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**THE ELECTION CODE
OF
ILLINOIS
ANNOTATED**

State Board of Elections

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FOREWORD

This issue of The Election Code of Illinois is provided to you as a service of the State Board of Elections. This edition is a complete text of Chapter 10, Illinois Compiled Statutes, through the end of the 2001 session of the 92nd General Assembly.

When you have questions concerning Illinois Election Law, please address your inquiries to our main office in Springfield or our branch office in Chicago.

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[Preamble]

WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.**Section 1.*****[Legislative Powers]***

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2.***[House of Representatives, How Constituted, Power of Impeachment]***

The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be

included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the State of New-Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall chuse their speaker and other officers; and shall have the sole power of impeachment.

Section 3.***[The Senate, How Constituted, Impeachment Trials]***

The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any state, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall chuse their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they

shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Section 4.

[Election of Senators and Representatives]

The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5.

[Quorum, Journals, Meetings, Adjournments]

Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 6.

[Compensation, Privileges, Disabilities]

The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest

during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Section 7.

[Procedure in Passing Bills and Resolutions]

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8.

[Powers of Congress]

The Congress shall have power

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States;

but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the supreme court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Section 9.

[Limitations upon Powers of Congress]

The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States:— And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10.

[Restrictions upon Powers of States]

No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and controul of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually

invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Section 1.

[Executive Power, Election, Qualifications of the President]

The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately chuse by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner chuse the president. But in chusing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall chuse from them by ballot the vice-president.

The Congress may determine the time of chusing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of president; neither shall any person be eli-

gible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Section 2.

[Powers of the President]

The president shall be the commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

Section 3.

[Powers and Duties of the President]

He shall from time to time give to the Congress information of the state of the union, and recom-

mend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4.

[Impeachment]

The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Section 1.

[Judicial Power, Tenure of Office]

The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2.

[Jurisdiction]

The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a state and citizens of another State, between citizens of different States, between citizens of the same state claiming lands under grants of different States, and between a state, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been

committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section 3.

[Treason, Proof and Punishment]

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

ARTICLE IV.

Section 1.

[Faith and Credit among States]

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Section 2.

[Privileges and Immunities, Fugitives]

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

Section 3.

[Admission of New States]

New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Section 4.

[Guarantee of Republican Government]

The United States shall guarantee to every state in this union a Republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

Section 1.

[Amendment of the Constitution]

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the applications of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

Section 1.

[Debts, Supremacy, Oath]

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legis-

latures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

Section 1.

[Ratification and Establishment]

The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

AMENDMENTS TO THE CONSTITUTION

[AMENDMENT 1]

[Freedom of Religion, of Speech, and of the Press]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[AMENDMENT 2]

[Right to Keep and Bear Arms]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[AMENDMENT 3]

[Quartering of Soldiers]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[AMENDMENT 4]

[Security from Unwarrantable Search and Seizure]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[AMENDMENT 5]

[Rights of Accused in Criminal Proceedings]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment

or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[AMENDMENT 6]

[Right to Speedy Trial, Witnesses, etc.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

[AMENDMENT 7]

[Trial by Jury in Civil Cases]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[AMENDMENT 8]

[Bails, Fines, Punishments]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[AMENDMENT 9]

[Reservation of Rights of the People]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[AMENDMENT 10]

[Powers Reserved to States or People]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[AMENDMENT 11]

[Restriction of Judicial Power]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity,

commenced or prosecuted against one of the United States by Citizens of another state, or by Citizens or Subjects of any Foreign State.

[AMENDMENT 12]

[Election of President and Vice President]

The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

[AMENDMENT 13]

*[Abolition of Slavery]*Section 1. *[Abolition of Slavery]*

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall

have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. [*Power to Enforce this Article*]

Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT 14]

[*Citizenship, Due Process of Law, Equal Protection*]

Section 1. [*Citizenship Rights Not to Be Abridged by States*]

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. [*Apportionment of Representatives in Congress*]

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. [*Persons Disqualified from Holding Office*]

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. [*What Public Debts Are Valid*]

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any

State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. [*Power to Enforce This Article*]

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

[AMENDMENT 15]

[*Right to Vote: Race, Color or Servitude*]

Section 1. [*Right to Vote: Race, Color or Servitude*]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. [*Power to Enforce This Article*]

The Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT 16]

[*Income Tax*]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

[AMENDMENT 17]

[*Popular Election of Senators*]

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

[AMENDMENT 18]

[*Prohibition*]

Section 1. [*National Liquor Prohibition*]

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. [*Power to Enforce This Article*]

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. [*Ratification within Seven Years*]

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

[AMENDMENT 19]

[*Woman Suffrage*]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT 20]

[*Terms of Elective Officers, Succession to President or Vice President*]Section 1. [*Terms of Office*]

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. [*Time of Convening Congress*]

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. [*Death of President Elect*]

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. [*Election of the President*]

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved

upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. [*Effective Date of Sections 1 and 2*]

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. [*Ratification within Seven Years*]

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

[AMENDMENT 21]

[*Repeal of Prohibition*]Section 1. [*National Liquor Prohibition Repealed*]

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. [*Transportation of Liquor into "Dry" States*]

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. [*Ratification within Seven Years*]

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

[AMENDMENT 22]

[*Limitation on Presidential Terms*]Section 1. [*Limitation on Presidential Terms*]

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President, when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. [*Ratification within Seven Years*]

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

[AMENDMENT 23]

*[Electors for District of Columbia]*Section 1. *[Electors for President and Vice President in District of Columbia]*

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. *[Power to Enforce Article]*

The Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT 24]

*[Poll Taxes Prohibited]*Section 1. *[Poll Tax Payment Not Required to Vote in Federal Elections]*

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. *[Power to Enforce Article]*

The Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT 25]

*[Vacancy in Office of President or Vice President, Disability of President]*Section 1. *[Succession upon Death, Resignation or Removal of President]*

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. *[Vacancy in Office of Vice President]*

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. *[Declaration by President of Inability to Perform Duties]*

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a

written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. *[Declaration of President's Disability by Vice President and Other Officers; Determination of Issue]*

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

[AMENDMENT 26]

*[Voting by Persons Eighteen Years of Age]*Section 1. *[Voting by Persons Eighteen Years of Age]*

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. *[Power to Enforce Article]*

The Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT 27]

[Compensation of Senators and Representatives]

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

CONSTITUTION OF THE STATE OF ILLINOIS

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PREAMBLE

We, the People of the State of Illinois — grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors — in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty to ourselves and our posterity — do ordain and establish this Constitution for the State of Illinois.

(Source: Illinois Constitution.)

ARTICLE I**BILL OF RIGHTS****Section 1. Inherent and Inalienable Rights**

All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

(Source: Illinois Constitution.)

Section 2. Due Process and Equal Protection

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

(Source: Illinois Constitution.)

Section 3. Religious Freedom

The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

(Source: Illinois Constitution.)

Section 4. Freedom of Speech

All persons may speak, write and publish freely, being responsible for the abuse of that liberty. In trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.
(Source: Illinois Constitution.)

Section 5. Right to Assemble and Petition

The people have the right to assemble in a peaceable manner, to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances.
(Source: Illinois Constitution.)

Section 6. Searches, Seizures, Privacy and Interceptions

The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.
(Source: Illinois Constitution.)

Section 7. Indictment and Preliminary Hearing

No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine or by imprisonment other than in the penitentiary, in cases of impeachment, and in cases arising in the militia when in actual service in time of war or public danger. The General Assembly by law may abolish the grand jury or further limit its use.

No person shall be held to answer for a crime punishable by death or by imprisonment in the penitentiary unless either the initial charge has been brought by indictment of a grand jury or the person has been given a prompt preliminary hearing to establish probable cause.
(Source: Illinois Constitution.)

Section 8. Rights After Indictment

In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to be confronted with the witnesses against him or her and to have process to compel the attendance of witnesses in his or her behalf; and to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed.
(Source: Illinois Constitution.)

Section 8.1. Crime Victim's Rights

(a) Crime victims, as defined by law, shall have the following rights as provided by law:

(1) The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

(2) The right to notification of court proceedings.

(3) The right to communicate with the prosecution.

(4) The right to make a statement to the court at sentencing.

(5) The right to information about the conviction, sentence, imprisonment, and release of the accused.

(6) The right to timely disposition of the case following the arrest of the accused.

(7) The right to be reasonably protected from the accused throughout the criminal justice process.

(8) The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.

(9) The right to have present at all court proceedings, subject to the rules of evidence, an advocate or other support person of the victim's choice.

(10) The right to restitution.

(b) The General Assembly may provide by law for the enforcement of this Section.

(c) The General Assembly may provide for an assessment against convicted defendants to pay for crime victims' rights.

(d) Nothing in this Section or in any law enacted under this Section shall be construed as creating a basis for vacating a conviction or a ground for appellate relief in any criminal case.

(Source: Amendment adopted at general election November 3, 1992.)

Section 9. Bail and Habeas Corpus

All persons shall be bailable by sufficient sureties, except for the following offenses where the proof is evident or the presumption great: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; and felony offenses for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, when the court, after a hearing, determines that release of the offender would pose a real and present threat to the physical safety of any person. The privilege of the writ of habeas corpus shall not be suspended except in cases of rebellion or invasion when the public safety may require it.

Any costs accruing to a unit of local government as a result of the denial of bail pursuant to the 1986 Amendment to this Section shall be reimbursed by the State to the unit of local government.
(Source: Amendment adopted at general election November 4, 1986.)

Section 10. Self-Incrimination and Double Jeopardy

No person shall be compelled in a criminal case to give evidence against himself nor be twice put in jeopardy for the same offense.

(Source: Illinois Constitution.)

Section 11. Limitation of Penalties After Conviction

All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State.

(Source: Illinois Constitution.)

Section 12. Right to Remedy and Justice

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly.

(Source: Illinois Constitution.)

Section 13. Trial by Jury

The right of trial by jury as heretofore enjoyed shall remain inviolate.

(Source: Illinois Constitution.)

Section 14. Imprisonment for Debt

No person shall be imprisoned for debt unless he refuses to deliver up his estate for the benefit of his creditors as provided by law or unless there is a strong presumption of fraud. No person shall be imprisoned for failure to pay a fine in a criminal case unless he has been afforded adequate time to make payment, in installments if necessary, and has willfully failed to make payment.

(Source: Illinois Constitution.)

Section 15. Right of Eminent Domain

Private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.

(Source: Illinois Constitution.)

Section 16. Ex Post Facto Laws and Impairing Contracts

No ex post facto law, or law impairing the obligation of contracts or making an irrevocable grant of special privileges or immunities, shall be passed.

(Source: Illinois Constitution.)

Section 17. No Discrimination in Employment and the Sale or Rental of Property

All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property.

These rights are enforceable without action by the General Assembly, but the General Assembly by law may establish reasonable exemptions relating to these rights and provide additional remedies for their violation.

(Source: Illinois Constitution.)

Section 18. No Discrimination on the Basis of Sex

The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.

(Source: Illinois Constitution.)

Section 19. No Discrimination Against the Handicapped

All persons with a physical or mental handicap shall be free from discrimination in the sale or rental of property and shall be free from discrimination unrelated to ability in the hiring and promotion practices of any employer.

(Source: Illinois Constitution.)

Section 20. Individual Dignity

To promote individual dignity, communications that portray criminality, depravity or lack of virtue in, or that incite violence, hatred, abuse or hostility toward, a person or group of persons by reason of or by reference to religious, racial, ethnic, national or regional affiliation are condemned.

(Source: Illinois Constitution.)

Section 21. Quartering of Soldiers

No soldier in time of peace shall be quartered in a house without the consent of the owner; nor in time of war except as provided by law.

(Source: Illinois Constitution.)

Section 22. Right to Arms

Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.

(Source: Illinois Constitution.)

Section 23. Fundamental Principles

A frequent recurrence to the fundamental principles of civil government is necessary to preserve the blessings of liberty. These blessings cannot en-

sure unless the people recognize their corresponding individual obligations and responsibilities.
(Source: Illinois Constitution.)

Section 24. Rights Retained

The enumeration in this Constitution of certain rights shall not be construed to deny or disparage others retained by the individual citizens of the State.
(Source: Illinois Constitution.)

ARTICLE II

THE POWERS OF THE STATE

Section 1. Separation of Powers

The legislative, executive and judicial branches are separate. No branch shall exercise powers properly belonging to another.
(Source: Illinois Constitution.)

Section 2. Powers of Government

The enumeration in this Constitution of specified powers and functions shall not be construed as a limitation of powers of state government.
(Source: Illinois Constitution.)

ARTICLE III

SUFFRAGE AND ELECTIONS

Section 1. Voting Qualifications

Every United States citizen who has attained the age of 18 or any other voting age required by the United States for voting in State elections and who has been a permanent resident of this State for at least 30 days next preceding any election shall have the right to vote at such election. The General Assembly by law may establish registration requirements and require permanent residence in an election district not to exceed thirty days prior to an election. The General Assembly by law may establish shorter residence requirements for voting for President and Vice-President of the United States.
(Source: Amendment adopted at general election November 8, 1988.)

Section 2. Voting Disqualification

A person convicted of a felony, or otherwise under sentence in a correctional institution or jail, shall lose the right to vote, which right shall be restored not later than upon completion of his sentence.
(Source: Illinois Constitution.)

Section 3. Elections

All elections shall be free and equal.
(Source: Illinois Constitution.)

Section 4. Election Laws

The General Assembly by law shall define permanent residence for voting purposes, insure secrecy of voting and the integrity of the election process, and facilitate registration and voting by all qualified persons. Laws governing voter registration and conduct of elections shall be general and uniform.
(Source: Illinois Constitution.)

Section 5. Board of Elections

A State Board of Elections shall have general supervision over the administration of the registration and election laws throughout the State. The General Assembly by law shall determine the size, manner of selection and compensation of the Board. No political party shall have a majority of members of the Board.
(Source: Illinois Constitution.)

Section 6. General Election

As used in all articles of this Constitution except Article VII, "general election" means the biennial election at which members of the General Assembly are elected. Such election shall be held on the Tuesday following the first Monday of November in even-numbered years or on such other day as provided by law.
(Source: Illinois Constitution.)

ARTICLE IV

THE LEGISLATURE

Section 1. Legislature—Power and Structure

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives elected by the electors from 59 Legislative Districts and 118 Representative Districts.
(Source: Amendment adopted at general election November 4, 1980.)

Section 2. Legislative Composition

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) Each Legislative District shall be divided into two Representative Districts. In 1982 and every two

years thereafter one Representative shall be elected from each Representative District for a term of two years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

Section 3. Legislative Redistricting

(a) Legislative Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population.

(b) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts.

If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to

the Commission one Senator and one person who is not a member of the General Assembly.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.

Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.

Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.

Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

(Source: Amendment adopted at general election November 4, 1980.)

Section 4. Election

Members of the General Assembly shall be elected at the general election in even-numbered years.

(Source: Illinois Constitution.)

Section 5. Sessions

(a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected.

(b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law.

(c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public

interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

(Source: Illinois Constitution.)

Section 6. Organization

(a) A majority of the members elected to each house constitutes a quorum.

(b) On the first day of the January session of the General Assembly in odd-numbered years, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer.

(c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be.

(d) Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers. No member shall be expelled by either house, except by a vote of two-thirds of the members elected to that house. A member may be expelled only once for the same offense. Each house may punish by imprisonment any person, not a member, guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or contemptuous behavior.

(Source: Illinois Constitution.)

Section 7. Transaction of Business

(a) Committees of each house, joint committees of the two houses and legislative commissions shall give reasonable public notice of meetings, including a statement of subjects to be considered.

(b) Each house shall keep a journal of its proceedings and a transcript of its debates. The journal shall be published and the transcript shall be available to the public.

(c) Either house or any committee thereof as provided by law may compel by subpoena the attendance and testimony of witnesses and the production of books, records and papers.

(Source: Illinois Constitution.)

Section 8. Passage of Bills

(a) The enacting clause of the laws of this State shall be: "Be it enacted by the People of the State of Illinois, represented in the General Assembly."

(b) The General Assembly shall enact laws only by bill. Bills may originate in either house, but may be amended or rejected by the other.

(c) No bill shall become a law without the concurrence of a majority of the members elected to each house. Final passage of a bill shall be by record vote. In the Senate at the request of two members, and in the House at the request of five members, a record vote may be taken on any other occasion. A record vote is a vote by yeas and nays entered on the journal.

(d) A bill shall be read by title on three different days in each house. A bill and each amendment thereto shall be reproduced and placed on the desk of each member before final passage.

Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations.

A bill expressly amending a law shall set forth completely the sections amended.

The Speaker of the House of Representatives and the President of the Senate shall sign each bill that passes both houses to certify that the procedural requirements for passage have been met.

(Source: Illinois Constitution.)

Section 9. Veto Procedure

(a) Every bill passed by the General Assembly shall be presented to the Governor within 30 calendar days after its passage. The foregoing requirement shall be judicially enforceable. If the Governor approves the bill, he shall sign it and it shall become law.

(b) If the Governor does not approve the bill, he shall veto it by returning it with his objections to the house in which it originated. Any bill not so returned by the Governor within 60 calendar days after it is presented to him shall become law. If recess or adjournment of the General Assembly prevents the return of a bill, the bill and the Governor's objections shall be filed with the Secretary of State within such 60 calendar days. The Secretary of State shall return the bill and objections to the originating house promptly upon the next meeting of the same General Assembly at which the bill can be considered.

(c) The house to which a bill is returned shall immediately enter the Governor's objections upon its journal. If within 15 calendar days after such entry that house by a record vote of three-fifths of the members elected passes the bill, it shall be delivered immediately to the second house. If within 15 calendar days after such delivery the second house by a record vote of three-fifths of the members elected passes the bill, it shall become law.

(d) The Governor may reduce or veto any item of appropriations in a bill presented to him. Portions of a bill not reduced or vetoed shall become law. An item vetoed shall be returned to the house in which it originated and may become law in the same manner as a vetoed bill. An item reduced in amount shall be returned to the house in which it originated and may be restored to its original amount in the

same manner as a vetoed bill except that the required record vote shall be a majority of the members elected to each house. If a reduced item is not so restored, it shall become law in the reduced amount.

(e) The Governor may return a bill together with specific recommendations for change to the house in which it originated. The bill shall be considered in the same manner as a vetoed bill but the specific recommendations may be accepted by a record vote of a majority of the members elected to each house. Such bill shall be presented again to the Governor and if he certifies that such acceptance conforms to his specific recommendations, the bill shall become law. If he does not so certify, he shall return it as a vetoed bill to the house in which it originated. (Source: Illinois Constitution.)

Section 10. Effective Date of Laws

The General Assembly shall provide by law for a uniform effective date for laws passed prior to June 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed prior to June 1. A bill passed after May 31 shall not become effective prior to June 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date. (Source: Illinois Constitution.)

Section 11. Compensation and Allowances

A member shall receive a salary and allowances as provided by law, but changes in the salary of a member shall not take effect during the term for which he has been elected. (Source: Illinois Constitution.)

Section 12. Legislative Immunity

Except in cases of treason, felony or breach of peace, a member shall be privileged from arrest going to, during, and returning from sessions of the General Assembly. A member shall not be held to answer before any other tribunal for any speech or debate, written or oral, in either house. These immunities shall apply to committee and legislative commission proceedings. (Source: Illinois Constitution.)

Section 13. Special Legislation

The General Assembly shall pass no special or local law when a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination. (Source: Illinois Constitution.)

Section 14. Impeachment

The House of Representatives has the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the

vote of a majority of the members elected, to impeach Executive and Judicial officers. Impeachments shall be tried by the Senate. When sitting for that purpose, Senators shall be upon oath, or affirmation, to do justice according to law. If the Governor is tried, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected. Judgment shall not extend beyond removal from office and disqualification to hold any public office of this State. An impeached officer, whether convicted or acquitted, shall be liable to prosecution, trial, judgment and punishment according to law. (Source: Illinois Constitution.)

Section 15. Adjournment

(a) When the General Assembly is in session, neither house without the consent of the other shall adjourn for, more than three days or to a place other than where the two houses are sitting.

(b) If either house certifies that a disagreement exists between the houses as to the time for adjourning a session, the Governor may adjourn the General Assembly to a time not later than the first day of the next annual session. (Source: Illinois Constitution.)

ARTICLE V

THE EXECUTIVE

Section 1. The Officers

The Executive Branch shall include a Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller and Treasurer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office. (Source: Illinois Constitution.)

Section 2. Terms

These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and, except in the case of the Lieutenant Governor, until their successors are qualified. They shall be elected at the general election in 1978 and every four years thereafter. (Source: Illinois Constitution.)

Section 3. Eligibility

To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his election. (Source: Illinois Constitution.)

Section 4. Joint Election

In the general election for Governor and Lieutenant Governor, one vote shall be cast jointly for the candidates nominated by the same political party or petition. The General Assembly may provide by law for the joint nomination of candidates for Governor and Lieutenant Governor.

(Source: Illinois Constitution.)

Section 5. Canvass — Contests

The election returns for executive offices shall be sealed and transmitted to the Secretary of State, or other person or body provided by law, who shall examine and consolidate the returns. The person having the highest number of votes for an office shall be declared elected. If two or more persons have an equal and the highest number of votes for an office, they shall draw lots to determine which of them shall be declared elected. Election contests shall be decided by the courts in a manner provided by law.

(Source: Illinois Constitution.)

Section 6. Gubernatorial Succession

(a) In the event of a vacancy, the order of succession to the office of Governor or to the position of Acting Governor shall be the Lieutenant Governor, the elected Attorney General, the elected Secretary of State, and then as provided by law.

(b) If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation or other disability, the office of Governor shall be filled by the officer next in line of succession for the remainder of the term or until the disability is removed.

(c) Whenever the Governor determines that he may be seriously impeded in the exercise of his powers, he shall so notify the Secretary of State and the officer next in line of succession. The latter shall thereafter become Acting Governor with the duties and powers of Governor. When the Governor is prepared to resume office, he shall do so by notifying the Secretary of State and the Acting Governor.

(d) The General Assembly by law shall specify by whom and by what procedures the ability of the Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.

(Source: Illinois Constitution.)

Section 7. Vacancies in Other Elective Offices

If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until

the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. If the Lieutenant Governor fails to qualify or if his office becomes vacant, it shall remain vacant until the end of the term.

(Source: Illinois Constitution.)

Section 8. Governor — Supreme Executive Power

The Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws.

(Source: Illinois Constitution.)

Section 9. Governor — Appointing Power

(a) The Governor shall nominate and, by and with the advice and consent of the Senate, a majority of the members elected concurring by record vote, shall appoint all officers whose election or appointment is not otherwise provided for. Any nomination not acted upon by the senate within 60 session days after the receipt thereof shall be deemed to have received the advice and consent of the Senate. The General Assembly shall have no power to elect or appoint officers of the Executive Branch.

(b) If, during a recess of the Senate, there is a vacancy in an office filled by appointment by the Governor by and with the advice and consent of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall make a nomination to fill such office.

(c) No person rejected by the Senate for an office shall, except at the Senate's request, be nominated again for that office at the same session or be appointed to that office during a recess of that Senate.

(Source: Illinois Constitution.)

Section 10. Governor — Removals

The Governor may remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor.

(Source: Illinois Constitution.)

Section 11. Governor — Agency Reorganization

The Governor, by Executive Order, may reassign functions among or reorganize executive agencies which are directly responsible to him. If such a reassignment or reorganization would contravene a statute, the Executive Order shall be delivered to the General Assembly. If the General Assembly is in annual session and if the Executive Order is delivered on or before April 1, the General Assembly shall consider the Executive Order at that annual session. If the General Assembly is not in annual session or if the Executive Order is delivered after April 1, the

General Assembly shall consider the Executive Order at its next annual session, in which case the Executive Order shall be deemed to have been delivered on the first day of that annual session. Such an Executive Order shall not become effective if, within 60 calendar days after its delivery to the General Assembly, either house disapproves the Executive Order by the record vote of a majority of the members elected. An Executive Order not so disapproved shall become effective by its terms but not less than 60 calendar days after its delivery to the General Assembly.
(Source: Illinois Constitution.)

Section 12. Governor — Pardons

The Governor may grant reprieves, commutations and pardons, after conviction, for all offenses on such terms as he thinks proper. The manner of applying therefore may be regulated by law.
(Source: Illinois Constitution.)

Section 13. Governor — Legislative Messages

The Governor, at the beginning of each annual session of the General Assembly and at the close of his term of office, shall report to the General Assembly on the condition of the State and recommend such measures as he deems desirable.
(Source: Illinois Constitution.)

Section 14. Lieutenant Governor — Duties

The Lieutenant Governor shall perform the duties and exercise the powers in the Executive Branch that may be delegated to him by the Governor and that may be prescribed by law.
(Source: Illinois Constitution.)

Section 15. Attorney General — Duties

The Attorney General shall be the legal officer of the State, and shall have the duties and powers that may be prescribed by law.
(Source: Illinois Constitution.)

Section 16. Secretary of State — Duties

The Secretary of State shall maintain the official records of the acts of the General Assembly and such official records of the Executive Branch as provided by law. Such official records shall be available for inspection by the public. He shall keep the Great Seal of the State of Illinois and perform other duties that may be prescribed by law.
(Source: Illinois Constitution.)

Section 17. Comptroller — Duties

The Comptroller, in accordance with law, shall maintain the State's central fiscal accounts, and order payments into and out of the funds held by the Treasurer.
(Source: Illinois Constitution.)

Section 18. Treasurer — Duties

The Treasurer, in accordance with law, shall be responsible for the safekeeping and investment of monies and securities deposited with him, and for their disbursement upon order of the Comptroller.
(Source: Illinois Constitution.)

Section 19. Records — Reports

All officers of the Executive Branch shall keep accounts and shall make such reports as may be required by law. They shall provide the Governor with information relating to their respective offices, either in writing under oath, or otherwise, as the Governor may require.
(Source: Illinois Constitution.)

Section 20. Bond

Civil officers of the Executive Branch may be required by law to give reasonable bond or other security for the faithful performance of their duties. If any officer is in default of such a requirement, his office shall be deemed vacant.
(Source: Illinois Constitution.)

Section 21. Compensation

Officers of the Executive Branch shall be paid salaries established by law and shall receive no other compensation for their services. Changes in the salaries of these officers elected or appointed for stated terms shall not take effect during the stated terms.
(Source: Illinois Constitution.)

ARTICLE VI

THE JUDICIARY

Section 1. Courts

The judicial power is vested in a Supreme Court, an Appellate Court and Circuit Courts.
(Source: Illinois Constitution.)

Section 2. Judicial Districts

The State is divided into five Judicial Districts for the selection of Supreme and Appellate Court Judges. The First Judicial District consists of Cook County. The remainder of the State shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties.
(Source: Illinois Constitution.)

Section 3. Supreme Court — Organization

The Supreme Court shall consist of seven Judges. Three shall be selected from the First Judicial District and one from each of the other Judicial

Districts. Four judges constitute a quorum and the concurrence of four is necessary for a decision. Supreme Court Judges shall select a Chief Justice from their number to serve for a term of three years. (Source: Illinois Constitution.)

Section 4. Supreme Court — Jurisdiction

(a) The Supreme Court may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition or habeas corpus and as may be necessary to the complete determination of any case on review.

(b) Appeals from judgments of Circuit Courts imposing a sentence of death shall be directly to the Supreme Court as a matter of right. The Supreme Court shall provide by rule for direct appeal in other cases.

(c) Appeals from the Appellate Court to the Supreme Court are a matter of right if a question under the Constitution of the United States or of this State arises for the first time in and as a result of the action of the Appellate Court, or if a division of the Appellate Court certifies that a case decided by it involves a question of such importance that the case should be decided by the Supreme Court. The Supreme Court may provide by rule for appeals from the Appellate Court in other cases.

(Source: Illinois Constitution.)

Section 5. Appellate Court — Organization

The number of Appellate Judges to be selected from each Judicial District shall be provided by law. The Supreme Court shall prescribe by rule the number of Appellate divisions in each Judicial District. Each Appellate division shall have at least three Judges. Assignments to divisions shall be made by the Supreme Court. A majority of a division constitutes a quorum and the concurrence of a majority of the division is necessary for a decision. There shall be at least one division in each Judicial District and each division shall sit at times and places prescribed by rules of the Supreme Court.

(Source: Illinois Constitution.)

Section 6. Appellate Court — Jurisdiction

Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the Supreme Court and except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal. The Supreme Court may provide by rule for appeals to the Appellate Court from other than final judgments of Circuit Courts. The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review. The Appellate Court shall have such powers of direct review of administrative action as provided by law.

(Source: Illinois Constitution.)

Section 7. Judicial Circuits

(a) The State shall be divided into Judicial Circuits consisting of one or more counties. The First Judicial District shall constitute a Judicial Circuit. The Judicial Circuits within the other Judicial Districts shall be as provided by law. Circuits composed of more than one county shall be compact and of contiguous counties. The General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large.

(b) Each Judicial Circuit shall have one Circuit Court with such number of Circuit Judges as provided by law. Unless otherwise provided by law, there shall be at least one Circuit Judge from each county. In the First Judicial District, unless otherwise provided by law, Cook County, Chicago, and the area outside Chicago shall be separate units for the selection of Circuit Judges, with at least twelve chosen at large from the area outside Chicago and at least thirty-six chosen at large from Chicago.

(c) Circuit Judges in each circuit shall select by secret ballot a Chief Judge from their number to serve at their pleasure. Subject to the authority of the Supreme Court, the Chief Judge shall have general administrative authority over his court, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court.

(Source: Illinois Constitution.)

Section 8. Associate Judges

Each Circuit Court shall have such number of Associate Judges as provided by law. Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. In the First Judicial District, unless otherwise provided by law, at least one-fourth of the Associate Judges shall be appointed from, and reside, outside Chicago. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges.

(Source: Illinois Constitution.)

Section 9. Circuit Courts — Jurisdiction

Circuit Courts shall have original jurisdiction of all justiciable matters except when the Supreme Court has original and exclusive jurisdiction relating to redistricting of the General Assembly and to the ability of the Governor to serve or resume office. Circuit Courts shall have such power to review administrative action as provided by law.

(Source: Illinois Constitution.)

Section 10. Terms of Office

The terms of office of Supreme and Appellate Court Judges shall be ten years; of Circuit Judges, six years; and of Associate Judges, four years.

(Source: Illinois Constitution.)

Section 11. Eligibility for Office

No person shall be eligible to be a Judge or Associate Judge unless he is a United States citizen, a licensed attorney-at-law of this State, and a resident of the unit which selects him. No change in the boundaries of a unit shall affect the tenure in office of a Judge or Associate Judge incumbent at the time of such change.

(Source: Illinois Constitution.)

Section 12. Election and Retention

(a) Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his name to appear on the ballot as a candidate for Judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions.

(b) The office of a Judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of his term without retention in office. Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office.

(c) A vacancy occurring in the office of Supreme, Appellate or Circuit Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Judges shall serve until the vacancy is filled for a term at the next general or judicial election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment.

(d) Not less than six months before the general election preceding the expiration of his term of office, a Supreme, Appellate or Circuit Judge who has been elected to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of three-fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his election.

(e) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. A reduction shall become effective when a vacancy occurs in the affected unit.

(Source: Illinois Constitution.)

Section 13. Prohibited Activities

(a) The Supreme Court shall adopt rules of conduct for Judges and Associate Judges.

(b) Judges and Associate Judges shall devote full time to judicial duties. They shall not practice law, hold a position of profit, hold office under the United States or this State or unit of local government or school district or in a political party. Service in the State militia or armed forces of the United States for periods of time permitted by rule of the Supreme Court shall not disqualify a person from serving as a Judge or Associate Judge.

(Source: Illinois Constitution.)

Section 14. Judicial Salaries and Expenses — Fee Officers Eliminated

Judges shall receive salaries provided by law which shall not be diminished to take effect during their terms of office. All salaries and such expenses as may be provided by law shall be paid by the State, except that Appellate, Circuit and Associate Judges shall receive such additional compensation from counties within their district or circuit as may be provided by law. There shall be no fee officers in the judicial system.

(Source: Illinois Constitution.)

Section 15. Retirement — Discipline

(a) The General Assembly may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his consent, may be assigned by the Supreme Court to judicial service for which he shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commis-

sion. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

(e) A Courts Commission is created consisting of one Supreme Court Judge selected by that Court, who shall be its chairman, two Appellate Court Judges selected by that Court, and two Circuit Judges selected by the Supreme Court. The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his duties.

(f) The concurrence of three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt rules governing its procedures and shall have power to issue subpoenas. The General Assembly shall provide by law for the expenses of the Commission.

(Source: Illinois Constitution.)

Section 16. Administration

General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties. The Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals.

(Source: Illinois Constitution.)

Section 17. Judicial Conference

The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly not later than January 31.

(Source: Illinois Constitution.)

Section 18. Clerks of Courts

(a) The Supreme Court and the Appellate Court Judges of each Judicial District, respectively, shall appoint a clerk and other non-judicial officers for their Court or District.

(b) The General Assembly shall provide by law for the election, or for the appointment by Circuit Judges, of clerks and other non-judicial officers of the Circuit Courts and for their terms of office and removal for cause.

(c) The salaries of clerks and other non-judicial officers shall be as provided by law.

(Source: Illinois Constitution.)

Section 19. State's Attorneys — Selection, Salary

A State's Attorney shall be elected in each county in 1972 and every fourth year thereafter for a four year term. One State's Attorney may be elected to serve two or more counties if the governing boards of such counties so provide and a majority of the electors of each county voting on the issue approve. A person shall not be eligible for the office of State's Attorney unless he is a United States citizen and a licensed attorney-at-law of this State. His salary shall be provided by law.

(Source: Illinois Constitution.)

ARTICLE VII

LOCAL GOVERNMENT

Section 1. Municipalities and Units of Local Government

"Municipalities" means cities, villages and incorporated towns. "Units of local government" means counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school districts.

(Source: Illinois Constitution.)

Section 2. County Territory, Boundaries and Seats

(a) The General Assembly shall provide by law for the formation, consolidation, merger, division, and dissolution of counties, and for the transfer of territory between counties.

(b) County boundaries shall not be changed unless approved by referendum in each county affected.

(c) County seats shall not be changed unless approved by three-fifths of those voting on the question in a county-wide referendum.

(Source: Illinois Constitution.)

