, (7) members of labor organizations, and (8) state certified civic organizations (civic organizations must be certified by the State Board of Elections). The *Deputy Registrar Guidelines* booklet published by the State Board of Elections gives further information regarding Deputy Registrars.

NATIONAL VOTER REGISTRATION ACT of 1993 (NVRA)

Under the provisions of NVRA, persons wishing to register to vote may do so at the following locations, provided they are conducting business at such offices: Drivers License Facilities, Department of Public Aid offices, Department of Public Health offices, Department of Mental Health and Developmental Disabilities offices, Department of Rehabilitation Services offices and military recruitment offices. These offices will accept voter registrations throughout the year, however, applications received by election authorities within 28 days (see page 4) of an election may not be processed until after that election. Individuals may also register to vote by obtaining a mail-in registration application. Persons registering by mail must vote in person on election day, or vote absentee in-person at the first election following their registration.

CLOSE OF REGISTRATION (See Note)
(10 ILCS 5/4-6, 5-5, 6-50)

Deputy registrars or their duly authorized deputies serving as deputy registrars may accept registrations at their respective offices at any time other than the 28 days preceding an election. The last day to register to vote before the Consolidated Primary is January 27, 2003 and the last day to register to vote before the Consolidated Election is March 4, 2003. Voter registration is open throughout the 28-day period preceding the Consolidated Primary in those precincts in which no primary election is scheduled. Registration resumes two days after the Consolidated Primary and Consolidated Election. **NOTE: HB 5647 was awaiting the Governor's signature when this publication was written.** The legislation would change the 28-day cutoff for voter registration to a 27-day cutoff. If approved by the Governor, the cutoff date for the Primary will be January 28. Because of the Casimir Pulaski holiday, the cutoff date for the Consolidated Election would be March 4 which follows the provisions of this legislation.

VOTER IDENTIFICATION FOR BALLOT ENTITLEMENT
(10 ILCS 5/4-21, 5-28.1, 6-31.1)

The Election Code provides that precincts established by county boards and city boards of election commissioners and used by the election authorities for the federal, state and county elections of even-numbered years will be the precincts for the Consolidated Primary, and Consolidated Elections. However, the election authority may cluster up to four contiguous precincts which shall constitute a clustered voting zone. Since boundary lines of most political subdivisions (municipalities, school districts, park districts, etc.) overlap and intersect county precincts, the election authority must identify and "code" voters in each precinct by residency in each political subdivision for the purpose of ballot entitlement.

Once the election authority has determined for each precinct under his/her jurisdiction which voters are entitled to vote in which political subdivision elections, this information is furnished to the judges of election in each precinct by means of "coded" precinct registration records (e.g., binder cards) or separate "coded" registration lists/signature rosters.

DIGITIZATION OF VOTER REGISTRATION
(10 ILCS 5/4-33, 5-43, 6-79)

The election authority may develop and implement a system to prepare, use, and maintain a computer based voter registration file that includes a computer-stored image of the signature of each voter. The computer based voter registration file may be used, provided that a system for storage of at least one copy of the original registration cards remains in effect. Several jurisdictions now use digitized registration records in the polling places. In these instances, the old binder books have been replaced by a signature roster.

REDISTRICTING

(10 ILCS 5/4-21, 5-28.1, 6-31.1)

The election authority is required to maintain permanent records of the boundaries of all political subdivisions partially or wholly within his jurisdiction. No later than five (5) days after redistricting, annexation, disconnection or adoption of any such governmental boundary change, whether by referendum or by ordinance, the local election official shall give notice of such change to each election authority having jurisdiction over any of the affected territory in the political subdivision. This notice shall contain a description of the boundary change and indicate the effective date of the change.

It is recommended that a political subdivision map showing the territory affected by the boundary change accompany the notice.

NOMINATION BY PETITION

PETITION REQUIREMENTS

The *2003 Candidates Guide* published by the State Board of Elections gives an in-depth discussion of requirements for filing nominating papers.

Established party candidates for municipal offices are nominated by either a primary election or a caucus. Article 7 of the Election Code governs petition filing for a primary. Article 10 of the Code governs the filing of certificates of nomination for the caucus method of nomination. Article 10 also covers independent and new party candidate petition filings, in addition to nonpartisan filings for specific municipalities. Additional information on nonpartisan municipal elections is covered in the Municipal Code.

Schools and special purpose districts (e.g., parks and libraries) nominate candidates only on a nonpartisan basis. Information may be found in Article 10 and the respective statutes for each unit of local government.

Nomination papers filed by a candidate shall consist of:

1. Statement of Candidacy;
2. Nominating petition sheets;
3. Receipt for filing a Statement of Economic Interests. The statement itself is filed with the County Clerk of the county in which the principal office of the unit of local government with which the person is associated is located [5 ILCS 420/4A and 10 ILCS 5/7-12(8)]; and
4. Loyalty Oath (optional).

NOTE: Nomination papers for new political parties must include a full slate of candidates and a certificate stating the names and addresses of party officers authorized to fill vacancies in nomination. In addition, petitions to form a new political party in a municipality divided into wards or districts in which officers are elected both from the wards or districts and at-large must consist of separate components for each ward or district. Consult your legal counsel or the State Board of Elections for requirements regarding component petitions. (10 ILCS 5/10-2, 10-5, 10-11)

No petition sheet may be circulated more than 90 days preceding the last day provided for the filing of such petitions. (10 ILCS 5/10-4) Petition circulation for established party candidates and non-partisan municipal office candidates begins on September 17, 2002, and the filing period for those petitions is December 9-16, 2002.

Petition circulation for independent, new party and non-municipal nonpartisan office candidates begins on October 23, 2002, and the filing period for those petitions is January 13-21, 2003 (final day extended to the 21st due to observance of the Martin Luther King holiday).

NOMINATION BY CAUCUS - MUNICIPALITIES

Established political party candidates for municipal offices are nominated by party caucus in cities, villages, and incorporated towns with a population of 5,000 or less. Municipal established party caucuses are to be held on **January 6, 2003**. [10 ILCS 5/10-1(a)]

NOTE: Municipalities with a population of 5,000 or less may, **no later than November 15, 2002**, determine by ordinance that political parties shall nominate candidates for municipal office by primary election. [10 ILCS 5/7-1(b)] **The municipality is responsible for all costs incurred relative to conducting a primary election.** (10 ILCS 5/17-30)

Notice for the time and place for holding the caucus is provided by the municipal clerk. In municipalities with a population of more than 500, the notice of the caucus must be printed in a newspaper published in the municipality. If the municipality does not have a newspaper, then the notice is printed in a newspaper published in the county with general circulation in the municipality. The notice must be published or posted at least ten days before the caucus. [10 ILCS 5/10-1(b)]

In municipalities with a population of 500 or less, the municipal clerk shall post the notice in three of the most public places in the municipality. [10 ILCS 5/10-1(b)]

Attendance at the caucus is limited to registered voters who reside within the municipality. However, no voter shall participate in more than one party caucus. See SBE suggested Forms H-1A and H-2. [10 ILCS 5/10-1 (e)]

PLACE OF FILING

Candidate nominating petitions and caucus certificates of nomination shall be filed with the local election official (e.g., municipal clerk, city board of election commissioners, school board secretary, park, library and fire protection district secretary, etc.) of the political subdivision in which the candidate is seeking election. However, candidates for the office of: (1) regional school trustee file with the county clerk if single county, or with the State Board of Elections if multi-county and (2) township school trustee (Cook County only) file with the township school

treasurer (105 ILCS 5/5-4, 6-10). It is suggested that the local election official give a pre-filing notice indicating the time and location for the filing of nominating petitions. The pre-filing notice may be in the form of a press release issued to a local newspaper. For school district offices the School Code (105 ILCS 5/9-10) states that if a pre-filing notice is given, it should be given at least ten days before the first day of the filing period. The office shall remain open until 5:00 p.m. on the last day of the filing period. (10 ILCS 5/1-4, 7-12, 10-6.2)

When nomination petitions are filed, the local election official shall:

1. Accept and issue a receipt for those nomination papers. (School board and community college secretaries shall also within seven days of filing or on the last day for filing, whichever is earlier, acknowledge receipt of the petition. This receipt should bear the date and time of filing as well as the signature of the secretary of the board.) (10 ILCS 5/10-6.2, 105 ILCS 5/9-10 and 110 ILCS 805/3-7.10);
2. Time and date stamp the papers (10 ILCS 5/10-6.2); and
3. Preserve the nomination papers for six months (10 ILCS 5/10-7).

NOTE: All nomination papers when presented or filed shall be available for public inspection (10 ILCS 5/10-7), and should be available for copying at reasonable cost.

If a political subdivision does not have an official office, petitions are received by the local election official (or his/her designee) at a location and during the times designated by the official. Notice should be given in a newspaper of general circulation and posted in a conspicuous public location. **The location designated for petition filing must remain open until 5 p.m. on the last day of petition filing.** (10 ILCS 5/1-4)

If multiple sets of nomination papers are filed for a candidate to the same office, the local election official with whom the petitions are filed shall, within two business days, notify the candidate of his or her multiple petition filings and that the candidate has three business days after receipt of the notice to notify the local election official that he or she may cancel prior sets of petitions. If the candidate notifies the local election official, the last set of petitions filed shall be the only petitions to be considered valid by the local election official. If the candidate fails to notify the local election official, then only the first set of petitions filed shall be valid and all subsequent petitions shall be considered void. (10 ILCS 5/10-6.2)

If a **school board secretary** is an incumbent school board member seeking re-election, a disinterested person must be a witness to the filing of his petition. **School board secretaries** shall receive and file only those petitions which include a statement of candidacy, the required number of voter signatures, the notarized signature of the petition circulator and a receipt from the county clerk showing that the candidate has filed the required statement of economic interests on or before the last day to file as required by the Governmental Ethics Act. (105 ILCS 5/9-10)

**PROHIBITIONS – DEFEATED CANDIDATES – PRIMARY
DEFEATED CANDIDATES – CAUCUS**

Any established party candidate who filed nominating papers and who is defeated in the Consolidated Primary Election is not eligible to have his name placed on the Consolidated Election ballot as an independent candidate or as a candidate for another political party and is not eligible to file a declaration of intent to be a write-in candidate in the Consolidated Election. (10 ILCS 5/7-61, 10-3)

Any candidate who seeks election to an office for which candidates are nominated on a nonpartisan basis and is defeated in the Consolidated Primary Election cannot file a declaration of intent to be a write-in candidate in the Consolidated Election. (10 ILCS 5/17-16.1, 18-9.1)

Any established party candidate who is a participant in a party caucus and who is nominated and defeated at the caucus is not eligible to have his name placed on the Consolidated Election ballot as an independent candidate or as a new party candidate and is not eligible to file a declaration of intent to be a write-in candidate. (10 ILCS 5/7-61, 10-3)

SIMULTANEOUS PETITION FILING-LOTTERY
(10 ILCS 5/10-6.2; 105 ILCS 5/9-11.1, 9-11.2)

All petitions filed by persons waiting in line at the office of the local election official as of 8:00 a.m. or the normal opening hour of such office on the first day of filing shall be deemed simultaneously filed as of 8:00 a.m., or the opening hour, as the case may be.