Section 3. County Boards

(a) A county board shall be elected in each county. The number of members of the county board shall be fixed by ordinance in each county within limitations provided by law.

(b) The General Assembly by law shall provide methods available to all counties for the election of county board members. No county, other than Cook County, may change its method of electing board members except as approved by county-wide referendum.

(c) Members of the Cook County Board shall be elected from two districts, Chicago and that part of Cook County outside Chicago, unless (1) a different method of election is approved by a majority of votes cast in each of the two districts in a county-wide referendum or (2) the Cook County Board by ordinance divides the county into single member districts from which members of the County Board resident in each district are elected. If a different method of election is adopted pursuant to option (1) the method of election may thereafter be altered only pursuant to option (2) or by county-wide referendum. A different method of election may be adopted pursuant to option (2) only once and the method of election may thereafter be altered only by county-wide referendum.

(Source: Illinois Constitution.)

Section 4. County Officers

(a) Any county may elect a chief executive officer as provided by law. He shall have those duties and powers provided by law and those provided by county ordinance.

(b) The President of the Cook County Board shall be elected from the County at large and shall be the chief executive officer of the County. If authorized by county ordinance, a person seeking election as President of the Cook County Board may also seek election as a member of the Board.

(c) Each county shall elect a sheriff, county clerk and treasurer and may elect or appoint a coroner, recorder, assessor, auditor and such other officers as provided by law or by county ordinance. Except as changed pursuant to this Section, elected county officers shall be elected for terms of four years at general elections as provided by law. Any office may be created or eliminated and the terms of office and manner of selection changed by county-wide referendum. Offices other than sheriff, county clerk and treasurer may be eliminated and the terms of office and manner of selection changed by law. Offices other than sheriff, county clerk, treasurer, coroner,

recorder, assessor and auditor may be eliminated and the terms of office and manner of selection changed by county ordinance.

(d) County officers shall have those duties, powers and functions provided by law and those provided by county ordinance. County officers shall have the duties, powers or functions derived from common law or historical precedent unless altered by law or county ordinance.

(e) The county treasurer or the person designated to perform his functions may act as treasurer of any unit of local government and any school district in his county when requested by any such unit or school district and shall so act when required to do so by law.

(Source: Illinois Constitution.)

Section 5. Townships

The General Assembly shall provide by law for the formation of townships in any county when approved by county-wide referendum. Townships may be consolidated or merged, and one or more townships may be dissolved or divided, when approved by referendum in each township affected. All townships in a county may be dissolved when approved by a referendum in the total area in which township officers are elected.

(Source: Illinois Constitution.)

Section 6. Powers of Home Rule Units

(a) A County which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.

(b) A home rule unit by referendum may elect not to be a home rule unit.

(c) If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

(d) A home rule unit does not have the power (1) to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred or (2) to define and provide for the punishment of a felony.

(e) A home rule unit shall have only the power that the General Assembly may provide by law (1) to punish by imprisonment for more than six months or (2) to license for revenue or impose taxes upon or measured by income or earnings or upon occupations.

(f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the

form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.

(g) The General Assembly by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of a home rule unit not exercised or performed by the State other than a power or function specified in subsection (l) of this section.

(h) The General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function of a home rule unit other than a taxing power or a power or function specified in subsection (l) of this Section.

(i) Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive.

(j) The General Assembly may limit by law the amount of debt which home rule counties may incur and may limit by law approved by three-fifths of the members elected to each house the amount of debt, other than debt payable from ad valorem property tax receipts, which home rule municipalities may incur.

(k) The General Assembly may limit by law the amount and require referendum approval of debt to be incurred by home rule municipalities, payable from ad valorem property tax receipts, only in excess of the following percentages of the assessed value of its taxable property: (1) if its population is 500,000 or more, an aggregate of three percent; (2) if its population is more than 25,000 and less than 500,000, an aggregate of one percent; and (3) if its population is 25,000 or less, an aggregate of one-half percent. Indebtedness which is outstanding on the effective date of this Constitution or which is thereafter approved by referendum or assumed from another unit of local government shall not be included in the foregoing percentage amounts.

(l) The General Assembly may not deny or limit the power of home rule units (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government or (2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

(m) Powers and functions of home rule units shall be construed liberally.

(Source: Illinois Constitution.)

Section 7. Counties and Municipalities Other Than Home Rule Units

Counties and municipalities which are not home rule units shall have only powers granted to them by law and the powers (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government; (2) by referendum, to adopt, alter or repeal their forms of government provided by law; (3) in the case of municipalities, to provide by referendum for their officers, manner of selection and terms of office; (4) in the case of counties, to provide for their officers, manner of selection and terms of office as provided in Section 4 of this Article; (5) to incur debt except as limited by law and except that debt payable from ad valorem property tax receipts shall mature within 40 years from the time it is incurred; and (6) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

(Source: Illinois Constitution.)

Section 8. Powers and Officers of School Districts and Units of Local Government Other Than Counties and Municipalities

Townships, school districts, special districts and units, designated by law as units of local government, which exercise limited governmental powers or powers in respect to limited governmental subjects shall have only powers granted by law. No law shall grant the power (1) to any of the foregoing units to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred, or (2) to make improvements by special assessments to any of the foregoing classes of units which do not have that power on the effective date of this Constitution. The General Assembly shall provide by law for the selection of officers of the foregoing units, but the officers shall not be appointed by any person in the Judicial Branch.

(Source: Illinois Constitution.)

Section 9. Salaries and Fees

(a) Compensation of officers and employees and the office expenses of units of local government shall not be paid from fees collected. Fees may be collected as provided by law and by ordinance and shall be deposited upon receipt with the treasurer of the

unit. Fees shall not be based upon funds disbursed or collected, nor upon the levy or extension of taxes.

(b) An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected.

(Source: Illinois Constitution.)

Section 10. Intergovernmental Cooperation

(a) Units of local government and school districts may contract or otherwise associate among themselves, with the State, with other states and their units of local government and school districts, and with the United States to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance. Units of local government and school districts may contract and otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or by ordinance. Participating units of government may use their credit, revenues, and other resources to pay costs and to service debt related to intergovernmental activities.

(b) Officers and employees of units of local government and school districts may participate in intergovernmental activities authorized by their units of government without relinquishing their offices or positions.

(c) The State shall encourage intergovernmental cooperation and use its technical and financial resources to assist intergovernmental activities.

(Source: Illinois Constitution.)

Section 11. Initiative and Referendum

(a) Proposals for actions which are authorized by this Article or by law and which require approval by referendum may be initiated and submitted to the electors by resolution of the governing board of a unit of local government or by petition of electors in the manner provided by law.

(b) Referenda required by this Article shall be held at general elections, except as otherwise provided by law. Questions submitted to referendum shall be adopted if approved by a majority of those voting on the question unless a different requirement is specified in this Article.

(Source: Illinois Constitution.)

Section 12. Implementation of Governmental Changes

The General Assembly shall provide by law for the transfer of assets, powers and functions, and for the payment of outstanding debt in connection with the formation, consolidation, merger, division, dissolution and change in the boundaries of units of local government.

(Source: Illinois Constitution.)

ARTICLE VIII

FINANCE

Section 1. General Provisions

(a) Public funds, property or credit shall be used only for public purposes.

(b) The State, units of local government and school districts shall incur obligations for payment or make payments from public funds only as authorized by law or ordinance.

(c) Reports and records of the obligation, receipt and use of public funds of the State, units of local government and school districts are public records available for inspection by the public according to law.

(Source: Illinois Constitution.)

Section 2. State Finance

(a) The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget.

(b) The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

(Source: Illinois Constitution.)

Section 3. State Audit and Auditor General

(a) The General Assembly shall provide by law for the audit of the obligation, receipt and use of public funds of the State. The General Assembly, by a vote of three-fifths of the members elected to each house, shall appoint an Auditor General and may remove him for cause by a similar vote. The Auditor General shall serve for a term of ten years. His compensation shall be established by law and shall not be diminished, but may be increased, to take effect during his term.

(b) The Auditor General shall conduct the audit of public funds of the State. He shall make additional reports and investigations as directed by the General Assembly. He shall report his findings and

recommendations to the General Assembly and to the Governor.

(Source: Illinois Constitution.)

Section 4. Systems of Accounting, Auditing and Reporting

The General Assembly by law shall provide systems of accounting, auditing and reporting of the obligation, receipt and use of public funds. These systems shall be used by all units of local government and school districts.

(Source: Illinois Constitution.)

ARTICLE IX

REVENUE

Section 1. State Revenue Power

The General Assembly has the exclusive power to raise revenue by law except as limited or otherwise provided in this Constitution. The power of taxation shall not be surrendered, suspended, or contracted away.

(Source: Illinois Constitution.)

Section 2. Non-Property Taxes — Classification, Exemptions, Deductions, Allowances and Credits

In any law classifying the subjects or objects of non-property taxes or fees, the classes shall be reasonable and the subjects and objects within each class shall be taxed uniformly. Exemptions, deductions, credits, refunds and other allowances shall be reasonable.

(Source: Illinois Constitution.)

Section 3. Limitations on Income Taxation

(a) A tax on or measured by income shall be at a non-graduated rate. At any one time there may be no more than one such tax imposed by the State for State purposes on individuals and one such tax so imposed on corporations. In any such tax imposed upon corporations the rate shall not exceed the rate imposed on individuals by more than a ratio of 8 to 5.

(b) Laws imposing taxes on or measured by income may adopt by reference provisions of the laws and regulations of the United States, as they then exist or thereafter may be changed, for the purpose of arriving at the amount of income upon which the tax is imposed.

(Source: Illinois Constitution.)

Section 4. Real Property Taxation

(a) Except as otherwise provided in this Section, taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law.

(b) Subject to such limitations as the General Assembly may hereafter prescribe by law, counties with a population of more than 200,000 may classify or continue to classify real property for purposes of taxation. Any such classification shall be reasonable and assessments shall be uniform within each class. The level of assessment or rate of tax of the highest class in a county shall not exceed two and one-half times the level of assessment or rate of tax of the lowest class in that county. Real property used in farming in a county shall not be assessed at a higher level of assessment than single family residential real property in that county.

(c) Any depreciation in the value of real estate occasioned by a public easement may be deducted in assessing such property.

(Source: Illinois Constitution.)

Section 5. Personal Property Taxation

(a) The General Assembly by law may classify personal property for purposes of taxation by valuation, abolish such taxes on any or all classes and authorize the levy of taxes in lieu of the taxation of personal property by valuation.

(b) Any ad valorem personal property tax abolished on or before the effective date of this Constitution shall not be reinstated.

(c) On or before January 1, 1979, the General Assembly by law shall abolish all ad valorem personal property taxes and concurrently therewith and thereafter shall replace all revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes subsequent to January 2, 1971. Such revenue shall be replaced by imposing statewide taxes, other than ad valorem taxes on real estate, solely on those classes relieved of the burden of paying ad valorem personal property taxes because of the abolition of such taxes subsequent to January 2, 1971. If any taxes imposed for such replacement purposes are taxes on or measured by income, such replacement taxes shall not be considered for purposes of the limitations of one tax and the ratio of 8 to 5 set forth in Section 3(a) of this Article.

(Source: Illinois Constitution.)

Section 6. Exemptions from Property Taxation

The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and charitable purposes. The General Assembly by law may grant homestead exemptions or rent credits.

(Source: Illinois Constitution.)

Section 7. Overlapping Taxing Districts

The General Assembly may provide by law for fair apportionment of the burden of taxation of property

situated in taxing districts that lie in more than one county.
(Source: Illinois Constitution.)

Section 8. Tax Sales

(a) Real property shall not be sold for the nonpayment of taxes or special assessments without judicial proceedings.

(b) The right of redemption from all sales of real estate for the nonpayment of taxes or special assessments, except as provided in subsections (c) and (d), shall exist in favor of owners and persons interested in such real estate for not less than 2 years following such sales.

(c) The right of redemption from the sale for nonpayment of taxes or special assessments of a parcel of real estate which: (1) is vacant non-farm real estate or (2) contains an improvement consisting of a structure or structures each of which contains 7 or more residential units or (3) is commercial or industrial property; shall exist in favor of owners and persons interested in such real estate for not less than one year following such sales.

(d) The right of redemption from the sale for nonpayment of taxes or special assessments of a parcel real estate which: (1) is vacant non-farm real estate or (2) contains an improvement consisting of a structure or structures each of which contains 7 or more residential units or (3) is commercial or industrial property; and upon which all or a part of the general taxes for each of 2 or more years are delinquent shall exist in favor of owners and persons interested in such real estate for not less than 6 months following such sales.

(e) Owners, occupants and parties interested shall be given reasonable notice of the sale and the date of expiration of the period of redemption as the General Assembly provides by law.
(Source: Amendment adopted at general election November 6, 1990.)

Section 9. State Debt

(a) No State debt shall be incurred except as provided in this Section. For the purpose of this Section, "State debt" means bonds or other evidences of indebtedness which are secured by the full faith and credit of the State or are required to be repaid, directly or indirectly, from tax revenue and which are incurred by the State, any department, authority, public corporation or quasi-public corporation of the State, any State college or university, or any other public agency created by the State, but not by units of local government, or school districts.

(b) State debt for specific purposes may be incurred or the payment of State or other debt guaranteed in such amounts as may be provided either in a law passed by the vote of three-fifths of the members elected to each house of the General Assembly or in a law approved by a majority of the electors voting on the question at the next general

election following passage. Any law providing for the incurring or guaranteeing of debt shall set forth the specific purposes and the manner of repayment.

(c) State debt in anticipation of revenues to be collected in a fiscal year may be incurred by law in an amount not exceeding 5% of the State's appropriations for that fiscal year. Such debt shall be retired from the revenues realized in that fiscal year.

(d) State debt may be incurred by law in an amount not exceeding 15% of the State's appropriations for that fiscal year to meet deficits caused by emergencies or failures of revenue. Such law shall provide that the debt be repaid within one year of the date it is incurred.

(e) State debt may be incurred by law to refund outstanding State debt if the refunding debt matures within the term of the outstanding State debt.

(f) The State, departments, authorities, public corporations and quasi-public corporations of the State, the State colleges and universities and other public agencies created by the State, may issue bonds or other evidences of indebtedness which are not secured by the full faith and credit or tax revenue of the State nor required to be repaid, directly or indirectly, from tax revenue, for such purposes and in such amounts as may be authorized by law.

(Source: Illinois Constitution.)

Section 10. Revenue Article Not Limited

This Article is not qualified or limited by the provisions of Article VII of this Constitution concerning the size of the majorities in the General Assembly necessary to deny or limit the power to tax granted to units of local government.

(Source: Illinois Constitution.)

ARTICLE X EDUCATION

Section 1. Goal — Free Schools

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities.

The state shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law.

The State has the primary responsibility for financing the system of public education.

(Source: Illinois Constitution.)

Section 2. State Board of Education — Chief State Educational Officer

(a) There is created a State Board of Education to be elected or selected on a regional basis. The number of members, their qualifications, terms of

office and manner of election or selection shall be provided by law. The Board, except as limited by law, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. The Board shall have such other duties and powers as provided by law.

(b) The State Board of Education shall appoint a chief state educational officer.

(Source: Illinois Constitution.)

Section 3. Public Funds for Sectarian Purposes Forbidden

Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.

(Source: Illinois Constitution.)

ARTICLE XI ENVIRONMENT

Section 1. Public Policy—Legislative Responsibility

The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy.

(Source: Illinois Constitution.)

Section 2. Rights of Individuals

Each person has the right to a healthful environment. Each person may enforce this right against any party, governmental or private, through appropriate legal proceedings subject to reasonable limitation and regulation as the General Assembly may provide by law.

(Source: Illinois Constitution.)

ARTICLE XII MILITIA

Section 1. Membership

The State militia consists of all able-bodied persons residing in the State except those exempted by law.

(Source: Illinois Constitution.)

Section 2. Subordination of Military Power

The military shall be in strict subordination to the civil power.

(Source: Illinois Constitution.)

Section 3. Organization, Equipment and Discipline

The General Assembly shall provide by law for the organization, equipment and discipline of the militia in conformity with the laws governing the armed forces of the United States.

(Source: Illinois Constitution.)

Section 4. Commander-in-Chief and Officers

(a) The Governor is commander-in-chief of the organized militia, except when they are in the service of the United States. He may call them out to enforce the laws, suppress insurrection or repel invasion.

(b) The Governor shall commission militia officers who shall hold their commissions for such time as may be provided by law.

(Source: Illinois Constitution.)

Section 5. Privilege from Arrest

Except in cases of treason, felony or breach of peace, persons going to, returning from or on militia duty are privileged from arrest.

(Source: Illinois Constitution.)

ARTICLE XIII GENERAL PROVISIONS

Section 1. Disqualification for Public Office

A person convicted of a felony, bribery, perjury or other infamous crime shall be ineligible to hold an office created by this Constitution. Eligibility may be restored as provided by law.

(Source: Illinois Constitution.)

Section 2. Statement of Economic Interests

All candidates for or holders of state offices and all members of a Commission or Board created by this Constitution shall file a verified statement of their economic interests, as provided by law. The General Assembly by law may impose a similar requirement upon candidates for, or holders of, offices in units of local government and school districts. Statements shall be filed annually with the Secretary of State and shall be available for inspection by the public. The General Assembly by law shall prescribe a reasonable time for filing the statement. Failure to file a statement within the time prescribed shall result in ineligibility for, or forfeiture of, office. This Section shall not be construed as limiting the au-

thority of any branch of government to establish and enforce ethical standards for that branch.
(Source: Illinois Constitution.)

Section 3. Oath or Affirmation of Office

Each prospective holder of a State office or other State position created by this Constitution, before taking office, shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of . . . to the best of my ability."

(Source: Illinois Constitution.)

Section 4. Sovereign Immunity Abolished

Except as the General Assembly may provide by law, sovereign immunity in this State is abolished.
(Source: Illinois Constitution.)

Section 5. Pension and Retirement Rights

Membership in any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired.

(Source: Illinois Constitution.)

Section 6. Corporations

Corporate charters shall be granted, amended, dissolved, or extended only pursuant to general laws.

(Source: Illinois Constitution.)

Section 7. Public Transportation

Public transportation is an essential public purpose for which public funds may be expended. The General Assembly by law may provide for, aid, and assist public transportation, including the granting of public funds or credit to any corporation or public authority authorized to provide public transportation within the State.

(Source: Illinois Constitution.)

Section 8. Branch Banking

Branch banking shall be authorized only by law approved by three-fifths of the members voting on the question or a majority of the members elected, whichever is greater, in each house of the General Assembly.

(Source: Illinois Constitution.)

ARTICLE XIV

CONSTITUTIONAL REVISION

Section 1. Constitutional Convention

(a) Whenever three-fifths of the members elected to each house of the General Assembly so direct, the

question of whether a Constitutional Convention should be called shall be submitted to the electors at the general election next occurring at least six months after such legislative direction.

(b) If the question of whether a Convention should be called is not submitted during any twenty-year period, the Secretary of State shall submit such question at the general election in the twentieth year following the last submission.

(c) The vote on whether to call a Convention shall be on a separate ballot. A Convention shall be called if approved by three-fifths of those voting on the question or a majority of those voting in the election.

(d) The General Assembly, at the session following approval by the electors, by law shall provide for the Convention and for the election of two delegates from each Legislative District; designate the time and place of the Convention's first meeting which shall be within three months after the election of delegates; fix and provide for the pay of delegates and officers; and provide for expenses necessarily incurred by the Convention.

(e) To be eligible to be a delegate a person must meet the same eligibility requirements as a member of the General Assembly. Vacancies shall be filled as provided by law.

(f) The Convention shall prepare such revision of or amendments to the Constitution as it deems necessary. Any proposed revision or amendments approved by a majority of the delegates elected shall be submitted to the electors in such manner as the Convention determines, at an election designated or called by the Convention occurring not less than two nor more than six months after the Convention's adjournment. Any revision or amendments proposed by the Convention shall be published with explanations, as the Convention provides, at least one month preceding the election.

(g) The vote on the proposed revision or amendments shall be on a separate ballot. Any proposed revision or amendments shall become effective, as the Convention provides, if approved by a majority of those voting on the question.

(Source: Illinois Constitution.)

Section 2. Amendments by General Assembly

(a) Amendments to this Constitution may be initiated in either house of the General Assembly. Amendments shall be read in full on three different days in each house and reproduced before the vote is taken on final passage. Amendments approved by the vote of three-fifths of the members elected to each house shall be submitted to the electors at the general election next occurring at least six months after such legislative approval, unless withdrawn by a vote of a majority of the members elected to each house.

(b) Amendments proposed by the General Assembly shall be published with explanations, as pro-

vided by law, at least one month preceding the vote thereon by the electors. The vote on the proposed amendment or amendments shall be on a separate ballot. A proposed amendment shall become effective as the amendment provides if approved by either three-fifths of those voting on the question or a majority of those voting in the election.

(c) The General Assembly shall not submit proposed amendments to more than three Articles of the Constitution at any one election. No amendment shall be proposed or submitted under this Section from the time a Convention is called until after the electors have voted on the revision or amendments, if any, proposed by such Convention.
(Source: Illinois Constitution.)

Section 3. Constitutional Initiative for Legislative Article

Amendments to Article IV of this Constitution may be proposed by a petition signed by a number of electors equal in number to at least eight percent of the total votes cast for candidates for Governor in the preceding gubernatorial election. Amendments shall be limited to structural and procedural subjects contained in Article IV. A petition shall contain the text of the proposed amendment and the date of the general election at which the proposed amendment is to be submitted, shall have been signed by the petitioning electors not more than twenty-four months preceding that general election and shall be filed with the Secretary of State at least six months before that general election. The procedure for determining the validity and sufficiency of a petition shall be provided by law. If the petition is valid and sufficient, the proposed amendment shall be submitted to the electors at that general election and shall become effective if approved by either three-fifths of those voting on the amendment or a majority of those voting in the election.
(Source: Illinois Constitution.)

Section 4. Amendments to the Constitution of the United States

The affirmative vote of three-fifths of the members elected to each house of the General Assembly shall be required to request Congress to call a Federal Constitutional Convention, to ratify a proposed amendment to the Constitution of the United States, or to call a State Convention to ratify a proposed amendment to the Constitution of the United States. The General Assembly shall not take action on any proposed amendment to the Constitution of the United States submitted for ratification by legislatures unless a majority of the members of the General Assembly shall have been elected after the proposed amendment has been submitted for ratification. The requirements of this Section shall govern to the extent that they are not inconsistent with requirements established by the United States.
(Source: Illinois Constitution.)

TRANSITION SCHEDULE

The following Schedule Provisions shall remain part of this Constitution until their terms have been executed. Once each year the Attorney General shall review the following provisions and certify to the Secretary of State which, if any, have been executed. Any provisions so certified shall thereafter be removed from the Schedule and no longer published as part of this Constitution.

Section 1. Delayed Effective Dates.

Section 2. Prospective Operation of Bill of Rights.

Section 3. Election of Executive Officers.

Section 4. Judicial Offices.

Section 5. Local Government.

Section 6. Authorized Bonds.

Section 7. Superintendent of Public Instruction.

Section 8. Cumulative Voting for Directors.

Section 9. General Transition.

Section 10. Accelerated Effective Date.

(Source: Illinois Constitution.)

Section 1. Delayed Effective Dates

(a) The provisions of Section 1, 2(a), 2(b), and 2(c) of Article IV shall not apply to the General Assembly elected at the general election in 1970. Notwithstanding Section 6(b) of Article IV, the incumbent Lieutenant Governor for the remainder of his term shall be the President of the Senate with a right to vote when the Senate is equally divided.

(b) Section 9(a) of Article VII shall become effective on December 1, 1971.

(c) Section 2 of Article VIII shall become effective on January 1, 1972.

(d) The second sentence of Section 2 of Article XI shall become effective on January 1, 1972.

(e) Sections 2 and 4 of Article XIII shall become effective on January 1, 1972.

(Source: Illinois Constitution.)

Section 2. Prospective Operation of Bill of Rights

Any rights, procedural or substantive, created for the first time by Article I shall be prospective and not retroactive.

(Source: Illinois Constitution.)

Section 3. Election of Executive Officers

The Governor, Lieutenant Governor, Attorney General, Secretary of State and Comptroller elected in 1972 shall serve for four years and those elected in 1976 for two years. The Treasurer elected in 1974 shall serve for four years.

(Source: Illinois Constitution.)

Section 4. Judicial Offices

(a) On the effective date of this Constitution, Associate Judges and magistrates shall become Circuit Judges and Associate Judges, respectively, of

their Circuit Courts. All laws and rules of court theretofore applicable to Associate Judges and magistrates shall remain in force and be applicable to the persons in their new offices until changed by the General Assembly or the Supreme Court, as the case may be.

(b) Notwithstanding the provisions of Section 11 of Article VI, magistrates in office on the effective date thereof are eligible to serve as Associate Judges.

(c) Notwithstanding the provisions of Section 18 of Article VI, the Clerk of the Supreme Court and the Clerks of the Appellate Court Districts in office on the effective date of this Constitution shall continue in office until the expiration of their elective terms.

(d) Until otherwise provided by law and except to the extent that the authority is inconsistent with Section 8 of Article VII, the Circuit Courts shall continue to exercise the non-judicial functions vested by law as of December 31, 1963, in county courts or the judges thereof.

(Source: Illinois Constitution.)

Section 5. Local Government

(a) The number of members of a county board in a county which, as of the effective date of this Constitution, elects three members at large may be changed only as approved by county-wide referendum. If the number of members of such a county board is changed by county-wide referendum, the provisions of Section 3(a) of Article VII relating to the number of members of a county board shall govern thereafter.

(b) In Cook County, until (1) a method of election of county board members different from the method in existence on the effective date of this Constitution is approved by a majority of votes cast both in Chicago and in the area outside Chicago in a county-wide referendum or (2) the Cook County Board by ordinance divides the county into single member districts from which members of the County Board resident in each district are elected, the number of members of the Cook County Board shall be fifteen except that the county board may increase the number if necessary to comply with apportionment requirements. If either of the foregoing changes is made, the provisions of Section 3(a) of Article VII shall apply thereafter to Cook County.

(c) Townships in existence on the effective date of this Constitution are continued until consolidated, merged, divided or dissolved in accordance with Section 5 of Article VII.

(Source: Illinois Constitution.)

Section 6. Authorized Bonds

Nothing in Section 9 of Article IX shall be construed to limit or impair the power to issue bonds or

other evidences of indebtedness authorized but unissued on the effective date of this Constitution.

(Source: Illinois Constitution.)

Section 7. Superintendent of Public Instruction

Section 2(b) of Article X shall take effect upon the existence of a vacancy in the Office of Superintendent of Public Instruction but no later than the end of the term of the Superintendent of Public Instruction elected in 1970.

(Source: Illinois Constitution.)

Section 8. Cumulative Voting for Directors

Shareholders of all corporations heretofore organized under any law of this State which requires cumulative voting of shares for corporate directors shall retain their right to vote cumulatively for such directors.

(Source: Illinois Constitution.)

Section 9. General Transition

The rights and duties of all public bodies shall remain as if this Constitution had not been adopted with the exception of such changes as are contained in this Constitution. All laws, ordinances, regulations and rules of court not contrary to, or inconsistent with, the provisions of this Constitution shall remain in force, until they shall expire by their own limitation or shall be altered or repealed pursuant to this Constitution. The validity of all public and private bonds, debts and contracts, and of all suits, actions and rights of action, shall continue as if no change had taken place. All officers filling any office by election or appointment shall continue to exercise the duties thereof, until their offices shall have been abolished or their successors selected and qualified in accordance with this Constitution or laws enacted pursuant thereto.

(Source: Illinois Constitution.)

Section 10. Accelerated Effective Date

The effective date of Section 3 of Article IV shall be January 15, 1971.

For purposes of appointing members of a Legislative Redistricting Commission in 1971, the President Pro Tempore of the Senate shall have the appointing power vested by Section 3(b) of Article IV in the President of the Senate.

(Source: Illinois Constitution.)

CHAPTER 10

ELECTIONS

ELECTION CODE

ARTICLE 1.

GENERAL PROVISIONS

- 10 ILCS 5/1-1 [Title]
- 10 ILCS 5/1-2 [Prior provisions; continuation]
- 10 ILCS 5/1-3 [Definitions]
- 10 ILCS 5/1-4 [Nomination petitions; filing hours]
- 10 ILCS 5/1-5 [Repealed]
- 10 ILCS 5/1-6 Computing dates of various acts; Saturday, Sunday, and holidays
- 10 ILCS 5/1-7 No straight party voting

ARTICLE 1A.

STATE BOARD OF ELECTIONS

- 10 ILCS 5/1A-1 [Establishment]
- 10 ILCS 5/1A-2 [Composition]
- 10 ILCS 5/1A-2.1 [Oath and bond]
- 10 ILCS 5/1A-3 [Appointment]
- 10 ILCS 5/1A-3.1 [Terms]
- 10 ILCS 5/1A-4 [Advice and consent]
- 10 ILCS 5/1A-5 [Vacancies]
- 10 ILCS 5/1A-6 [Chairman]
- 10 ILCS 5/1A-6.1 [Authority; salary; expenses]
- 10 ILCS 5/1A-7 [Meetings; quorum; proxy vote]
- 10 ILCS 5/1A-8 [Powers and Duties]
- 10 ILCS 5/1A-9 [Executive director; consultants]
- 10 ILCS 5/1A-10 [Public record]
- 10 ILCS 5/1A-11 [Principal office; hours]
- 10 ILCS 5/1A-12 [Additional personnel]
- 10 ILCS 5/1A-13 [Political activity]
- 10 ILCS 5/1A-14 [Other officer or employment]
- 10 ILCS 5/1A-15 [Provision of information]

ARTICLE 2.

[RESERVED]

ARTICLE 2A.

TIME OF HOLDING ELECTIONS

- 10 ILCS 5/2A-1 All Elections — Governed by this Code — Construction of Article 2A
- 10 ILCS 5/2A-1.1 All Elections — Consolidated Schedule
- 10 ILCS 5/2A-1.1a [Conflict with Passover]
- 10 ILCS 5/2A-1.2 Consolidated Schedule of Elections — Offices Designated
- 10 ILCS 5/2A-1.3 Calendar of Elections — Determination and Publication — State Board
- 10 ILCS 5/2A-1.4 Emergency Referenda — Petition — Approval
- 10 ILCS 5/2A-2 Presidential and Vice Presidential Electors — Time of Election
- 10 ILCS 5/2A-3 United States Senator — Time of Election
- 10 ILCS 5/2A-4 United States Representative — Time of Election
- 10 ILCS 5/2A-5 Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller — Time of Election
- 10 ILCS 5/2A-6 State Treasurer — Time of Election
- 10 ILCS 5/2A-7 State Senator — Time of Election
- 10 ILCS 5/2A-8 State Representative — Time of Election
- 10 ILCS 5/2A-9 Supreme, Appellate and Circuit Judges
- 10 ILCS 5/2A-10 Assessor — Board of Appeals
- 10 ILCS 5/2A-10.1 Supervisor of Assessments

- 10 ILCS 5/2A-11 Board of Assessors — Time of Election
- 10 ILCS 5/2A-12 Board of Review — Time of Election
- 10 ILCS 5/2A-13 Recorder of Deeds — Time of Election
- 10 ILCS 5/2A-14 County Auditor — Time of Election
- 10 ILCS 5/2A-15 Circuit Clerk — Time of Election
- 10 ILCS 5/2A-16 County Clerk — Time of Election
- 10 ILCS 5/2A-17 Sheriff — Time of Election
- 10 ILCS 5/2A-18 Coroner — Time of Election
- 10 ILCS 5/2A-19 County Treasurer — Time of Election
- 10 ILCS 5/2A-20 Regional Superintendent of Schools — Time of Election
- 10 ILCS 5/2A-21 State's Attorney — Time of Election
- 10 ILCS 5/2A-22 Cook County — Commissioner — President — Time of Election
- 10 ILCS 5/2A-23 County Board Members — Time of Election
- 10 ILCS 5/2A-24 County Commissioners — Non Township Counties — Time of Election
- 10 ILCS 5/2A-25 Chicago — Mayor — Clerk — Treasurer — Time of Election
- 10 ILCS 5/2A-26 Chicago Aldermen
- 10 ILCS 5/2A-27 Cities generally; mayor; clerk; treasurer; time of election
- 10 ILCS 5/2A-28 Cities Generally — Aldermen — Time of Election
- 10 ILCS 5/2A-29 Cities under Commission Form of Government — Commissioners and Mayor — Time of Election
- 10 ILCS 5/2A-30 Villages and Incorporated Towns with Population of Less than 50,000 — President — Trustees — Clerk
- 10 ILCS 5/2A-30a Trustees in villages under 5,000; time of election
- 10 ILCS 5/2A-31 Villages over 50,000; president; trustees; clerk; time of election
- 10 ILCS 5/2A-32 Incorporated Towns with Population of 50,000 or More — President — Clerk — Collector — Assessor — Supervisor — Trustee — Time of Election
- 10 ILCS 5/2A-33 Town — Supervisors — Trustees — Township Collectors — Township Clerks — Township Assessors — Time of Election
- 10 ILCS 5/2A-34 Highway Commissioners — Road District Clerks — Time of Election
- 10 ILCS 5/2A-36 Fire Protection District — Trustee — Time of Election
- 10 ILCS 5/2A-37 Library District — Trustee — Time of Election
- 10 ILCS 5/2A-38 General Park District — Commissioners — Time of Election
- 10 ILCS 5/2A-39 Township Park District — Commissioner — Time of Election
- 10 ILCS 5/2A-40 Metropolitan Sanitary District of Greater Chicago — Trustee — Time of Election
- 10 ILCS 5/2A-41 Sanitary District — Trustee — Time of Election
- 10 ILCS 5/2A-43 Springfield Metropolitan Exposition and Auditorium Authority — Commissioner — Time of Election
- 10 ILCS 5/2A-44 Board of Library Trustees — Members — Time of Election
- 10 ILCS 5/2A-45 Community Buildings — Board of Managers — Member — Time of Election
- 10 ILCS 5/2A-46 Board of Stadium Commissioners — Commissioner — Time of election
- 10 ILCS 5/2A-48 Board of School Directors — Member — Time of Election

- 10 ILCS 5/2A-49 Board of School Inspectors — Member — Time of Election
- 10 ILCS 5/2A-50 Regional Board of School Trustees — Trustee — Time of Election
- 10 ILCS 5/2A-51 Schools — Trustee — Time of Election
- 10 ILCS 5/2A-52 Community College District — Member — Time of Election
- 10 ILCS 5/2A-53 [Repealed]
- 10 ILCS 5/2A-54 [Office term; transition]
- 10 ILCS 5/2A-55 Forest preserve districts; commissioners; time of election

ARTICLE 3.

QUALIFICATION OF VOTERS

- 10 ILCS 5/3-1 [Residency]
- 10 ILCS 5/3-1.2 Eligibility to sign petition
- 10 ILCS 5/3-1.3 [Calculating voter percentage]
- 10 ILCS 5/3-2 [Permanent abode; voter registration]
- 10 ILCS 5/3-3 [Soldiers and sailors]
- 10 ILCS 5/3-4 [Patients]
- 10 ILCS 5/3-5 [Persons convicted and imprisoned]

ARTICLE 4.

REGISTRATION OF ELECTORS IN COUNTIES HAVING A POPULATION OF LESS THAN 500,000

- 10 ILCS 5/4-1. [Applicability]
- 10 ILCS 5/4-2 [Registration; qualifications]
- 10 ILCS 5/4-3 [Place of registry]
- 10 ILCS 5/4-4 [Registration officer]
- 10 ILCS 5/4-5 [Permanent registration established]
- 10 ILCS 5/4-5.01 [Re-registration]
- 10 ILCS 5/4-6 [Clerk's office; registration hours]
- 10 ILCS 5/4-6.1 [Additional methods]
- 10 ILCS 5/4-6.2 [Deputy registrars; appointment]
- 10 ILCS 5/4-6.3 [Temporary places of registration]
- 10 ILCS 5/4-7 [Precinct re-registration; notice; pollwatchers; electioneering]
- 10 ILCS 5/4-8 [Registration record cards]
- 10 ILCS 5/4-8.01 [Assistance in voting]
- 10 ILCS 5/4-8.02 [Disabled voter's card]
- 10 ILCS 5/4-8.03 [Record card design; registration transfer]
- 10 ILCS 5/4-9 The county clerk shall fully instruct the registration officers and deputy registration officers in their duties
- 10 ILCS 5/4-10 [Registration requirements]
- 10 ILCS 5/4-11 [Listing voters]
- 10 ILCS 5/4-12 [Application to erase name from register]
- 10 ILCS 5/4-13 [Docket; application for restoration]
- 10 ILCS 5/4-14 [Report of registered persons]
- 10 ILCS 5/4-14.1 [Death records; examination]
- 10 ILCS 5/4-15 [Registration certificate; mailing]
- 10 ILCS 5/4-16 [Transfer of registration]
- 10 ILCS 5/4-17 [Notice of suspension]
- 10 ILCS 5/4-18 [Authority to investigate and cancel registrations]
- 10 ILCS 5/4-18.01 [Canvass of registered voters lacking permanent abode]
- 10 ILCS 5/4-19 [Loss of registration card]
- 10 ILCS 5/4-20 [Storage of registration cards]
- 10 ILCS 5/4-21 [Boundary and registrant records]
- 10 ILCS 5/4-22 [Voters' application and certificate]
- 10 ILCS 5/4-23 [Military service; affidavit]
- 10 ILCS 5/4-24 [Board of election commissioners; re-registration required]
- 10 ILCS 5/4-24.1 [Annexation or disconnection]
- 10 ILCS 5/4-25 [Compensation]
- 10 ILCS 5/4-27 [Affidavits, investigations; fraud]
- 10 ILCS 5/4-28 [Liquor forbidden]
- 10 ILCS 5/4-30 [Authority to investigate and canvass voters]
- 10 ILCS 5/4-31 [Board to receive registration]
- 10 ILCS 5/4-33 Computerization of voter records

ARTICLE 5.

REGISTRATION OF ELECTORS IN COUNTIES HAVING A POPULATION OF 500,000 OR MORE

- 10 ILCS 5/5-1 [Applicability]

- 10 ILCS 5/5-2 [Registration; requirements]
- 10 ILCS 5/5-3 [Place of registry]
- 10 ILCS 5/5-4 [Registration officer]
- 10 ILCS 5/5-5 [Clerk's office; registration hours]
- 10 ILCS 5/5-6 [Re-registration period]
- 10 ILCS 5/5-7 [Registration record cards]
- 10 ILCS 5/5-7.01 [Voter assistance]
- 10 ILCS 5/5-7.02 [Disabled voters card]
- 10 ILCS 5/5-7.03 [Record card design; registration transfer]
- 10 ILCS 5/5-8 [Registration officers; duties]
- 10 ILCS 5/5-9 [Registration requirements]
- 10 ILCS 5/5-9.1 [Death records]
- 10 ILCS 5/5-10 [Deputy registrars to be canvassers]
- 10 ILCS 5/5-11 [Canvassing precincts]
- 10 ILCS 5/5-12 [Notice of nonresidence]
- 10 ILCS 5/5-13 [Nonresidents list; affidavit; disability]
- 10 ILCS 5/5-14 [Verification and registered voter lists]
- 10 ILCS 5/5-15 [Application to erase name from register]
- 10 ILCS 5/5-16 [Docket; restoration]
- 10 ILCS 5/5-16.1 [Additional methods]
- 10 ILCS 5/5-16.2 [Deputy registrars; appointment; duties]
- 10 ILCS 5/5-16.3 [Temporary place of registration]
- 10 ILCS 5/5-17 [Precinct registration; pollwatchers; electioneering]
- 10 ILCS 5/5-18 [Notice of registration]
- 10 ILCS 5/5-19 [Town clerk's office; registration]
- 10 ILCS 5/5-20 [Incomplete registration]
- 10 ILCS 5/5-21 [Notice to registrants]
- 10 ILCS 5/5-22 [Instructing town clerks]
- 10 ILCS 5/5-23 [Transfer of registration]
- 10 ILCS 5/5-24 [Notice of suspension]
- 10 ILCS 5/5-25 [Authority to investigate and canvass voters]
- 10 ILCS 5/5-25.1 [Registrations transmitted to board]
- 10 ILCS 5/5-25.01 [Canvass of registered voters lacking permanent abode]
- 10 ILCS 5/5-26 [Loss of registration cards]
- 10 ILCS 5/5-28 [Record card storage]
- 10 ILCS 5/5-28.1 [Boundary and registrant records]
- 10 ILCS 5/5-29 [Voter's application and certificate]
- 10 ILCS 5/5-29.01 [Military service; affidavit]
- 10 ILCS 5/5-30 [Primary election; voter application]
- 10 ILCS 5/5-31 [Challenged voters affidavits]
- 10 ILCS 5/5-34 [Poll list]
- 10 ILCS 5/5-35 [Officers of registration; compensation]
- 10 ILCS 5/5-36 [City election law rejected; re-registration]
- 10 ILCS 5/5-37 [Re-registration; enforcement]
- 10 ILCS 5/5-37.1 [Annexation or disconnection]
- 10 ILCS 5/5-38 [Conflicting laws]
- 10 ILCS 5/5-39 [Liquor forbidden]
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ARTICLE 6.

REGISTRATION OF ELECTORS IN CERTAIN CITIES, VILLAGES, AND INCORPORATED TOWNS

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- 10 ILCS 5/6-2 [City electors; adoption of articles]
- 10 ILCS 5/6-3 [Election notice; duties of clerks and judges]
- 10 ILCS 5/6-4 [Form of ballot]
- 10 ILCS 5/6-5 [Location of ballot on ticket]
- 10 ILCS 5/6-6 [Canvassing of ballots]
- 10 ILCS 5/6-7 [Manner of canvassing]
- 10 ILCS 5/6-8 [Tally sheet]
- 10 ILCS 5/6-9 [Returns and tallies]
- 10 ILCS 5/6-10 [Special watchers]
- 10 ILCS 5/6-11 [Canvassing board]
- 10 ILCS 5/6-12 [Judge of election; tampering forbidden]
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- 10 ILCS 5/6-21 [Board of election commissioners]
 10 ILCS 5/6-22 [Commissioners; selection; other offices]
 10 ILCS 5/6-23 [Removal]
 10 ILCS 5/6-24 [Chairman and secretary; oath]
 10 ILCS 5/6-25 [Executive director; attorney; additional assistance]
 10 ILCS 5/6-26 [Rules and regulations]
 10 ILCS 5/6-27 [Persons entitled to vote and register]
 10 ILCS 5/6-28 [First registration]
 10 ILCS 5/6-29 [Board; office hours; registration deadlines]
 10 ILCS 5/6-30 [First registration; adoption of articles]
 10 ILCS 5/6-31 [Additional registration days; board of registry]
 10 ILCS 5/6-31.1 [Boundary and voter records]
 10 ILCS 5/6-32 [Deputy registrars and judges of registration]
 10 ILCS 5/6-34 [Registration oath]
 10 ILCS 5/6-35 [Registration card]
 10 ILCS 5/6-35.01 [Voter assistance]
 10 ILCS 5/6-35.02 [Disabled voter's card]
 10 ILCS 5/6-35.03 [Registration card design; transfer]
 10 ILCS 5/6-36 [Supplying forms and instruction]
 10 ILCS 5/6-37 [Registration; requirements]
 10 ILCS 5/6-38 [Precinct canvasser; duties]
 10 ILCS 5/6-39 [Canvassing times; nonresidents; police]
 10 ILCS 5/6-40 [Return of verification lists; notice]
 10 ILCS 5/6-41 [Voter list; registry revision; affidavit]
 10 ILCS 5/6-42 [Registration at board office]
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 10 ILCS 5/6-45 [Application docket; hearings]
 10 ILCS 5/6-46 [Application to add name; hearings]
 10 ILCS 5/6-47 [Application refusal]
 10 ILCS 5/6-48 [Restoration; supplemental list]
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 10 ILCS 5/6-50 [Registration at board office preceding election]
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 10 ILCS 5/7-14 [Petition examinations]
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- 10 ILCS 5/8-5 [Legislative and representative committees; composition]
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 10 ILCS 5/23-1.6a Election contest — Statewide — Examination of records — Procedure
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 10 ILCS 5/23-1.10a Election contest — Statewide — Final Decision by Supreme Court
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ELECTION CODE

ARTICLE 1.

GENERAL PROVISIONS

10 ILCS 5/1-1 [Title]

Sec. 1-1. This Act may be cited as the Election Code. This Act is the general election law of Illinois and any reference in any other Act to “the general election law” or “the general election law of this State” is a reference to this Act, as now or hereafter amended.

(Source: P.A. 86-1475.)

Derivation.

Title: An Act concerning elections.
Cite: 10 ILCS 5/1-1 et seq.
Source: L. 1943, vol. 2, p. 1.
Date: Approved May 11, 1943.

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1-1.

Cross References.

As to certification by the State Board of Elections of proposal to amend the Constitution, see 5 ILCS 20/2a.

As to electing officers of consolidated municipalities, see 65 ILCS 5/7-7-11.

As to vacancy in the office of coroner, see 55 ILCS 5/3-3039.

As to vacancy in the sheriff's office, see 55 ILCS 5/3-6030.

As to conducting discovery, recounts and election contests, see 10 ILCS 5/24A-15.1.

As to special referendum election for regional transportation

authority, see 70 ILCS 3615/1.05.

As to referendum to increase property tax extension limitation, see 35 ILCS 245/1-15.

As to referendum for taxing district to establish a new tax levy, see 35 ILCS 245/1-20.

As to eligibility to vote for regional board of school trustees, see 105 ILCS 5/6-5.

As to referendum concerning unit school district conversion, see 105 ILCS 5/7A-4.

As to referendum to establish a community unit school district, see 105 ILCS 5/11A-5.

As to referendum on school district conversion, see 105 ILCS 5/11D-2.

Illinois Jurisprudence. See Illinois Jur, Municip L § 2:24, § 2:34, § 2:40, § 6:8, § 6:49.

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In General

This Act provides for uniformity in elections and supersedes other statutes on the same subjects. *Moon v. Rolson*, 189 Ill. App. 3d 262, 136 Ill. Dec. 723, 545 N.E.2d 247 (1 Dist. 1989); *United Citizens v. Coalition To Let The People Decide* in 1989, 125 Ill. 2d 332, 126 Ill. Dec. 175, 531 N.E.2d 802 (1988).

In exercising their powers of supervision over elections and in setting qualifications for voters, a state may not infringe upon basic constitutional protections. *Kusper v. Pontikes*, 414 U.S. 51, 94 S. Ct. 303, 38 L. Ed. 2d 260 (1973).

The regulation of elections is within the power of the legislature, within constitutional limitations. *People ex rel. Schnackenberg v. Czarnecki*, 256 Ill. 320, 100 N.E. 283 (1912).

The legislature must provide the method of conducting an election, counting the votes, and declaring the result, and adopt regulations that will be practicable, to secure a full and fair expression of the wish of the voters. *People ex rel. Schnackenberg v. Czarnecki*, 256 Ill. 320, 100 N.E. 283 (1912).

Applicability

—In General

This Code governs special elections called under statutes not prescribing the manner for holding and conducting the elections. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

—Elections to Fill Vacancies

This Code does not prescribe an election in the event of a vacancy but, rather, prescribes the timing of regularly scheduled elections where the incumbent official continues in office. *United Citizens v. Coalition To Let The People Decide* in 1989, 125 Ill. 2d 332, 126 Ill. Dec. 175, 531 N.E.2d 802 (1988).

—Sanitarium Districts Act

This Code applies to any special, general or primary election, including a special election on a bond issue proposition under section 14 of the Sanitarium Districts Act (70 ILCS 920/14). *Natt v.*

Suburban Cook County Tuberculosis Sanitarium Dist., 407 Ill. 436, 95 N.E.2d 611 (1950).

—School Code

Limitation of voting in an annual school board election in the precinct of a voter's residence was a reasonable compliance with section 9-2 of the School Code (105 ILCS 5/9-2); in the absence of any provision in the School Code as to where the voter should vote, the harmonious and consistent requirement of the Election Code could be inferred. *Tremper v. Board of Educ.*, 3 Ill. App. 3d 264, 278 N.E.2d 451 (1 Dist. 1971).

Board's Authority

The Code does not expressly or implicitly authorize the Board to assume the role of advocate for the purpose of prosecuting an appeal. *Kozenczak v. Du Page County Officers Electoral Bd.*, 299 Ill. App. 3d 205, 233 Ill. Dec. 365, 700 N.E.2d 1073 (2 Dist. 1998).

Construction with Other Laws

While this Code provides for uniformity and stability in the elected offices, the Municipal Code (65 ILCS 5/1-1 et seq.) responds to specific and extraordinary circumstances not covered in the general scheme of elections created by the Election Code. *United Citizens v. Coalition To Let The People Decide* in 1989, 125 Ill. 2d 332, 126 Ill. Dec. 175, 531 N.E.2d 802 (1988).

Construing this Code, the former Roads and Bridges Act, and the former Township Organization Act (see now 60 ILCS 1/1-1 et seq.) together, the geographical area designated as an election precinct is to be the same for all elections covered by these three acts and attended with the same legal significance; thus, a township is a single election precinct unless and until further election precincts are fixed under the several acts. *People ex rel. Schwartz v. Fagerholm*, 17 Ill. 2d 131, 161 N.E.2d 20 (1959).

Eligibility of Candidates

—Objections

All objections to a candidate's eligibility to run for office must be resolved by the procedures set out in this Act. *People ex rel. Klingelmueller v. Haas*, 111 Ill. App. 3d 88, 66 Ill. Dec. 856, 443 N.E.2d 782 (3 Dist. 1982).

Political Party Affiliation

While having a voice in elections is regarded as one of the most important and protected rights, and the vote itself is traditionally within the "zone of privacy," such is not the case with party affiliation; one's political party affiliation does not constitute a privacy right under the Illinois Constitution. *Small v. Kusper*, 161 Ill. App. 3d 42, 112 Ill. Dec. 499, 513 N.E.2d 1108 (1 Dist. 1987).

Purpose

The basic intent of this Code is to give all persons an opportunity to vote and to prevent fraud. *Ole, Ole, Inc. v. Kozubowski*, 187 Ill. App. 3d 277, 134 Ill. Dec. 895, 543 N.E.2d 178 (1 Dist. 1989).

This Code is strengthened from time to time under the constitutional admonition to provide free and equal elections; its basic intent is to give all persons an opportunity to vote and to prevent fraud. *People ex rel. Schwartz v. Fagerholm*, 17 Ill. 2d 131, 161 N.E.2d 20 (1959).

One object of this Code is to obtain a correct expression of the intention of the voters without having the manner in which any particular voter has cast his vote known to anyone save himself, with the necessary exception of the election officials, who may assist certain voters according to law. *Giffin v. Rausa*, 2 Ill. 2d 421, 118 N.E.2d 249 (1954).

Standing

Since the right to hold public office is a necessary concomitant of the right to vote, there was no valid reason to deny the plaintiffs, one of whom sought election and two who wished to support him, standing to sue. *Jackson v. Ogilvie*, 325 F. Supp. 864 (N.D. Ill.), aff'd, 403 U.S. 925, 91 S. Ct. 2247, 29 L. Ed. 2d 705 (1971).

Technical Requirements

—In General

After an election, mere technical statutory duties relating to elections will generally be held to be directory only and a failure to comply with them will not invalidate the election if such failure

Technical Requirements (Cont'd)**—In General (Cont'd)**

does not affect its fairness or merits nor obstruct or prevent a free and intelligent vote of the people and ascertainment of the result. *Foster v. Chicago Bd. of Elections Comm'rs*, 176 Ill. App. 3d 776, 126 Ill. Dec. 293, 531 N.E.2d 920 (1 Dist. 1988).

Women Voters

The former Primary Election Law (see now 10 ILCS 5/7-1 et seq.) gave women the right to vote at primary elections for such offices as they may have voted for at the election for which the primary was held, but they were not entitled to vote for the election of delegates to national conventions and for party committeemen. *People ex rel. Garretson v. Byers*, 271 Ill. 600, 111 N.E. 564 (1916).

10 ILCS 5/1-2 [Prior provisions; continuation]

Sec. 1-2. The provisions of this Act, so far as they are the same as those of any prior statute, shall be construed as a continuation of such prior provisions, and not as a new enactment.

If in any other statute reference is made to an Act of the General Assembly, or a section of such an Act, which is continued in this election Code, such reference shall be held to refer to the Act or section thereof so continued in this Code.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1-2.

CASE NOTES**In General**

This Act is the general law for the conduct of elections in Illinois, and it is a codification and continuation of all existing general laws relating to elections. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

10 ILCS 5/1-3 [Definitions]

Sec. 1-3. As used in this Act, unless the context otherwise requires:

1. "Election" includes the submission of all questions of public policy, propositions, and all measures submitted to popular vote, and includes primary elections when so indicated by the context.

2. "Regular election" means the general, general primary, consolidated and consolidated primary elections regularly scheduled in Article 2A [10 ILCS 5/2A-1 et seq.]. The even numbered year municipal primary established in Article 2A [10 ILCS 5/2A-1 et seq.] is a regular election only with respect to those municipalities in which a primary is required to be held on such date.

3. "Special election" means an election not regularly recurring at fixed intervals, irrespective of whether it is held at the same time and place and by the same election officers as a regular election.

4. "General election" means the biennial election at which members of the General Assembly are elected. "General primary election", "consolidated election" and "consolidated primary election" mean the respective elections or the election dates desig-

nated and established in Article 2A of this Code [10 ILCS 5/2A-1 et seq.].

5. "Municipal election" means an election or primary, either regular or special, in cities, villages, and incorporated towns; and "municipality" means any such city, village or incorporated town.

6. "Political or governmental subdivision" means any unit of local government, or school district in which elections are or may be held. "Political or governmental subdivision" also includes, for election purposes, Regional Boards of School Trustees, and Township Boards of School Trustees.

7. The word "township" and the word "town" shall apply interchangeably to the type of governmental organization established in accordance with the provisions of the Township Code [60 ILCS 1/1-1 et seq.]. The term "incorporated town" shall mean a municipality referred to as an incorporated town in the Illinois Municipal Code, as now or hereafter amended [65 ILCS 5/1-1-1 et seq.].

8. "Election authority" means a county clerk or a Board of Election Commissioners.

9. "Election Jurisdiction" means (a) 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; (b) the territorial jurisdiction of a city board of election commissioners; and (c) 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. "Local election official" means the clerk or secretary of a unit of local government or school district, as the case may be, 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, as now or hereafter amended [105 ILCS 5/1-1 et seq.].

11. "Judges of election", "primary judges" and similar terms, as applied to cases where there are 2 sets of judges, when used in connection with duties at an election during the hours the polls are open, refer to the team of judges of election on duty during such hours; and, when used with reference to duties after the closing of the polls, refer to the team of tally judges designated to count the vote after the closing of the polls and the holdover judges designated pursuant to Section 13-6.2 or 14-5.2 [10 ILCS 5/13-6.2 or 10 ILCS 5/14-5.2]. In such case, where, after the closing of the polls, any act is required to be performed by each of the judges of election, it shall be performed by each of the tally judges and by each of the holdover judges.

12. "Petition" of candidacy as used in Sections 7-10 and 7-10.1 [10 ILCS 5/7-10 and 10 ILCS 5/7-10.1] shall consist of a statement of candidacy, candidate's statement containing oath, and sheets containing

signatures of qualified primary electors bound together.

13. "Election district" and "precinct", when used with reference to a 30-day residence requirement, means the smallest constituent territory in which electors vote as a unit at the same polling place in any election governed by this Act.

14. "District" means 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, and includes, but is not limited to, legislative, congressional and judicial districts, judicial circuits, county board districts, municipal and sanitary district wards, school board districts, and precincts.

15. "Question of public policy" or "public question" means any question, proposition or measure submitted to the voters at an election dealing with subject matter other than the nomination or election of candidates and shall include, but is not limited to, any bond or tax referendum, and questions relating to the Constitution.

16. "Ordinance providing the form of government of a municipality or county pursuant to Article VII of the Constitution" includes ordinances, resolutions and petitions adopted by referendum which provide for the form of government, the officers or the manner of selection or terms of office of officers of such municipality or county, pursuant to the provisions of Sections 4, 6 or 7 of Article VII of the Constitution.

17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29, 6-60, and 6-66 [10 ILCS 5/4-11, 10 ILCS 5/4-22, 10 ILCS 5/5-14, 10 ILCS 5/5-29, 10 ILCS 5/6-60, and 10 ILCS 5/6-66] shall include a computer tape or computer disc or other electronic data processing information containing voter information.

18. "Accessible" means accessible to handicapped and elderly individuals for the purpose of voting or registration, as determined by rule of the State Board of Elections.

19. "Elderly" means 65 years of age or older.

20. "Handicapped" means having a temporary or permanent physical disability.

21. "Leading political party" means one of the two political parties whose candidates for governor at the most recent three gubernatorial elections received either the highest or second highest average number of votes. The political party whose candidates for governor received the highest average number of votes shall be known as the first leading political party and the political party whose candidates for governor received the second highest average number of votes shall be known as the second leading political party.

22. "Business day" means 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 7 hours.

23. "Homeless individual" means any person who has a nontraditional residence, including but not

limited to, a shelter, day shelter, park bench, street corner, or space under a bridge.

(Source: P.A. 86-873; 86-1348; 87-1241, § 1; 88-670, § 3-5; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1-3.

Effect of Amendments.

The 1992 amendment by P.A. 87-1241, effective December 23, 1992, added subsection 23.

The 1994 amendment by P.A. 88-670, effective December 2, 1994, in subsection 7 substituted "the Township Code" for "the Township Law of 1874".

The 1997 amendment by P.A. 90-358, effective January 1, 1998, in subsection 2, in the first sentence, deleted "nonpartisan" preceding "consolidated"; and in subsection 4 deleted "nonpartisan election" preceding "consolidated election".

CASE NOTES

ANALYSIS

Filing

General Elections

—Defined

Regular Elections

—Defined

Special Elections

—Applicable Law

—City Bonds

—Notice

Filing

This section and 10 ILCS 5/7-10 do not require that a candidate must simultaneously file his statement of candidacy and petition sheets; it is sufficient if a candidate files both within the statutorily prescribed filing period. *Courtney v. County Officers Electoral Bd.*, 314 Ill. App. 3d 870, 247 Ill. Dec. 861, 732 N.E.2d 1193 (1 Dist. 2000).

General Elections

—Defined

The term general election means the selection of officers to serve after the expiration of the terms of former ones. *People ex rel. Elder v. Quilici*, 309 Ill. App. 466, 33 N.E.2d 492 (1 Dist. 1941).

Regular Elections

—Defined

A regular election is one which recurs at stated intervals as fixed by law without any superinducing cause other than the efflux of time. *People ex rel. Elder v. Quilici*, 309 Ill. App. 466, 33 N.E.2d 492 (1 Dist. 1941).

A regular election is one held to select an officer to succeed to the office upon the expiration of the full term of the incumbent. *People ex rel. Elder v. Quilici*, 309 Ill. App. 466, 33 N.E.2d 492 (1 Dist. 1941).

Special Elections

—Applicable Law

Since this Code prescribed in detail the rules necessary for the conduct of a special election, it followed that section 14 of the Sanitarium District Act (70 ILCS 920/14) was complete and not subject to the objection that its provisions were vague, indefinite and uncertain as to offend constitutional guaranties; this being so, the Sanitarium Districts Act afforded ample authority for calling and holding a special election. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

Where a statute provides for a special election but makes no provision for the method of calling and conducting it, the general law for the conduct of elections controls. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

Special Elections (Cont'd)**—City Bonds**

An election on six propositions for distributing city bonds was a special election. *Bilek v. City of Chicago*, 396 Ill. 445, 71 N.E.2d 789 (1947).

—Notice

It is essential to the validity of a special election that the mode prescribed for conducting it be complied with in all material respects, and this includes the giving of adequate notice. *Solomon v. North Shore San. Dist.*, 48 Ill. 2d 309, 269 N.E.2d 457 (1971).

The only notice that is jurisdictional and required for a special election is that prescribed by statute; the notice need not contain more than that described by statute as mandatory. *Solomon v. North Shore San. Dist.*, 48 Ill. 2d 309, 269 N.E.2d 457 (1971).

10 ILCS 5/1-4 [Nomination petitions; filing hours]

Sec. 1-4. In any case in which this Act prescribes a period of time within which petitions for nomination must be filed, the office in which petitions must be filed shall remain open for the receipt of such petitions until 5:00 P.M. on the last day of the filing period.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1-4.

CASE NOTES**Time for Filing Nomination Papers**

Nomination papers for four candidates were timely filed where they were time stamped between 5:04 PM and 5:10 PM on the last day for filing since the statute requires only that the office in which nomination papers are to be filed must remain open until at least 5:00 PM on the last day for filing, but does not require that the office must close at that time or that nomination papers must be filed by 5:00 PM. *Welch v. Educational Officers Electoral Bd.*, Ill. App. 3d, 255 Ill. Dec. 641, 750 N.E.2d 222, 2001 Ill. App. LEXIS 359 (1 Dist. 2001).

10 ILCS 5/1-5: Repealed by P.A. 89-653, § 95, effective August 14, 1996.

Note.

For new provisions, see 10 ILCS 5/1-6.

10 ILCS 5/1-6 Computing dates of various acts; Saturday, Sunday, and holidays

Sec. 1-6. *Computing dates of various acts; Saturday, Sunday, and holidays.* (a) If the first or last day fixed by law to do any act required or allowed by this 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.

(b) For the purposes of this Section, "State holiday" means New Year's Day, Dr. Martin Luther King, Jr.'s Birthday, Lincoln's Birthday, President's Day, Casimir Pulaski's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Colum-

bus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day from time to time declared by the President of the United States or the Governor of Illinois to be a day during which the agencies of the State of Illinois that are ordinarily open to do business with the public shall be closed for business.

(c) Notwithstanding any other provision of this Code, nominating papers, petitions of objection to nominating papers, certificates of withdrawal of candidacy, and reports of political committees actually received by election authorities and local election officials on a State holiday, a Saturday, or a Sunday shall not be deemed invalid or defective for that reason alone.

(Source: P.A. 89-653, § 5; 90-672, § 5.)

Effective Date.

Section 99 of P.A. 89-653 made this section effective upon becoming law. The Act was approved August 14, 1996.

Effect of Amendments.

The 1998 amendment by P.A. 90-672, effective July 31, 1998, rewrote the section catchline; and rewrote subsection (a).

10 ILCS 5/1-7 No straight party voting

Sec. 1-7. *No straight party voting.* Notwithstanding any provision of law to the contrary, straight party voting by a single vote is not permitted in Illinois.

(Source: P.A. 89-700, § 5.)

Effective Date.

Section 99 of P.A. 89-700 made this section effective upon becoming law. The Act was approved January 17, 1997.

ARTICLE 1A.**STATE BOARD OF ELECTIONS****10 ILCS 5/1A-1 [Establishment]**

Sec. 1A-1. A State Board of Elections is hereby established which shall have general supervision over the administration of the registration and election laws throughout the State, and shall perform only such duties as are or may hereafter be prescribed by law.

(Source: P.A. 78-918.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-1.

CASE NOTES**ANALYSIS****Constitutionality****Powers****—Limitations****Constitutionality**

The method used to select members of the State Board of Elections in former Ill.Rev.Stat., ch. 46, para. 7.1 and the tie

Constitutionality (Cont'd)

breaker provision of said statute were declared unconstitutional. *Walker v. State Bd. of Elections*, 65 Ill. 2d 543, 3 Ill. Dec. 703, 359 N.E.2d 113 (1976).

Where plaintiffs contended that the statute providing for the selection of members of the State Board of Elections was unconstitutional, they were not required to exhaust their administrative remedies because they did not merely attack the statute as it was applied to them, but rather challenged the statute on its face. *Walker v. State Bd. of Elections*, 65 Ill. 2d 543, 3 Ill. Dec. 703, 359 N.E.2d 113 (1976).

Powers**—Limitations**

This section, establishing the State Board of Elections and its duties and powers, specifically limits the Board's authority to those areas prescribed by this Act. *Troy v. State Bd. of Elections*, 84 Ill. App. 3d 740, 40 Ill. Dec. 556, 406 N.E.2d 562 (1 Dist. 1980).

OPINIONS OF ATTORNEY GENERAL**Advisory Opinions**

The State Board of Elections may not issue "advisory opinions" or other interpretations of the provisions of the Election Code [10 ILCS 5/1-1 et seq.]. 1987 Op. Atty. Gen. (87-004).

LEGAL PERIODICALS

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

10 ILCS 5/1A-2 [Composition]

Sec. 1A-2. The State Board of Elections shall consist of 8 members, 4 of whom shall be residents of Cook County and 4 of whom shall be residents of the State outside of Cook County. Of the 4 members from each area of required residence, 2 shall be affiliated with the same political party as the Governor, and 2 shall be affiliated with the political party whose nominee for Governor in the most recent general election received the second highest number of votes. Members shall be persons who have extensive knowledge of the election laws of this State.

(Source: P.A. 80-1178.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-2.

10 ILCS 5/1A-2.1 [Oath and bond]

Sec. 1A-2.1. Each member of the State Board of Elections, before entering upon his duties, shall subscribe to the Constitutional oath and shall give an official bond in the penal sum of \$100,000, with a corporate surety or individual sureties approved by the Governor, conditioned upon the faithful discharge of the duties of his office. The bond and oath shall be filed with the office of the Secretary of State within 10 days after the appointment.

(Source: P.A. 78-918.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-2.1.

10 ILCS 5/1A-3 [Appointment]

Sec. 1A-3. Subject to the confirmation requirements of Section 1A-4 [10 ILCS 5/1A-4], 4 members of the State Board of Elections shall be appointed in each odd-numbered year as follows:

(1) The Governor shall appoint 2 members of the same political party with which he is affiliated, one from each area of required residence.

(2) The Governor shall appoint 2 members of the political party whose candidate for Governor in the most recent general election received the second highest number of votes, one from each area of required residence, from a list of nominees submitted by the first state executive officer in the order indicated herein affiliated with such political party: Attorney General, Secretary of State, Comptroller, and Treasurer. If none of the State executive officers listed herein is affiliated with such political party, the nominating State officer shall be the first State executive officer in the order indicated herein affiliated with an established political party other than that of the Governor.

(3) The nominating state officer shall submit in writing to the Governor 3 names of qualified persons for each membership on the Board of Election to be appointed from the political party of that officer. The Governor may reject any or all of the nominees on any such list and may request an additional list. The second list shall be submitted by the nominating officer and shall contain 3 new names of qualified persons for each remaining appointment, except that if the Governor expressly reserves any nominee's name from the first list, that nominee shall not be replaced on the second list. The second list shall be final.

(4) Whenever all the state executive officers designated in paragraph (2) are affiliated with the same political party as that of the Governor, all 4 members of the Board to be appointed that year, from both designated political parties, shall be appointed by the Governor without nominations.

(5) The Governor shall submit in writing to the President of the Senate the name of each person appointed to the State Board of Elections, and shall designate the term for which the appointment is made and the name of the member whom the appointee is to succeed.

(6) The appointments shall be made and submitted by the Governor no later than April 1 and a nominating state officer required to submit a list of nominees to the Governor pursuant to paragraph (3) shall submit a list no later than March 1.

(7) In the appointment of the initial members of the Board pursuant to this amendatory Act of 1978, the provisions of paragraphs (1), (2), (3), (5) and (6) of this Section shall apply except that the Governor shall appoint all 8 members, 2 from each of the designated political parties from each area of required residence.

(Source: P.A. 85-958.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-3.

OPINIONS OF ATTORNEY GENERAL**Law Counsel**

A member of a law firm which contracts to advise and represent a municipal corporation on particular matters has the status of an independent contractor rather than that of an employee of the municipal corporation and therefore is not prohibited from being a member of the State Board of Elections. 1978 Op. Atty. Gen. 163.

10 ILCS 5/1A-3.1 [Terms]

Sec. 1A-3.1. Of the members initially appointed to the State Board of Elections pursuant to this amendatory Act of 1978, one member affiliated with each political party from each area of required residence shall serve a term commencing July 1, 1978 and ending June 30, 1979, and the other initial members shall serve terms commencing July 1, 1978 and ending June 30, 1981.