Petitions filed by mail and received in the office of the local election official in the first mail delivery or pickup on the first day of filing shall be deemed simultaneously filed as of 8:00 a.m., or the opening hour of such office, as the case may be. All petitions received thereafter shall be deemed filed in the order of actual receipt.

When two or more petitions are simultaneously filed for the same office as of the opening hour of the filing period, the local election official shall break ties and determine the order of filing by means of a lottery or other fair and impartial method of random selection approved by the State Board of Elections. The lottery shall be conducted within 9 days after the last day of the petition filing period and shall be open to the public. The local election official shall give 7 days written notice of the time and place of the lottery to the candidates involved, and any civic groups who had been entitled to have pollwatchers present at the last election, as well as posting the notice in a conspicuous open and public place. (See official SBE Election Calendar.)

The lottery system to be used by the local election officials is found in State Board of Elections' Rule and Regulations 201.40 and 202.40 on simultaneous filing lotteries (see pages 40 - 42). **Any other lottery or system of impartial random selection used to determine candidate ballot order for simultaneous petition filing must be approved by the State Board of Elections.** For special lottery provisions for school board candidates, grouped together by congressional townships or according to incorporated or unincorporated areas refer to the State Board of Elections' special supplement to this handbook for school officials and/or 105 ILCS 5/9-11.1, 9-11.2.

CAMPAIGN DISCLOSURE DOCUMENTS

[10 ILCS 5/9-16(7), 10-6.1]

At the time of filing, the local election official must provide each candidate with a Notice of Obligation (Form D-5). If the candidate files his petition in person, the local election official must give the notice to the candidate "over the counter" and obtain a receipt. If an agent files the candidate's petition or if the candidate files by mail, the local election official, within two business days of receipt of the candidate's petition, must send the notice to the candidate by first class mail. The notice briefly outlines who is required to file under the campaign disclosure law and the penalties for failure to file. *A Guide for Campaign Disclosure* and the necessary forms are available, upon request, from the State Board of Elections or the county clerk. They can also be downloaded from the State Board of Elections' website at www.elections.state.il.us.

When petitions for a public question are filed with the local election official, we advise the local official to provide a Notice of Obligation (Form D-5) to the proponent whose name is indicated on the certificate attached to the petition or to the attorney for the proponents if no name is listed.

Each local election official must also provide a copy of the Code of Fair Campaign Practices to each candidate and each proponent of a question at the time of petition filing. This is a voluntary statement which may be filed at the office of the county clerk if the candidate or proponent chooses to subscribe. Each Code of Fair Campaign Practices filed is valid for one election cycle only and must be refiled if verified subscription to the Code is desired.

PETITION OBJECTIONS AND HEARINGS

(10 ILCS 5/10-8, 10-9, 10-10, 10-10.1)

Any objections to nominating petitions must be filed with the local election official (who received the original petitions) within 5 business days following the last day of the petition filing period. The local election official shall note the day and hour upon the objector's petition, and shall, not later than 12:00 noon on the second business day after receipt of the objector's petition, transmit by registered mail or receipted personal delivery the original nomination petitions and the objections to the chairman of the proper electoral board. A copy of the objections must also be sent by registered mail or receipted personal delivery to the candidate against whose petition was filed.

Within 24 hours after receipt of the objector's petition, the chairman of the electoral board shall **send a call by registered or certified mail**, to each of the members of the electoral board, objector and candidate and shall also cause the sheriff of the county or counties in which such officers and persons reside to serve a copy of such call upon each of the officers and persons. The call shall state the day, hour and place at which the electoral board shall meet. In the case of a County Officers Electoral Board, Municipal Officers Electoral Board, or the Education Officers Electoral Board, the hearing shall be held in the county courthouse. **The day of the meeting** of the electoral board **shall not be less than three nor more than five days after receipt of objector's petitions** by the chairman of the electoral board.

Within 10 days after the decision of the electoral board, the candidate or objector aggrieved by the decision of the board may file petition for judicial review with the clerk of the circuit court. **Court hearings are to be held within 30 days after the filing of the petition** and the decision delivered promptly thereafter. If no petition for judicial review is filed **within 10 days after the decision of the electoral board, the electoral board shall transmit a copy of its ruling together with the original certificate of nomination or nomination papers or petitions and the original objector's petitions** to the officers or board with whom they were on file and such officer or board shall abide by and comply with the ruling so made to all intents and purposes.

The following **electoral boards** are designated to hear and pass upon objections to nomination petitions of candidates for political subdivision office:

1. MUNICIPAL OFFICERS ELECTORAL BOARD

- a. Jurisdiction: Cities, villages and incorporated towns.
- b. Composition: Mayor or president (chairman), the municipal clerk and the councilman, alderman or trustee who has served the greatest number of years as a member of the council or board.

2. COUNTY OFFICERS ELECTORAL BOARD

- a. Jurisdiction: All special district offices. **Special district means all political subdivisions other than counties, municipalities, school and community college districts.** (Park Districts and Library Districts, etc., are special districts.) The county officers' electoral board of the county in which the principal office of the special district is located has jurisdiction in multi-county districts.
- b. Composition: County Clerk (Chairman), Clerk of the Circuit Court, and State's Attorney, or their designees. In DuPage County, the county board of election commissioners shall constitute the County Officers' Electoral Board.

3. EDUCATION OFFICERS ELECTORAL BOARD

- a. Jurisdiction: School districts and community college districts.
- b. Composition: Presiding officer of the school or community college board (Chairman), the secretary of the school or community college board and the elected school or community college board member having the longest term of continuous service.

4. MUNICIPAL BOARDS OF ELECTION COMMISSIONERS

Where a city, a school district, a community college district, or a special purpose district (e.g., fire protection district, etc.) is located entirely within the jurisdiction of a municipal board of election commissioners, that board shall constitute the electoral board for that political subdivision.

FILLING VACANCIES ON ELECTORAL BOARD WHEN MEMBER IS INELIGIBLE

In the event that a member of the electoral board is a candidate for the office in question, he/she shall not be eligible to serve on that board and the position shall be filled as follows:

Municipal Officers Electoral Board - by the councilman or trustee who has served the second greatest number of years as councilman or trustee.

County Officers Electoral Board - by the county treasurer, and if he/she is ineligible to serve, by the sheriff of the county.

Education Officers Electoral Board - by the eligible elected school or community college district board member who has the second longest term of continuous service as a board member.

If the chairman of the electoral board is ineligible to act because he or she is a candidate for the office relevant to the objector's petition, then the replacement shall be chairman.

When two or more eligible individuals, by reason of their terms of service on a school or community college district board, qualify to serve on an electoral board, the one to serve shall be chosen by lot.

Any other vacancies shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county where the electoral board hearing is being held upon notification to the Chief Judge. The Chief Judge shall be so notified by a member of the electoral board or the officer or board with whom the objector's petition was filed. In the event that none of the individuals designated to serve on the electoral boards are eligible, the chairman of the electoral board shall be designated by the Chief Judge.

WITHDRAWAL FROM CANDIDACY

(10 ILCS 5/10-7)

Any candidate who has filed petitions may withdraw his/her candidacy. The withdrawal must be in writing, signed by the candidate, dated and notarized. The written withdrawal must be submitted to the appropriate election official who received the original petitions. See suggested SBE Form P-25.

If petitions have been filed for one candidate for two or more incompatible offices, the candidate must withdraw from all but one within five business days following the last day of the filing period, or his name shall not be certified for any office.

WRITE-IN CANDIDATES

(10 ILCS 5/7-59, 17-16.1)

For the Consolidated Primary and the Consolidated Election, write-in candidates must file a notarized declaration of intent to be a write-in candidate by 5:00 p.m., Tuesday, prior to the election with the proper election authority or election authorities (County Clerk and/or Board of Election Commissioners). Forms for the write-in declaration are supplied by the election authority. For those situations in which there may be an uncontested election, see page 14.

To qualify as a candidate for an established party in the Consolidated Election, write-in candidates at the Consolidated Primary Election for that party must receive a number of votes that equals or exceeds the number of signatures required on a petition for that office, but only if the number of candidates whose names appear on the primary ballot is less than the number of persons the party is entitled to nominate or elect to that office at the primary. [10 ILCS 5/7-59(c)(1)]

The above paragraph does not apply if:

- (a) the number of votes he receives exceeds the number of votes received by at least one of the candidates whose name was printed on the ballot for nomination or election to the same office;
- (b) the number of candidates whose names appear on the ballot equals or exceeds the number of persons the party is entitled to nominate or elect to that office. [10 ILCS 5/7-59(c)(2)]

CERTIFICATION OF CANDIDATES

CONSOLIDATED PRIMARY (if required)

The local election official (municipal clerk) certifies the names of all candidates and any public questions that have been filed to the election authority not less than 61 days (December 26, 2002) before the Consolidated Primary. If the primary is partisan, the certification must also indicate the party affiliation of all candidates. The candidates are certified in the order the petitions were filed or as determined by lottery (for simultaneous filings). When a municipality is situated in two or more counties, the certification must be sent to the election authority in each county. (SBE Form G-1) (10 ILCS 5/7-13.1)

Note: In any city under the jurisdiction of a city board of election commissioners, the certification is sent to the board of election commissioners.

Where officers are elected on a nonpartisan basis, a primary is held only where more than twice the number of candidates than are scheduled to be elected file petitions for any office. However, a ballot shall be prepared and a primary held when an individual files a written declaration of intent to be a write-in candidate for an office for which the nomination is uncontested. In this situation the declaration of intent must be filed with the local election official prior to the certification date, December 26, 2002. (10 ILCS 5/7-5; 65 ILCS 5/3.1-25-20,1-25-45, 4-3-5)

The names of candidates whose petitions have been held invalid by an electoral board are not certified unless the electoral board decision is reversed by a court pursuant to judicial review.

UNCONTESTED PRIMARY

A primary is not held for those offices that are uncontested. Nominations are considered uncontested where not more candidates than the number to be elected have filed valid nominating petitions or filed declaration(s) of intent to be write-in candidates as described above. When one or more but not all of the offices are uncontested, a primary is held for the contested offices only.

(10 ILCS 5/7-5, 7-12)

CONSOLIDATED ELECTION

Certification of established party candidates (after the Primary):

The local election official (municipal clerk), within five days following the canvass and proclamation of the results of the Consolidated Primary, certifies to the election authority the names of all candidates nominated at the Consolidated Primary. In the case of multiple offices (e.g., village trustees), the name of each candidate is placed on the Consolidated Election ballot according to the highest number of votes received in the primary. See SBE Form G-1. (10 ILCS 5/7-60.1)

Certification of Independent, New Party and Nonpartisan Candidates:

Not less than 61 days (January 30, 2003) before the Consolidated Election, the local election official of each political subdivision participating in the election shall certify the names of all candidates whose nominating petitions have been filed in their offices, in the order so filed (or as determined by lottery for simultaneous filings), to each election authority in whose jurisdiction the political subdivision is located. See SBE Form G-1A. Public questions(s) initiated by petition or board resolution must also be certified to the election authority. See SBE Form G-1B.

If a political subdivision is located in two or more counties, the certification shall be made to the election authority of each county. If a political subdivision is situated partially within a municipality under the jurisdiction of a municipal board of election commissioners and partially within the county, the certification shall be made to both the board and to the county clerk.

Candidates whose nomination petitions have been held invalid by the proper electoral board shall not be certified unless the electoral board decision is reversed by a court pursuant to judicial review. (10 ILCS 5/10-15)

BALLOT PLACEMENT FOR THE CONSOLIDATED ELECTION

Nomination by Primary (established party):

Candidate Names –

Candidates for multiple offices (e.g., village trustee) appear on the ballot, according to the number of votes cast at the primary in descending order (i.e., the candidate with the highest number of votes will be first on the ballot).

Established Party Names --

The order in which each party appears on the Consolidated Election ballot is determined by a public lottery prior to the canvass and proclamation of the results of the primary. The lottery is held in the office of the local election official (municipal clerk). The local election official must give three days written notice of the time and place for the lottery. The notice must be sent to each county chairman and each civic organization entitled to pollwatcher credentials. The State Board of Elections recommends that local established political parties also be notified of the lottery. The notice must be posted in a conspicuous, open and public place. In cities under the jurisdiction of a city board of election commissioners, the board makes the party placement determination within five days following the canvass and proclamation of the results of the Consolidated Primary.

Nomination by Caucus (established party):

Candidate Names --

Caucus nominees must be certified and placed on the Consolidated Election ballot in the order they appear on the caucus certificate.

Established Party Names --

Determination of party placement on the ballot must be made prior to the certification by a public lottery which is held in the office of the local election official (municipal clerk). The procedures for the lottery are the same as those listed for holding a lottery in municipalities having a primary. The order of the party placement is part of the official certification.

New Political Parties:

New political parties must be certified in the order in which the petitions were received or as determined by lottery if there is a simultaneous filing on the first day. New parties appear on the ballot after established parties.

Independent Candidates:

Independent candidates must be certified in the order in which the petitions were filed or as determined by lottery if petitions were filed simultaneously by more than one candidate. Independents are listed on the Consolidated Election ballot after new political parties. If there are no new parties, independent candidates follow established party candidates.

Nonpartisan Candidates:

No party name or designation may appear before the listing of nonpartisan candidates. Candidates for nonpartisan offices must be certified in the order the petitions are filed or as determined by lottery in the case of simultaneous filings. If a primary was held (municipal offices only), the candidates are listed according to the number of votes they received in the primary.

ADDITIONAL CERTIFICATION REQUIREMENTS

The following information must be included on the certification, if applicable:

1. In addition to the candidate names, the party name or the word “Independent” must be included. In nonpartisan elections, only the candidates’ names are listed (the word “**nonpartisan**” does not appear);
2. The number of candidates to be nominated or elected, e.g., “For Trustee, three to be elected;”
3. The terms of the office to be on the ballot, when a vacancy is to be filled for less than a full term, or when offices of a particular subdivision to be on the ballot at the same election are to be filled for different terms (10 ILCS 5/7-13.1, 10-15); and
4. Where the School Code prescribes a special ballot format for its election of officers, the certification for that school district shall specify the prescribed ballot format (e.g., school elections where membership on boards of education is restricted as to incorporated and unincorporated areas, the ballot shall specify the residence address of each candidate or residency of each candidate). See “Certificate of Ballot” forms in the supplement to this handbook for school officials.

IMPORTANT:

The local election official must issue an amended certification in the following situations:
(10 ILCS 5/7-60.1, 10-15)

1. The original certification is incorrect;
2. A candidate has withdrawn; or
3. An electoral board or judicial review decision has been rendered.

ABSENTEE VOTING

(10 ILCS 5/19-2)

Individuals qualified to vote by absentee ballot may make application for a ballot to the election authority by mail not more than 40 nor less than five days before each election. Applications may be made and ballots voted in person not more than 40 days nor less than one day before the election.

LOCAL ABSENTEE VOTING

(10 ILCS 5/19-2.1)

A qualified elector may vote in person at the office of an authorized municipal clerk not more than 22 days, nor less than one day prior to the election provided the municipality is not under the jurisdiction of a city board of election commissioners. A qualified elector may vote at the office of an authorized township clerk (or road district clerk in counties not under township organization) not more than 22 days nor less than one day prior to the election provided the voter is not a resident of a municipality. Local election officials may obtain applications for absentee ballots from the election authority. Duplication of the applications (except by the election authority) is prohibited.

Each **full-time** municipal, township or road district clerk who has a regular business office (not a place of residence) and is open for business during the same hours as the election authority must conduct in-person absentee voting.

Each **part-time** municipal, township or road district clerk who has a regular business office (not a place of residence) but does not have regularly scheduled office hours must conduct in-person absentee voting unless the clerk files a waiver with the election authority not later than July 1 of each year. The waiver must be in writing and state the reasons why the clerk is unable to conduct in-person absentee voting. If a waiver is not filed, the clerk (or adequate staff) must conduct in-person absentee voting not more than 22 days, nor less than one day before the election. The clerk's office must be open from either 8:30 a.m. to 4:30 p.m. or from 9:00 a.m. to 5:00 p.m. weekdays and from 9:00 a.m. to 12:00 noon on Saturdays. The local election official cannot conduct in-person absentee voting during any hours that the election authority's office is closed; however, part-time clerks may extend their office hours to include any hours that the election authority's office is open.

Those municipal, township or road district clerks who do not have regular business offices other than a place of residence are not authorized to conduct in-person absentee voting.

The election authority may provide alternative methods (e.g., satellite offices) for in-person absentee voting for those precincts located in a municipality, township or road district where the clerk has waived or is not authorized to conduct in-person absentee voting.

Not more than 23 days before the election, the election authority must provide the municipal, township or road district clerk with the following materials to conduct in-person absentee voting:

1. Coded registration lists that show ballot entitlement for each voter; and
2. A sufficient number of applications, absentee ballots, ballot envelopes, printed voting instruction slips and other supplies required to conduct in-person absentee voting.

The municipal, township or road district clerk must sign a receipt for all ballots received and return all unused or spoiled ballots to the election authority.

The clerk is not required to qualify voters by the comparison of a signature on the application with a signature on the registration record card; however, the clerk must reasonably ascertain the identity of the applicant to verify registration and determine ballot entitlement from the coded registration lists provided by the election authority. If the name of an applicant does not appear on the registration lists, the registration shall be verified and ballot entitlement determined by a phone call to the election authority. A list of all voters who voted absentee must be posted in the clerk's office.

Once the clerk has determined the registration and ballot entitlement status of the voter, the clerk issues the voter a ballot and directs the voter to a voting booth. The voter marks his ballot, signs the completed affidavit on the ballot certification envelope, places the ballot in the ballot certification envelope and seals the envelope. The voter returns the ballot in the signed and sealed certification envelope to the clerk. The clerk places the ballot certification envelope and the voter's application in a carrier envelope.

The sealed absentee ballots in their carrier envelope shall be delivered by the respective clerks, or by the election authority on behalf of a clerk if the clerk and the election authority agree, to the proper polling place before the close of the polls on the day of the election.

Pollwatchers may be appointed to observe in-person absentee voting procedures at the clerk's office. Pollwatchers must be residents of the county and possess valid pollwatcher credentials. Only one pollwatcher may be appointed by each candidate, political party or citizen's organization for each location conducting in-person absentee voting.

Any type of campaigning or electioneering is prohibited in or within 100 feet of the room where in-person absentee voting is conducted. The display of campaign materials within this area is prohibited.

ELECTION ADMINISTRATION

NOTICE OF ELECTION

(10 ILCS 5/7-15, 7-18, 12-1, 12-4, 12-5, 12-6)

The election authority shall publish the notice of the Consolidated Primary and Consolidated Election. The following are notice requirements for the election of candidates as well as those for referenda.