Notwithstanding any provision in this Section to the contrary, the term of office of each member of the State Board of Elections is abolished on the effective date of this amendatory Act of 1985. Subject to the confirmation requirements of Section 1A-4 [10 ILCS 5/1A-4], 8 members of the State Board of Elections shall be appointed in accordance with the provisions of Section 1A-3 [10 ILCS 5/1A-3], except that the Governor shall appoint 4 members of the same political party with which he is affiliated and 4 members of the political party whose candidate for Governor in the most recent general election received the second highest number of votes and except that a nominating State officer shall submit to the Governor his required list of nominees within 15 days after the current terms of office are abolished and the Governor shall make appointments within 30 days after the current terms of office are abolished. Of the members initially appointed to the State Board of Elections pursuant to this amendatory Act of 1985, one member affiliated with each political party for each area of required residence shall serve a term commencing July 1, 1985, and ending July 1, 1987, and the other initial members shall serve terms commencing July 1, 1985, and ending July 1, 1989.

The terms of subsequent members of the State Board of Elections shall be 4 years commencing on July 1 of the year in which the appointments are made.

A member shall serve until his successor is duly appointed and has qualified. No appointee shall enter upon the duties of his office until all members required to be appointed in that year have been confirmed by the Senate by record vote pursuant to Section 1A-4 [10 ILCS 5/1A-4]. (Source: P.A. 84-115.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-3.1.

CASE NOTES**ANALYSIS****Removal Power**

- Cause
- Judicial Review
- Substitution of Members
- Political Bias

Removal Power**—Cause**

The governor can only remove a member of the State Board of Elections for cause. *Lunding v. Walker*, 65 Ill. 2d 516, 3 Ill. Dec. 686, 359 N.E.2d 96 (1976).

—Judicial Review

Whether a Board member's failure to file a financial disclosure statement in compliance with an executive order was a sufficient "neglect of duty" to justify the Governor's exercise of his removal power was properly reviewable by the court. *Lunding v. Walker*, 65 Ill. 2d 516, 3 Ill. Dec. 686, 359 N.E.2d 96 (1976).

Substitution of Members**—Political Bias**

This Code does not provide an implied right for substitution of Electoral Board members when an objector alleges political bias. *Ryan v. Landek*, 159 Ill. App. 3d 10, 111 Ill. Dec. 97, 512 N.E.2d 1 (1987).

10 ILCS 5/1A-4 [Advice and consent]

Sec. 1A-4. All appointments of members to the State Board of Elections shall be subject to the advice and consent of the Senate pursuant to this Section. Appointments by the Governor pursuant to paragraphs (1), (2) and (7) of Section 1A-3 [10 ILCS 5/1A-3(1), (2) and (7)] shall require the advice and consent of a $\frac{2}{3}$ vote of the members elected to the Senate. Appointments by the Governor pursuant to paragraph (4) of Section 1A-3 [10 ILCS 5/1A-3(4)] shall require the advice and consent of a $\frac{3}{4}$ vote of the members elected to the Senate.

The Senate shall confirm or reject appointments within 30 session days or 60 calendar days after they are submitted by the Governor, whichever occurs first. Except in the case of appointments to fill vacancies, the confirmation time period specified in this Section shall not commence until all appointments required to be made in that year have been submitted by the Governor. (Source: P.A. 80-1178.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-4.

10 ILCS 5/1A-5 [Vacancies]

Sec. 1A-5. An appointment to fill each vacancy on the State Board of Elections shall be made pursuant to the appropriate paragraph of Section 1A-3 [10 ILCS 5/1A-3] in the same manner as the appointment of members for new terms. Each appointment to fill a vacancy shall be for the completion of the term of that position.

The Governor shall make an appointment to fill each vacancy and shall submit it to the President of

the Senate within 30 days of the occurrence of the vacancy, or within 30 days of the submission of a list of nominees to him pursuant to paragraph (3) of Section 1A-3 [10 ILCS 5/1A-3(3)], whichever is later. A nominating state officer shall submit to the Governor his required list of nominees to fill a vacancy within 15 days of the occurrence of the vacancy. If the Governor does not fill a vacancy required to be filled pursuant to paragraph (3) of Section 1A-3 [10 ILCS 5/1A-3(3)], within the required 30 days, the nominating state officer shall make the appointment from among the nominees he previously submitted. (Source: P.A. 80-1178.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-5.

10 ILCS 5/1A-6 [Chairman]

Sec. 1A-6. One member of the State Board of Elections shall be elected by the members of the Board to be chairman and shall serve as chairman of the Board for a term ending June 30, 1979. On July 1 of 1979 and on July 1 of each odd-numbered year thereafter, a chairman shall be elected by the members of the Board for a 2 year term ending June 30 of the next odd-numbered year. If July 1 of any odd-numbered year does not fall on a business day, said election shall be held on the first business day thereafter. The chairman elected for each 2 year term shall not be of the same political party affiliation as the prior chairman. Whenever a vacancy occurs in the office of chairman, a new chairman of the same political party affiliation shall be elected for the remainder of the vacating chairman's term. Whenever a chairman is elected, the Board shall elect from among its members, a vice chairman who shall not be of the same political party affiliation as the chairman.

Upon the confirmation of all of the members of the State Board of Elections initially appointed under the amendatory Act of 1978, the Governor shall designate one of the members as interim chairman who shall preside over the Board until a chairman is elected pursuant to this Section. (Source: P.A. 80-1178.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-6.

OPINIONS OF ATTORNEY GENERAL

Holdover

A chairman holding over after the expiration of his term until the board obeys its statutorily mandated duty to elect a new chairman is a de facto officer whose acts with regard to the public and the rights of a third person are valid. 1979 Op. Atty. Gen. 100.

10 ILCS 5/1A-6.1 [Authority; salary; expenses]

Sec. 1A-6.1. The chairman of the State Board of Elections shall preside at all meetings of the Board, except that the vice chairman shall preside at any

meeting when the chairman is absent. The salary of the chairman shall be \$25,000 per year, or as set by the Compensation Review Board, whichever is greater, and the salary of the vice-chairman shall be \$20,000 per year, or as set by the Compensation Review Board, whichever is greater. The salary of the other Board members shall be \$15,000 per year, or as set by the Compensation Review Board, whichever is greater. Each member shall be reimbursed for actual expenses incurred in the performance of his duties.

(Source: P.A. 83-1177.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-6.1.

10 ILCS 5/1A-7 [Meetings; quorum; proxy vote]

Sec. 1A-7. The State Board of Elections shall meet at such time or times as the chairman or any 4 members shall direct, but at least once per month. Five members of the Board are necessary to constitute a quorum and 5 votes are necessary for any action of the Board to become effective, including the appointment of the executive director, the employment of technical consultants and the employment of other persons.

If a quorum is present at a meeting of the Board, one of the members present may vote for the absent member pursuant to a written proxy signed by the absent member. A member voting by proxy who is not in attendance may not be counted towards the presence of a quorum.

(Source: P.A. 80-1178.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-7.

CASE NOTES

Five Votes

A five-vote majority of the Board of Elections is not required to dismiss a complaint. *People v. West*, 294 Ill. App. 3d 939, 229 Ill. Dec. 241, 691 N.E.2d 177 (5 Dist. 1998), appeal denied, 179 Ill. 2d 614, 235 Ill. Dec. 575, 705 N.E.2d 448 (1998).

10 ILCS 5/1A-8 [Powers and Duties]

Sec. 1A-8. The State Board of Elections shall exercise the following powers and perform the following duties in addition to any powers or duties otherwise provided for by law:

(1) Assume all duties and responsibilities of the State Electoral Board and the Secretary of State as heretofore provided in this Act;

(2) Disseminate information to and consult with election authorities concerning the conduct of elections and registration in accordance with the laws of this State and the laws of the United States;

(3) Furnish to each election authority prior to each primary and general election and any other election it deems necessary, a manual of uniform instruc-

tions consistent with the provisions of this Act which shall be used by election authorities in the preparation of the official manual of instruction to be used by the judges of election in any such election. In preparing such manual, the State Board shall consult with representatives of the election authorities throughout the State. The State Board may provide separate portions of the uniform instructions applicable to different election jurisdictions which administer elections under different options provided by law. The State Board may by regulation require particular portions of the uniform instructions to be included in any official manual of instructions published by election authorities. Any manual of instructions published by any election authority shall be identical with the manual of uniform instructions issued by the Board, but may be adapted by the election authority to accommodate special or unusual local election problems, provided that all manuals published by election authorities must be consistent with the provisions of this Act in all respects and must receive the approval of the State Board of Elections prior to publication; provided further that if the State Board does not approve or disapprove of a proposed manual within 60 days of its submission, the manual shall be deemed approved.

(4) Prescribe and require the use of such uniform forms, notices, and other supplies not inconsistent with the provisions of this Act as it shall deem advisable which shall be used by election authorities in the conduct of elections and registrations;

(5) Prepare and certify the form of ballot for any proposed amendment to the Constitution of the State of Illinois, or any referendum to be submitted to the electors throughout the State or, when required to do so by law, to the voters of any area or unit of local government of the State;

(6) Require such statistical reports regarding the conduct of elections and registration from election authorities as may be deemed necessary;

(7) Review and inspect procedures and records relating to conduct of elections and registration as may be deemed necessary, and to report violations of election laws to the appropriate State's Attorney;

(8) Recommend to the General Assembly legislation to improve the administration of elections and registration;

(9) Adopt, amend or rescind rules and regulations in the performance of its duties provided that all such rules and regulations must be consistent with the provisions of this Article 1A or issued pursuant to authority otherwise provided by law;

(10) Determine the validity and sufficiency of petitions filed under Article XIV, Section 3, of the Constitution of the State of Illinois of 1970;

(11) Maintain in its principal office a research library that includes, but is not limited to, abstracts of votes by precinct for general primary elections and general elections, current precinct maps and current precinct poll lists from all election jurisdic-

tions within the State. The research library shall be open to the public during regular business hours. Such abstracts, maps and lists shall be preserved as permanent records and shall be available for examination and copying at a reasonable cost;

(12) Supervise the administration of the registration and election laws throughout the State;

(13) Obtain from the Department of Central Management Services, under Section 405-250 of the Department of Central Management Services Law (20 ILCS 405/405-250), such use of electronic data processing equipment as may be required to perform the duties of the State Board of Elections and to provide election-related information to candidates, public and party officials, interested civic organizations and the general public in a timely and efficient manner; and

(14) To take such action as may be necessary or required to give effect to directions of the State central committee of an established political party under Sections 7-8, 7-11 and 7-14.1 [10 ILCS 5/7-8, 10 ILCS 5/7-11, and 10 ILCS 5/7-14.1] or such other provisions as may be applicable pertaining to the selection of delegates and alternate delegates to an established political party's national nominating conventions.

The Board may by regulation delegate any of its duties or functions under this Article, except that final determinations and orders under this Article shall be issued only by the Board.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended [25 ILCS 5/3.1], and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act [15 ILCS 320/7]. (Source: P.A. 86-1089; 91-239, § 5-115.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-8.

Effect of Amendments.

The 1999 amendment by P.A. 91-239, effective January 1, 2000, substituted "Section 405-250 of the Department of Central Management Services Law (20 ILCS 405/405-250)" for "Section 35.7a of the Civil Administrative Code of Illinois" in subdivision (13).

OPINIONS OF ATTORNEY GENERAL

Advisory Opinions

The State Board of Elections may not issue "advisory opinions" or other interpretations of the provisions of the Election Code [10 ILCS 5/1-1 et seq.]. 1987 Op. Atty. Gen. (87-004).

LEGAL PERIODICALS

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

For article, "The Constitutional Initiative and the Structure and Procedures of the General Assembly," see 11 J. Marshall J. Prac. & Proc. 387 (1978).

10 ILCS 5/1A-9 [Executive director; consultants]

Sec. 1A-9. The State Board of Elections shall appoint an executive director and an assistant executive director. Subject to the provisions of the "Personnel Code" [20 ILCS 415/1 et seq.], the annual compensation of the executive director and assistant executive director shall be determined by the Board.

The executive director and assistant executive director may be removed from office at any time by a vote of at least 5 members of the Board. Upon any such removal a vacancy is created which shall be filled as provided for the initial appointments.

The Board, upon the affirmative vote of a majority of its members, may from time to time contract with technical consultants to assist it in the performance of its duties. Such technical consultants shall be compensated only under contracts which specify the duties to be performed and the compensation therefor. Except as otherwise provided in this Section, contracts with technical consultants, other than hearing officers and attorneys representing the Board in litigation, shall terminate no more than 60 days after the commencement of the specified duties and may be extended once for a period of no more than 30 days upon the affirmative vote of a majority of the Board. The time limitations imposed by this Section on contracts with technical consultants shall not apply to a contract with a technical consultant for the provision of electronic data processing services in connection with the Board's performance of the duties assigned to it pursuant to paragraph (11) of Section 1A-8 [10 ILCS 5/1A-8(11)] or in connection with the Board's performance of the duties assigned to it pursuant to Sections 4-8, 5-7 and 6-35 [10 ILCS 5/4-8, 10 ILCS 5/5-7 and 10 ILCS 5/6-35] concerning the furnishing of electronic data or compilations containing voter registration information to state political committees registered pursuant to the Illinois Campaign Finance Act [10 ILCS 5/9-1 et seq.] or the Federal Election Campaign Act [2 U.S.C. § 431 et seq.]. No technical consultant, other than a hearing officer or an attorney engaged to represent the Board in litigation, may be compensated under more than one contract in any fiscal year. (Source: P.A. 84-1026.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-9.

10 ILCS 5/1A-10 [Public record]

Sec. 1A-10. The State Board of Elections shall keep a full and true public record of all of its proceedings and of all monies received and expended. The Board shall file and preserve in its principal office all orders and records pertaining to

its duties. The executive director shall exercise general supervision over the operation of the business of the Board and its equipment, facilities, employees and consultants, in accordance with the rules and regulations of the Board and as otherwise directed by the Board. The assistant executive director shall administer the operations and staff of the permanent branch office of the Board.

(Source: P.A. 83-941.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-10.

10 ILCS 5/1A-11 [Principal office; hours]

Sec. 1A-11. The principal office of the State Board of Elections shall be maintained in Springfield and a permanent branch office shall be maintained in Chicago. The permanent offices of the Board shall be kept open during the ordinary business hours of State offices. However, on the day of any election, or at any other time, the offices of the Board may be kept open such additional time as the Board shall deem necessary to carry out its duties.

(Source: P.A. 78-918.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-11.

10 ILCS 5/1A-12 [Additional personnel]

Sec. 1A-12. Subject to the provisions of the "Personnel Code", approved July 18, 1955, as heretofore or hereafter amended [20 ILCS 415/1 et seq.], the State Board of Elections may employ, promote or discharge such additional persons as are necessary for the proper performance of its duties under this Code, including investigators, examiners and hearing officers. However, persons employed by the State Board of Elections prior to January 1, 1978 and previously certified under a merit plan adopted by the Board shall not be subject to any probationary period nor required to qualify by examination under "The Personnel Code" [20 ILCS 415/1 et seq.] to continue in their positions. No employee or consultant may appear before the Board in any representative capacity within 6 months after termination of his employment or contractual relationship with the Board.

(Source: P.A. 80-1437.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-12.

10 ILCS 5/1A-13 [Political activity]

Sec. 1A-13. No employee of the State Board of Elections including its executive director and assistant executive director shall engage in any partisan political activity whatsoever, except to vote at elections, nor shall such person contribute, either financially or in services or goods or any other way, to any

political party, candidate or organization engaged in political activity. No employee of the Board shall become a candidate for nomination for, or election to, or accept appointment to any public office. Whoever violates any provision of this Section shall be deemed to have vacated his position and shall be discharged. No such person shall be thereafter re-hired unless the State Civil Service Commission, upon appeal, finds that this Section has not been violated by such person.
(Source: P.A. 83-941.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-13.

10 ILCS 5/1A-14 [Other officer or employment]

Sec. 1A-14. No member of the State Board of Elections may become a candidate for nomination for, or election to, or accept appointment to or hold any other remunerative public office or public employment or any office in a political party. Violation of any prohibition in this Section shall disqualify a member of the Board and a vacancy is thereby created. A vacancy also exists upon the occurrence of any of the events enumerated in Section 25-2 of this Act [10 ILCS 5/25-2] as in the case of an elective office.
(Source: P.A. 80-1178.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-14.

OPINIONS OF ATTORNEY GENERAL**National Party Delegate**

Because a delegate to a party's national nominating convention holds an office in the party, this section prohibits a member of the State Board of Elections from serving as delegate to the party's national nominating convention. 1978 Op. Atty. Gen. 163.

10 ILCS 5/1A-15 [Provision of information]

Sec. 1A-15. On the request of the Illinois Department of Public Aid, the State Board of Elections shall provide the Department with tapes, discs, other electronic data or compilations thereof which only provide the name, address and, when available, the Social Security number of registered voters for the purpose of tracing absent parents and the collection of child support. Such information shall be provided at reasonable cost, which shall include the cost of duplication plus 15% for administration. The confidentiality of all information contained on such tapes, discs and other electronic data or combination thereof shall be protected as provided in Section 11-9 of "The Illinois Public Aid Code" [305 ILCS 5/11-9].
(Source: P.A. 85-114.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1A-15.

ARTICLE 2.**[RESERVED]****ARTICLE 2A.****TIME OF HOLDING ELECTIONS****10 ILCS 5/2A-1 All Elections — Governed by this Code — Construction of Article 2A**

Sec. 2A-1. *All Elections — Governed by this Code — Construction of Article 2A.* (a) No public question may be submitted to any voters in this State, nor may any person be nominated for public office or elected to public or political party office in this State except pursuant to this Code, notwithstanding the provisions of any other statute or municipal charter. However, this Code shall not apply to elections for officers or public questions of local school councils established pursuant to Chapter 34 of the School Code [105 ILCS 5/34-1 et seq.], soil and water conservation districts or drainage districts, except as specifically made applicable by another statute.

(b) All elections in this State shall be held in accordance with the consolidated schedule of elections established in Sections 2A-1.1 and 2A-1.2 [10 ILCS 5/2A-1.1 and 10 ILCS 5/2A-1.2]. No election may be held on any date other than a date on which an election is scheduled under Section 2A-1.1 [10 ILCS 5/2A-1.1], except special elections to fill congressional vacancies held pursuant to writs of election issued by the Governor, judicial elections to fill vacancies in the office of Supreme Court Judge held pursuant to writs of election issued by the Governor under subsection (a-5) of Section 2A-9 [10 ILCS 5/2A-9], township referenda and votes of the town electors held at the annual town meeting, emergency referenda approved pursuant to Section 2A-1.4 [10 ILCS 5/2A-1.4], special elections held between January 1, 1995 and July 1, 1995 under Section 34-53 of the School Code [105 ILCS 5/34-53], and city, village or incorporated town primary elections in even-numbered years expressly authorized in this Article to provide for annual partisan elections.

(c) At the respective elections established in Section 2A-1.1 [10 ILCS 5/2A-1.1], candidates shall be elected to office, nominated for election thereto or placed on the ballot as otherwise required by this Code, and public questions may be submitted, as specified in Section 2A-1.2 [10 ILCS 5/2A-1.2].

(d) If the requirements of Section 2A-1.2 [10 ILCS 5/2A-1.2] conflict with any specific provision of Sections 2A-2 through 2A-54 [10 ILCS 5/2A-2 through 10 ILCS 5/2A-54], as applied to any office or election, the requirements of Section 2A-1.2 [10 ILCS 5/2A-1.2] prevail, and shall be enforced by the State Board of Elections.

(e) In the event any court of competent jurisdiction declares an election void, the court may order an-

other election without regard to the schedule of elections set forth in this Article.

(Source: P.A. 81-1433; 87-454; 88-511, § 52; 89-719, § 85.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-1.

Cross References.

As to specimen ballots and their availability for publication, see 10 ILCS 5/24A-18.

As to petition regarding question of public policy, see 10 ILCS 5/28-6.

Effect of Amendments.

The 1993 amendment by P.A. 88-511, effective November 14, 1993, in the second sentence of subsection (b) inserted ", special elections held between January 1, 1995 and July 1, 1995 under Section 34-53 of the School Code".

The 1996 amendment by P.A. 89-719, effective March 7, 1997, in subsection (b), in the second sentence, inserted "judicial elections to fill vacancies in the office of Supreme Court Judge held pursuant to writs of election, issued by the Governor under subsection (a-5) of Section 2A-9".

CASE NOTES

ANALYSIS

Constitutionality

Applicability

—In General

—Drainage Districts

—Sanitarium Districts Act

—School Bonds

—School Code

Construction

Injunction

—City Election

Purpose

Void Election

Constitutionality

The Judicial Redistricting Act of 1997 (P.A. 89-719) is unconstitutional in its entirety. *Cincinnati Ins. Co. v. Chapman*, 181 Ill. 2d 65, 229 Ill. Dec. 264, 691 N.E.2d 374 (1998).

Applicability

—In General

This Code governs special elections called under statutes not prescribing the manner for holding and conducting the elections. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

—Drainage Districts

The contest provisions of the Election Code do not apply to drainage district elections. *Goose Creek Drainage Dist. No. 1 v. Kleven*, 307 Ill. App. 3d 82, 240 Ill. Dec. 429, 717 N.E.2d 522 (4 Dist. 1999).

—Sanitarium Districts Act

This Code applies to any special, general or primary election, including a special election on a bond issue proposition under section 14 of the Sanitarium Districts Act (70 ILCS 920/14). *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

—School Bonds

An election on bonds issued by a school district for building purposes should not have been held under the former general election law (see now this Act), instead of the school law (105 ILCS 5/1-1 et seq.). *People ex rel. Oller v. St. Louis S.W. Ry.*, 368 Ill. 199, 13 N.E.2d 267 (1938).

—School Code

Limitation of voting in an annual school board election in the precinct of a voter's residence was a reasonable compliance with section 9-2 of the School Code (105 ILCS 5/9-2); in the absence of any provision in the School Code as to where the voter should vote, the harmonious and consistent requirement of the Election Code [10 ILCS 5/1-1 et seq.] could be inferred. *Tremper v. Board of Educ.*, 3 Ill. App. 3d 264, 278 N.E.2d 451 (1 Dist. 1971).

Construction

Where the trial court declared the 1990 general election to fill judicial vacancy void, the Election Code specifically provided that the trial court could place candidate from the void election on the 1992 general election ballot to run for judicial vacancy, even though she had won the 1990 primary election to run for that vacancy. *McDunn v. Williams*, 156 Ill. 2d 288, 189 Ill. Dec. 417, 620 N.E.2d 385 (1993).

Injunction

—City Election

The circuit court exceeded its authority in enjoining a city election, pending the resolution of a dispute between Democratic Party political hopefuls, where the injunction affected the rights of electors of political persuasions other than those embraced by the disputant's party from making any expression of their preference at the polls. *Jordan v. Officer*, 155 Ill. App. 3d 874, 108 Ill. Dec. 500, 508 N.E.2d 1077 (5 Dist. 1987).

Purpose

The consolidated election scheme was enacted to lessen voter confusion, increase voter participation, and provide uniformity in elections administration. *United Citizens v. Coalition To Let The People Decide* in 1989, 125 Ill. 2d 332, 126 Ill. Dec. 175, 531 N.E.2d 802 (1988).

Subsection (a) of this section operates as a reasonable limitation upon the number of times that voters may be directed to the polls, and suggests opportunities for greater participation in the electoral process by citizens at familiar and convenient times and in concert with dates on which the electorate will consider other important issues and fill other offices, thereby affording more widespread attention of potential voting participants. *Korte-Reinheimer v. City Council*, 94 Ill. App. 3d 219, 49 Ill. Dec. 763, 418 N.E.2d 783 (1 Dist. 1981).

Void Election

Election of the supervisor of township was void as a result of the board's wrongful interference with the candidate's right of access to the ballot. *Reyes v. Bloomingdale Tp. Electoral Bd.*, 265 Ill. App. 3d 69, 202 Ill. Dec. 914, 638 N.E.2d 782 (2 Dist.), modified, 265 Ill. App. 3d 69, 203 Ill. Dec. 806, 640 N.E.2d 956 (2 Dist. 1994).

10 ILCS 5/2A-1.1 All Elections — Consolidated Schedule

Sec. 2A-1.1. All Elections — Consolidated Schedule. (a) In even-numbered years, the general election shall be held on the first Tuesday after the first Monday of November; and an election to be known as the general primary election shall be held on the third Tuesday in March;

(b) In odd-numbered years, an election to be known as the consolidated election shall be held on the first Tuesday in April except as provided in Section 2A-1.1a of this Act [10 ILCS 5/2A-1.1a]; and an election to be known as the consolidated primary election shall be held on the last Tuesday in February.

(Source: P.A. 82-1014; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-1.1.

Cross References.

As to the initial election of officers in consolidated municipalities, see 65 ILCS 5/7-7-11.

As to election of township officers, see 60 ILCS 1/30-5.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, in subsection (b) substituted a period for a semicolon; and deleted subsection (c) which read "In odd numbered years, an election to be known as the nonpartisan election shall be held on the first Tuesday after the first Monday in November".

CASE NOTES**ANALYSIS****Applicability**

—Retroactive

Election Dates

—Limits

—Proper Certification

Applicability

—Retroactive

Even though petitions for an election were circulated before the effective date of this Code, the Code applied to the election, and such application was not constitutionally retroactive. *Chicago Ridge Park Dist. v. Oak Lawn Park Dist.*, 112 Ill. App. 3d 364, 68 Ill. Dec. 46, 445 N.E.2d 494 (1 Dist. 1983).

Election Dates

—Limits

This section limits the dates and the number of elections which can be held in a given year: a maximum of three elections in odd-numbered years, and a maximum of two elections in even-numbered years. *Korte-Reinheimer v. City Council*, 94 Ill. App. 3d 219, 49 Ill. Dec. 763, 418 N.E.2d 783 (1 Dist. 1981).

—Proper Certification

Where language in a petition called for an election on a park district's disconnection/annexation proposal on "November 22, 1980, or such other time as the court may deem proper," and where opposition to the proposal extended the court certification proceedings beyond November 22, the court could properly order the election to be held on February 24, 1981, the first election date provided by subsection (b) of this section after the court's certification decision. *Chicago Ridge Park Dist. v. Oak Lawn Park Dist.*, 112 Ill. App. 3d 364, 68 Ill. Dec. 46, 445 N.E.2d 494 (1 Dist. 1983).

10 ILCS 5/2A-1.1a [Conflict with Passover]

Sec. 2A-1.1a. Whenever the date designated in paragraph (b) of Section 2A-1.1 [10 ILCS 5/2A-1.1(b)] for the consolidated election conflicts with the celebration of Passover, that election shall be postponed to the first Tuesday following the last day of Passover.

(Source: P.A. 82-1014.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-1.1a.

10 ILCS 5/2A-1.2 Consolidated Schedule of Elections — Offices Designated

Sec. 2A-1.2. *Consolidated Schedule of Elections — Offices Designated.* (a) At the general election in the appropriate even-numbered years, the following offices shall be filled or shall be on the ballot as otherwise required by this Code:

(1) Elector of President and Vice President of the United States;

(2) United States Senator and United States Representative;

(3) State Executive Branch elected officers;

(4) State Senator and State Representative;

(5) County elected officers, including State's Attorney, County Board member, County Commissioners, and elected President of the County Board or County Chief Executive;

(6) Circuit Court Clerk;

(7) Regional Superintendent of Schools, except in counties or educational service regions in which that office has been abolished;

(8) Judges of the Supreme, Appellate and Circuit Courts, on the question of retention, to fill vacancies and newly created judicial offices;

(9) (Blank);

(10) Trustee of the Metropolitan Sanitary District of Chicago, and elected Trustee of other Sanitary Districts;

(11) Special District elected officers, not otherwise designated in this Section, where the statute creating or authorizing the creation of the district requires an annual election and permits or requires election of candidates of political parties.

(b) At the general primary election:

(1) in each even-numbered year candidates of political parties shall be nominated for those offices to be filled at the general election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus.

(2) in the appropriate even-numbered years the political party offices of State central committeeman, township committeeman, ward committeeman, and precinct committeeman shall be filled and delegates and alternate delegates to the National nominating conventions shall be elected as may be required pursuant to this Code. In the even-numbered years in which a Presidential election is to be held, candidates in the Presidential preference primary shall also be on the ballot.

(3) in each even-numbered year, where the municipality has provided for annual elections to elect municipal officers pursuant to Section 6(f) or Section 7 of Article VII of the Constitution, pursuant to the Illinois Municipal Code [65 ILCS 5/1-1-1 et seq.] or pursuant to the municipal charter, the offices of such municipal officers shall be filled at an election held on the date of the general primary election, provided that the municipal election shall be a nonpartisan election where required by the Illinois Municipal Code [65 ILCS 5/1-1-1 et seq.]. For partisan municipal elections in even-numbered years, a primary to nominate candidates for municipal office to be elected at the general primary election shall be held on the Tuesday 6 weeks preceding that election.

(4) in each school district which has adopted the provisions of Article 33 of the School Code [105 ILCS 5/33-1 et seq.], successors to the members of the board of education whose terms expire in the year in which the general primary is held shall be elected.

(c) At the consolidated election in the appropriate odd-numbered years, the following offices shall be filled:

(1) Municipal officers, provided that in municipalities in which candidates for alderman or other municipal office are not permitted by law to be candidates of political parties, the runoff election where required by law, or the nonpartisan election where required by law, shall be held on the date of the consolidated election; and provided further, in the case of municipal officers provided for by an ordinance providing the form of government of the municipality pursuant to Section 7 of Article VII of the Constitution, such offices shall be filled by election or by runoff election as may be provided by such ordinance;

(2) Village and incorporated town library directors;

(3) City boards of stadium commissioners;

(4) Commissioners of park districts;

(5) Trustees of public library districts;

(6) Special District elected officers, not otherwise designated in this section, where the statute creating or authorizing the creation of the district permits or requires election of candidates of political parties;

(7) Township officers, including township park commissioners, township library directors, and boards of managers of community buildings, and Multi-Township Assessors;

(8) Highway commissioners and road district clerks;

(9) Members of school boards in school districts which adopt Article 33 of the School Code [105 ILCS 5/33-1 et seq.];

(10) The directors and chairman of the Chain O Lakes — Fox River Waterway Management Agency;

(11) Forest preserve district commissioners elected under Section 3.5 of the Downstate Forest Preserve District Act [70 ILCS 805/3.5];

(12) Elected members of school boards, school trustees, directors of boards of school directors, trustees of county boards of school trustees (except in counties or educational service regions having a population of 2,000,000 or more inhabitants) and members of boards of school inspectors, except school boards in school districts that adopt Article 33 of the School Code [105 ILCS 5/33-1 et seq.];

(13) Members of Community College district boards;

(14) Trustees of Fire Protection Districts;

(15) Commissioners of the Springfield Metropolitan Exposition and Auditorium Authority;

(16) Elected Trustees of Tuberculosis Sanitarium Districts;

(17) Elected Officers of special districts not otherwise designated in this Section for which the law governing those districts does not permit candidates of political parties.

(d) At the consolidated primary election in each odd-numbered year, candidates of political parties

shall be nominated for those offices to be filled at the consolidated election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus, and except those offices listed in paragraphs (12) through (17) of subsection (c).

At the consolidated primary election in the appropriate odd-numbered years, the mayor, clerk, treasurer, and aldermen shall be elected in municipalities in which candidates for mayor, clerk, treasurer, or alderman are not permitted by law to be candidates of political parties, subject to runoff elections to be held at the consolidated election as may be required by law, and municipal officers shall be nominated in a nonpartisan election in municipalities in which pursuant to law candidates for such office are not permitted to be candidates of political parties.

At the consolidated primary election in the appropriate odd-numbered years, municipal officers shall be nominated or elected, or elected subject to a runoff, as may be provided by an ordinance providing a form of government of the municipality pursuant to Section 7 of Article VII of the Constitution.

(e) (Blank).

(f) At any election established in Section 2A-1.1 [10 ILCS 5/2A-1.1], public questions may be submitted to voters pursuant to this Code and any special election otherwise required or authorized by law or by court order may be conducted pursuant to this Code.

Notwithstanding the regular dates for election of officers established in this Article, whenever a referendum is held for the establishment of a political subdivision whose officers are to be elected, the initial officers shall be elected at the election at which such referendum is held if otherwise so provided by law. In such cases, the election of the initial officers shall be subject to the referendum.

Notwithstanding the regular dates for election of officials established in this Article, any community college district which becomes effective by operation of law pursuant to Section 6-6.1 of the Public Community College Act [110 ILCS 805/6-6.1], as now or hereafter amended, shall elect the initial district board members at the next regularly scheduled election following the effective date of the new district.

(g) At any election established in Section 2A-1.1 [10 ILCS 5/2A-1.1], if in any precinct there are no offices or public questions required to be on the ballot under this Code then no election shall be held in the precinct on that date.

(h) There may be conducted a referendum in accordance with the provisions of Division 6-4 of the Counties Code [55 ILCS 5/6-4001 et seq.].

(Source: P.A. 86-469; 87-654; 87-969, § 1; 88-89, § 3-5; 88-443, § 5; 88-670, § 2-5; 89-5, § 10; 89-95, § 5; 89-626, § 2-7; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-1.2.

The Chain O Lakes-Fox River Waterway Management Agency was renamed the Fox Waterway Agency by P.A. 89-162.

Effect of Amendments.

The 1992 amendment, effective August 28, 1992, inserted "(except in counties or educational service regions having a population of 2,000,000 or more inhabitants)," following "boards of school trustees" in subdivision (e)(1).

The 1993 amendment by P.A. 88-89, effective July 14, 1993, in subdivision (a)(7) substituted "in which that office has been abolished" for "having a population of 2,000,000 or more inhabitants".

The 1993 amendment by P.A. 88-443, effective August 20, 1993, added subdivision (c)(11).

The 1994 amendment by P.A. 88-670, effective December 2, 1994, combined the amendments by P.A. 88-89 and P.A. 88-443.

The 1995 amendment by P.A. 89-5, effective January 1, 1996, deleted the language in subdivision (a)(9) which read "Trustee of the University of Illinois".

The 1995 amendment by P.A. 89-95, effective January 1, 1996, in subsection (d), in the second paragraph, inserted "the mayor, clerk, treasurer, and" and inserted "mayor, clerk, treasurer, or".

The 1996 amendment by P.A. 89-626, effective August 9, 1996, combined the amendments of this section by P.A. 89-5 and P.A. 89-95.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, in subdivision (c)(11) substituted a semicolon for a period; added subdivisions (c)(12) through (c)(17); in subsection (d), in the first paragraph, added at the end "and except those offices listed in paragraph (12) through (17) of subsection (c)"; deleted subsection (e) regarding the offices to be filled in nonpartisan elections; and in subsection (h) deleted from the beginning "Except at the nonpartisan election in 1981".