At least 60 days prior to the election, the election authority shall provide public notice, calculated to reach the elderly and handicapped, of the availability of registration and voting aids and of the availability of assistance in marking a ballot and procedures for absentee voting. (Consolidated Primary deadline: December 27, 2002; Consolidated Election deadline: January 31, 2003)

Not more than 30 nor less than 10 days before each election, the election authority shall publish a notice which shall include:

1. the time and place of holding the election;
2. the hours during which the polls shall be open (i.e., 6:00 a.m. - 7:00 p.m.);
3. each political subdivision office for which candidates shall be elected;
4. the list of addresses of the precinct polling places (unless this list is separately published by the election authority not less than 10 days before the Consolidated Election);
5. for the Consolidated Primary, the color of each primary ballot must be published at least 15 days prior to the Primary. (10 ILCS 5/7-18)

Notice shall be published:

1. once in one or more newspapers published in each political subdivision having such election;
2. if no such newspaper, then once in a local newspaper having circulation in the subdivision and once in a newspaper published in the county and having general circulation in all political subdivisions holding an election; or
3. whenever these notice requirements cannot be complied with because of the absence of any qualified newspaper, it shall be sufficient to post the required notice in five (5) public places in the political subdivision.

PUBLIC QUESTION(S) NOTICE

(10 ILCS 5/12-5, 6)

Notice shall be published by the election authority not more than 30 nor less than 10 days before the regular election at which a public question of a political subdivision is to be submitted. The notice shall be published once in a local community newspaper having general circulation in the political subdivision. The notice shall also be posted at the principal office of the election authority and at the principal office of the governmental subdivision, or if there is no principal office, at the building in which the governing body of the governmental subdivision held its first meeting of the calendar year in which the referendum is being held. In addition, the notice shall set forth the public question as it will appear on the ballot and shall include any information required by the statute authorizing the question, such as a description of boundaries for annexation questions.

PRECINCTS AND POLLING PLACES

(10 ILCS 5/11-7)

The Election Code provides that the voting precincts established by the county boards and boards of election commissioners shall be the precincts used for all elections. However, the election authority may cluster up to four contiguous precincts which shall constitute a clustered voting zone for the Consolidated Primary and Consolidated Election.

JUDGES OF ELECTION

(10 ILCS 5/7-26, 13-6, 14-3.1)

Judges of election appointed by the election authority are confirmed by the circuit court and certified for two years. The judges are obligated to serve at all regularly scheduled elections during the two-year period.

County boards and boards of election commissioners may select three judges (from the five appointed judges) to serve at the Consolidated Primary or Consolidated Election. Three judges may also be used for emergency referenda and special municipal primaries. Two judges must be affiliated with the first leading political party and one judge must be affiliated with the second leading political party.

BALLOTS

(10 ILCS 5/7-16, 7-20, 7-21, 16-3, 16-4.1, 24-11 and 24A-6)

The election authority shall prepare and have printed the ballots for the Consolidated Primary and Consolidated Elections. The facsimile signature of the election authority shall be printed on the back of each political subdivision ballot. In punch card voting jurisdictions, the signature shall be printed on the first page of the ballot booklet. In optical scan jurisdictions, the signature shall be printed on the front of the ballot.

Specimen ballots for the Consolidated Primary are distributed to each political party participating in the primary, to the election judges and to the appropriate local election officials. At least five days prior (February 20, 2003) to the primary, each local election official is required to publish a copy of the specimen ballot for their unit of local government. The specimen ballot must be published in two or more newspapers published within the political subdivision, or, if a newspaper is not published in the political subdivision, in two or more newspapers published in the county and having general circulation in the political subdivision holding the primary. It is not required to publish a specimen ballot for the Consolidated Election; however, specimen ballots must be available for public inspection and distribution at least five days prior to the election.

In every county of not more than 500,000 inhabitants, each election authority shall publish, prior to election day, a list of all nominations made for all offices to be voted for at such election, as near as may be in the form in which they shall appear on the general ballot.

POLLING PLACE PROCEDURES

Election day procedures in odd-year elections in the precinct polling places are substantially the same as even-year elections. At the Consolidated Primary and Consolidated Election, the judges of election shall process voters in the same manner now prescribed by law for the General Primary and General Election of even-numbered years.

The 2003 Manual of Instructions for Election Judges published by the State Board of Elections provides detailed information about proper polling place procedures.

CANVASS AND PROCLAMATION

Within 2 days after the receipt of the complete precinct returns for the Consolidated Primary and the Consolidated Election, the election authority transmits the precinct returns (e.g., write-in tally sheets and precinct printouts or certificate of results) for each precinct to each appropriate local election official.

Within 24 hours after receipt of all precinct tally sheets and printouts (or certificates of results), the local election official transmits such documents to the chairman of each political subdivision's canvassing board. (10 ILCS 5/7-56, 17-22, 18-14) The canvassing board for a referendum is the same board who would canvass the nomination or election of officers for a local unit of government. EXCEPTION: The votes cast on a public question for the formation of a political subdivision shall be canvassed by 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. [10 ILCS 5/22-17(c)]

LOCAL CANVASSING BOARDS - CONSOLIDATED PRIMARY ELECTION

Within 7 days after the Consolidated Primary, the canvassing boards open and canvass the precinct returns.

City

For the nomination of candidates for **city offices**, the canvassing board shall consist of the mayor, city attorney, and city clerk. [10 ILCS 5/7-56(1)] In cities under the jurisdiction of a municipal board of election commissioners, the board shall constitute the city canvassing board. [10 ILCS 5/7-56(7)]

Village

For the nomination of candidates for **village offices**, the canvassing board shall consist of the president, one member of the board of trustees and the village clerk. [10 ILCS 5/7-56(2)]

PROCLAMATION OF RESULTS (Consolidated Primary Election)

Upon completion of the canvass, the canvassing board proclaims the results of the election. The proclamation (abstract of votes) must include the office, the candidate's name (and party affiliation, when required) for each candidate nominated at the Consolidated Primary. A separate statement of returns and proclamation is sent to each political party when the Consolidated Primary is a partisan election.

When two or more candidates receive the highest and equal number of votes for any office, the canvassing board must conduct a lottery to break the tie and determine the nominee. The board issues a notice in writing to each candidate involved in the tie stating the date, time and place of the lottery. The lottery must be held within five days from the date of the notice.(10 ILCS 5/7-59)

Upon completion of the canvass, the canvassing board must file a signed copy of the proclamation (abstract of votes) with the State Board of Elections and with the election authority. (10 ILCS 5/7-58)

WRITE-IN WINNERS (Consolidated Primary Election)

A winning write-in candidate shall not have his name certified unless the candidate files a statement of candidacy, a receipt for the filing of a statement of economic interests and a loyalty oath (the filing of the loyalty oath is optional) within five days after the proclamation. (10 ILCS 5/7-60.1, 7-10, 7-10.1) **The successful write-in candidates should be notified of these requirements by the election authority.**

Write-in candidates are not nominated for office at the Consolidated Primary unless the number of votes received equals or exceeds the number of signatures required on a nominating petition for that office or unless the number of votes received exceeds the number of votes received by at least one candidate whose name was printed on the ballot for that office. (10 ILCS 5/7-59)

Write-in votes are counted only for individuals who have filed a notarized declaration of intent to become a write-in candidate with the election authority not later than 5:00 p.m. on the Tuesday before the election. (10 ILCS 5/7-59)

LOCAL CANVASSING BOARDS - CONSOLIDATED ELECTION

Within 7 days after the Consolidated Election, the canvassing boards open and canvass the precinct returns.

City

For the election of officers for **city** office, the canvassing board is the mayor, city attorney, and city clerk. For cities which have a municipal board of election commissioners, the canvassing board consists of the board together with a judge of the circuit court and the city attorney. [10 ILCS 5/22-8, 22-17(a) (1)]

Village

For the election of officers for **village** office, the canvassing board is the president, one member of the board of trustees, and clerk. [10 ILCS 5/22-17 (a) (2)]

School & Community College District

For the election of officers for **school and community college districts**, the canvassing board consists of the current members of the school or community college board.[10 ILCS 5/22-17(a)(5)]

Park District

For the election of officers for **park districts**, the canvassing board is the president of the park board, the secretary of the park district and one park commissioner. [10 ILCS 5/22-17(a) (9)]

Special Purpose District

For the election of officers for **other special purpose districts**, (e.g., library districts), the canvassing board is the governing board of that unit of government. [10 ILCS 5/22-17(a) (6)]

Tie Votes

When two or more candidates receive the highest and equal number of votes for any office, the local canvassing board conducts a lottery to break the tie and determine the winner. The board sends a written notice to each candidate stating the time, date and place of the lottery. (10 ILCS 5/22-12)

PROCLAMATION OF RESULTS (Consolidated Election)

Immediately upon completion of the canvass, the canvassing board for each political subdivision sends a signed copy or original duplicate of the abstract of votes (proclamation) to the State Board of Elections and to each election authority in whose jurisdiction the political subdivision is entirely or partially situated. In a city under the jurisdiction of a board of election commissioners, the board prepares the abstract of votes from the election returns and delivers the results to the county clerk. (10 ILCS 5/22-8)

WRITE-IN WINNERS (Consolidated Election)

Within five days after the proclamation, write-in candidates who are declared elected at the Consolidated Election must file a statement of candidacy, a receipt for a statement of economic interests and a loyalty oath (the loyalty oath is optional). The successful write-in candidates should be notified of these requirements by the election authority.

CERTIFICATE OF ELECTION

The election authority prepares and issues a certificate of election to each candidate declared elected by the local canvassing board upon application by the candidate. If the political subdivision is located in more than one county, the certificates are issued by the county clerk of the county where the principal office of the unit of government is located. (10 ILCS 5/22-18) Election authorities may prepare a certificate of election for every candidate elected to office as a courtesy.

LOCAL CANVASS PROCEDURES - REFERENDA

The local canvassing board files an abstract of votes of the results of the public question to the State Board of Elections and to the election authority. For questions submitted pursuant to court order, the canvassing board must also send a signed copy or original duplicate of the abstracts to the court. (10 ILCS 5/22-18)

RECOUNTS AND CONTESTS

DISCOVERY RECOUNTS

(10 ILCS 5/22-9.1, 24A-15.1)

Within five days after the last day for proclaiming the results of the election, any losing candidate who received votes equal to 95% of the number of votes received by any successful candidate for the same office may file a petition for a discovery recount with the election authority. Any five electors of the same area within which votes cast for a public question may file a petition for discovery if the losing side of the question would have prevailed had it received an additional number of votes equal to 5% of the total votes cast.

The petition shall ask that ballot applications, voter affidavits, ballots, voting machines, or ballot cards be examined, that automatic tabulating equipment be tested, and that ballots, recorded votes, or ballot cards be counted in specified precincts not be exceed 25% of the total number of precincts within the jurisdiction. In jurisdictions having less than four precincts, a discovery recount is permitted in one of the precincts. The petition shall be accompanied by a fee of \$10.00 per precinct.

Upon receipt of the petition for discovery, the election authority notifies the chairman of the appropriate canvassing board. The chairman reconvenes the canvassing board at a location designated by the election authority. The election authority and the canvassing board examines and recounts the ballots (including any paper ballots, punch cards, voting machines, applications for ballots and voter affidavits), and tests any automatic tabulating equipment for the precincts specified in the discovery petition. In addition, (1) the ballot or ballot cards shall be checked for the presence or absence of judges' initials and other distinguishing marks, and (2) the ballots marked "Rejected," "Defective," "Objected to," and "Absentee Ballot" shall be examined to determine the propriety of the labels, and (3) the "Duplicate Absentee Ballots," "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots" shall be compared with their respective originals to determine the correctness of the duplicates.

A three-day written notice to the successful candidate is required prior to the discovery recount. For questions of public policy the notice must inform interested individuals of the time and place of the discovery proceedings. Each candidate affected by the examination has the right to attend the discovery recount proceedings in person or by his representative. In the case of a discovery for a public question, equal numbers of acknowledged proponents and opponents must be allowed to attend. Upon completion of the discovery recount, the election authority shall reseal and secure the ballots for the remainder of the 60-day ballot preservation period.

The results of a discovery recount cannot be certified and a discovery recount cannot be used to amend or change the abstract of votes or used to deny the successful candidate his election. A discovery recount does not change the results for candidate elections or questions of public policy and the recount cannot be used as a prerequisite for an election contest or prevent an election contest.

ELECTION CONTESTS

(10 ILCS 5/17-30, 17-32, 17-33, 18-18, 23-5, 23-23.2)

Within 30 days after a local canvassing board proclaims the results of the Consolidated Election for its political subdivision, any losing candidate for office or any qualified voter in that political subdivision may contest the election of the winning candidate by filing a petition with the clerk of the circuit court. The deadline for filing a contest for the Consolidated Primary is 10 days following the proclamation (10 ILCS 5/7-63). In the City of Chicago, 65 ILCS 20/21-27 provides for a different deadline for aldermanic races for primary contests (5 days after the election). Copies of the petition for contest shall be delivered to each election authority having custody of any ballots involved in the contest.

The circuit court shall hear and determine the election contest. If the court enters judgment in favor of the plaintiff, it shall either declare elected the person who shall appear to be duly elected or, if evidence of mistake or irregularity in the conduct of the election is so substantial that it is impossible to determine the true results of the election as a whole, it may void the election and order a new election without regard to the consolidated election schedule.

A court hearing an election contest shall grant a petition for recount properly filed where, based on facts alleged in such petition, there appears a reasonable likelihood the recount will change the results of the election.

If a new election is ordered as a result of an election contest, the affected political subdivision pays the cost for conducting the election when such special election is not conducted at the time of a regular election.

ELECTION CONTESTS - REFERENDA

(10 ILCS 5/23 - 24)

In the case of questions of public policy, any five electors of the political subdivision may contest the results within 30 days after the results have been determined in the same manner as in other cases of contested elections. The political subdivision is the defendant. Process is served as in other suits against the political subdivision and like proceedings are held as in other cases of contested elections before the court.

VACANCIES IN NOMINATION

A vacancy in nomination occurs when a candidate nominated for office dies, declines the nomination or, by reason of disability or legal disqualification, could not serve in the office if elected. (10 ILCS 5/7-61, 10-11) (26 Ill. Adm. Code, Chap. 1, Sec. 207.10)

VACANCIES IN NOMINATION - CONSOLIDATED PRIMARY

In a **partisan** Consolidated Primary, the vacancy in nomination is filled by resolution of the municipal central committee of the established political party for which the vacancy exists. If no candidate's name was printed on the ballot for a particular office and if no person was nominated as a write-in candidate for that office, a vacancy in nomination is created and may be filled by the appropriate managing committee.

The managing committee of a statewide established political party is composed of either the precinct, the township, or the ward committeemen of the municipality. The managing committee of a local political party established only within the municipality is composed of the party officers. The officers are the party's candidates who were nominated at the primary. If no primary was held because every nomination was uncontested, then the remaining candidates are the party officers. [10 ILCS 5/7-61, 7-8(h)]

VACANCY ON OR AFTER THE PRIMARY

Any vacancy in nomination occurring on or after the primary and prior to certification must be filled prior to the date of certification of the Consolidated Election ballot.

VACANCY AFTER CERTIFICATION

Any vacancy in nomination occurring after the date of certification but prior to 15 days before the Consolidated Election must be filled within eight days of the event creating the vacancy. Within three days after the managing committee adopts its resolution to fill the vacancy, a notice of resolution is delivered to the election authority. The name of the person appointed to fill the vacancy will appear on the ballot instead of the name of the original nominee.

VACANCY WITHIN 15 DAYS OF ELECTION

Any vacancy in nomination occurring 15 days or less before the Consolidated Election cannot be filled and the name of the original nominee shall appear on the ballot. If the result of the official canvass shows that the original nominee received the greatest number of votes, that candidate is proclaimed elected and a vacancy in office is created.

In a **nonpartisan** municipal Consolidated Primary, the vacancy in nomination is filled by the losing candidate who received the next highest number of votes. If there is no "runner-up" to fill a specific vacancy in nomination, then the vacancy is filled by the write-in candidate who received the highest number of votes, provided that number equals at least 10% of the votes received by the original nominee.

VACANCIES IN NOMINATION - CONSOLIDATED ELECTION

NEW PARTY CANDIDATES

Any vacancy in nomination of new political party candidates that occurs prior to the date of certification for the Consolidated Election may be filled by resolution by the party officers prior to the certification date. A vacancy occurring after certification but prior to 15 days before the Consolidated Election may be filled by resolution by the new party officers within eight days after the event creating the vacancy. The party officers are those individuals named in the certificate of officers attached to the petition to create a new political party. If the new political party failed to file a certificate of party organization, vacancies cannot be filled. Any vacancy occurring 15 days or less before the Consolidated Election cannot be filled and the name of the original nominee appears on the ballot. If the results of the official canvass shows that the original nominee received the highest number of votes, that candidate is proclaimed elected which creates a vacancy in office. (10 ILCS 5/10-11)

NOTE: Resolutions to fill vacancies in nomination must be sent by U.S. mail or personal delivery to the certifying officer or board within three days of the date of the resolution. If the resolution is sent by mail and the postmark on the envelope is dated prior to expiration of the three-day period, the notice of resolution is deemed filed within the three-day limit. Failure to transmit a notice or resolution to the certifying officer or board authorizes the officer or board to certify the original candidate. (10 ILCS 5/7-61, 10-11)

A resolution to fill a vacancy in nomination must be notarized and include the name of the original nominee and the office vacated; the date the vacancy occurred; and the name and address of the nominee selected to fill the vacancy and the date of selection. (10 ILCS 5/7-61, 10-11)

INDEPENDENT CANDIDATES

Whenever the name of an independent candidate for an office is withdrawn or declared invalid a vacancy in nomination does not exist and any resolution filed in an attempt to fill the vacancy does not have any legal effect. (10 ILCS 5/10-7)

VACANCIES IN OFFICE

(10 ILCS 5/25-2)

A vacancy in office occurs whenever a person cannot complete his/her term of office. We advise seeking the advice of **competent legal counsel** for filling vacancies in office. The information on the next few pages provides general information only for the filling of vacancies in certain offices.

Vacancies can occur for any of the following reasons:

1. The death of the incumbent.
2. His or her resignation in writing filed with the Secretary or Clerk of the Board.
3. His or her becoming a person under legal disability.
4. His or her ceasing to be an inhabitant of the district for which he or she was elected.
5. His or her conviction of an infamous crime, or of any offense involving a violation of official oath.
6. His or her removal from office.
7. His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit or file such oath or bond within the time prescribed by law.
8. The decision of a competent tribunal declaring his or her election void.
9. For school offices, the office holder is no longer an inhabitant of a particular area from which he was elected, if the residential requirements contained in 105 ILCS 5/11A-8, 11B-7 of the Act are violated.

No elective office except as herein otherwise provided becomes vacant until the successor of the incumbent of such office has been appointed or elected and qualifies for the office.

MUNICIPAL OFFICES - General Provisions for Filling Vacancies in Office
(65 ILCS 5/3.1-10-50)

When a vacancy occurs in an elective municipal office with at least 28 months remaining in a four-year term, and the vacancy occurs at least 130 days before the next Consolidated Election, the vacancy is filled for the remainder of the term at that Consolidated Election. The office is filled by interim appointment until the next Consolidated Election. (Exception: City Clerk and Treasurer, Mayor-Council form of government)

For the office of **mayor**, the city council shall elect one of their members acting mayor. The appointee serves as acting mayor and council member.

For the office of **village president**, the village board of trustees appoints one of the village trustees acting president until the Consolidated Election. For villages of less than 5,000 population, such appointment may be filled by any other qualified village resident if all members of the Board of Trustees either decline the appointment or are not approved for the appointment by a majority vote of the trustees presently holding office. The appointee serves as acting president and trustee.