CASE NOTES

ANALYSIS

Aldermanic Elections

—Status

Construction with Other Laws

Municipal Officers

—Manner of Selection

Public Policy Questions

—Submissibility

Purpose

Aldermanic Elections

—Status

A City of Chicago aldermanic election is neither a primary election nor a special election. *Velazquez v. Soliz*, 141 Ill. App. 3d 1024, 96 Ill. Dec. 141, 490 N.E.2d 1346 (1 Dist. 1986).

Construction with Other Laws

Because 65 ILCS 5/2-3-7 of the Municipal Code provides that the election of the municipal officers could occur at a subsequent date to the consideration of the referendum of incorporation, the requirement of simultaneous elections under subsection (f) was not applicable; because simultaneous elections were not required, the notice provision in 10 ILCS 5/38-2 of the Election Code was likewise not applicable, therefore, the incorporators' notice was correct, and the petition and referendum on incorporation were valid. In re Village of Godfrey, 243 Ill. App. 3d 915, 183 Ill. Dec. 943, 612 N.E.2d 870 (5 Dist. 1993).

Section 3-2-7 of the Municipal Code (65 ILCS 5/3-2-7) must be read with reference to this Code, which establishes a consolidated schedule of elections; by eliminating the use of special elections to fill aldermanic vacancies, section 3-2-7 of the Municipal Code (65 ILCS 5/3-2-7), in conjunction with this section, allows suspension of representation by ballot for up to 28 months plus 129 days. *Lynch v. Illinois State Bd. of Elections*, 682 F.2d 93 (7th Cir. 1982).

Municipal Officers

—Manner of Selection

The power of a home rule municipality to choose the manner of selection of its officers includes the ability to decide by referendum

whether the election of officers should be on a partisan or nonpartisan basis. *Boytor v. City of Aurora*, 81 Ill. 2d 308, 43 Ill. Dec. 1, 410 N.E.2d 1 (1980).

Public Policy Questions

—Submissibility

Under subsection (f) of this section, public policy questions are specifically made submissible to voters at any election designated by the consolidated schedule of elections. *Korta-Reinheimer v. City Council*, 94 Ill. App. 3d 219, 49 Ill. Dec. 763, 418 N.E.2d 783 (1 Dist. 1981).

Purpose

The consolidated schedule of elections, through the elimination of the special election method of filling vacancies and providing for all elections to be held on one of five regular dates over a two year cycle, was enacted to lessen voter confusion, increase voter participation, and provide uniformity in elections administration. *City of Springfield v. Board of Election Comm'rs*, 105 Ill. 2d 336, 85 Ill. Dec. 508, 473 N.E.2d 1313 (1985).

OPINIONS OF ATTORNEY GENERAL

Election Required

If there is a favorable vote for the establishment of a community consolidated school district, an election for school board members is required to be held on the next regular school election date. 1982 Op. Atty. Gen. 73.

10 ILCS 5/2A-1.3 Calendar of Elections — Determination and Publication — State Board

Sec. 2A-1.3. Calendar of Elections — Determination and Publication — State Board. On December 1, 1980 and on December 1 of each even-numbered year the State Board of Elections shall have prepared and published an official State calendar of elections listing the elections to be held during that year and the following year, the election dates, and the offices to be on the ballot at each such election and any functional dates or other information relevant to the conduct of elections. The official calendar shall include all offices in the State.

The official State Calendar shall comply with the schedule of elections established in this Article 2A [10 ILCS 5/2A-1 et seq.]. The official calendar may be amended from time to time by the Board by adoption and publication of modifications or additions or by adoption and publication of a revised official calendar.

On December 1, 1981 and each odd-numbered year thereafter the Board shall have prepared and published a revised official calendar if any modifications or additions were made by separate publication after the initial adoption of the official calendar for that biennium.

(Source: P.A. 81-929.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-1.3.

10 ILCS 5/2A-1.4 Emergency Referenda — Petition — Approval

Sec. 2A-1.4. Emergency Referenda — Petition — Approval. Whenever any public question is to be submitted pursuant to law, whether by action of the

governing body of a unit of local government or school district, by petition, or by court order, the governing body of the unit of local government or school district whose powers or duties are directly affected by the result of the vote on the public question may petition the circuit court for an order declaring such proposition to be an emergency and fixing a date other than a regularly scheduled election date under Section 2A-1.1 [10 ILCS 5/2A-1.1] on which a special referendum election shall be held for the submission of the public question.

The petition shall set forth the public question and the action taken which requires the submission of the question, the next regularly scheduled election under Section 2A-1.1 [10 ILCS 5/2A-1.1] at which the proposition could otherwise be placed on the ballot, the estimated costs of conducting a separate special election, and the reasons why an emergency exists to justify such special election prior to the next ensuing regular election. The petition must be approved by a majority of the members, elected or appointed, of the governing body.

The court shall conduct a hearing on the petition. Any resident of the area in which the referendum is to be conducted may oppose the petition.

The court may approve the petition for an emergency referendum only upon a finding, supported by the evidence, that the referendum is necessitated by an imminent need for approval of additional authority in order to maintain the operations or facilities of the unit of government or school district and that such need is due to circumstances beyond the control of the governing body.
(Source: P.A. 80-2dSS-6.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-1.4.

CASE NOTES

ANALYSIS

Citizen Initiation Procedure

Citizen Initiation

There is no provision in this section for initiating proceedings for an emergency referendum by private persons. *Gasick v. Dunlap* Pub. Library Dist., 164 Ill. App. 3d 232, 115 Ill. Dec. 489, 517 N.E.2d 1175 (3 Dist. 1987).

Procedure

Once a governing body decides to use the petitioning process, this section mandates that the petition be approved by a majority of that governing body; only then is the circuit court in a position to approve the petition. *Gasick v. Dunlap* Pub. Library Dist., 164 Ill. App. 3d 232, 115 Ill. Dec. 489, 517 N.E.2d 1175 (3 Dist. 1987).

10 ILCS 5/2A-2 Presidential and Vice Presidential Electors — Time of Election

Sec. 2A-2. *Presidential and Vice Presidential Electors — Time of Election.* As many electors of President and Vice President of the United States as this State may be entitled to elect shall be elected at the

general election, immediately preceding the expiration of the term of the incumbent President of the United States.

(Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-2.

10 ILCS 5/2A-3 United States Senator — Time of Election

Sec. 2A-3. *United States Senator — Time of Election.* A United States Senator shall be elected at the general election immediately preceding the expiration of the term of an incumbent United States Senator from this State.

(Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-3.

10 ILCS 5/2A-4 United States Representative — Time of Election

Sec. 2A-4. *United States Representative — Time of Election.* The Representatives in the United States Congress from this State shall be elected at each general election, and vacancies shall be filled at special elections pursuant to writs of election issued by the Governor.

(Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-4.

10 ILCS 5/2A-5 Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller — Time of Election

Sec. 2A-5. *Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller — Time of Election.* The Governor, Lieutenant Governor, Attorney General, Secretary of State and Comptroller shall be elected at the general election in 1978 and at the general election every 4 years thereafter.

(Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-5.

10 ILCS 5/2A-6 State Treasurer — Time of Election

Sec. 2A-6. *State Treasurer — Time of Election.* The State Treasurer shall be elected at the general election in 1978 and at the general election every 4 years thereafter.

(Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-6.

10 ILCS 5/2A-7 State Senator — Time of Election

Sec. 2A-7. *State Senator — Time of Election.* A State Senator shall be elected in a legislative district

at the general election which immediately precedes the expiration of the term of that district's incumbent Senator.

(Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-7.

10 ILCS 5/2A-8 State Representative — Time of Election

Sec. 2A-8. State Representative — Time of Election. Members of the State House of Representatives shall be elected at the general election in 1978 and at each general election every 2 years thereafter.

(Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-8.

10 ILCS 5/2A-9 Supreme, Appellate and Circuit Judges

Sec. 2A-9. Supreme, Appellate and Circuit Judges.

(a) Except as otherwise provided in subsection (a-5), if one of the following events occurs 92 or more days before a general primary election at which judges are to be nominated, the term of an incumbent judge will expire on the first Monday in December of the next even-numbered year:

- (1) the judge dies;
- (2) the Chief Justice receives a written resignation or notice of retirement, signed and submitted by the judge, which specifies a date of resignation or retirement on or before the first Monday in December of the next even-numbered year;
- (3) a statute mandates the judge's retirement for reason of age on or before the first Monday in December of the next even-numbered year;
- (4) the judge was eligible to seek retention in the next general election but failed to timely file a declaration of candidacy to succeed himself or, having timely filed such declaration, withdrew it;

(5) the judge is convicted of a felony or other infamous crime;

(6) the judge is removed from office.

Except as otherwise provided in subsection (a-5), if one of the preceding events occurs less than 92 days before a general primary election at which judges are to be nominated, the term of an incumbent judge will expire on the first Monday in December following the second general election thereafter.

(a-5) If a vacancy occurs in the office of Supreme Court Judge, including one of the events described in subsection (a) or a vacancy occurring because of the failure of the Judge to be retained in office, the Governor shall issue writs of election to fill that vacancy in a manner provided in this subsection. The Governor shall issue a writ of election within 5 days after the occurrence of that vacancy to the county clerks of the several counties in the Judicial District where the vacancy exists, appointing a day

within 115 days to hold a judicial election to fill such vacancy. The Governor shall issue a writ of election to hold a judicial primary election to nominate candidates for the office of Supreme Court Judge at least 30 days preceding the judicial election. A Supreme Court Judge elected under this subsection (a-5) shall begin his or her term upon certification of his or her election by the State Board of Elections. If the vacancy occurred 92 or more days before a general primary election at which judges are to be nominated, a Supreme Court Judge elected to fill a vacancy under this subsection (a-5) shall hold his or her office until the first Monday in December following the next general election, at which general election a Supreme Court Judge shall be elected for a full term. If the vacancy occurred less than 92 days before a general primary election at which judges are to be nominated, a Supreme Court Judge elected to fill a vacancy under this subsection (a-5) shall hold his or her office until the first Monday in December following the second general election thereafter, at which general election a Supreme Court Judge shall be elected for a full term.

(b) Judges of the Appellate and Circuit Courts shall be elected in their respective districts or circuits at the general election of each even-numbered year immediately preceding the expiration of the term of each incumbent judge, not retained, and shall enter upon the duties of their offices on the first Monday of December after their election.

(c) Whenever an additional appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office.

(Source: P.A. 86-1348; 89-719, § 85.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-9.

Effect of Amendments.

The 1996 amendment by P.A. 89-719, effective March 7, 1997, in subsection (a), in the introductory language, in the first sentence, added "Except as otherwise provided in subsection (a-5)," at the beginning and inserted "general"; in the second paragraph of subsection (a) added "Except as otherwise provided in subsection (a-5)", and inserted "general"; and added subsection (a-5).

CASE NOTES

Constitutionality

The Judicial Redistricting Act of 1997 (P.A. 89-719) is unconstitutional in its entirety. *Cincinnati Ins. Co. v. Chapman*, 181 Ill. 2d 65, 229 Ill. Dec. 264, 691 N.E.2d 374 (1998).

10 ILCS 5/2A-10 Assessor — Board of Appeals

Sec. 2A-10. Assessor — Board of Appeals. In each county which elects a County Assessor and a Board of Appeals, the County Assessor and the Board of Appeals shall be elected at the general election in 1978 and at the general election every 4 years thereafter.

(Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-10.

10 ILCS 5/2A-10.1 Supervisor of Assessments

Sec. 2A-10.1. *Supervisor of Assessments.* In each county of less than 3,000,000 inhabitants having an elected supervisor of assessments, the supervisor of assessments shall be elected at a general election and shall serve for a term of 4 years. (Source: P.A. 84-837.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-10.1.

10 ILCS 5/2A-11 Board of Assessors — Time of Election

Sec. 2A-11. *Board of Assessors — Time of Election.* A member of the Board of Assessors in each county which elects members of a Board of Assessors shall be elected at each general election to succeed each incumbent member whose term expires before the following general election. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-11.

10 ILCS 5/2A-12 Board of Review — Time of Election

Sec. 2A-12. *Board of Review — Time of Election.* A member of the Board of Review in any county which elects members of a Board of Review shall be elected, at each general election which immediately precedes the expiration of the term of any incumbent member, to succeed each member whose term ends before the following general election. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-12.

10 ILCS 5/2A-13 Recorder of Deeds — Time of Election

Sec. 2A-13. *Recorder of Deeds — Time of Election.* In each county which elects a recorder, a recorder shall be elected at the general election in 1980 and at the general election every 4 years thereafter. (Source: P.A. 83-358.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-13.

10 ILCS 5/2A-14 County Auditor — Time of Election

Sec. 2A-14. *County Auditor — Time of Election.* The County Auditor of each county which elects a County Auditor shall be elected at the general election in 1980 and at the general election every 4 years thereafter. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-14.

10 ILCS 5/2A-15 Circuit Clerk — Time of Election

Sec. 2A-15. *Circuit Clerk — Time of Election.* The Clerk of the Circuit Court in each county shall be elected at the general election in 1980 and at the general election every 4 years thereafter. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-15.

CASE NOTES**Designation as County Officer**

The failure of the Illinois Constitution of 1970 to designate specifically the clerk of the circuit court as a county officer does not affect the validity of the succession and election provisions (see this section and 705 ILCS 105/1). *Johnson v. State Electoral Bd.*, 53 Ill. 2d 256, 290 N.E.2d 886 (1972).

10 ILCS 5/2A-16 County Clerk — Time of Election

Sec. 2A-16. *County Clerk — Time of Election.* The County Clerk of each county shall be elected at the general election in 1978 and at the general election every 4 years thereafter. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-16.

10 ILCS 5/2A-17 Sheriff — Time of Election

Sec. 2A-17. *Sheriff — Time of Election.* The Sheriff of each county shall be elected at the general election in 1978 and at the general election every 4 years thereafter. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-17.

10 ILCS 5/2A-18 Coroner — Time of Election

Sec. 2A-18. *Coroner — Time of Election.* In each county which elects a Coroner, the Coroner shall be elected at the general election in 1980 and at the general election every 4 years thereafter. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-18.

10 ILCS 5/2A-19 County Treasurer — Time of Election

Sec. 2A-19. *County Treasurer — Time of Election.* County Treasurers shall be elected at the general election in 1978 and at the general election every 4 years thereafter. (Source: P.A. 80-416; 80-936; 80-1364.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-19.

10 ILCS 5/2A-20 Regional Superintendent of Schools — Time of Election

Sec. 2A-20. *Regional Superintendent of Schools — Time of Election.* Except in counties or educational service regions in which that office has been abolished, the Regional Superintendents of Schools shall be elected at the general election in 1978 and at the general election every 4 years thereafter. (Source: P.A. 87-654; 88-89, § 3-5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-20.

Effect of Amendments.

The 1993 amendment by P.A. 88-89, effective July 14, 1993, substituted "in which that office has been abolished" for "having a population of 2,000,000 or more inhabitants".

10 ILCS 5/2A-21 State's Attorney — Time of Election

Sec. 2A-21. *State's Attorney — Time of Election.* State's Attorneys shall be elected at the general election in 1980 and at the general election every 4 years thereafter. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-21.

CASE NOTES**Fraud****—Election Held Invalid**

In an election for State's attorney, where fraud was present and the number of illegal ballots was unascertainable, the votes of an entire precinct were rejected. *Drolet v. Stentz*, 83 Ill. App. 2d 202, 227 N.E.2d 114 (3 Dist. 1967).

10 ILCS 5/2A-22 Cook County — Commissioner — President — Time of Election

Sec. 2A-22. *Cook County — Commissioner — President — Time of Election.* County Commissioners and the President of the County Board of Cook County, and the Chief Executive officer in other home rule counties, shall be elected at the general election in 1978 and at the general election every 4 years thereafter. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-22.

10 ILCS 5/2A-23 County Board Members — Time of Election

Sec. 2A-23. *County Board Members — Time of Election.* County Board members in counties under township organization shall be elected at the gen-

eral election in each even-numbered year to succeed members whose terms expire prior to the next general election.

(Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-23.

10 ILCS 5/2A-24 County Commissioners — Non Township Counties — Time of Election

Sec. 2A-24. *County Commissioners — Non Township Counties — Time of Election.* A County Commissioner shall be elected at each general election in counties not under township organization to succeed each incumbent Commissioner whose term expires before the following general election.

The Board of County Commissioners, at least 30 days before the first day for filing nomination petitions preceding each primary election in which 2 Commissioners are to be elected, may provide by resolution that candidates for such position shall each file nomination papers for and be nominated for and elected to a specific office. The resolution shall designate the positions to be filled as follows: Position A is the position now held (or vacated) by (Name of one incumbent or most recent Commissioner) and position B is the position now held (or vacated) by (Name of the other incumbent or most recent Commissioner). (Source: P.A. 82-373.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-24.

10 ILCS 5/2A-25 Chicago — Mayor — Clerk — Treasurer — Time of Election

Sec. 2A-25. *Chicago — Mayor — Clerk — Treasurer — Time of Election.* The Mayor, a city clerk and a city treasurer of the City of Chicago shall be elected at the consolidated election in 1979 and at the consolidated election every 4 years thereafter. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-25.

10 ILCS 5/2A-26 Chicago Aldermen

Sec. 2A-26. *Chicago Aldermen.* Aldermen of the City of Chicago shall be elected at the consolidated primary election in 1979 and at the consolidated primary election every 4 years thereafter. The runoff election where necessary, pursuant to law, for Chicago aldermen shall be held at the consolidated election in 1979, and every 4 years thereafter. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-26.

CASE NOTES

Aldermanic Elections**—Status**

A City of Chicago aldermanic election is neither a primary election nor a special election. *Velazquez v. Soliz*, 141 Ill. App. 3d 1024, 96 Ill. Dec. 141, 490 N.E.2d 1346 (1 Dist. 1986).

10 ILCS 5/2A-27 Cities generally; mayor; clerk; treasurer; time of election

Sec. 2A-27. Cities generally; mayor; clerk; treasurer; time of election. A mayor, a city clerk, and a city treasurer shall be elected in each city that elects those officers (except the City of Chicago) at the consolidated election in 1979 or 1981 (in whichever of those years the terms of those officers expire) and at the consolidated election every 4 years thereafter. In cities that have provided for a 2 year term for elective officers under Section 3.1-10-65 of the Illinois Municipal Code [65 ILCS 5/3.1-10-65], however, these city officers shall be elected at the consolidated election of each odd-numbered year. (Source: P.A. 80-2dSS-6; 87-1119, § 6; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-27.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1992 amendment, effective May 13, 1993, in the first sentence substituted "that elects those officers" for "which elects all such officers" and substituted "terms of those officers" for "terms of such officers"; created a second sentence by deleting "except" at the end of the present first sentence; substituted "Section 3.1-15-65" for "Section 3-2-9" and "however" for "in which case" in the last sentence; and made stylistic changes.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, substituted "3.1-10-65" for "3.1-15-65".

10 ILCS 5/2A-28 Cities Generally — Aldermen — Time of Election

Sec. 2A-28. Cities Generally — Aldermen — Time of Election. An alderman of a city other than the City of Chicago shall be elected at the consolidated or general primary election in each year to succeed each incumbent alderman whose term ends before the following consolidated or general election. (Source: P.A. 81-1433.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-28.

10 ILCS 5/2A-29 Cities under Commission Form of Government — Commissioners and Mayor — Time of Election

Sec. 2A-29. Cities under Commission Form of Government — Commissioners and Mayor — Time of Election. A mayor and the commissioners of all municipalities which have adopted the commission form of municipal government shall be elected at the consolidated or general primary election which im-

mediately precedes the expiration of the term of the incumbent mayor and commissioners. (Source: P.A. 81-1433.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-29.

10 ILCS 5/2A-30 Villages and Incorporated Towns with Population of Less than 50,000 — President — Trustees — Clerk

Sec. 2A-30. Villages and Incorporated Towns with Population of Less than 50,000 — President — Trustees — Clerk. In villages and incorporated towns with a population of less than 50,000, a president shall be elected at the consolidated election in every other odd-numbered year when the president is elected for a 4 year term, and in each odd-numbered year when the president is elected for a 2 year term.

Except as provided in Section 2A-30a [10 ILCS 5/2A-30a], in villages and incorporated towns with a population of less than 50,000, 3 trustees shall be elected at the consolidated election in each odd-numbered year when trustees are elected for 4 year terms, and at the consolidated election in each odd-numbered year and at the general primary election in each even-numbered year when trustees are elected for 2 year terms. A primary to nominate candidates for the office of trustee to be elected at the general primary election shall be held on the Tuesday 6 weeks preceding that election.

In villages and incorporated towns with a population of less than 50,000, a clerk shall be elected at the consolidated election in every other odd-numbered year when the clerk is elected for a 4 year term, and in each odd-numbered year when the clerk is elected for a 2 year term. (Source: P.A. 80-1495.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-30.

10 ILCS 5/2A-30a Trustees in villages under 5,000; time of election

Sec. 2A-30a. Trustees in villages under 5,000; time of election. In villages of under 5,000 population that provide by resolution and referendum that the village board of trustees shall be comprised of 4 members as provided by Section 3.1-25-10 of the Illinois Municipal Code [65 ILCS 5/3.1-25-10], 2 trustees shall be elected at the consolidated election in each odd-numbered year after the adoption of the resolution when trustees are elected for 4 year terms, and at the consolidated election in each odd-numbered year and at the general primary election in each even-numbered year after the adoption of the resolution when trustees are elected for 2 year terms. (Source: P.A. 80-1432; 80-1495; 87-1119, § 6.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-30a.

Effect of Amendments.

The 1992 amendment, effective May 13, 1993, added the section catchline; substituted "Section 3.1-25-10" for "Section 3-5-2a"; and twice substituted "the resolution" for "such ordinance."

10 ILCS 5/2A-31 Villages over 50,000; president; trustees; clerk; time of election

Sec. 2A-31. *Villages over 50,000; president; trustees; clerk; time of election.* (a) In villages with a population of 50,000 or more, a president shall be elected at the consolidated election in 1979 or 1981 (in whichever of those years the term of the president expires) and every 4 years thereafter.

(b) In villages with a population of 50,000 or more, 6 trustees shall be elected at the consolidated election in 1979 or 1981 (in whichever of those years the terms of the trustees expire) and every 4 years thereafter, unless the village has provided, in accordance with Section 3.1-25-15 of the Illinois Municipal Code [65 ILCS 5/3.1-25-15], to elect trustees in the manner provided for villages with a population of less than 50,000, in which case trustees shall be elected at the time prescribed in Section 2A-30 of this Act [10 ILCS 5/2A-30].

(c) In villages with a population of 50,000 or more, a clerk shall be elected at the consolidated election in every other odd-numbered year when the clerk is elected for a 4 year term, and in each odd-numbered year when the clerk is elected for a 2 year term. (Source: P.A. 80-2dSS-6; 87-1119, § 6.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-31.

Effect of Amendments.

The 1992 amendment, effective May 13, 1993, substituted "Villages over" for "Villages with a population of" in the section catchline; added "time of election" at the end of the section catchline; designated the first through third paragraphs as subsections (a) through (c), respectively; in subsection (b) substituted "Section 3.1-25-15" for "Section 3-5-3"; and made stylistic changes.

10 ILCS 5/2A-32 Incorporated Towns with Population of 50,000 or More — President — Clerk — Collector — Assessor — Supervisor — Trustee — Time of Election

Sec. 2A-32. *Incorporated Towns with Population of 50,000 or More — President — Clerk — Collector — Assessor — Supervisor — Trustee — Time of Election.* In each incorporated town with a population of 50,000 or more, a president, a clerk, a collector, a supervisor and an assessor, when required, shall be elected in every incorporated town at the consolidated election in 1985 and at the consolidated election every 4 years thereafter.

A trustee shall be elected to succeed each trustee whose term expires in a particular year, such election to be held at the consolidated election in odd-numbered years.

The term of office of a trustee which expires in 1984 is extended to 1985 and the term of office of a trustee which expires in 1986 is extended to 1987. (Source: P.A. 83-720.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-32.

10 ILCS 5/2A-33 Town — Supervisors — Trustees — Township Collectors — Township Clerks — Township Assessors — Time of Election

Sec. 2A-33. *Town — Supervisors — Trustees — Township Collectors — Township Clerks — Township Assessors — Time of Election.* In each town where such officials are elected, supervisors, township trustees, township collectors, township clerks multi-township assessors and township assessors shall be elected at the consolidated election in 1981 and at the consolidated election every 4 years thereafter.

(Source: P.A. 81-838.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-33.

10 ILCS 5/2A-34 Highway Commissioners — Road District Clerks — Time of Election

Sec. 2A-34. *Highway Commissioners — Road District Clerks — Time of Election.* Highway commissioners and road district clerks shall be elected at the consolidated election in 1985 and at the consolidated election every 4 years thereafter.

(Source: P.A. 81-1433.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-34.

10 ILCS 5/2A-36 Fire Protection District — Trustee — Time of Election

Sec. 2A-36. *Fire Protection District — Trustee — Time of Election.* A trustee of a Fire Protection District which elects its trustees shall be elected at each consolidated election in odd-numbered years to succeed each incumbent trustee whose term expires before the following consolidated election. (Source: P.A. 80-936; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-36.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, substituted "consolidated" for "nonpartisan" twice.

10 ILCS 5/2A-37 Library District — Trustee — Time of Election

Sec. 2A-37. *Library District — Trustee — Time of Election.* A trustee of a Library District shall be elected, at the consolidated election in odd-numbered years which immediately precedes the expiration of the term of any incumbent trustee, to succeed each incumbent trustee whose term ends before the following consolidated election.

(Source: P.A. 81-929.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-37.

10 ILCS 5/2A-38 General Park District — Commissioners — Time of Election

Sec. 2A-38. *General Park District — Commissioners — Time of Election.* A commissioner of a General Park District shall be elected at the consolidated election in odd-numbered years to succeed each incumbent commissioner whose term expires before the following consolidated election. (Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-38.

10 ILCS 5/2A-39 Township Park District — Commissioner — Time of Election

Sec. 2A-39. *Township Park District — Commissioner — Time of Election.* A commissioner of a Township Park District shall be elected at the consolidated election of each odd-numbered year to succeed each incumbent commissioner whose term expires before the following consolidated election. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-39.

10 ILCS 5/2A-40 Metropolitan Sanitary District of Greater Chicago — Trustee — Time of Election

Sec. 2A-40. *Metropolitan Sanitary District of Greater Chicago — Trustee — Time of Election.* A trustee of the Metropolitan Sanitary District of Greater Chicago shall be elected at each general election to succeed each incumbent trustee whose term expires before the following general election. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-40.

10 ILCS 5/2A-41 Sanitary District — Trustee — Time of Election

Sec. 2A-41. *Sanitary District — Trustee — Time of Election.* A trustee of a Sanitary District which elects its trustees, other than the Metropolitan Sanitary District of Greater Chicago, shall be elected at the general election in each even-numbered year which immediately precedes the expiration of the term of any incumbent trustee, to succeed each incumbent trustee whose term ends before the following general election. (Source: P.A. 80-936.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-41.

10 ILCS 5/2A-43 Springfield Metropolitan Exposition and Auditorium Authority — Commissioner — Time of Election

Sec. 2A-43. *Springfield Metropolitan Exposition and Auditorium Authority — Commissioner — Time of Election.* A commissioner of the Springfield Metropolitan Exposition and Auditorium Authority shall be elected at the consolidated election of each odd-numbered year to succeed each incumbent commissioner whose term expires before the following consolidated election. (Source: P.A. 80-936; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-43.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, substituted "consolidated" for "nonpartisan" twice.

10 ILCS 5/2A-44 Board of Library Trustees — Members — Time of Election

Sec. 2A-44. *Board of Library Trustees — Members — Time of Election.* A member of an elected Board of Library Trustees shall be elected at the consolidated election which immediately precedes the expiration of the term of an incumbent trustee, to succeed each incumbent trustee whose term expires before the following consolidated election. (Source: P.A. 84-770.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-44.

10 ILCS 5/2A-45 Community Buildings — Board of Managers — Member — Time of Election

Sec. 2A-45. *Community Buildings — Board of Managers — Member — Time of Election.* A member of a Board of Managers, which may have authority over township community buildings, shall be elected at the consolidated election of each odd-numbered year to succeed each incumbent manager whose term expires before the following consolidated election. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-45.

10 ILCS 5/2A-46 Board of Stadium Commissioners — Commissioner — Time of election

Sec. 2A-46. *Board of Stadium Commissioners — Commissioner — Time of election.* A commissioner of a city Board of Stadium Commissioners shall be elected at each consolidated election which immediately precedes the expiration of the term of any incumbent commissioner, to succeed each incumbent

bent commissioner whose term expires before the following consolidated election.
(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-46.

10 ILCS 5/2A-48 Board of School Directors — Member — Time of Election

Sec. 2A-48. *Board of School Directors — Member — Time of Election.* A member of a Board of School Directors or a member of an elected Board of Education, as the case may be, shall be elected at each consolidated election to succeed each incumbent member whose term ends before the following consolidated election.
(Source: P.A. 80-936; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-48.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, substituted "consolidated" for "nonpartisan" twice.

10 ILCS 5/2A-49 Board of School Inspectors — Member — Time of Election

Sec. 2A-49. *Board of School Inspectors — Member — Time of Election.* A member of a Board of School Inspectors shall be elected at the consolidated election which immediately precedes the expiration of the term of any incumbent school inspector, to succeed each incumbent school inspector whose term ends before the following consolidated election.
(Source: P.A. 80-936; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-49.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, substituted "consolidated" for "nonpartisan" twice.

10 ILCS 5/2A-50 Regional Board of School Trustees — Trustee — Time of Election

Sec. 2A-50. *Regional Board of School Trustees — Trustee — Time of Election.* Except in educational service regions having a population of 2,000,000 or more inhabitants, a trustee of a Regional Board of School Trustees shall be elected at the consolidated election to succeed each incumbent trustee whose term ends before the following consolidated election.
(Source: P.A. 80-2dSS-6; 87-969, § 1; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-50.

Effect of Amendments.

The 1992 amendment by P.A. 87-969, effective August 28, 1992, added "Except in educational service regions having a population of 2,000,000 or more inhabitants," at the beginning of the section.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, substituted "consolidated" for "nonpartisan" twice.

10 ILCS 5/2A-51 Schools — Trustee — Time of Election

Sec. 2A-51. *Schools — Trustee — Time of Election.* Except in a township in which all school districts located therein have withdrawn from the jurisdiction and authority of the trustees of schools under the provisions of subsection (b) of Section 5-1 of the School Code [105 ILCS 5/5-1] and except in townships in which the office of trustee of schools has been abolished as provided in subsection (c) of Section 5-1 of the School Code [105 ILCS 5/5-1], a trustee of schools shall be elected in townships at the consolidated election which immediately precedes the expiration of the term of any incumbent trustee, to succeed each incumbent trustee whose term ends before the following consolidated election.
(Source: P.A. 86-1441; 87-473; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-51.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, substituted "consolidated" for "nonpartisan" twice.

10 ILCS 5/2A-52 Community College District — Member — Time of Election

Sec. 2A-52. *Community College District — Member — Time of Election.* A member of the Board of a Community College District shall be elected at each consolidated election to succeed each elected incumbent member of the Board whose term expires before the following consolidated election.
(Source: P.A. 80-936; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-52.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, substituted "consolidated" for "nonpartisan" twice.

10 ILCS 5/2A-53: Repealed by P.A. 89-5, § 15, effective January 1, 1996.

10 ILCS 5/2A-54 [Office term; transition]

Sec. 2A-54. In those cases in which the election to an office is changed by the consolidation of elections to an earlier or later month in the same year or to a different year, the term of any incumbent serving on December 1, 1980 is extended to the first Monday in the first month following the election of his successor and until the successor has qualified, and the term of the successor in office shall commence on that first Monday.

The term of office of a person elected at a nonpartisan election whose term begins before the effective date of this amendatory Act of 1997 shall expire on the date that his or her term would have expired had this amendatory Act of 1997 not been enacted. The term of office of a person elected at a consolidated

election held on or after the effective date of this amendatory Act of 1997 to succeed to a term of office of a person elected at a nonpartisan election shall begin upon the termination of the predecessor's term of office. The term of office of a person elected to succeed to a term of office of a person elected at a nonpartisan election shall end after the next consolidated election at which a successor is elected and at the regularly scheduled time for the ending of terms of office as provided in the Act or Acts creating or governing that unit of local government or school district.

However, this general provision for the transition of terms of office in relation to the adoption of a uniform schedule of elections shall be subject to the specific provisions for the transition of terms of office in the several Acts creating or governing the creation of various units of local government and school districts, as amended.

(Source: P.A. 81-1433; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 2A-54.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, added the second paragraph.

10 ILCS 5/2A-55 Forest preserve districts; commissioners; time of election

Sec. 2A-55. *Forest preserve districts; commissioners; time of election.* A forest preserve district commissioner elected under Section 3.5 of the Downstate Forest Preserve District Act [70 ILCS 805/3.5] shall be elected at each consolidated election to succeed each incumbent commissioner whose term expires before the following consolidated election.

(Source: P.A. 88-443, § 5.)

Effective Date.

Section 99 of P.A. 88-443 made this section effective upon becoming law. The Act was approved August 20, 1993.

ARTICLE 3.

QUALIFICATION OF VOTERS

10 ILCS 5/3-1 [Residency]

Sec. 3-1. Every person (i) who has resided in this State and in the election district 30 days next preceding any election therein, or (ii) who has resided in and is registered to vote from the election district 30 days next preceding any election therein and has moved to another election district in this State within said 30 days and has made and subscribed to the affidavit provided in paragraph (b) of Section 17-10 of this Act [10 ILCS 5/17-10] or (iii) who has resided in and is registered to vote from the election district 30 days next preceding any election therein and has not moved to another residence but whose address has changed as a result of implemen-

tation of a 9-1-1 emergency telephone system and has made and subscribed to the affidavit provided in subsection (a) of Section 17-10 [10 ILCS 5/17-10], and who is a citizen of the United States, of the age of 18 or more years is entitled to vote at such election for all offices and on all propositions. Any military establishment within the boundaries of Illinois is "in this State" even though the government of the United States may have exclusive jurisdiction over such establishment.

(Source: P.A. 81-1060; 90-664, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 3-1.