A vacancy in the office of **city clerk** or **treasurer** is filled by the mayor with the advice and consent of the city council. The person so appointed shall hold office for the unexpired term of the officer elected, regardless of the amount of time left in the term. (65 ILCS 5/3.1-20-5)

If the vacancy is in any other elective office, the mayor or president shall appoint a qualified person to the office subject to the advice and consent of the city council or trustees until the next Consolidated Election. (65 ILCS 5/3.1-10-50)

When a vacancy occurs in an office that has a two-year term, the vacancy is filled by appointment for the remainder of the term. (65 ILCS 5/3.1-10-50)

Commission Form of Municipal Government

If a vacancy occurs in the office of mayor or commissioner, the remaining members of the council, within 30 days after the vacancy occurs, shall appoint a person to fill the vacancy for the balance of the unexpired term or until the vacancy is filled by interim election and until the successor is elected and qualified. (65 ILCS 5/3.1-10-5, 4-3-4)

Managerial Form of Municipal Government

If a vacancy occurs in the office of mayor or councilman, the remaining members of the council, within 60 days after the vacancy occurs, shall fill the vacancy by appointment of some person to the office for the balance of the unexpired term or until the vacancy is filled by interim election and until the successor is elected and has qualified. (65 ILCS 5/3.1-10-5, 5-2-12)

Whenever a vacancy in the office of a trustee in any village, whether incorporated under a general or a special Act, occurs during his or her term, the vacancy shall be filled for the remainder of the term as provided in 65 ILCS 5/3.1-10-50. During the period from the time that

the vacancy occurs until a trustee is elected under this Section and has qualified, the vacancy may be filled by the appointment of a trustee by the president with the advice and consent of the remaining trustees. An appointment to fill a vacancy shall be made within 60 days after the vacancy occurs. (65 ILCS 5/5-2-15)

TOWNSHIP OFFICES - General Provisions for Filling Vacancies in Office

When a vacancy occurs in any township office (except township or multi-township assessor) the township board shall fill the vacancy by appointment, and the person so appointed shall hold their respective offices for the remainder of the unexpired term. If a vacancy on the township board is not filled within 60 days, then a special township meeting must be called under 60 ILCS 1/35-5 to select a replacement under 60 ILCS 1/35-35. Any person appointed to fill a vacancy shall be a member of the same political party as the person vacating the office.

Township or Multi-township Assessor

When any township or multi-township assessment district fails to elect an assessor or when a vacancy occurs, the township or multi-township board of trustees shall fill the vacancy in the township or multi-township assessment district by appointing a person qualified as required by 35 ILCS 200/2-45 or as revised by the Department of Revenue under 35 ILCS 200/2-52. A person appointed to fill a vacancy must be a member of the same political party as the person vacating the office. In the alternative, a township or multi-township assessment district shall contract with a person qualified under Section 2-45 or as revised by the Department of Revenue under Section 2-52 to do the assessing. (35 ILCS 200/2-60)

Highway Commissioner and Clerk - Counties under Township Organization

In counties under township organization the provisions of law applicable to resignations from township offices and filling vacancies shall apply to highway offices in townships not consolidated into township road districts in the same manner as other township officers. (605 ILCS 5/120)

Highway Commissioner and Clerk - Counties not under Township Organization

When a vacancy occurs in road district offices, the presiding officer of the county board, with the advice and consent of the county board, shall fill the vacancy by certificate under the signature and seal of the county clerk; and the person so appointed shall hold their respective offices until the next regular election, and until their successors are elected and qualified. (605 ILCS 5/6-121)

Highway Commissioner and Clerk - Consolidated District

Any vacancy of highway commissioner or clerk shall be filled for the balance of the unexpired term by appointment by a majority of the members of the highway board of auditors. (605 ILCS 5/6-122)

Highway Board of Auditors - Consolidated Township Road District

Any vacancy in the office of highway board of auditors shall be filled by the highway board of auditors. (605 ILCS 5/6-123)

PARK OFFICES - General Provisions for Filling Vacancies in Office

For the office of park commissioner, the vacancy is filled by appointment by the remaining members of the park board. The appointed person holds office until the next Consolidated Election. At that time, a commissioner will be elected to fill the unexpired term subject to the following conditions (70 ILCS 1205/2-25):

1. If less than 28 months remain in the term, the appointment is for the balance of the unexpired term;
2. If more than 28 months remain in the term, but there are less than 88 days before the next Consolidated Election, the appointed individual holds office until the second Consolidated Election following the appointment, at which a member shall be elected to fill the vacancy for the unexpired term.

PUBLIC LIBRARY AND MUNICIPAL OR TOWNSHIP LIBRARY OFFICES General Provisions for Filling Vacancies in Office

For the office of Library Trustee, the vacancy is filled by appointment by the remaining trustees until the next Consolidated Election. At that time a trustee is elected for the remainder of the term. If the vacancy occurs with less than 28 months remaining in the term and with less than 88 days before the next Consolidated Election, the appointment is for the balance of the term. (75 ILCS 5/4-4, 15/4-7)

SCHOOL OFFICES UNDER ARTICLE 33 OF THE SCHOOL CODE - General Provisions for Filling Vacancies in Office

For the office of school board member, the vacancy is filled by appointment by the school board until the next Consolidated Election. (105 ILCS 5/33-1)

SCHOOL DISTRICTS, TOWNSHIP LAND COMMISSIONERS, TOWNSHIP SCHOOL TRUSTEES, AND COMMUNITY COLLEGE DISTRICTS - General Provisions for Filling Vacancies in Office

Whenever a vacancy occurs in the office of **School District and Township Land Commissioner**, the remaining members shall notify the regional superintendent of that vacancy within five (5) days after its occurrence and shall proceed to fill the vacancy until the next regular school election, at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 868 days remaining in the term or if the vacancy occurs less than 88 days before the next regularly scheduled election, the person appointed shall serve the remainder of the unexpired term.

If the board fails to act within 45 days after the vacancy occurs, the appropriate regional superintendent of schools shall, within 30 days, fill the vacancy. The successor shall have the same type of residential qualifications as his or her predecessor and if the residential requirements contained in section 11A-8, 11B-7, or 12-3 of the School Code apply, the successor, whether elected or appointed by the remaining members or a regional superintendent, shall be an inhabitant of the particular area from which his or her predecessor was elected.

A vacancy in the office of **Township School Trustee** shall be filled by the remaining trustees until the next regularly scheduled election at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 28 months remaining in the term, or if less than 88 days before the regularly scheduled election, the person so appointed shall serve the remainder of the unexpired term. If the trustees fail to act within 30 days after the vacancy occurs, the appropriate regional superintendent of schools shall, within 15 days, fill the vacancy. The appointee shall have the same residential qualifications as the trustee who vacated the office. (105 ILCS 5/5-14)

A vacancy in the office of **Community College Trustee** shall be filled by the remaining trustees until the next regularly scheduled election. However, if the vacancy occurs with less than four months remaining before the next scheduled election, and the term of office of the board member vacating the position is not scheduled to expire at that election, then the term of the person so appointed shall extend through that election and until the succeeding election. If the term of office of the board member vacating the position is scheduled to expire at the upcoming election, the appointed member shall serve only until a successor is elected and qualified at that election. If the remaining trustees fail to act within 60 days after the vacancy occurs, the chairman of the State Board of Education shall fill that vacancy until the next regular election for board members. (110 ILCS 805/3-7)

FIRE PROTECTION DISTRICTS - General Provisions for Filling Vacancies in Office

Whenever a vacancy in the board of trustees occurs, the vacancy is filled by the board of trustees within 60 days after the vacancy occurs. (70 ILCS 705/5)

FOX WATERWAY AGENCY - General Provisions for Filling Vacancies in Office

Vacancies in the office of director or chairman shall be filled by the remaining members of the board, who shall appoint to fill the vacated office for the remainder of the term of such office an individual who would be eligible for election to such office. However, if a vacancy occurs in the office of chairman or director with at least 28 months remaining in the term of such office, the office shall be filled for the remainder of the term at the next Consolidated Election. Until the office is filled by election, the remaining members of the board shall appoint a qualified person to the office. (615 ILCS 90/4)

FOREST PRESERVE DISTRICTS - General Provisions for Filling Vacancies in Office

Whenever a vacancy occurs in the office of commissioner, the vacancy shall be filled within 60 days by appointment of the president of the board of commissioners, with the advice and consent

of the other commissioners. The appointee shall serve the remainder of the unexpired term. However, if more than 28 months remain in the term, the appointment shall be until the next Consolidated Election, at which time the vacated office of commissioner shall be filled by election for the remainder of the term.

If a vacancy occurs in the office of president of the board of commissioners, the remaining commissioners shall elect one of their number to serve as president for the balance of the unexpired term. (70 ILCS 805/3.5)

PUBLIC QUESTIONS (Referenda) (10 ILCS 5/28-1)

Article 28 of the Election Code shall govern the procedures for the initiation and submission of public questions at all regular elections and emergency referendum. These include: questions initiated by ordinance or resolution of a political subdivision's governing body, or questions initiated by petition, and advisory questions or legally binding questions.

QUESTIONS HAVING LEGAL EFFECT (10 ILCS 5/28-1)

Legally binding public questions are those authorized by a political subdivision statute (e.g., School Code, etc.) or another statute (e.g., Revenue Act, etc.). The following petition requirements specified in such statute shall govern in addition to the general petition requirements (e.g., uniform sized sheets consecutively numbered and securely bound, circulator's affidavit, etc.) of the Illinois Compiled Statutes:

- a. number of petition signatures required;
- b. qualifications (other than voter registration) of persons entitled to sign petition;
- c. place of filing the petition;
- d. form of the question to be submitted; and
- e. contents of the petition (e.g., description of boundaries or affected territorial area in the case of annexations or liquor issues).

Where a political subdivision or other statute so provides, public questions of a legally binding effect may be initiated by ordinance or resolution adopted by the political subdivision's governing body. Furthermore, there may be restrictions set forth in the statute governing the referenda that limit the public question to submission at a particular election. No public question shall be submitted to the voters of a political subdivision at any regularly scheduled election at which such voters are not scheduled to vote for candidates for nomination or for election to public office.

ADVISORY QUESTIONS

In the case of advisory public questions, the general petition requirements of the Election Code shall govern. Such petition shall be signed by not less than 10% of the registered voters of a municipality, township, county or school district in which the question is to be submitted and shall be filed with the local election official of that political subdivision. (10 ILCS 5/28-1, 28-6)

NOTE: Advisory questions of public policy in non-home rule units of government can only be initiated by petition and not by resolution or ordinance (AG Op. 83-013). Exception: Public Act 88-62 allows either the electors at the township meeting to place an advisory on the ballot or allows the township board to place an advisory on the ballot by resolution. (60 ILCS 1/30-205,1/80-80)

TIME OF PETITION FILING
(10 ILCS 5/28-2)

A petition for a public question shall be filed with the appropriate officer or board not less than 78 days prior to a regular election to be eligible for submission on the ballot at such election. Attached to such petition shall be a certificate showing the name and address of one proponent of the public question or the attorney for the proponents.

A resolution or ordinance initiating a public question must be adopted by the appropriate governing body not less than 65 days before a regular election.

Unless a particular statute authorizing a public question specifies the regular election at which such question shall be submitted, the petition, resolution, or ordinance initiating such question may specify the regular election for its submission, and the question shall be limited to that election. However, no petition, resolution, or ordinance initiating a public question of a political subdivision may specify an election more than one year after the date on which it was filed or adopted. If the petition, resolution, or ordinance does not specify a regular election for submission, such question shall be certified for and submitted at the forthcoming election occurring not less than 78 days (for petitions) after its filing or 65 days (for resolution or ordinance) after its adoption. We advise the local election official to provide a Notice of Obligation (Form D-5) as provided under the Campaign Financing Act to the proponent whose name is indicated on the certificate attached to the petition or to the attorney for the proponents if no name is listed.

"BACK - DOOR" REFERENDA
(10 ILCS 5/28-1, 28-2)

When a "back-door" referendum (i.e., question of acceptance or rejection of prior official action of a governing body submitted to the voters of a political subdivision) is permitted by a political subdivision statute, any time restrictions in another statute on the filing of the "back-door" petition shall be in addition to the 78 day filing deadline for public question petitions. Section 28-2 provides that the Secretary or Clerk of the political subdivision shall provide petition forms, signature requirements and filing deadlines for "back-door" referenda.

EXAMPLE: If the statute provides that a "back-door" petition may be filed within 30 days after the publication of a local ordinance, such petition must still be filed not less than 78 days before the next regular election to be eligible for submission at that election. When a local ordinance or resolution is subject to "back-door" referendum provisions, such ordinance or resolution must be adopted at least 30 days prior to the 78 day petition filing deadline.

CERTIFICATION OF PUBLIC QUESTIONS
(10 ILCS 5/28-5)

Not less than 61 days before a regular election, each local election official shall certify the public question initiated by petition, resolution or ordinance of the local governing body to the proper election authorities for submission to the voters of the political subdivision at that election. The certification shall include the form of question for placement on the ballot and the date on which the question was initiated, either by petition, resolution, ordinance or court order. Additionally, the certification for annexation to, disconnection from, or formation of political subdivisions shall include a description of the affected territory whenever such territory is not coterminous with an existing political subdivision.

Notwithstanding the method of initiation, not more than 3 public questions per political subdivision (other than (a) back-door referenda; (b) referenda to determine whether a disconnection may take place where a city is coterminous with a township is proposing to annex territory from an adjacent township; or (c) referenda held under the provisions of the Property Tax Extension Limitation Act -5/28-1) may be on the ballot in a political subdivision at the same election. If more than 3 questions are validly initiated by petition, resolution, or ordinance (or combination thereof), or more than 3 questions are certified by a local election official to the proper election authorities, the first three questions filed shall be certified and submitted to the voters for the upcoming election. Whenever the 3-question limitation prevents the certification and submission of a question at an election, the local election official in receipt of the initiating petition, resolution or ordinance or the election authority in receipt of the certification shall give notice of such limitation by registered mail as follows:

1. In the case of a petition, to the person designated on the attached certificate as the proponent or attorney for the proponents;
2. In the case of a certification from a local election official, the election authority shall give notice to the election official who shall notify the proponent or the local governing body, as the case may be;
3. In the case of a certification from a circuit court clerk pursuant to court order, the election authority shall notify the court, which shall give notice to the individuals cited in #1.

IMPORTANT: When certifying a public question, the local election official must make certain that the question reads exactly as shown on the petition, resolution, ordinance, or court-order. Proofreading for spelling/wording errors is VERY IMPORTANT. (See SBE Form G-1B)

OBJECTIONS TO PUBLIC QUESTION PETITIONS
(10 ILCS 5/28-4)

1. For objections to petitions filed with local election officials:

Objections to a public question petition may be filed with the local election official with whom the petition was filed within 5 business days of the last day for petition filing. The provisions of 10 ILCS 5/10-8 through 10-10.1 relating to objections to nominating petitions, electoral board hearings on objections and judicial review shall be applicable to petitions for public questions of a political subdivision.

2. For objections to petitions filed with Circuit Court:

Objections shall be presented to the court prior to the date established for the hearing. Unless otherwise provided in the statute authorizing the public questions, the court shall:

- a. set a hearing on the objection petition;
- b. cause publication of notice of the hearing as soon as possible after the filing of the petition, but not more than 14 days after the filing of the petition for referendum and not less than 5 days before the date set for hearings, in a local newspaper published in the political subdivision, or if none, in a general circulation newspaper published in the county;
- c. insofar as practicable, conduct such hearing in the manner provided by Article 10 for electoral board objection hearings; and
- d. enter a final order not less than 7 days after the initial hearing.

CONTESTING REFERENDA ELECTIONS

10 ILCS 5/23-24 shall govern the procedures for contesting a referendum election.

STATE BOARD OF ELECTIONS - RULES AND REGULATIONS
(as codified under the Illinois Administrative Procedures Act)

Section 201.40 Simultaneous Filing for the Same Office (Lottery)

Simultaneous filings of candidate nominating petitions for the same office occur only at 8:00 a.m., or the opening hour, on the first day of filing. The lottery system to be used by the State Board of Elections, the election authority, or the local election official to break ties resulting from such simultaneous filings must be approved by the State Board of Elections. The following system has been so approved:

- a) The names of all candidates who filed simultaneously for the same office shall be listed alphabetically and shall be numbered consecutively commencing with the number one which shall be assigned to the candidate whose name is listed first on the alphabetical list; provided, however, that candidates filing a group petition for the same office shall be treated as one in the alphabetical listing using the name of the first candidate for such office to appear on the petitions as the name to be included in the alphabetical list. For example, if five candidates by the name of Downs, Brown, Edwards, Cook and Adams have filed simultaneously, they will be arranged alphabetically and assigned numbers as follows: Adams, one; Brown, two; Cook, three; Downs, four; and Edwards, five. However, if Cook and Adams filed a group petition and Cook's name appeared first on the petition, then the candidates would be arranged as follows: Brown, one; Cook and Adams, two; Downs, three; and Edwards, four.
- b) All ties will be broken by a single drawing. A number shall be placed in a container representing each number assigned to each candidate and group of candidates pursuant to the alphabetical listing procedures set forth in paragraph a) above. For example, if the largest number to be used for any office is five, then numbers one, two, three, four and five will be placed in a container. In this manner, sufficient numbers will be placed in the container to conduct a drawing for all offices at the same time.
- c) After the numbers are placed in the container they shall be drawn one at a time from the container after they have been thoroughly shaken and mixed. The candidate or group of candidates in the position on an alphabetical list corresponding to the first number drawn shall be certified ahead of the other candidates listed on the alphabetical list. The candidate or group of candidates in the position on the alphabetical list corresponding to the second number drawn will be certified second and so forth until all numbers have been drawn. For example, where no group petitions were filed, if candidates Adams, Brown, Cook, Downs, and Edwards filed simultaneously at 8:00 a.m. on the first day of filing, and the number three is first drawn, then candidate Cook, who is listed in the third position on the alphabetical list, shall be certified first on the ballot. If the number one is drawn second, then candidate Adams, who is listed in first position on the alphabetical list, shall be certified second on the ballot...and so on. For offices where group petitions were filed, using the example set forth above where candidates Cook and Adams file a group petition for the same office, and Cook's name appears first on the petition, and number three is drawn first, then candidate Downs would be listed first. If the number

two is drawn second, then candidates Cook and Adams would be certified second and third, respectively. If the number four is drawn third, then candidate Edwards would be certified fourth....and so on. In districts with fewer names on the alphabetical list than are in the drawing, then all numbers in excess of the number of candidates or group of candidates that appear on the particular alphabetical list shall be disregarded. Thus, if five numbers are placed in the container, and only four candidates or groups of candidates are on a particular list, then the number five shall be disregarded. For example, if candidates Adams and Cook, filing separate petitions, are the only candidates listed on the alphabetical list and five numbers are chosen in the following order: 3, 5, 4, 2 and 1, then candidate Cook's name will appear in the certification prior to the name of candidate Adams.

- d) If at 5:00 p.m. on the last day of filing, two or more nominating petitions for the same office are presented, they shall be deemed filed in the order of actual receipt. Ballot position shall be assigned consecutively to these petitions with the first petition received placed upon the ballot before the second set of petitions received and so on. No nominating petitions will be accepted after 5:00 p.m.
- e) All candidates shall be certified in the order in which petitions have been filed with the State Board of Elections, election authority or the local election official. In cases where candidates have filed simultaneously, they shall be certified (in the order determined by the lottery procedure outlined above) prior to candidates who filed for the same office who filed their petitions at a later time, except in those situations where the law requires rotation on a district-by-district basis.

(Source: Amended at 5 Ill. Reg. 14140, effective December 4, 1981)

Section 202.40 Simultaneous Filings for the Same Office - New Parties - Lottery

Simultaneous filings of new political party petitions for full slates of candidates occur only at 8:00 a.m. on the first day of filing. The lottery system to be used by the State Board of Elections, the election authority, or the local election official to break ties resulting from such simultaneous filings must be approved by the State Board of Elections. The following system has been so approved:

- a) New political party petitions received shall be classified according to the political subdivision to which they relate. Within each classification, petitions filed simultaneously shall be numbered consecutively commencing with the number one;
- b) All ties in new political party filings shall be broken by a single drawing. A number shall be placed in a container representing each number assigned to the new political party petitions.