Illinois Administrative Code.

See 26 Illinois Administrative Code, § 216.30, 86 Illinois Administrative Code, § 100.3020.

Effect of Amendments.

The 1998 amendment by P.A. 90-664, effective July 30, 1998, in the first sentence, inserted the part "(i)" and "(ii)" designations, substituted "who has" for "having" in part (i), inserted part (iii) and made a related change.

CASE NOTES

ANALYSIS

In General
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 —School Code
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 —Residence
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 Residence
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In General

The right of a voter to express his will at the polls is not an absolute right; the legislature unquestionably has the right to place reasonable conditions upon the right to vote, including conditions as to residency. *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), *aff'd*, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

Registration laws have been sustained as reasonable limitations on the right of suffrage. *Pope v. Board of Election Comm'rs*, 370 Ill. 196, 18 N.E.2d 214 (1938).

Applicability

—School Code

In the absence of a requirement in the School Code (see now 105 ILCS 5/9-1) that to qualify to vote at a school election, a voter was required to be a citizen of the United States and upwards of the age of 21 (now 18), this requirement was to be implied from the Election Code. *Scofield v. Board of Educ.*, 411 Ill. 11, 103 N.E.2d 640 (1952).

Construction with Other Laws

The more general provisions of this section with regard to qualifications of electors are applicable in interpreting the meaning

Construction with Other Laws (Cont'd)

of the word "electors" in section 9 of the Special Service Area Tax Act (35 ILCS 235/9) providing for the manner of levying taxes for the provision of special service areas rather than the definition of an "elector" as a registered voter as cited in 10 ILCS 5/4-1. *Ciaccio v. City of Elgin*, 85 Ill. App. 3d 507, 40 Ill. Dec. 877, 407 N.E.2d 108 (2 Dist. 1980).

Domicile**—Change**

A change of domicile requires four elements: (1) physical abandonment of the first domicile; (2) an intent not to return to it; (3) a physical presence in a new domicile; and (4) an intent to make that the domicile. *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), *aff'd*, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

False Representation

Where defendant knew he was an alien and that he was not a citizen of the United States, nor was he qualified to vote under this section, he made a false representation of United States citizenship when he voted in an Illinois election. *United States v. Franklin*, 188 F.2d 182 (7th Cir. 1951).

Military Personnel**—Residence**

Absence from, or presence in, a state due to military service is insufficient, standing alone, to constitute a change of residence. *Hatcher v. Anders*, 117 Ill. App. 3d 236, 72 Ill. Dec. 769, 453 N.E.2d 74 (2 Dist. 1983).

—Residing on Military Bases

The legislature has extended the voting franchise to military personnel and their dependents residing on military bases located within Illinois, and this general election franchise includes the right to vote on referenda or propositions to increase the annual tax rate for the school district that are submitted to the voters pursuant to the School Code in 105 ILCS 5/17-3. *Ghini v. Highwood-Highland Park Elementary Sch.*, 129 Ill. App. 3d 671, 84 Ill. Dec. 795, 472 N.E.2d 1191 (2 Dist. 1984).

Residence**—Abandonment**

Where voter, who lived with her parents, physically abandoned her prior residence when it was destroyed by a fire, and her intent was unconditionally and unequivocally not to return there as her place of residence after the home was rebuilt, voter did not satisfy the "residence" requirements so as to constitute one of the legal voters of the territory sought to be detached, and petitioners did not have the requisite two-thirds number of the legal voters residing within such territory sign their petition for detachment and annexation. *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), *aff'd*, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

—Abode

A real and not an imaginary abode, occupied as the voter's home or dwelling, is essential to satisfy the legal requirements as to the residence of a voter. *Park v. Hood*, 374 Ill. 36, 27 N.E.2d 838 (1940).

A real and not an imaginary abode occupied as a person's home or dwelling is essential to satisfy the residence requirements of the law. *Pope v. Board of Election Comm'rs*, 370 Ill. 196, 18 N.E.2d 214 (1938).

Since appellant's place of actual abode was in Missouri and not at his law office in Illinois, he was precluded from claiming residence for voting purposes in Illinois. *Pope v. Board of Election Comm'rs*, 370 Ill. 196, 18 N.E.2d 214 (1938).

—Defined

A person's "residence" is his or her principal dwelling place, and the term denotes a permanency of some measure. *Huber v. Reznick*, 107 Ill. App. 3d 529, 63 Ill. Dec. 179, 437 N.E.2d 828 (5 Dist. 1982).

"Residence" is the principle dwelling place of a person, the place he considers "home." *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), *aff'd*, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

Residence, for purposes of registration or voting, means more than a mere technical domicile and does not permit registration and voting from an office or business location where the applicant has never lodged; the meaning of the words "residence" and "permanent abode" cannot be tortured, under the guise of statutory construction, to include a business location not even purporting to be a definite place to which an intention to return might be legitimately inferred. *Pope v. Board of Election Comm'rs*, 370 Ill. 196, 18 N.E.2d 214 (1938).

—Domicile Compared

Unlike a "domicile," which one has continually from the moment of birth, a person need not at all times have a permanent abode or "residence." *Huber v. Reznick*, 107 Ill. App. 3d 529, 63 Ill. Dec. 179, 437 N.E.2d 828 (5 Dist. 1982).

For the purpose of determining the question of the right to vote under this Code, the word "residence" does not have the same meaning as "domicile." *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), *aff'd*, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

Domicile is a continuing thing, and from the moment a person is born he must, at all times, have a domicile; thus, one domicile may not be abandoned until another is acquired. *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), *aff'd*, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

There is a distinction between place of residence and domicile, and although it may be true that a person retains one domicile until he acquires another one, it does not necessarily follow that his residence or place of abode coincides with his domicile. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

Domicile and residence are not synonymous; mere proof that domicile had been retained in a city would be insufficient to enable prospective voters to vote in that city. *Park v. Hood*, 374 Ill. 36, 27 N.E.2d 838 (1940).

Domicile and residence are not synonymous. *Pope v. Board of Election Comm'rs*, 370 Ill. 196, 18 N.E.2d 214 (1938).

—Elements

For voting purposes, residence means permanent abode, a person's principal dwelling place, and two elements are necessary to create a residence: physical presence and intent to remain there as a permanent home. *Delk v. Board of Election Comm'rs*, 112 Ill. App. 3d 735, 68 Ill. Dec. 379, 445 N.E.2d 1232 (1 Dist. 1983).

Two elements are necessary to create a residence: (1) a physical presence in that place and (2) the intention of remaining there as a permanent home. *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), *aff'd*, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

—Evidence of Intent to Remain

Although declarations of intent to remain in a residence are admissible as evidence of permanence, acts and surrounding circumstances should be given more weight in making the factual determination of intent. *Delk v. Board of Election Comm'rs*, 112 Ill. App. 3d 735, 68 Ill. Dec. 379, 445 N.E.2d 1232 (1 Dist. 1983).

The question of residence is largely one of intention, and a voter is competent to testify as to his intention, although such testimony is not necessarily conclusive. *Park v. Hood*, 374 Ill. 36, 27 N.E.2d 838 (1940).

—Intent

While a voter stated that he and his family wanted to make a district their permanent address for voting purposes, such an intent was only one aspect of residence and was belied by their physical absence from the district and their lack of intent to return; thus, the evidence was insufficient to overcome the presumption of invalidity of the family's votes. *Huber v. Reznick*, 107 Ill. App. 3d 529, 63 Ill. Dec. 179, 437 N.E.2d 828 (5 Dist. 1982).

For voting purposes, if a person physically leaves what has been his permanent abode and at any time during his absence acquires an unconditional intent not to return, it is no longer his residence; he may or may not at that time have a new permanent abode or residence. *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), *aff'd*, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

It is the intent of the person which is paramount in determining whether he has abandoned or changed a residence. *Stein v. County*

Residence (Cont'd)**—Intent (Cont'd)**

Bd. of Sch. Trustees, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), aff'd, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

—Multiple Residences

In light of alderman's testimony that she and her husband lived together, evidence of another residence for the husband was relevant on the question of her residence either at the time she filed her nomination papers and statement of candidacy or at the time she registered to vote at that address. *Delk v. Board of Election Comm'rs*, 112 Ill. App. 3d 735, 68 Ill. Dec. 379, 445 N.E.2d 1232 (1 Dist. 1983).

A person may not have a permanent residence in two places at the same time. *Delk v. Board of Election Comm'rs*, 112 Ill. App. 3d 735, 68 Ill. Dec. 379, 445 N.E.2d 1232 (1 Dist. 1983); *Greene v. Board of Election Comm'rs*, 112 Ill. App. 3d 862, 68 Ill. Dec. 484, 445 N.E.2d 1337 (1 Dist. 1983).

—Temporary Absence

If a person establishes a place as his residence, a temporary absence therefrom will not cause him to lose his residence if he at all times intended to return at some future time and never intended to permanently abandon the place as his permanent residence; the same is true if a person leaves his residence with only a conditional intention of acquiring a new residence, so long as his intention remains conditional. *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), aff'd, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

One does not lose a residence by temporary removal with the intention to return, or even with a conditional intention of acquiring a new residence, but when one abandons his home and takes up his residence in another county or election district, he loses his privilege of voting in the district from which he moved. *Park v. Hood*, 374 Ill. 36, 27 N.E.2d 838 (1940).

Women Voters

For a case discussing whether votes cast by women at a judicial election were to be held as legal votes under the former Woman's Suffrage Act, see *Franklin v. Westfall*, 273 Ill. 402, 112 N.E. 974 (1916).

Because county commissioners were officers provided for by former Article X, Section 7 of the Illinois Constitution of 1870 (see now Ill. Const. (1970), Art. VII, Section 3), only those who possessed the qualifications of electors as provided in former Article VII, Section 1 of the Illinois Constitution of 1870 (see now Ill. Const. (1970), Art. III, Section 1) could vote for such commissioners and for one of their number to be president of the county board. *People ex rel. Jurgensen v. Czarnecki*, 265 Ill. 489, 107 N.E. 184 (1914).

OPINIONS OF ATTORNEY GENERAL**Domicile****—Interpretation**

Citizens of Illinois who are otherwise eligible to register may register to vote, even though they do not reside in traditional homes, if they can establish the existence of a "home base" within the election district and designate a mailing address at which they can be reached. 1992 Op. Atty. Gen. (92-014).

10 ILCS 5/3-1.2 Eligibility to sign petition

Sec. 3-1.2. *Eligibility to sign petition.* 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 this 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. Any person, otherwise qualified under this Section, who has not moved to another residence but whose address has changed as a result of implementation of a 9-1-1 emergency telephone system shall be considered a "voter", "registered voter", "qualified voter", "legal voter", "elector", "qualified elector", "primary elector", and "qualified primary elector".

(Source: P.A. 83-999; 90-664, § 5; 91-57, § 5; 92-129, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 3-1.2.

Effect of Amendments.

The 1998 amendment by P.A. 90-664, effective July 30, 1998, added the last sentence.

The 1999 amendment by P.A. 91-57, effective June 30, 1999, added the section heading; and inserted "or circulate" in the first sentence.

The 2001 amendment by P.A. 92-129, effective July 20, 2001, in the section heading and the first sentence deleted "or circulate" after "to sign".

CASE NOTES**ANALYSIS****Applicability**

- Petition Circulators
- Petition Signers
- Assistance for Disabled
- Construction
- Sign
- Electors

Applicability**—Petition Circulators**

Clearly, if the legislator had intended this section to apply to petition circulators, it would not have created a definition of registered voter which followed, narrowly and exclusively, the portion of the statutory language and sample form which applies only to individuals who sign the nominating petition as a means of endorsing the listed candidate. *Lucas v. Lakin*, 175 Ill. 2d 166, 221 Ill. Dec. 834, 676 N.E.2d 637 (1997).

This section speaks of eligibility to sign a nominating petition, not of eligibility to circulate one; by its own terms, this section does not govern the actions of petition circulators. *Lucas v. Lakin*, 175 Ill. 2d 166, 221 Ill. Dec. 834, 676 N.E.2d 637 (1997).

—Petition Signers

The applicability of this section is specifically limited to only those signing a nominating petition and dictates qualifications which are different from those specified in section 8-8 (10 ILCS 10/8-8) for petition circulators; the Electoral Board improperly expanded the statutory language contained in this section and erred in applying it to the circulator of the petition sheets which effectively cancelled the signatures of each of the voters who signed the challenged petitions and nullified their right to have the candidate of their choice appear on the ballot. *Bass v. Hamblet*, 266 Ill. App. 3d 1110, 204 Ill. Dec. 55, 641 N.E.2d 14 (1 Dist. 1994).

Assistance for Disabled

Under U.S. Const., Amend. I and this section, all voters may participate in the nominating process, so that 10 ILCS 5/7-10 must be construed to mean a voter who is otherwise eligible but who, because of illness or disability, cannot physically execute a petition may be granted assistance in that process. *Anderson v. Chicago Bd. of Election Comm'rs*, 284 Ill. App. 3d 832, 220 Ill. Dec. 247, 672 N.E.2d 1259 (1 Dist. 1996), appeal denied, 171 Ill. 2d 561, 222 Ill. Dec. 429, 677 N.E.2d 963 (1997).

Construction**—Sign**

To "sign" a nominating petition, in the plain and ordinary sense of the word, means to add one's signature to the nominating petition for the purpose of supporting the candidate whose name appears on the petition. *Lucas v. Lakin*, 175 Ill. 2d 166, 221 Ill. Dec. 834, 676 N.E.2d 637 (1997).

Electors

An elector is to be regarded as one who meets the voter qualifications, and one need not be a registered voter in order to be an elector. *People ex rel. Jordan Company v. Village of Forest View*, 21 Ill. 2d 384, 172 N.E.2d 780 (1961).

10 ILCS 5/3-1.3 [Calculating voter percentage]

Sec. 3-1.3. Whenever this Code or another Statute requires that a nominating petition or a petition proposing a public question shall be signed by a specified percentage of the registered voters of the State, a political subdivision or district or precinct or combination of precincts, the total number of voters to which the percentage is applied shall be the number of voters who are registered in the State, political subdivision or district or precinct or combination of precincts, as the case may be, on the date registration closed before the regular election next preceding the last day on which such petition may be filed in accordance with the general election law. This Section does not apply to the determination of the number of signatures required on a petition filed pursuant to Article IX of The Liquor Control Act of 1934 [235 ILCS 5/9-1 et seq.]. (Source: P.A. 84-1467.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 3-1.3.

10 ILCS 5/3-2 [Permanent abode; voter registration]

Sec. 3-2. (a) A permanent abode is necessary to constitute a residence within the meaning of Section 3-1 [10 ILCS 5/3-1]. No elector or spouse shall be deemed to have lost his or her residence in any precinct or election district in this State by reason of his or her absence on business of the United States, or of this State. Nothing in this Section shall be construed to prevent homeless individuals from registering to vote under the provisions of this Act.

(b) A homeless individual must have a mailing address in order to be eligible to register to vote. For purposes of this Act, a mailing address shall constitute a homeless individual's residence for voting purposes. A mailing address of a homeless individual may include, but is not limited to, a shelter, a day shelter, or a private residence.

Election authorities may by reasonable rules limit the place where voter registration of homeless individuals may be taken and the class of deputy registrars who may take the voter registration of homeless individuals.

(c) Nothing in this Act shall be construed to confer upon homeless individuals any additional privileges or benefits other than the right to register to vote and to be qualified to vote in an election under Articles 4, 5, and 6 of this Code [10 ILCS 5/4-1 et seq., 10 ILCS 5/5-1 et seq., and 10 ILCS 5/6-1 et seq.].

(Source: P.A. 80-656; 87-1241, § 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 3-2.

Effect of Amendments.

The 1992 amendment, effective December 23, 1992, added the subsection (a) designation; and added subsections (b) and (c).

CASE NOTES**ANALYSIS****Permanent Abode**

- Defined
- Evidence Held Sufficient
- Intent Not to Remain
- Intent Not to Return
- Required
- Residence
- Shown
- Surrounding Circumstances

Permanent Abode**—Defined**

A permanent abode, in the sense of the statute, means nothing more than a domicile, a home, which the party is at liberty to leave as interest or whim may dictate, but without any present intention to change it. *Bullman v. Cooper*, 362 Ill. 469, 200 N.E. 173 (1936).

—Evidence Held Sufficient

There was sufficient evidence upon which the electoral board could conclude candidate for election to state representative satisfied the residency requirements as of 18 months before general election where he: (1) established a physical presence within the district by renting an apartment and moving in; (2) he also testified that he intended to abandon a prior residential property and become a resident of the district for the purpose of running for reelection; and (3) there was also undisputed evidence that he made an offer to purchase a home within the appropriate school districts in February 1993, which would have dispelled any question about his residency had the sale been consummated. *Dillavou v. County Officers Electoral Bd.*, 260 Ill. App. 3d 127, 198 Ill. Dec. 516, 632 N.E.2d 1127 (4 Dist.), appeal denied, 157 Ill. 2d 498, 205 Ill. Dec. 159, 642 N.E.2d 1276 (1994).

—Intent Not to Remain

A person can acquire a domicile if he is personally present in a place and elects that as his home even if he never intends to remain in that physical structure on a permanent basis. *Dillavou v. County Officers Electoral Bd.*, 260 Ill. App. 3d 127, 198 Ill. Dec. 516, 632 N.E.2d 1127 (4 Dist.), appeal denied, 157 Ill. 2d 498, 205 Ill. Dec. 159, 642 N.E.2d 1276 (1994).

—Intent Not to Return

For voting purposes, if a person physically leaves what has been his permanent abode and at any time during his absence acquires an unconditional intent not to return, it is no longer his residence; he may or may not at that time have a new permanent abode or residence. *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), aff'd, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

—Required

To constitute a residence within the meaning of the constitutional and statutory provisions, a permanent abode is necessary. *Pope v. Board of Election Comm'rs*, 370 Ill. 196, 18 N.E.2d 214 (1938).

Permanent Abode (Cont'd)**—Residence**

For voting purposes, "residence" means "permanent abode." *Stein v. County Bd. of Sch. Trustees*, 85 Ill. App. 2d 251, 229 N.E.2d 165 (2 Dist. 1967), aff'd, 40 Ill. 2d 477, 240 N.E.2d 668 (1968).

The terms "residence" and "permanent abode" as employed in the statute are synonymous. *Bullman v. Cooper*, 362 Ill. 469, 200 N.E. 173 (1936).

—Shown

Where county officer's Electoral Board found as a matter of fact that candidate for state office established physical presence in new district and further found that, although candidate moved to district with the express intent of being eligible to run for representative from that district, this motivation did not negate a genuine change of residence. *Walsh v. County Officers Electoral Bd.*, 267 Ill. App. 3d 972, 204 Ill. Dec. 942, 642 N.E.2d 843 (1 Dist. 1994).

—Surrounding Circumstances

Concerning the factual determination of intent, the surrounding circumstances shall be accorded more weight than simple declarations of intent. *Walsh v. County Officers Electoral Bd.*, 267 Ill. App. 3d 972, 204 Ill. Dec. 942, 642 N.E.2d 843 (1 Dist. 1994).

OPINIONS OF ATTORNEY GENERAL**Permanent Abode****—Defined**

A "permanent abode", for purposes of residence, may be a place to which the individual returns regularly and intends to remain for the present, whether or not that place is a traditional home. 1992 Op. Atty. Gen. (92-014).

Citizens of Illinois who are otherwise eligible to register may register to vote, even though they do not reside in traditional homes, if they can establish the existence of a "home base" within the election district and designate a mailing address at which they can be reached. 1992 Op. Atty. Gen. (92-014).

10 ILCS 5/3-3 [Soldiers and sailors]

Sec. 3-3. Every honorably discharged soldier or sailor who is an inmate of any soldiers' and sailors' home within the State of Illinois or any person who is a resident of a facility licensed or certified pursuant to the Nursing Home Care Act [210 ILCS 45/1-101 et seq.] for 30 days or longer, and who is a citizen of the United States and has resided in this State and in the election district 30 days next preceding any election shall be entitled to vote in the election district in which any such home in which he is an inmate or resident is located, for all officers that now are or hereafter may be elected by the people, and upon all questions that may be submitted to the vote of the people: Provided, that he shall declare upon oath, that it was his bona fide intention at the time he entered said home to become a resident thereof. (Source: P.A. 86-820.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 3-3.

10 ILCS 5/3-4 [Patients]

Sec. 3-4. No patient of any hospital or mental institution in this State, shall by virtue of his abode at such hospital or mental institution be deemed a resident or legal voter in the town, city, village or

election district or precinct in which such hospital or mental institution may be situated; but every such person shall be deemed a resident of the town, city, village or election district or precinct in which he resided next prior to becoming a patient of such hospital or mental institution. However, the term "hospital" does not include skilled nursing facilities. (Source: P.A. 79-1123.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 3-4.

10 ILCS 5/3-5 [Persons convicted and imprisoned]

Sec. 3-5. No person who has been legally convicted, in this or another State or in any federal court, of any crime, and is serving a sentence of confinement in any penal institution, or who has been convicted under any section of this Act and is serving a sentence of confinement in any penal institution, shall vote, offer to vote, attempt to vote or be permitted to vote at any election until his release from confinement.

Confinement for purposes of this Section shall include any person convicted and imprisoned but granted a furlough as provided by Section 3-11-1 of the "Unified Code of Corrections" [730 ILCS 5/3-11-1], or admitted to a work release program as provided by Section 3-13-2 of the "Unified Code of Corrections" [730 ILCS 5/3-13-2]. Confinement shall not include any person convicted and imprisoned but released on parole.

(Source: P.A. 80-699.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 3-5.

ARTICLE 4.**REGISTRATION OF ELECTORS IN COUNTIES HAVING A POPULATION OF LESS THAN 500,000****10 ILCS 5/4-1 [Applicability]**

Sec. 4-1. Except as provided in this Article 4 [10 ILCS 5/4-1 et seq.], it is unlawful for any person residing in a county containing a population of less than 500,000, to vote at any election at which any officers are to be nominated or elected, or at any election at which any questions of public policy are to be voted on, unless such person is at the time of such election a registered voter under the provisions of this Article 4 [10 ILCS 5/4-1 et seq.].

The provisions of this Article do not apply to electors voting in an election of any soil and water conservation district or drainage district or to electors residing in municipalities in this State which have adopted "An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State", ap-

proved June 19, 1885, as amended [repealed], or which have adopted Articles 6, 14 and 18 of this Act [10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq., and 10 ILCS 5/18-1 et seq.]. This Article shall not apply to electors voting pursuant to Article 20 of this Act [10 ILCS 5/20-1 et seq.].

The provisions of this Article 4 [10 ILCS 5/4-1 et seq.], so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote who have made and subscribed to the affidavit provided in paragraph (b) of Section 17-10 of this Act [10 ILCS 5/17-10(b)].

(Source: P.A. 81-1060.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-1.

"An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated downs," referred to in this section, has been repealed.

Cross References.

As to registration in primaries, see 10 ILCS 5/7-43, 10 ILCS 5/7-44.

As to petitions for nominations, see 10 ILCS 5/10-4.

As to absentee registration, see 10 ILCS 5/20-2.1.

CASE NOTES

ANALYSIS

Construction with Other Laws

Exceptions

—Not Applicable

Construction with Other Laws

The more general provisions of 10 ILCS 5/3-1 with regard to qualifications of electors are applicable in interpreting the meaning of the word "electors" in section 9 of the Special Service Area Tax Act (35 ILCS 235/9) providing for the manner of levying taxes for the provision of special service areas rather than the definition of an "elector" as a registered voter as cited in this section. *Ciaccio v. City of Elgin*, 85 Ill. App. 3d 507, 40 Ill. Dec. 877, 407 N.E.2d 108 (2 Dist. 1980).

Exceptions

—Not Applicable

Since the legislature had differentiated between an elector and a registered voter, where no exceptions were applicable to a particular village, an elector in municipal elections in that village need not have been registered; that being so, the petitioners proved that 16 of a possible 18 "electors" signed a petition providing for the disconnection of land from a newly organized municipality, and thus a majority of the electors residing in the district signed the petition and all the proof necessary to the allowance of the petition for disconnection was met. *Bergis v. Village of Sunnyside*, 13 Ill. 2d 50, 147 N.E.2d 333 (1958).

OPINIONS OF ATTORNEY GENERAL

Applicability

Unless the board of trustees of the fire protection district has adopted the provisions of Article 4 of the Election Code [10 ILCS 5/4-1 et seq.], registration is not a requirement for voting for the election of trustees of the fire protection district. 1978 Op. Atty. Gen. 184.

10 ILCS 5/4-2 [Registration; qualifications]

Sec. 4-2. No person shall be entitled to be registered in and from any precinct unless such person shall by the date of the election next following have

resided in the State and within the precinct 30 days and be otherwise qualified to vote at such election. Every applicant who shall be 18 years of age or over on the day of the next election shall be permitted to register, if otherwise qualified.

To constitute residence under this Act, Article 3 [10 ILCS 5/3-1 et seq.] is controlling. (Source: P.A. 81-953.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-2.

10 ILCS 5/4-3 [Place of registry]

Sec. 4-3. The county board shall appoint the place of registry in each precinct for any precinct re-registration of 1969 and 1970 under this Article 4 [10 ILCS 5/4-1 et seq.] and for all precinct registrations. Such place or places shall be in the most public, orderly and convenient portions thereof; and no building or part of a building shall be designated or used as a place of registry, in which spirituous or intoxicating liquor is sold or which is used as political headquarters for any party, candidate or office holder. The county clerk may demand of the chief of police of each city, village or incorporated town, or the sheriff, to furnish officers of the law to attend during the progress of any registration at any place or places of registration designated by the county board.

(Source: Laws 1968, p. 570.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-3.

Cross References.

As to police protection in temporary places of registration, see 305 ILCS 5/12-4.28, 820 ILCS 405/1705, 625 ILCS 5/2-105.

10 ILCS 5/4-4 [Registration officer]

Sec. 4-4. The county clerk shall be ex officio the registration officer of such county and shall have full charge and control of the registration of voters within such county, where this Article 4 [10 ILCS 5/4-1 et seq.] is in effect.

For the 3 days of any 1969 and 1970 re-registration and for precinct registrations hereinafter provided, 2 of the judges of election, no more than one from the same political party, theretofore duly appointed and confirmed as such and acting in each precinct, shall be designated by the county clerk to constitute a board of registration for each precinct, respectively, and each of such judges of election so designated shall serve as a judge of registration therein.

In counties over 1,000,000 population town or road district clerks, city or village clerks, their duly authorized deputies approved by the county clerk, and employees of the office of the county clerk may be appointed by the county clerk as deputy registration officers.

Such clerks appointed as deputy registration officers may accept registration of voters at their offices at any time that such registrations may be accepted by the county clerk, but shall not accept such registrations at any other place. Such deputy registration officers shall return any registrations accepted by them to the county clerk within 7 days after any registration is accepted by them.

Registration officers, deputy registration officers and judges of registration shall be officers of the court and the provisions of the laws of this State as to vacancies, removal and control (except as herein-after provided), and punishment in case of misbehavior of judges of election shall apply to such registration officials.

Each registration officer including officers and judges of registration shall before entering upon his duties take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of registration officer to the best of my ability, and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....
 (Signature of Registration Officer)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgments and shall immediately thereafter be filed with the county clerk, except that judges of registration may administer such oath or affirmation to each other and such oath of office and all affidavits which have been signed and sworn to before them shall be returned to the office of the county clerk in an envelope provided for that purpose.

No registration official for a precinct or other place of registration shall, without urgent necessity, absent himself from the place of registration or revision of registration upon any day of registration or revision of registration whereby less than the number of persons necessary to conduct the registration or revision of registration shall be present during such hours of registration or revision of registration. (Source: Laws 1968, p. 572.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-4.

CASE NOTES

Registration

—University Students

Solicitation policy of a university, which provided registrars with table space in public areas during fixed times, was fully consistent with the principles and purposes of this Code and the Illinois Constitution where students remained free at all times to register at the clerk's office, at a temporary registration place if the clerk

chose to establish one in the public area of the campus, or in their own rooms if the deputy registrar was invited there. *Harrell v. Southern Ill. Univ.*, 120 Ill. App. 3d 161, 75 Ill. Dec. 529, 457 N.E.2d 971 (5 Dist. 1983).

10 ILCS 5/4-5 [Permanent registration established]

Sec. 4-5. The registration preceding the November, 1942, election shall constitute a permanent registration subject to revision and alteration in the manner hereinafter provided; and all registrations subsequent thereto shall be upon registration record cards provided by the county clerk. However, if the county board, by resolution adopted before October 15, 1969, determines that there shall be a re-registration in the county before the June, 1970, primary as provided in this Article, such 1942 registration shall be a permanent registration only until such re-registration as provided in Section 4-5.01 [10 ILCS 5/4-5.01].

(Source: Laws 1967, p. 2987.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-5.

10 ILCS 5/4-5.01 [Re-registration]

Sec. 4-5.01. Where the county board determines, as provided in Section 4-5 [10 ILCS 5/4-5], that there shall be a re-registration before the June, 1970, primary, there shall, subject to the provisions of Section 4-6 [10 ILCS 5/4-6], be 3 days of re-registration in each precinct. The first of such 3 days of re-registration shall be Friday, November 21, 1969; the second, Friday, December 19, 1969; and the third, Tuesday, January 15, 1970. On each of the 3 days of re-registration, the registration place or places shall open at 8:00 a.m. and remain open until 9:00 p.m.

Re-registration provided by this Article 4 [10 ILCS 5/4-1 et seq.] shall be conducted by the county clerk, shall be at the office of such clerk or in the precinct or in the offices of the respective deputy registration officers appointed by the county clerk as hereinabove in this Article provided, and shall be upon registration record cards in the manner provided by this Article. Such re-registration shall constitute a permanent registration subject to revision and alteration in the manner hereinafter provided. All registrations shall be on registration record cards provided by the county clerk in accordance with the provisions of this Article 4 [10 ILCS 5/4-1 et seq.].

Immediately following the last day of precinct re-registration in 1970, all permanent registration records compiled before November 21, 1969, shall be destroyed if no election contest is pending in which such records are material.

(Source: Laws 1967, p. 2987.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-5.01.

10 ILCS 5/4-6 [Clerk's office; registration hours]

Sec. 4-6. For the purpose of registering voters under this Article in addition to the method provided for precinct registration under Section 4-7 [10 ILCS 5/4-7], the office of the county clerk shall be open every day, except Saturday, Sunday, and legal holidays, from 9:00 a.m. to 5:00 p.m. On Saturdays the hours of registration shall be from 9:00 a.m. to 12:00 noon, and such additional hours as the county clerk may designate. If, however, the county board otherwise duly regulates and fixes the hours of opening and closing of all county offices at the county seat of any county, such regulation shall control and supersede the hours herein specified. There shall be no registration at the office of the county clerk or at the office of municipal and township or road district clerks serving as deputy registrars during the 28 days preceding any regular or special election at which the cards provided in this Article are used, or until the 2nd day following such regular or special election; provided, that if by reason of the proximity of any such elections to one another the effect of this provision would be to close registrations for all or any part of the 10 days immediately prior to such 28 day period, the county clerk shall accept, solely for use in the subsequent and not in any intervening election, registrations and transfers of registration within the period from the 28th to the 38th days, both inclusive, prior to such subsequent election; provided, further that at the office of such clerks registration shall be permitted on the 28th day preceding the election in November of even-numbered years in any county in which such day is not designated as a day of precinct registration. In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of election.

Any qualified person residing within the county or any portion thereof subject to this Article may register or re-register with the county clerk.

Each county clerk shall appoint one or more registration or re-registration teams for the purpose of accepting the registration or re-registration of any voter who files an affidavit that he is physically unable to appear at any appointed place of registration or re-registration. Each team shall consist of one member of each political party having the highest and second highest number of registered voters in the county. The county clerk shall designate a team to visit each disabled person and shall accept the registration or re-registration of each such person as if he had applied for registration or re-registration at the office of the county clerk.

As used in this Article, "deputy registrars" and "registration officers" mean any person authorized to accept registrations of electors under this Article. (Source: P.A. 83-1059.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-6.

CASE NOTES**No Constitutional Violations**

Despite the substantial cost of the additional elections and diminishing of the time during which residents of the counties affected might register, the method which the General Assembly chose to provide for elections under former Ill.Rev.Stat., ch. 34, para. 832 (see now 55 ILCS 5/3002), and this section and section 7-5 of the Election Code (10 ILCS 5/7-5) did not create invalid classifications or result in constitutional violations. *Bridgewater v. Hotz*, 51 Ill. 2d 103, 281 N.E.2d 317 (1972).

RESEARCH REFERENCES

Validity of college or university regulation of political or voter registration activity in student housing facilities. 39 ALR4th 1137.

10 ILCS 5/4-6.1 [Additional methods]

Sec. 4-6.1. In addition to registration at the office of the county clerk, and at the offices of municipal and township or road district clerks, each county clerk shall provide for the following additional methods of registration:

(1) the appointment of deputy registrars as provided in Section 4-6.2 [10 ILCS 5/4-6.2]; and

(2) the establishment of temporary places of registration, as provided in Section 4-6.3 [10 ILCS 5/4-6.3].

Each county clerk may provide for precinct registration pursuant to Section 4-7 [10 ILCS 5/4-7].

(Source: P.A. 83-1059; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-6.1.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, added "and" in subdivision (1) at the end.

10 ILCS 5/4-6.2 [Deputy registrars; appointment]

Sec. 4-6.2. (a) The county clerk shall appoint all municipal and township or 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 and road districts. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of 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 duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified

resident of the county, except during the 28 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of The Illinois Vehicle Code [625 ILCS 5/2-105].

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the county.

5. A duly elected or appointed official of a bonafide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number applicable to every

civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bonafide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983 [805 ILCS 5/1.01 et seq.], or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 28 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois,

and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....
 (Signature Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year; except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 29th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 29th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy

registrar. Such deputy registrars shall not be deemed to be employees of the county clerk. (Source: P.A. 86-873; 86-875; 86-1028; 86-1435; 87-1052, § 3; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-6.2.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, in subdivision (a)(2) inserted "elementary school" following "high school" twice.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, substituted "29th" for "28th" in the first and second sentence of subsection (c).

RESEARCH REFERENCES

Validity of college or university regulation of political or voter registration activity in student housing facilities. 39 ALR4th 1137.