For example, if five petitions are filed simultaneously, then five numbers, one, two, three, four and five shall be placed in the container;

- c) After the numbers are placed in the container, they shall be drawn one at a time from the container after being thoroughly shaken and mixed. The new political party petition corresponding to the first number drawn shall be certified first and so forth until all numbers are drawn;
- d) All new political parties shall be certified after the established political parties in the order in which petitions have been filed or with regard to simultaneous filings, in the order determined by the lottery procedure above outlined.

(Source: Amended at 5 Ill. Reg. 14144, effective December 4, 1981)

D-5 NOTICE OF OBLIGATION

TO: All Candidates for Nomination, Election or Retention to Public Office and for Questions of Public Policy

FROM: Illinois State Board of Elections

SUBJECT: Illinois Campaign Disclosure Act

On September 3, 1974, "An Act to Regulate Campaign Financing and Amending Certain Acts Therewith," was signed into law. This letter is to officially notify you of your obligation with regard to Public Act 78-1183 (An Act to Regulate Campaign Financing).

Committees who must file generally fall within two (2) categories: local political committees and state political committees.

10ILCS 5/9-1.7 "Local Political Committee" means the candidate himself or any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which –

- (a) accepts contributions or grants or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of or in opposition to a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interest with the County Clerk, or on behalf of or in opposition to a candidate or candidates for election to the office of ward or township committeeman in counties of 3,000,000 or more population;
- (b) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 in support of or in opposition to any question of public policy to be submitted to the electors of an area encompassing no more than one county; or
- (c) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 and has as its primary purpose the furtherance of governmental, political or social values, is organized on a not-for-profit basis, and which publicly endorses or publicly opposes a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interest with the County Clerk or a candidate or candidates for the office of ward or township committeeman in counties of 3,000,000 or more population.

All documents must be filed both with the State Board of Elections and the appropriate County Clerk.

10ILCS 5/9-1.8 "State Political Committee" means the candidate himself or any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which –

- (a) accepts contributions or grants or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of or in opposition to a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interest with the Secretary of State;
- (b) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 in support of or in opposition to any question of public policy to be submitted to the electors of an area encompassing more than one county; or
- (c) accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 and has as its primary purpose the furtherance of governmental, political or social values, is organized on a not-for-profit basis, and which publicly endorses or publicly opposes a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interest with the Secretary of State.

All documents must be filed with the State Board of Elections.

The Act requires a political committee to file a D-1, Statement of Organization, within 10 business days of the creation of such committee, except any political committee created within the 30 days before an election shall file a Statement of Organization within 5 business days. A Guide to Campaign Disclosure and forms for statements required to be filed under this Article are available from the Board or the County Clerk upon request.

Willful failure to file these required reports could result in the imposition of fines or penalties.

CERTIFICATION OF BALLOT
(Party Candidates)

Local election official must certify to each election authority (county clerk or board of election commissioners) who prepares ballots for the political subdivision

TO: _____, Election Authority

FROM: _____, Local Election Official in and for

(Political Division)

in the County of _____ and State of Illinois.

I, the undersigned Local Election Official in and for the political division aforesaid, do hereby state that this certification of ballot, consisting of _____ page(s) is a true and correct listing of all OFFICES AND CANDIDATES in the order that they are to appear on the ballot, to be voted on at the _____ Election to be held on the _____
(insert month, day, year)

Dated: _____
(insert month, day, year)

(SEAL)

(Local Election Official)

address to which election authority shall
send election results for canvass

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

PARTY: _____ PARTY: _____

Candidates: _____ Candidates: _____

1. _____ 1. _____

2. _____ 2. _____

3. _____ 3. _____

4. _____ 4. _____

5. _____ 5. _____

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

PARTY: _____ PARTY: _____

Candidates: _____ Candidates: _____

1. _____ 1. _____

2. _____ 2. _____

3. _____ 3. _____

4. _____ 4. _____

5. _____ 5. _____

USE ADDITIONAL SHEETS AS NECESSARY AND ATTACH TO THIS SHEET

Additional sheets for candidates for _____ political division.

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

PARTY: _____ PARTY: _____

Candidates: Candidates:

1. _____ 1. _____

2. _____ 2. _____

3. _____ 3. _____

4. _____ 4. _____

5. _____ 5. _____

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

PARTY: _____ PARTY: _____

Candidates: Candidates:

1. _____ 1. _____

2. _____ 2. _____

3. _____ 3. _____

4. _____ 4. _____

5. _____ 5. _____

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

PARTY: _____ PARTY: _____

Candidates: Candidates:

1. _____ 1. _____

2. _____ 2. _____

3. _____ 3. _____

4. _____ 4. _____

5. _____ 5. _____

CERTIFICATION OF BALLOT

Local election officials of a political subdivision must certify to each election authority (county clerk or board of election commissioners) who prepares ballots for the political subdivision.

TO: _____, Election Authority

FROM: _____, Local Election Official in and for

(Political Division)

in the county of _____ and State of Illinois.

I, the undersigned Local Election Official in and for the political division aforesaid, do hereby state that this certification of ballot, consisting of _____ page(s) is a true and correct listing of all OFFICES AND CANDIDATES in the order that they are to appear on the ballot, to be voted on at the _____ Election to be held on _____
(insert month, day, year)

DATED: _____
(insert month, day, year)

(SEAL)

(Local Election Official)

address to which election authority shall
send election results for canvass.

Check One: Independent Nonpartisan

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

CANDIDATES:

1. _____
2. _____
3. _____
4. _____
5. _____

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

CANDIDATES:

1. _____
2. _____
3. _____
4. _____
5. _____

USE ADDITIONAL SHEETS AS NECESSARY AND ATTACH TO THIS SHEET

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

CANDIDATES:

1. _____
2. _____
3. _____
4. _____
5. _____

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

CANDIDATES:

1. _____
2. _____
3. _____
4. _____
5. _____

Office _____ District or Ward _____

Term of Office _____

Number to be voted for _____

CANDIDATES:

1. _____
2. _____
3. _____
4. _____
5. _____

CERTIFICATION OF BALLOT
(Public Questions)

Local election official must certify to each election authority (county clerk or board of election commissioners) who prepares ballots for the political subdivision.

TO: _____ Election Authority

FROM: _____ Local Election Official in and for

(Political Division)

in the County of _____ and State of Illinois.

I, the undersigned Local Election Official in and for the political division aforesaid, do hereby state that this certification of ballot, consisting of _____ page(s) is a true and correct listing of the public questions in the order that they are to appear on the ballot to be voted on at the _____ Election to be held on _____
(insert month, day, year)

Dated: _____
(insert month, day, year)

(SEAL)

(Local Election Official)

address to which election authority shall
send election results for canvass.

SPACE FOR PUBLIC QUESTION

USE ADDITIONAL SHEETS AS NECESSARY AND ATTACH TO THIS SHEET

SPACE FOR PUBLIC QUESTION

A large, empty rectangular box with a black border, intended for a public question. It occupies the upper half of the page.

SPACE FOR PUBLIC QUESTION

A second large, empty rectangular box with a black border, identical in size and style to the first one, intended for a public question. It occupies the lower half of the page.

AFFIDAVIT OF VOTERS ATTENDING MUNICIPAL CAUCUS

At a caucus of the _____ Party in and for the City/Village of _____
in _____ County of Illinois, held at _____, Illinois,
on _____
(insert month, day, year)

STATE OF ILLINOIS)
) SS.
County of _____)

(City or Village)

I hereby certify that I am a registered voter in the City or Village aforesaid and that I am affiliated with the political party, aforesaid, and I will not participate in the caucus of another political party.

SIGNATURE OF VOTER	ADDRESS
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

This Affidavit was signed and sworn to before me by each of the persons whose signature appears thereon

(insert month, day, year)

(Caucus Judge)

CERTIFICATE OF NOMINATION BY CAUCUS

To _____
(Local Election Official)

We, the undersigned, do hereby certify that on _____ at a caucus of the
(insert month, day, year)

_____ PARTY in the _____
(City, Village, Township)

of _____ in _____ County, Illinois, the

following nominations were made for the respective offices herein designated, to be voted for at the
Election to be held on _____

_____ (insert month, day, year)

NAME OF CANDIDATE (As it is to appear on ballot)	OFFICE	RESIDENCE ADDRESS (Street and number)

We also certify that at the last candidate election in this political subdivision aforesaid, the
_____ PARTY polled more than 5% of the entire vote cast.

(Secretary)

(Presiding Officer)

(Address)

(Address)

STATE OF ILLINOIS)
) SS.
County of _____)

The persons whose names are subscribed to the above certificate personally appeared
before me on _____ and upon their oaths stated that the same is true and correct
(insert month, day, year)
to the best of their knowledge.

(Signature of Person Authorized to
Administer Oaths in Illinois)

(Title)

Filed _____ in the office of _____
(insert month, day, year)

This certificate of nomination shall be accompanied by a Statement of Candidacy and Loyalty Oath (optional) and a receipt for filing Economic Interests Statement for each candidate nominated.

WITHDRAWAL OF CANDIDACY

I, _____ being first duly sworn, say that I reside at

 (Name of Candidate)
 _____ in the City/Village of _____,
 County of _____ and State of Illinois; that I am the same person whose name
 is subscribed hereto in whose behalf nomination papers were filed for the office of
 _____ district,
 _____ Party, and I hereby withdraw as a candidate for said office and
 respectfully request that my name **NOT** be printed upon the official ballot as a candidate for the
 _____ Election to be held on _____.
 (insert month, day, year)

 SIGNATURE OF CANDIDATE

STATE OF _____)
) SS.
 COUNTY OF _____)

I, _____, a Notary Public, in and for said County and
 State aforesaid, do hereby certify that _____ personally known to
 me to be the same person whose name is subscribed to in the foregoing withdrawal, appeared
 before me in person this day and acknowledged that he/she signed the said instrument as his free
 and voluntary act of his/her own will and accord.

Signed and sworn to (or affirmed) by _____ before
 me, on _____
 (insert month, day, year)

(SEAL)

 NOTARY PUBLIC

Withdrawal is filed with the office where original nominating petition or certificate of nomination was filed. Upon receipt, the local election official must issue amended certification to each election authority who prepares ballots for the political subdivision.

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