10 ILCS 5/4-6.3 [Temporary places of registration]

Sec. 4-6.3. The county clerk may establish a temporary place of registration for such times and at such locations within the county as the county clerk may select. However, no temporary place of registration may be in operation during the 28 days preceding an election. Notice of the time and place of registration under this Section shall be published by the county clerk in a newspaper having a general circulation in the county not less than 3 nor more than 15 days before the holding of such registration.

Temporary places of registration shall be established so that the areas of concentration of population or use by the public are served, whether by facilities provided in places of private business or in public buildings or in mobile units. Areas which may be designated as temporary places of registration include, but are not limited to, facilities licensed or certified pursuant to the Nursing Home Care Act [210 ILCS 45/1-101 et seq.], Soldiers' and Sailors' Homes, shopping centers, business districts, public buildings and county fairs.

Temporary places of registration shall be available to the public not less than 2 hours per year for each 1,000 population or fraction thereof in the county.

All temporary places of registration shall be manned by deputy county clerks or deputy registrars appointed pursuant to Section 4-6.2 [10 ILCS 5/4-6.2].

(Source: P.A. 86-820; 86-873; 86-1028.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-6.3.

10 ILCS 5/4-7 [Precinct re-registration; notice; pollwatchers; electioneering]

Sec. 4-7. In counties having a re-registration in 1969 and 1970, there shall be 3 days of precinct re-registration in each precinct. The first of such 3 days shall be Friday, November 21, 1969; the second,

Friday, December 19, 1969; and the third, Tuesday, January 15, 1970. In all counties over 1,000,000 population, or in counties under 1,000,000 population if the county clerk determines to have precinct registration in the county pursuant to Section 4-6.1 [10 ILCS 5/4-6.1] there shall be one day of precinct registration preceding each regular election on the first Tuesday after the first Monday in November of even numbered years, on Saturday preceding the Tuesday 6 weeks preceding the election. The county board shall have authority to designate 2 days of registration in each precinct, in which event the second day of precinct registration shall be 29 days before such election. On each day of registration, the registration places shall be opened at noon and remain open until 9:00 P.M. The provisions of Section 4-3 of this Article [10 ILCS 5/4-3] shall apply to the selection of places of registration or re-registration under this Section.

At least 20 days prior to a precinct registration or re-registration, the county clerk shall publish a notice of registration or re-registration, giving the dates, hours and places of registration or re-registration, in a newspaper of general circulation published in the county, if there is one, or otherwise in a newspaper of general circulation in such county.

The election authorities shall issue credentials to registration day pollwatchers in the manner and on the terms prescribed in Section 17-23 [10 ILCS 5/17-23] with respect to pollwatchers at elections. Registration day pollwatchers shall be allowed to see the names and addresses of the people who have registered during the course of the day.

No person shall, at any precinct registration or re-registration, do any electioneering or soliciting of votes or engage in any political discussion within any precinct registration place or within 30 feet thereof. Nothing in this Act shall be construed to prohibit any candidate from being present in or near any precinct registration place. All persons who register to vote at any precinct registration place must be residents of the precinct in which they register.

(Source: P.A. 81-1535.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-7.

10 ILCS 5/4-8 [Registration record cards]

Sec. 4-8. The county clerk shall provide a sufficient number of blank forms for the registration of electors, which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the section, congressional township and range number may be used, or such other description as may be necessary, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and precinct. This information shall be furnished by the applicant stating the place or places where he resided and the dates during which he resided in such place or places during the year next preceding the date of the next ensuing election.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and duplicate registration record cards.

Signature of deputy registrar or officer of registration.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided on the back or at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name.

Mother's first name.

From what address did the applicant last register?

Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

STATE OF ILLINOIS
 COUNTY OF

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my residence; that I am fully qualified to vote, and that the above statements are true.

.....
 (His or her signature or
 mark)

Subscribed and sworn to before me on (insert date).

.....
 Signature of registration officer.
 (To be signed in presence of registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to precincts, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 28 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 [10 ILCS 5/7-10, 10 ILCS 5/8-8, 10 ILCS 5/10-6 or 10 ILCS 5/28-3] and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 28 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information

containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 28 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of \$.00034 per name of registered voters in the election jurisdiction, but not less than \$50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act [10 ILCS 5/9-1 et seq.] or the Federal Election Campaign Act [2 U.S.C. § 431 et seq.] at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be neces-

sary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of County, Illinois. (or)

To the Election Commission of the City of, Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was

Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.

Dated at ..., Illinois, on (insert date).

.....
(Signature of Voter)

Attest:, County Clerk, County, Illinois.

The cancellation certificate shall be mailed immediately by the County Clerk to the County Clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 86-873; 86-1348; 87-1241, § 1; 91-357, § 10; 92-465, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-8.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1992 amendment, effective December 23, 1992, added the last sentence in the paragraph defining "Residence"; and deleted "permanent" following "I intend that this location shall be my" in the Affidavit of Registration.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the forms; and inserted "or" following "To the County Clerk of ... County, Illinois" in the third to last paragraph.

The 2001 amendment by P.A. 92-465, effective January 1, 2002, in the fifth from the last paragraph, in the first sentence inserted "and within 10 days after each registration period is closed" and inserted the second sentence.

OPINIONS OF ATTORNEY GENERAL

ANALYSIS

Computer Tapes
Domicile
Homeless Persons
Permanent Abode
—Defined

Computer Tapes

When the information on county voter registration record cards is kept on a computer tape, interested individuals and organizations have a general right to copy the tape. 1977 Op. Atty. Gen. 219.

Domicile

Citizens of Illinois who are otherwise eligible to register may register to vote, even though they do not reside in traditional homes, if they can establish the existence of a "home base" within the election district and designate a mailing address at which they can be reached. 1992 Op. Atty. Gen. (92-014).

Homeless Persons

Construing this section to permit homeless persons to register by specifying their "home base" and a mailing address within the jurisdiction of the appropriate election authority is consistent with the Illinois precedent and with the current interpretation of the United States Constitution. 1992 Op. Atty. Gen. (92-014).

Permanent Abode

—Defined

A "permanent abode", for purposes of residence, may be a place to which the individual returns regularly and intends to remain for the present, whether or not that place is a traditional home. 1992 Op. Atty. Gen. (92-014).

10 ILCS 5/4-8.01 [Assistance in voting]

Sec. 4-8.01. If an applicant for registration reports a permanent physical disability which would require assistance in voting, the county clerk shall mark all his registration cards in the right margin on the front of the card with a band of ink running the full margin which shall be of contrast to, and easily distinguishable from, the color of the card. If an applicant for registration declares upon properly witnessed oath, with his signature or mark affixed, that he cannot read the English language and that he will require assistance in voting, all his registration cards shall be marked in a manner similar to the marking on the cards of a voter who requires assistance because of physical disability, except that the marking shall be of a different distinguishing color. Following each election the cards of any voter who has requested assistance as a disabled voter, and has stated that the disability is permanent, or who has received assistance because of inability to read the English language, shall be marked in the same manner.

(Source: Laws 1967, p. 3525.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-8.01.

10 ILCS 5/4-8.02 [Disabled voter's card]

Sec. 4-8.02. Upon the issuance of a disabled voter's identification card as provided in Section 19-12.1 [10 ILCS 5/19-12.1], the county clerk shall cause the identification number of such card to be clearly noted on all the registration cards of such voter. (Source: P.A. 78-320.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-8.02.

10 ILCS 5/4-8.03 [Record card design; registration transfer]

Sec. 4-8.03. The State Board of Elections shall design a registration record card which, except as otherwise provided in this Section, shall be used in triplicate by all election authorities in the State, except those election authorities adopting a computer-based voter registration file authorized under Section 4-33 [10 ILCS 5/4-33]. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color and print of such cards. Such cards shall contain boxes or spaces for the information required under Sections 4-8 and 4-21 of this Code [10 ILCS 5/4-8 and 10 ILCS 5/4-21]; provided, that such cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available.

Except for those election authorities adopting a computer-based voter registration file authorized under Section 4-33 [10 ILCS 5/4-33], the original and duplicate cards shall respectively constitute the master file and precinct binder registration records of the voter. A copy shall be given to the applicant upon completion of his or her registration or completed transfer of registration.

Whenever a voter moves to another precinct within the same election jurisdiction or to another election jurisdiction in the State, such voter may transfer his or her registration by presenting his or her copy to the election authority or a deputy registrar. If such voter is not in possession of or has lost his or her copy, he or she may effect a transfer of registration by executing an Affidavit of Cancellation of Previous Registration.

In the case of a transfer of registration to a new election jurisdiction, the election authority shall transmit the voter's copy or such affidavit to the election authority of the voter's former election jurisdiction, which shall immediately cause the transmission of the voter's previous registration card to the voter's new election authority. No transfer of registration to a new election jurisdiction shall be complete until the voter's old election authority receives notification.

Deputy registrars shall return all copies of registration record cards or Affidavits of Cancellation of Previous Registration to the election authority within 7 working days after the receipt thereof, except that such copies or Affidavits of Cancellation of Previous Registration received by the deputy registrars between the 35th and 29th day preceding an election shall be returned by the deputy registrars to the election authority within 48 hours after receipt. The deputy registrars shall return the copies or Affidavits of Cancellation of Previous Registration received by them on the 29th day preceding

an election to the election authority within 24 hours after receipt thereof.
(Source: P.A. 86-873; 91-73, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-8.03.

Effect of Amendments.

The 1999 amendment by P.A. 91-73, effective July 9, 1999, rewrote the section to the extent that a detailed comparison would be impracticable.

10 ILCS 5/4-9 The county clerk shall fully instruct the registration officers and deputy registration officers in their duties

Sec. 4-9. *The county clerk shall fully instruct the registration officers and deputy registration officers in their duties.* Each registration officer and deputy registration officer shall receipt to the county clerk for all blank registration record cards issued to him, specifying therein the number of the blanks received by him, and each registration officer and deputy registration officer shall be charged with such blanks until he returns them to the county clerk. If for any cause a blank registration record card is mutilated or rendered unfit for use in making it out, or if a mistake thereon has been made, such blank shall not be destroyed, but the word "mutilated" shall be written across the face of such card, and the card shall be returned to the county clerk and be preserved in the same manner and for the same length of time as mutilated ballots. When each 1969 and 1970 precinct re-registration has been completed, each registration officer shall certify the registration records in substantially the following form:

"We, the undersigned registration officers or deputy registration officers in the County of in the State of Illinois, do swear (or affirm) that at the registration of electors on (insert date) there was registered by us in the said election precinct the names which appear on the registration records, and that the number of voters registered and qualified was and is the number of

.....
.....
.....
Registration officers.

Date"

After completion of each 1969 and 1970 precinct re-registration each of the officers of registration for such precinct shall place all registration cards received by him, regardless of whether such cards have been unused, filled out, executed or mutilated, in an envelope to be provided for that purpose by the county clerk and shall seal such envelope with an official wax impression seal and sign his name across the face of such envelope. The judge of registration for such precinct shall include in the envelope sealed by him the certification of the registration records hereinabove required. The judge of registration for such precinct shall within 24 hours

after the close of re-registration make personal delivery of all envelopes containing the re-registration cards for such precinct to the county clerk.

Other precinct registrations shall be certified and returned in the same manner.

(Source: Laws 1967, p. 2987; P.A. 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-9.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

10 ILCS 5/4-10 [Registration requirements]

Sec. 4-10. Except as herein provided, no person shall be registered, unless he applies in person to a registration officer, answers such relevant questions as may be asked of him by the registration officer, and executes the affidavit of registration. The registration officer shall require the applicant to furnish two forms of identification, and except in the case of a homeless individual, one of which must include his or her residence address. These forms of identification shall include, but not be limited to, any of the following: driver's license, social security card, public aid identification card, utility bill, employee or student identification card, credit card, or a civic, union or professional association membership card. The registration officer shall require a homeless individual to furnish evidence of his or her use of the mailing address stated. This use may be demonstrated by a piece of mail addressed to that individual and received at that address or by a statement from a person authorizing use of the mailing address. The registration officer shall require each applicant for registration to read or have read to him the affidavit of registration before permitting him to execute the affidavit.

One of the registration officers or a deputy registration officer, county clerk, or clerk in the office of the county clerk, shall administer to all persons who shall personally apply to register the following oath or affirmation:

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your name, place of residence, place of birth, your qualifications as an elector and your right as such to register and vote under the laws of the State of Illinois."

The registration officer shall satisfy himself that each applicant for registration is qualified to register before registering him. If the registration officer has reason to believe that the applicant is a resident of a Soldiers' and Sailors' Home or any facility which is licensed or certified pursuant to the Nursing Home Care Act [210 ILCS 45/1-101 et seq.], the following question shall be put, "When you entered the home which is your present address, was it your

bona fide intention to become a resident thereof?" Any voter of a township, city, village or incorporated town in which such applicant resides, shall be permitted to be present at the place of any precinct registration and shall have the right to challenge any applicant who applies to be registered.

In case the officer is not satisfied that the applicant is qualified he shall forthwith notify such applicant in writing to appear before the county clerk to complete his registration. Upon the card of such applicant shall be written the word "incomplete" and no such applicant shall be permitted to vote unless such registration is satisfactorily completed as hereinafter provided. No registration shall be taken and marked as incomplete if information to complete it can be furnished on the date of the original application.

Any person claiming to be an elector in any election precinct and whose registration card is marked "Incomplete" may make and sign an application in writing, under oath, to the county clerk in substance in the following form:

"I do solemnly swear that I,, did on (insert date) make application to the board of registry of the precinct of the township of (or to the county clerk of county) and that said board or clerk refused to complete my registration as a qualified voter in said precinct. That I reside in said precinct, that I intend to reside in said precinct, and am a duly qualified voter of said precinct and am entitled to be registered to vote in said precinct at the next election.

(Signature of applicant)"

All such applications shall be presented to the county clerk or to his duly authorized representative by the applicant, in person between the hours of 9:00 a.m. and 5:00 p.m. on any day after the days on which the 1969 and 1970 precinct re-registrations are held but not on any day within 28 days preceding the ensuing general election and thereafter for the registration provided in Section 4-7 [10 ILCS 5/4-7] all such applications shall be presented to the county clerk or his duly authorized representative by the applicant in person between the hours of 9:00 a.m. and 5:00 p.m. on any day prior to 28 days preceding the ensuing general election. Such application shall be heard by the county clerk or his duly authorized representative at the time the application is presented. If the applicant for registration has registered with the county clerk, such application may be presented to and heard by the county clerk or by his duly authorized representative upon the dates specified above or at any time prior thereto designated by the county clerk.

Any otherwise qualified person who is absent from his county of residence either due to business of the United States or because he is temporarily outside the territorial limits of the United States may become registered by mailing an application to the county clerk within the periods of registration provided for in this Article, or by simultaneous applica-

election, and shall provide a copy of such list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

Within 60 days after the effective date of this amendatory Act of 1983, the county clerk shall indicate by italics, asterisk, or other means, on the list of registered voters in each precinct, each registrant who voted at the general election of 1982, and shall provide a copy of such coded list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

The county clerk may charge a fee to reimburse the actual cost of duplicating each copy of a list provided under either of the 2 preceding paragraphs.

(Source: P.A. 83-1263; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-11.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, in the first paragraph, in the first sentence, substituted "consolidated" for "nonpartisan".

10 ILCS 5/4-12 [Application to erase name from register]

Sec. 4-12. Any voter or voters in the township, city, village or incorporated town containing such precinct, and any precinct committeeman in the county, may, between the hours of 9:00 a.m. and 5:00 p.m. of Monday and Tuesday of the second week prior to the week in which the 1970 primary election for the nomination of candidates for State and county offices or any election thereafter is to be held, make application in writing, to the county clerk, to have any name upon the register of any precinct erased. Such application shall be, in substance, in the words and figures following:

"I being a qualified voter, registered from No. Street in the precinct of the ward of the city (village or town of) (or of the town of) do hereby solemnly swear (or affirm) that registered from No. Street is not a qualified voter in the precinct of ward of the city (village or town) of (or of the town of) and hence I ask that his name be erased from the register of such precinct for the following reason

Affiant further says that he has personal knowledge of the facts set forth in the above affidavit.

(Signed)

Subscribed and sworn to before me on (insert date).

....
....
...."

Such application shall be signed and sworn to by the applicant before the county clerk or any deputy

authorized by the county clerk for that purpose, and filed with said clerk. Thereupon notice of such application, and of the time and place of hearing thereon, with a demand to appear before the county clerk and show cause why his name shall not be erased from said register, shall be mailed, in an envelope duly stamped and directed to such person at the address upon said register, at least four days before the day fixed in said notice to show cause.

A like notice shall be mailed to the person or persons making the application to have the name upon such register erased to appear and show cause why said name should be erased, the notice to set out the day and hour of such hearing. If the voter making such application fails to appear before said clerk at the time set for the hearing as fixed in the said notice or fails to show cause why the name upon such register shall be erased, the application to erase may be dismissed by the county clerk.

Any voter making the application is privileged from arrest while presenting it to the county clerk, and while going to and from the office of the county clerk.

(Source: P.A. 84-551; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-12.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

CASE NOTES

Applicability

—School District Detachment

This section was applicable where proponents of a petition for school district detachment sought to challenge and remove names from the official record of registered voters. *Shapiro v. Regional Bd. of Sch. Trustees*, 116 Ill. App. 3d 397, 71 Ill. Dec. 915, 451 N.E.2d 1282 (1 Dist. 1983).

10 ILCS 5/4-13 [Docket; application for restoration]

Sec. 4-13. A docket of all applications to the county clerk, whether such application shall be made for the purpose of being registered, or restored, or for the purpose of erasing a name on the register or for completing registration, shall be made out in the order of the precincts. The county clerk shall sit to hear such applications between the hours of 10:00 a.m. and 5:00 p.m. on Thursday, Friday and Saturday of the second week prior to the week in which the 1970 primary election for the nomination of candidates for State and county officers or any election thereafter is to be held. Witnesses may be sworn and examined upon the hearing of the applications.

Each person appearing in response to an application to have his name erased shall deliver to the

county clerk a written affidavit, which shall be, in substance, in the words and figures following:

"I do solemnly swear that I am a citizen of the United States; that I do reside and have resided in the State of Illinois since the day of and in the county of in said state since the day of and in the precinct of the ward, in the city, village, incorporated town or town of in said county and state, since the day of and that I am years of age; and that I am the identical person registered in said precinct under the name I subscribe hereto."

This affidavit shall be signed and sworn to or affirmed before any person authorized to administer oaths or affirmations. The decision on each application shall be announced at once after the hearing, and a minute made thereof, and when an application to be registered or to be restored to the register or to complete registration shall be allowed, the county clerk shall cause a minute to be made upon the original and duplicate registration record cards.

All applications under this section and all hearings hereinafter provided may be heard by a deputy county clerk or clerks specially designated by the county clerk for this purpose, and a decision by a deputy so designated, shall become the decision of the county clerk upon approval by the county clerk.

In any case in which the county clerk refuses an application to be registered or restored or to have a registration completed, or orders a name erased or stricken from the register, application may be made to the circuit court to be placed upon the register, and such applications shall be heard, and appeals taken from refusal of such applications, in the manner provided in other civil actions. The court may, at its discretion, hear such applications upon the same days as are specified in this Section for hearings by the county clerk, and, in such cases, application to be heard by the court may be made on such days. Forms for applications to the court shall be furnished by the county clerk.
(Source: P.A. 83-334.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-13.

10 ILCS 5/4-14 [Report of registered persons]

Sec. 4-14. In all registrations it shall be the duty of every board of registry conducting a registration under Section 4-7 of this Article [10 ILCS 5/4-7], at the time of making delivery of its registration records to the county clerk, to make a report to the clerk listing the names of all registered persons in such precinct for which it has served as a board of registry whom it knows or upon information believes to have removed from the precinct in which such person is registered. Where no further registration is had under the provisions of Section 4-7 [10 ILCS 5/4-7] prior to an election, it shall be the duty of the

judges of election of each precinct, on or before Tuesday three weeks preceding the election, to make a report to the county clerk listing the names of all registered persons in such precinct whom they know or on information believe to have removed from the precinct in which such person is registered. Such report by the board of registry or the judges of election shall be treated as an application to erase from the register any name appearing in such report, and notice thereof shall be given to such person in the manner provided by Section 4-12 of this Article [10 ILCS 5/4-12]. If such person does not appear at the time and place designated in the notice, his registration shall be cancelled by the county clerk.

(Source: Laws 1959, p. 1385.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-14.

10 ILCS 5/4-14.1 [Death records; examination]

Sec. 4-14.1. It is the duty of the county clerk to examine, monthly, the records deposited in his office pursuant to the Vital Records Act [410 ILCS 535/1 et seq.] that relate to deaths in the county, and to cancel the registration of any person who has died during the preceding month.

(Source: P.A. 87-895.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-14.1.

10 ILCS 5/4-15 [Registration certificate; mailing]

Sec. 4-15. Within 5 days after a person registers or transfers his registration at the office of the county clerk, such clerk shall send by mail a certificate to such person setting forth the elector's name and address as it appears upon the registration record card, and shall request him in case of any error to present the certificate on or before the 7th day next ensuing at the office of the county clerk in order to secure correction of the error. The certificate shall contain on the outside a request for the postmaster to return it within 5 days if it cannot be delivered to the addressee at the address given thereon. Upon the return by the post office of a certificate which it has been unable to deliver at the given address because the addressee cannot be found there or because no such address exists, a notice shall be at once sent through the United States mail to such person at the address appearing upon his registration record card requiring him to appear before the county clerk, within 5 days, to answer questions touching his right to register. If the person notified fails to appear at the county clerk's office within 5 days as directed or if he appears and fails to prove his right to register, the county clerk shall mark his registration card as incomplete and he shall not be

permitted to vote until his registration is satisfactorily completed.

If an elector possesses such a certificate valid on its face, if his name does not expressly appear to have been erased or withdrawn from the precinct list as corrected and revised as provided by Section 4-11 of this Article [10 ILCS 5/4-11], if he makes an affidavit and attaches such certificate thereto, and if such affidavit substantially in the form prescribed in Section 17-10 of this Act [10 ILCS 5/17-10] is sworn to before a judge of election on suitable forms provided by the county clerk for that purpose, such elector shall be permitted to vote even though his duplicate registration card is not to be found in the precinct binder and even though his name is not to be found upon the printed or any other list. (Source: Laws 1961, p. 3394.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-15.

10 ILCS 5/4-16 [Transfer of registration]

Sec. 4-16. Any registered voter who changes his residence from one address to another within the same county wherein this Article is in effect, may have his registration transferred to his new address by making and signing an application for change of residence address upon a form to be provided by the county clerk. Such application must be made to the office of the county clerk and may be made either in person or by mail. In case the person is unable to sign his name, the county clerk shall require him to execute the application in the presence of the county clerk or of his properly authorized representative, by his mark, and if satisfied of the identity of the person, the county clerk shall make the transfer.

Upon receipt of the application, the county clerk, or one of his employees deputized to take registrations shall cause the signature of the voter and the data appearing upon the application to be compared with the signature and data on the registration record card, and if it appears that the applicant is the same person as the person previously registered under that name the transfer shall be made.

No transfers of registration under the provisions of this Section shall be made during the 28 days preceding any election at which such voter would be entitled to vote. When a removal of a registered voter takes place from one address to another within the same precinct within a period during which a transfer of registration cannot be made before any election or primary, he shall be entitled to vote upon presenting the judges of election his affidavit substantially in the form prescribed in Section 17-10 of this Act [10 ILCS 5/17-10] of a change of residence address within the precinct on a date therein specified.

The county clerk may obtain information from utility companies, city, village, incorporated town and township records, the post office, or from other sources, regarding the removal of registered voters,

and may treat such information, and information procured from his death and marriage records on file in his office, as an application to erase from the register any name concerning which he may so have information that the voter is no longer qualified to vote under the name, or from the address from which registered, and give notice thereof in the manner provided by Section 4-12 of this Article [10 ILCS 5/4-12], and notify voters who have changed their address that a transfer of registration may be made in the manner provided in this Section enclosing a form therefor.

If any person be registered by error in a precinct other than that in which he resides, the county clerk may transfer his registration to the proper precinct, and if the error is or may be on the part of the registration officials, and is disclosed too late before an election or primary to mail the certificate required by Section 4-15 [10 ILCS 5/4-15], such certificate may be personally delivered to the voter and he may vote thereon as therein provided, but such certificates so issued shall be specially listed with the reason for the issuance thereof.

Where a revision or rearrangement of precincts is made by the county board, the county clerk shall immediately transfer to the proper precinct the registration of any voter affected by such revision or rearrangement of the precinct; make the proper notations on the registration cards of a voter affected by the revision or rearrangement and shall issue revised certificates to each registrant of such change.

Any registered voter who changes his or her name by marriage or otherwise shall be required to register anew and authorize the cancellation of the previous registration; but if the voter still resides in the same precinct and if the change of name takes place within a period during which a transfer of registration cannot be made, preceding any election or primary, the elector may, if otherwise qualified, vote upon making an affidavit substantially in the form prescribed in Section 17-10 of this Act [10 ILCS 5/17-10].

The precinct election officials shall report to the county clerk the names and addresses of all persons who have changed their addresses and voted, which shall be treated as an application to change address accordingly, and the names and addresses of all persons otherwise voting by affidavit as in this Section provided, which shall be treated as an application to erase under Section 4-12 hereof [10 ILCS 5/4-12].

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-16.

10 ILCS 5/4-17 [Notice of suspension]

Sec. 4-17. Following the general election in November, 1946, and following the November election every 4 years thereafter, the county clerk shall

examine the registration record cards, and shall send to every voter who has not voted during the preceding four years a notice through the mails, substantially as follows:

Notice of suspension of registration:

"You are hereby notified that your registration will be cancelled according to law for failure to vote during the last 4 years, unless you apply for reinstatement within 30 days. You may reinstate your registration by signing the statement below and returning it to this office or by making application in person to do so."

Application for reinstatement of registration:

"I do hereby certify that I still reside at the address from which I am registered and apply for reinstatement of my registration.

Signed

Present Address

Date"

In case the elector is unable to sign his name, the application for reinstatement shall be made at the office of the county clerk, or in the case of an elector, absent from the county of his residence, it shall be made before the clerk of a circuit court in the county in which the elector is temporarily detained.

After the expiration of 30 days the county clerk shall cancel the registration of all electors thus notified who have not applied for reinstatement.

A proper entry shall be made on the registration record cards for all electors whose registrations are reinstated. Any elector whose registration has been cancelled for failure to vote may register again by making the application therefor in the manner provided by this Article 4 [10 ILCS 5/4-1 et seq.]. When a registration is cancelled or erased under this or other sections of this Article 4 [10 ILCS 5/4-1 et seq.], a proper entry shall be made on the original and duplicate registration cards by the county clerk, which shall then be placed in a file of cancelled registrations and shall be preserved for 2 years from date of cancellation. The county clerk shall, however, place the cancelled cards in a suspense file, and reinstate them at any time within such 2 year suspense period, when a person's registration is cancelled under this or other sections of this Article for failure to apply for reinstatement or to appear in proper time, and there is sufficient subsequent showing that he is a duly qualified elector.
(Source: P.A. 81-155.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-17.

10 ILCS 5/4-18 [Authority to investigate and cancel registrations]

Sec. 4-18. The county clerk on his or her own initiative or upon the order of the county board or of the circuit court shall at all times have authority to conduct investigations and to make canvasses of the registered voters in any precinct by other methods than those prescribed herein, and shall at all times

have authority to cancel registration in the manner provided by this section. Canvassers appointed for such canvasses and investigations shall be appointed by the county clerk; shall be confirmed by the circuit court in the manner provided by Section 13-3 of this Act [10 ILCS 5/13-3] for the confirmation of judges of election; shall be officers of that court; and shall be subject to the same control and punishment as judges of election. If upon the basis of investigation or canvasses, the county clerk is of the opinion that any person registered under this Article 4 [10 ILCS 5/4-1 et seq.] is not a qualified voter or has ceased to be a qualified voter, he or she shall send a notice through the United States mail to such person, requiring him or her to appear before the county clerk for a hearing within 5 days after the date of mailing the notice and show cause why his or her registration shall not be cancelled. If such person fails to appear within such time as provided, his or her registration shall be cancelled. If such person does appear, he or she shall execute an affidavit similar in every respect to the affidavit required of applicants under Section 4-13 of this Article 4 [10 ILCS 5/4-13].

(Source: P.A. 83-334.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-18.

10 ILCS 5/4-18.01 [Canvass of registered voters lacking permanent abode]

Sec. 4-18.01. Each registered voter lacking a permanent abode shall be canvassed by the county clerk before each election. The canvass shall be by mail sent not later than 49 days preceding the election to the mailing address listed on the voter's registration record card. The clerk shall include in the mailing a postage prepaid return postcard. The voter must certify on the postcard his or her continued residence at the registration address and mail the postcard back to the clerk so that it is postmarked no later than the 26th day preceding the election.

If an application for registration is presented within the 49 day period preceding an election, then this Section shall not apply and the provisions of this Article with respect to the mailing of a verification of a registration notice shall be a canvass, except that such notice shall be mailed to the registrant's mailing address.

(Source: P.A. 87-1241, § 1.)

Effective Date.

Section 2 of P.A. 87-1241 made this section effective upon becoming law. The Act was approved December 23, 1992.

10 ILCS 5/4-19 [Loss of registration card]

Sec. 4-19. If either the original or duplicate registration card, or both, of any elector shall be lost, destroyed or mutilated in whole or in part, the county clerk shall prepare two new registration

cards, an original and a duplicate and shall require the execution of a new registration affidavit by such elector, and if any such elector shall refuse to execute the affidavit within thirty days after the mailing of a notice to him at the last address from which he has registered, then his registration shall be cancelled.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-19.

10 ILCS 5/4-20 [Storage of registration cards]

Sec. 4-20. The original registration cards shall remain permanently in the office of the county clerk except as destroyed as provided in Section 4-5.01 [10 ILCS 5/4-5.01]; shall be filed alphabetically without regard to precincts; and shall be known as the master file. The duplicate registration cards shall constitute the official registry of voters for all elections subject to the provisions of this Article 4 [10 ILCS 5/4-1 et seq.], shall be filed by precincts alphabetically or geographically so as to correspond with the arrangement of the list for such precincts respectively, compiled pursuant to Section 4-11 of this Article [10 ILCS 5/4-11], and shall be known as the precinct file. The duplicate cards for use in conducting elections shall be delivered to the judges of election by the county clerk in a suitable binder or other device, which shall be locked and sealed in accordance with the directions to be given by the county clerk and shall also be suitably indexed for convenient use by the precinct officers. The duplicate cards shall be delivered to the judges of election for use at the polls for elections at the same time as the official ballots are delivered to them, and shall be returned to the county clerk by the judges of election within the time provided for the return of the official ballots. The county clerk shall determine the manner of delivery and return of such duplicate cards, and shall at all other times retain them at his office except for such use of them as may be made under this Article with respect to registration not at the office of the county clerk.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-20.

10 ILCS 5/4-21 [Boundary and registrant records]

Sec. 4-21. For use in connection with referenda and the nonpartisan and consolidated elections, each election authority shall maintain permanent records of the boundaries of all political subdivisions partially or wholly within its jurisdiction and any districts thereof, and shall maintain permanent records indicating by tax extension number code for each registered voter the political subdivisions and

any districts thereof in which that voter resides. Such records may be kept on the registration record cards or on separate registration lists, or if a method other than record coding by tax extension numbers as adopted by an election authority, such method shall be, approved by the State Board of Elections. Each political subdivision must, no later than 5 days after any redistricting, annexation, disconnection or other boundary change is adopted, give notice of any such adoption and the effective date of such act to each election authority having election jurisdiction over any of its former or new territory.

Each election authority must make available to election judges for use on election day, records indicating by tax extension number code or other method approved by the State Board of Elections for each registered voter, the political subdivisions in which that voter resides. For the purposes of election day use by election judges, such records must be kept on the registration record cards or on separate registration lists.

(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-21.

10 ILCS 5/4-22 [Voters' application and certificate]

Sec. 4-22. Except as otherwise provided in this Section upon application to vote each registered elector shall sign his name or make his mark as the case may be, on a certificate substantially as follows:

CERTIFICATE OF REGISTERED VOTER

City of Ward Precinct
Election (Date) (Month) (Year)
Registration Record
Checked by
Voter's number

INSTRUCTION TO VOTERS

Sign this certificate and hand it to the election officer in charge. After the registration record has been checked, the officer will hand it back to you. Whereupon you shall present it to the officer in charge of the ballots.

I hereby certify that I am registered from the address below and am qualified to vote.

Signature of voter
residence address

An individual shall not be required to provide his social security number when applying for a ballot. He shall not be denied a ballot, nor shall his ballot be challenged, solely because of his refusal to provide his social security number. Nothing in this Act prevents an individual from being requested to provide his social security number when the individual applies for a ballot. If, however, the certificate

contains a space for the individual's social security number, the following notice shall appear on the certificate, immediately above such space, in bold-face capital letters, in type the size of which equals the largest type on the certificate:

"THE INDIVIDUAL APPLYING FOR A BALLOT WITH THIS DOCUMENT IS NOT REQUIRED TO DISCLOSE HIS OR HER SOCIAL SECURITY NUMBER. HE OR SHE MAY NOT BE DENIED A BALLOT, NOR SHALL HIS OR HER BALLOT BE CHALLENGED, SOLELY BECAUSE OF HIS OR HER REFUSAL TO PROVIDE HIS OR HER SOCIAL SECURITY NUMBER."

The certificates of each State-wide political party at a general primary election shall be separately printed upon paper of uniform quality, texture and size, but the certificates of no 2 State-wide political parties shall be of the same color or tint. However, if the election authority provides computer generated applications with the precinct, ballot style and voter's name and address preprinted on the application, a single application may be used for State-wide political parties if it contains spaces or check-off boxes to indicate the political party. Such application shall not entitle the voter to vote in the primary of more than one political party at the same election.

At the consolidated primary, such certificates may contain spaces or checkoff boxes permitting the voter to request a primary ballot of any other political party which is established only within a political subdivision and for which a primary is conducted on the same election day. Such application shall not entitle the voter to vote in both the primary of the State-wide political party and the primary of the local political party with respect to the offices of the same political subdivision. In no event may a voter vote in more than one State-wide primary on the same day.

The judges in charge of the precinct registration files shall compare the signature upon such certificate with the signature on the registration record card as a means of identifying the voter. Unless satisfied by such comparison that the applicant to vote is the identical person who is registered under the same name, the judges shall ask such applicant the questions for identification which appear on the registration card, and if the applicant does not prove to the satisfaction of a majority of the judges of the election precinct that he is the identical person registered under the name in question then the vote of such applicant shall be challenged by a judge of election, and the same procedure followed as provided by law for challenged voters.

In case the elector is unable to sign his name, a judge of election shall check the data on the registration card and shall check the address given, with the registered address, in order to determine whether he is entitled to vote.

One of the judges of election shall check the certificate of each applicant for a ballot after the registration record has been examined, and shall

sign his initials on the certificate in the space provided therefor, and shall enter upon such certificate the number of the voter in the place provided therefor, and make an entry in the voting record space on the registration record, to indicate whether or not the applicant voted. Such judge shall then hand such certificate back to the applicant in case he is permitted to vote, and such applicant shall hand it to the judge of election in charge of the ballots. The certificates of the voters shall be filed in the order in which they are received and shall constitute an official poll record. The term "poll lists" and "poll books", where used in this Article, shall be construed to apply to such official poll record.

After each general primary election the county clerk shall indicate by color code or other means next to the name of each registrant on the list of registered voters in each precinct the primary ballot of a political party that the registrant requested at that general primary election. The county clerk, within 60 days after the general primary election, shall provide a copy of this coded list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

Within 60 days after the effective date of this amendatory Act of 1983, the county clerk shall provide to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative the list of registered voters in each precinct at the time of the general primary election of 1982 and shall indicate on such list by color code or other means next to the name of a registrant the primary ballot of a political party that the registrant requested at the general primary election of 1982.

The county clerk may charge a fee to reimburse the actual cost of duplicating each copy of a list provided under either of the 2 preceding paragraphs.

Where an elector makes application to vote by signing and presenting the certificate provided by this Section, and his registration record card is not found in the precinct registry of voters, but his name appears as that of a registered voter in such precinct upon the printed precinct register as corrected or revised by the supplemental list, or upon the consolidated list, if any, and whose name has not been erased or withdrawn from such register, the printed precinct register as corrected or revised by the supplemental list, or consolidated list, if any, shall be prima facie evidence of the elector's right to vote upon compliance with the provisions hereinafter set forth in this Section. In such event one of the judges of election shall require an affidavit by such person and one voter residing in the precinct before the judges of election, substantially in the form prescribed in Section 17-10 of this Act [10 ILCS 5/17-10], and upon the presentation of such affidavits, a certificate shall be issued to such elector, and upon the presentation of such certificate and affidavits, he shall be entitled to vote.

Provided, however, that applications for ballots made by registered voters under the provisions of Article 19 of this Act [10 ILCS 5/19-1 et seq.] shall be accepted by the Judges of Election in lieu of the "Certificate of Registered Voter" provided for in this Section.

When the county clerk delivers to the judges of election for use at the polls a supplemental or consolidated list of the printed precinct register, he shall give a copy of the supplemental or consolidated list to the chairman of a county central committee of an established political party or to the chairman's duly authorized representative.

Whenever 2 or more elections occur simultaneously, the election authority charged with the duty of providing application certificates may prescribe the form thereof so that a voter is required to execute only one, indicating in which of the elections he desires to vote.

After the signature has been verified, the judges shall determine in which political subdivisions the voter resides by use of the information contained on the voter registration cards or the separate registration lists or other means approved by the State Board of Elections and prepared and supplied by the election authority. The voter's certificate shall be so marked by the judges as to show the respective ballots which the voter is given.

(Source: P.A. 84-809.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-22.

CASE NOTES

Ballot

—Presumption of Legality

Hearsay testimony that a voter lived in another city was insufficient to overcome the presumption of legality of the ballot. *Tuthill v. Rendelman*, 387 Ill. 321, 56 N.E.2d 375 (1944).

10 ILCS 5/4-23 [Military service; affidavit]

Sec. 4-23. The provisions of this Article 4, so far as they require the registration of voters as a condition to their being allowed to vote, shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been, engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

"State of Illinois)
) ss.
County of)
..... Precinct Ward

I,, do solemnly swear (or affirm), that I am a citizen of the United States, of the age of 18 years or over, and that within the past 60 days prior to the date of this election at which I am applying to vote, I have been engaged in the (military or naval) service of the United States; and I am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and that I am a legally qualified voter of this precinct and ward except that I have, because of such service, been unable to register as a voter; that I now reside at (insert street and number, if any) in this precinct and ward, that I have maintained a legal residence in this precinct and ward for 30 days and in the State 30 days next preceding this election.

Subscribed and sworn to before me on (insert date).

.....
Judge of Election."

The affidavit of any such person shall be supported by the affidavit of a resident and qualified voter of any such precinct and ward, which affidavit shall be in substantially the following form:

"State of Illinois)
) ss.
County of)

..... Precinct Ward

I,, do solemnly swear (or affirm), that I am a resident of this precinct and ward and entitled to vote at this election; that I am acquainted with (name of the applicant); that I verily believe him or her to be an actual bona fide resident of this precinct and ward and that I verily believe that he or she has maintained a legal residence therein 30 days, and in this State 30 days next preceding this election.

Subscribed and sworn to before me on (insert date).

.....
Judge of Election."

(Source: P.A. 84-551; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-23. P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the forms.

10 ILCS 5/4-24 [Board of election commissioners; re-registration required]

Sec. 4-24. In the event that any city, village or incorporated town within a county shall become subject to the authority of a board of election commissioners, by the adoption of Articles 6, 14 and 18 of this Act [10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq., and 10 ILCS 5/18-1 et seq.] or shall cease to be subject to the authority of such a board, by the

abandonment of said Articles, it shall not be necessary for the registered voters in the area affected by such action to register again, either under this Article or under Article 6 of this Act [10 ILCS 5/6-1 et seq.] unless they are not re-registered under the 1969 and 1970 re-registration provisions in counties where such provisions are applicable.

This Article 4 [10 ILCS 5/4-1 et seq.] shall immediately become effective in any area of a county that ceases to be subject to the authority of a board of election commissioners.

Within 24 hours after the court has entered its order declaring Articles 6, 14 and 18 of this Act [10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq., and 10 ILCS 5/18-1 et seq.] adopted by any city, village or incorporated town or rejected by the voters of any city, village or incorporated town, after having been in effect therein, it shall be the duty of the board of election commissioners or of the county clerk, as the case may be, to turn over to the officer or officers thereafter to be charged with the registration of voters within the area affected (the county clerk or board of election commissioners, as the case may be) the original and duplicate registration cards of all persons affected by the adoption or rejection of said Articles 6, 14 and 18 of this Act [10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.]; and at the same time to turn over all forms, papers and other instruments pertaining to the registration of voters within the area affected, and all booths, ballot boxes and election equipment formerly used in conducting elections in such area.

The original registration cards of the voters turned over to the county clerk or board of election commissioners, as the case may be, shall be placed in a master file together with the registration cards of all voters who previously registered under the provisions of this Article or of Articles 6, 14 and 18 of this Act [10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq., and 10 ILCS 5/18-1 et seq.], as the case may be, and said cards shall then become part of the official registration record required to be kept in the office of the county clerk or of the board of election commissioners, as the case may be.

The duplicate cards shall be arranged in precinct order and shall be retained in the office of the county clerk or of the board of election commissioners, as the case may be, for the use in conducting elections. Such duplicate cards shall become part of the official registration record required to be kept in the office of the county clerk or of the board of election commissioners, as the case may be.

(Source: P.A. 83-334.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-24.

10 ILCS 5/4-24.1 [Annexation or disconnection]

Sec. 4-24.1. If any area becomes subject to a board of election commissioners by reason of annexation to a city, village or incorporated town subject to such a

board or ceases to be subject to a board of election commissioners by reason of disconnection from such a city, village or incorporated town, it shall not be necessary for the registered voters in such area to register again, either under this Article or Article 6 [10 ILCS 5/6-1 et seq.].

As soon as practicable after such annexation or disconnection, the county clerk or board of election commissioners, as the case may be, shall turn over to officer or officers thereafter to be charged with the registration of voters within the area affected (the board of election commissioners or county clerk, as the case may be) the original and duplicate registration cards of all registered voters in the annexed or disconnected area.

(Source: Laws 1967, p. 405.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-24.1.

10 ILCS 5/4-25 [Compensation]

Sec. 4-25. The compensation of the deputy registrars and judges of registration appointed by the county board to conduct the registrations under Section 4-6.3 and Section 4-7 [10 ILCS 5/4-6.3 and 10 ILCS 5/4-7], shall be fixed by the county board, but in no case shall such compensation be less than \$15 nor more than \$25 per day for each day actually employed at the registration, canvass and revision and such deputy registrars and judges of registration shall also be compensated at the rate of five cents per mile for each mile actually traveled in calling at the county clerk's office for registration cards and returning them to said officer.

The State Board of Elections shall reimburse each county for the amount of the increase in compensation under this Section provided by this amendatory Act from funds appropriated for that purpose.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-25.

OPINIONS OF ATTORNEY GENERAL

Deputy Registrar

Subsection (a) of Section 9, Article VII of the Illinois Constitution of 1970 does not apply to the compensation paid to the municipal clerk who acts as a deputy voting registrar under section 4-25 of the Election Code (10 ILCS 5/4-25). 1977 Op. Atty. Gen. 4.

10 ILCS 5/4-27 [Affidavits, investigations; fraud]

Sec. 4-27. At each regular special or primary election to which this Article 4 [10 ILCS 5/4-1 et seq.] is applicable, the judges of election shall personally affix all affidavits made before them in accordance with the provisions of Sections 4-15, 4-16, 4-22, 4-23, 7-45 or 17-10 [10 ILCS 5/4-15, 10 ILCS 5/4-16, 10 ILCS 5/4-22, 10 ILCS 5/4-23, 10 ILCS 5/7-45 or 10

ILCS 5/17-10], respectively, to the respective applications to vote.

Persons voting for whom no registration card is found in the master file or precinct binder shall be investigated by the county clerk or persons in his office, as shall likewise be investigated the correctness of affidavits filed under the provisions of the Sections hereinbefore in this Section enumerated. If from such investigation the county clerk shall be satisfied that the provisions of this Article have been violated, or that any person has voted who was not qualified so to do, he shall make a complete report to the State's Attorney of the County, attaching thereto a correct copy of the application to vote and any affidavit which may have been executed by the voter and supporting witnesses, if any. The State's Attorney shall prosecute all such reports of fraud if on the basis of the facts so reported, and of any additional investigation he may cause to be made, he shall be satisfied that a knowing violation of this Article or of this Act has been committed. The County Clerk shall further file with the circuit court, for such action as is provided in cases of the misbehavior of judges of election, a copy of any such report in which it shall appear that the judges of election knowingly permitted a person to vote who was not qualified so to do under the provisions of this Article or of this Act, or otherwise were guilty of a knowing breach of their duties as such under this Act.

(Source: Laws 1965, p. 3481.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-27.

10 ILCS 5/4-28 [Liquor forbidden]

Sec. 4-28. During the hours of registration or revision of registration no person shall bring, take, order or send into, or shall attempt to bring, take or send into any place of registration or revision of registration, any distilled or spirituous liquors whatever; or shall, at any such time and place drink or partake of such liquor.

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-28.

10 ILCS 5/4-30 [Authority to investigate and canvass voters]

Sec. 4-30. The county clerk on his own initiative or upon order of the county board shall at all times have authority to conduct investigation and to make canvasses of the registered voters in any precinct canvass or at other times and by other methods than those so prescribed. However, the county clerk shall at least once in every 2 years conduct a verification of voter registrations and shall cause the cancellation of registration of persons who have ceased to be qualified voters. Such verification shall be accomplished by one of the following methods: (1) precinct

canvass conducted by 2 qualified persons of opposite party affiliation appointed by the county clerk or (2) written request for verification sent to each registered voter by first class mail, not forwardable or (3) an alternative method of verification submitted in writing to and approved by the State Board of Elections at a public meeting not less than 60 days prior to the date on which the county clerk has fixed for implementation of that method of verification; provided, that the county clerk shall submit to the State Board of Elections a written statement of the results obtained by use of such alternative method within 30 days of completion of the verification. Provided that in each precinct one canvasser may be appointed from outside such precinct if not enough other qualified persons who reside within the precinct can be found to serve as canvasser in such precinct. The one canvasser so appointed to serve in any precinct in which he is not entitled to vote prior to the election must be entitled to vote elsewhere within the ward, township or road district which includes within its boundaries the precinct in which such canvasser is appointed and such canvasser must be otherwise qualified. If upon the basis of investigation or canvasses, the county clerk shall be of the opinion that any person registered under this Article is not a qualified voter or has ceased to be a qualified voter, he shall send a notice through the United States mail to such person, requiring him to appear before the county clerk for a hearing within ten days after the date of mailing such notice and show cause why his registration shall not be cancelled. If such person fails to appear within such time as provided, his registration shall be cancelled. If such a person does appear, he shall make an affidavit similar in every respect to the affidavit required of applicants under Section 4-13 [10 ILCS 5/4-13] and his registration shall be reinstated.

If the county clerk cancels such registration upon the voter failing to appear, the county clerk shall immediately request of the clerk of the city, village or incorporated town in which the person claimed residence, to return the triplicate card of registration of the said person and within twenty-four hours after receipt of said request, the said clerk shall mail or cause to be delivered to the county clerk the triplicate card of registration of the said person and the said triplicate card shall thereupon be cancelled by the county clerk.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-30.

10 ILCS 5/4-31 [Board to receive registration]

Sec. 4-31. In any county in which there is a municipality under the jurisdiction of a board of election commissioners, the county clerk and his appointed deputy registrars shall accept the registration of qualified persons residing within such

municipality and shall transmit the completed registration to the board of election commissioners prior to the close of registration before an election. (Source: P.A. 83-1059.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 4-31.

10 ILCS 5/4-33 Computerization of voter records

Sec. 4-33. *Computerization of voter records.* (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 4-8 and 4-21 [10 ILCS 5/4-8 and 10 ILCS 5/4-21]; provided that the cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available.

(b) 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 for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code [10 ILCS 5/17-1 et seq. and 10 ILCS 5/18-1 et seq.] may

be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents. (Source: P.A. 89-40, § 5; 91-73, § 5.)

Effective Date.

Section 99 of P.A. 89-40 made this section effective upon becoming law. The Act was approved June 23, 1995.

Effect of Amendments.

The 1999 amendment by P.A. 91-73, effective July 9, 1999, added present subsection (a) and redesignated former subsections (a), (b), (c), (d), as present subsections (b), (c), (d) and (e) respectively; added the last sentence in present subsection (b); and substituted "(b)" for "(a)" in the first sentence of present subsection (c).

ARTICLE 5.

**REGISTRATION OF ELECTORS IN
COUNTIES HAVING A POPULATION OF
500,000 OR MORE**

10 ILCS 5/5-1 [Applicability]

Sec. 5-1. Except as hereinafter provided, it shall be unlawful for any person residing in a county containing a population of 500,000 or more, to vote at any election, unless such person is at the time of such election a registered voter under the requirements of this Article 5 [10 ILCS 5/5-1 et seq.] or is exempt under Section 5-29.01 [10 ILCS 5/5-29.01] from registration. Provided, that this Article 5 [10 ILCS 5/5-1 et seq.] shall not apply to electors residing in cities, villages, and incorporated towns in this State which have adopted or are operating under Article 6, 14 and 18 of this Act [10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.], or to electors voting pursuant to Article 20 of this Act [10 ILCS 5/20-1 et seq.]. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-1.

LEGAL PERIODICALS

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

10 ILCS 5/5-2 [Registration; requirements]

Sec. 5-2. No person shall be entitled to be registered in and from any precinct unless such person shall by the date of the election next following have resided in the State and within the precinct 30 days and be otherwise qualified to vote at such election. Every applicant who shall be 18 years of age or over on the day of the next election shall be permitted to register, if otherwise qualified. To constitute residence under this Article 5 [10 ILCS 5/5-1 et seq.] Article 3 [10 ILCS 5/3-1 et seq.] is controlling. (Source: P.A. 81-953.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-2.

10 ILCS 5/5-3 [Place of registry]

Sec. 5-3. The Board of County Commissioners shall appoint the place of registry in each precinct for any precinct registration under Section 5-17 of this Article 5 [10 ILCS 5/17]. Such place or places shall be in the most public, orderly and convenient portions thereof; and no building or part of a building shall be designated or used as a place of registry, in which spirituous or intoxicating liquor is sold. The County Clerk may demand of the Chief of Police of each city, village or incorporated town, or the Sheriff to furnish officers of the law to attend during the progress of any registration at any place or places of registration designated by the County Commissioners.

Such officers of the law shall be furnished by the Chief of Police or Sheriff and shall be stationed in the place or places of registration in such manner as the County Clerk shall direct, and during such assignment shall be under the direction and control of the County Clerk.

(Source: Laws 1967, p. 1200.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-3.

10 ILCS 5/5-4 [Registration officer]

Sec. 5-4. The County Clerk shall be ex-officio the registration officer of such county and shall have full charge and control of the registration of voters within such county where this Article 5 [10 ILCS 5/5-1 et seq.] is in effect. The clerk and a duly appointed deputy clerk of each city, village, incorporated town and township in which all or any part of

the territory in which this Article 5 [10 ILCS 5/5-1 et seq.] is in effect shall be deputy registration officers. (Source: P.A. 83-1059.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-4.

10 ILCS 5/5-5 [Clerk's office; registration hours]

Sec. 5-5. For the purpose of registering voters under this Article 5 [10 ILCS 5/5-1 et seq.], in addition to the method provided for precinct registration under Sections 5-6 and 5-17 of this Article 5 [10 ILCS 5/5-6 and 10 ILCS 5/5-17], the office of the county clerk shall be open between 9:00 a. m. and 5:00 p. m. on all days except Saturday, Sunday and holidays, but there shall be no registration at such office during the 35 days immediately preceding any election required to be held under the law but if no precinct registration is being conducted prior to any election then registration may be taken in the office of the county clerk up to and including the 29th day prior to an election. On Saturdays, the hours of registration shall be from 9:00 a. m. to 12:00 p. m. noon. During such 35 or 28 day period, registration of electors of political subdivisions wherein a regular, or special election is required to be held shall cease and shall not be resumed for the registration of electors of such political subdivisions until the second day following the day of such election. In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of the election.

Each county clerk shall appoint one deputy for the purpose of accepting the registration of any voter who files an affidavit that he is physically unable to appear at any appointed place of registration. The county clerk shall designate a deputy to visit each disabled person and shall accept the registration of each such person as if he had applied for registration at the office of the county clerk.

The offices of city, village, incorporated town and town clerks shall also be open for the purpose of registering voters residing in the territory in which this Article is in effect, and also, in the case of city, village and incorporated town clerks, for the purpose of registering voters residing in a portion of the city, village or incorporated town not located within the county, on all days on which the office of the county clerk is open for the registration of voters of such cities, villages, incorporated towns and townships. (Source: P.A. 84-762.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-5.

10 ILCS 5/5-6 [Re-registration period]

Sec. 5-6. Subject to the provisions of Section 5-19 of this Article 5 [10 ILCS 5/5-19], in addition to the

registration authorized at the offices of the County Clerk, city clerk, town clerk, incorporated town clerk and village clerk under Section 5-5 of this Article 5 [10 ILCS 5/5-5], and that provided by Section 5-17 of this Article 5 [10 ILCS 5/5-17], there shall be three days of re-registration in each precinct as established by the Board of County Commissioners for county and township elections. The first of said three days of re-registration shall be Friday, September 15, 1961; the second of said three days of re-registration shall be Friday, October 13, 1961 and the third of said three days of re-registration shall be Tuesday, March 13, 1962. On each of the said three days of re-registration the registration places shall open at eight o'clock a. m. and remain open until nine o'clock p. m. It shall be the duty of the County Board to appoint the place of registry in each precinct and the provisions of Section 5-3 of this Article 5 [10 ILCS 5/5-3] shall apply thereto.

The re-registration provided by this Article 5 [10 ILCS 5/5-1 et seq.] shall constitute a permanent registration subject to revision and alteration in the manner hereinafter provided. All registrations shall be upon registration record cards provided by the County Clerk in accordance with the provisions of this Article 5 [10 ILCS 5/5-1 et seq.]

Immediately following the first day of precinct re-registration in 1961, all permanent registration records compiled prior to September 15, 1961, shall be destroyed if no election contest is pending in which such records are material.
(Source: Laws 1959, p. 1919.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-6.

10 ILCS 5/5-7 [Registration record cards]

Sec. 5-7. The county clerk shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be

necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct. Which questions may be answered by the applicant stating, in excess of 30 days in the State and in excess of 30 days in the precinct.

Nativity. The State or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on the original and duplicate registration record card.

Signature of Deputy Registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name

Mother's first name

From what address did you last register?

Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

"State of Illinois)
)
) ss.
County of)

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; that I am fully qualified to vote. That I intend that this location shall be my residence and that the above statements are true.

.....
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

.....
Signature of Registration Officer.
(To be signed in presence of Registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to towns and precincts, wards, cities and villages, as the case may be, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 28 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 [10 ILCS 5/7-10, 10 ILCS 5/8-8, 10 ILCS 5/10-6 or 10 ILCS 5/28-3] and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 28 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 28 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of

the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of \$.00034 per name of registered voters in the election jurisdiction, but not less than \$50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act [10 ILCS 5/9-1 et seq.] or the Federal Election Campaign Act [2 U.S.C. § 431 et seq.] at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of County, Illinois. To the Election Commission of the City of, Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was

Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.

Dated at Illinois, on (insert date).

.....
(Signature of Voter)

Attest, County Clerk County, Illinois.

The cancellation certificate shall be mailed immediately by the county clerk to the county clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 86-873; 86-1348; 87-1241, § 1; 91-357, § 10; 92-465, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-7.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1992 amendment, effective December 23, 1992, added the last sentence in the paragraph defining "Residence"; and deleted "permanent" preceding "residence" in the second sentence of the form "Affidavit of Registration".

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the forms.

The 2001 amendment by P.A. 92-465, effective January 1, 2002, in the paragraph beginning with "Updated copies of computer tapes" and ending with "guilty of a Class 4 felony", in the first sentence inserted "and within 10 days after each registration period is closed", and inserted the second sentence.

10 ILCS 5/5-7.01 [Voter assistance]

Sec. 5-7.01. If an applicant for registration reports a permanent physical disability which would require assistance in voting, the county clerk shall mark all his registration cards in the right margin on the front of the card with a band of ink running the full margin which shall be of contrast to, and easily distinguishable from, the color of the card. If an applicant for registration declares upon properly witnessed oath, with his signature or mark affixed, that he cannot read the English language and that he will require assistance in voting, all his registration cards shall be marked in a manner similar to the marking on the cards of a voter who requires assistance because of physical disability, except that the marking shall be of a different distinguishing color. Following each election the cards of any voter who has requested assistance as a disabled voter, and has stated that the disability is permanent, or who has received assistance because of inability to read the English language, shall be marked in the same manner.

(Source: Laws 1967, p. 3524.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-7.01.

10 ILCS 5/5-7.02 [Disabled voters card]

Sec. 5-7.02. Upon the issuance of a disabled voter's identification card as provided in Section 19-12.1 [10 ILCS 5/19-12.1], the county clerk shall cause the identification number of such card to be clearly noted on all the registration cards of such voter.

(Source: P.A. 78-320.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-7.02.

10 ILCS 5/5-7.03 [Record card design; registration transfer]

Sec. 5-7.03. The State Board of Elections shall design a registration record card which, except as otherwise provided in this Section, shall be used in triplicate by all election authorities in the State, except those election authorities adopting a computer-based voter registration file authorized under Section 5-43 [10 ILCS 5/5-43]. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color and print of such cards. Such cards shall contain boxes or spaces for the information required under Sections 5-7 and 5-28.1 of this Code [10 ILCS 5/5-7 and 10 ILCS 5/5-28.1]; provided, that such cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available.

Except for those election authorities adopting a computer-based voter registration file authorized under Section 5-43 [10 ILCS 5/5-43], the original and duplicate cards shall respectively constitute the master file and precinct binder registration records of the voter. A copy shall be given to the applicant upon completion of his or her registration or completed transfer of registration.

Whenever a voter moves to another precinct within the same election jurisdiction or to another election jurisdiction in the State, such voter may transfer his or her registration by presenting his or her copy to the election authority or a deputy registrar. If such voter is not in possession of or has lost his or her copy, he or she may effect a transfer of registration by executing an Affidavit of Cancellation of Previous Registration. In the case of a transfer of registration to a new election jurisdiction, the election authority shall transmit the voter's copy or such affidavit to the election authority of the voter's former election jurisdiction, which shall immediately cause the transmission of the voter's previous registration card to the voter's new election authority. No transfer of registration to a new election jurisdiction shall be complete until the voter's old election authority receives notification.

Deputy registrars shall return all copies of registration record cards or Affidavits of Cancellation of

Previous Registration to the election authority within 7 working days after the receipt thereof, except that such copies or Affidavits of Cancellation of Previous Registration received by the deputy registrars between the 35th and 29th day preceding an election shall be returned by the deputy registrars to the election authority within 48 hours after receipt. The deputy registrars shall return the copies or Affidavits of Cancellation of Previous Registration received by them on the 28th day preceding an election to the election authority within 24 hours after receipt thereof.

(Source: P.A. 86-873; 91-73, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-7.03.

Effect of Amendments.

The 1999 amendment by P.A. 91-73, effective July 9, 1999, rewrote this section to the extent that a detailed comparison would be impracticable.

10 ILCS 5/5-8 [Registration officers; duties]

Sec. 5-8. The County Clerk shall supply Deputy Registrars, Officers of Registration and Judges of Registration with registration forms and shall fully instruct them in their duties. Each Deputy Registrar, Officer of Registration and Judge of Registration shall receipt to the County Clerk for all blank registration records issued to them, specifying therein the number of blanks received by them, and each Deputy Registrar, Officer of Registration and Judge of Registration shall be charged with such blanks until he returns them to the County Clerk. If for any cause a blank registration record card is mutilated or rendered unfit for use in making it out, or if a mistake therein has been made, such blank shall not be destroyed, but the word "mutilated" shall be written across the face of such blank, and such blank shall be returned to the County Clerk and shall be preserved in the same manner and for the same length of time as mutilated ballots. When each 1961 and 1962 precinct re-registration shall have been completed, a Deputy Registrar or Judge of Registration shall return all registration record cards to the County Clerk whether such cards have been filled out, executed or whether they are unused, or whether they have been mutilated. A Deputy Registrar, or Judge of Registration for precinct registration shall make personal delivery of the registration records to the County Clerk, after the close of each precinct registration. Each Deputy Registrar and Judge of Registration shall certify the registration records in substantially the following form:

"We, the undersigned Deputy Registrars and Judge of Registration in the County of in the State of Illinois, do swear (or affirm) that at the registration of electors on the day of there was registered by us in the said election precinct the names which appear on the registration records, and

that the number of voters registered and qualified was and is the number

.....
(Judge of Registration)

.....
(Deputy Registrar)

.....
(Deputy Registrar)

Date"

(Source: Laws 1959, p. 1919.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-8.

10 ILCS 5/5-9 [Registration requirements]

Sec. 5-9. Except as herein provided, no person shall be registered unless he applies in person to registration officer, answers such relevant questions as may be asked of him by the registration officer, and executes the affidavit of registration. The registration officer shall require the applicant to furnish two forms of identification, and except in the case of a homeless individual, one of which must include his or her residence address. These forms of identification shall include, but not be limited to, any of the following: driver's license, social security card, public aid identification card, utility bill, employee or student identification card, credit card, or a civic, union or professional association membership card. The registration officer shall require a homeless individual to furnish evidence of his or her use of the mailing address stated. This use may be demonstrated by a piece of mail addressed to that individual and received at that address or by a statement from a person authorizing use of the mailing address. The registration officer shall require each applicant for registration to read or have read to him the affidavit of registration before permitting him to execute the affidavit.

One of the Deputy Registrars, the Judge of Registration, or an Officer of Registration, County Clerk, or clerk in the office of the County Clerk, shall administer to all persons who shall personally apply to register the following oath or affirmation:

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector and your right as such to register and vote under the laws of the State of Illinois."

The Registration Officer shall satisfy himself that each applicant for registration is qualified to register before registering him. If the registration officer has reason to believe that the applicant is a resident of a Soldiers' and Sailors' Home or any facility which is licensed or certified pursuant to the Nursing Home Care Act [210 ILCS 45/1-101 et seq.], the following question shall be put, "When you entered the home which is your present address, was it your bona fide intention to become a resident thereof?" Any voter of a township, city, village or incorporated

town in which such applicant resides, shall be permitted to be present at the place of precinct registration, and shall have the right to challenge any applicant who applies to be registered.

In case the officer is not satisfied that the applicant is qualified, he shall forthwith in writing notify such applicant to appear before the County Clerk to furnish further proof of his qualifications. Upon the card of such applicant shall be written the word "Incomplete" and no such applicant shall be permitted to vote unless such registration is satisfactorily completed as hereinafter provided. No registration shall be taken and marked as "incomplete" if information to complete it can be furnished on the date of the original application.

Any person claiming to be an elector in any election precinct in such township, city, village or incorporated town and whose registration is marked "Incomplete" may make and sign an application in writing, under oath, to the County Clerk in substance in the following form:

"I do solemnly swear that I,, did on (insert date) make application to the Board of Registry of the precinct of ward of the City of or of the District Town of (or to the County Clerk of) and County; that said Board or Clerk refused to complete my registration as a qualified voter in said precinct, that I reside in said precinct (or that I intend to reside in said precinct), am a duly qualified voter and entitled to vote in said precinct at the next election.

.....
 (Signature of Applicant)"

All such applications shall be presented to the County Clerk by the applicant, in person between the hours of nine o'clock a.m. and five o'clock p.m., on Monday and Tuesday of the third week subsequent to the weeks in which the 1961 and 1962 precinct re-registrations are to be held, and thereafter for the registration provided in Section 5-17 of this Article [10 ILCS 5/5-17], all such applications shall be presented to the County Clerk by the applicant in person between the hours of nine o'clock a.m. and nine o'clock p.m. on Monday and Tuesday of the third week prior to the date on which such election is to be held.

Any otherwise qualified person who is absent from his county of residence either due to business of the United States or because he is temporarily outside the territorial limits of the United States may become registered by mailing an application to the county clerk within the periods of registration provided for in this Article or by simultaneous application for absentee registration and absentee ballot as provided in Article 20 of this Code [10 ILCS 5/20-1 et seq.].

Upon receipt of such application the county clerk shall immediately mail an affidavit of registration in duplicate, which affidavit shall contain the following and such other information as the State Board of Elections may think it proper to require for the identification of the applicant:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue or other location of the dwelling, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the Section, congressional township and range number may be used, or such other information as may be necessary, including post office mailing address.

Term of residence in the State of Illinois and the precinct.

Nativity. The State or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Age. Date of birth, by month, day and year.

Out of State address of

AFFIDAVIT OF REGISTRATION

State of)
) ss
 County of)

I hereby swear (or affirm) that I am a citizen of the United States; that on the day of the next election I shall have resided in the State of Illinois for 6 months and in the election precinct 30 days; that I am fully qualified to vote, that I am not registered to vote anywhere else in the United States, that I intend to remain a resident of the State of Illinois and of the election precinct, that I intend to return to the State of Illinois, and that the above statements are true.

.....
 (His or her signature or mark)

Subscribed and sworn to before me, an officer qualified to administer oaths, on (insert date).

.....
 Signature of officer administering oath.

Upon receipt of the executed duplicate affidavit of Registration, the county clerk shall transfer the information contained thereon to duplicate Registration Cards provided for in Section 5-7 of this Article [10 ILCS 5/5-7] and shall attach thereto a copy of each of the duplicate affidavit of registration and thereafter such registration card and affidavit shall constitute the registration of such person the same as if he had applied for registration in person. (Source: P.A. 86-820; 87-1241, § 1; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-9. P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1992 amendment, effective December 23, 1992, inserted "and except in the case of a homeless individual" in the second sentence

of the first paragraph; inserted "public aid identification card" following "social security card" in the third sentence in that paragraph; and added the fourth and fifth sentences in that paragraph.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, inserted "(insert date)" in the seventh paragraph, substituted "(insert date)" for "this...day of...,19..." in the next to last paragraph.

10 ILCS 5/5-9.1 [Death records]

Sec. 5-9.1. It is the duty of the county clerk to examine monthly the records deposited in his office pursuant to the Vital Records Act [410 ILCS 535/1 et seq.] that relate to deaths in the county, to cancel the registration of any person who has died during the preceding month, and to cause the name of each such deceased person to be erased from the register of the precinct in which the deceased person was registered.

(Source: P.A. 87-895.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-9.1.

10 ILCS 5/5-10 [Deputy registrars to be canvassers]

Sec. 5-10. The two Deputy Registrars provided by this Article 5 for re-registration in each precinct shall be the canvassers of the precinct for which they are appointed.

The County Clerk shall furnish to each Deputy Registrar a blank book which shall be named "Verification List", each page of which shall be ruled into columns, and to be marked thus:

Write name of street on this line					
Names Registered					
House Number	Last Name	First Name	Initial	Miss Mrs.	Remarks "OK," moved or died

Such book shall contain pages sufficient to allow listing of all names on registration record card by street, avenue, alley, drive, lane, road and court in the precinct in question. During the progress of the 3rd re-registration, or immediately thereafter, each Deputy Registrar shall transfer all the names upon the registration record cards to such verification list; arranging them according to streets, avenues, alleys, drives, lanes, roads or courts, beginning with the lowest residence number, and placing them numerically, as near as possible, from the lowest up to the highest number, starting each street, avenue, alley, drive, lane, road and court upon a separate sheet.

They shall first write the name of such street, avenue, alley, lane, road or court at the top of the page, and then proceed to transfer the names of such "Verification Lists" according to the street numbers as above indicated.

If, during either day of the 1961 and 1962 precinct re-registration, any registered voter of the township, city, village or incorporated town shall come before the Deputy Registrars and the Judge of Registration and make an oath that he believes that any particular person whose name has been entered upon the registry is not a qualified voter, such fact shall be noted; and after the completion of such "Verification Lists" one of the Registrars, or Judge of Registration, shall make a cross or check mark in ink opposite such name. If said Deputy Registrars or the Judge of Registration know any person so complained of is a qualified voter and believe that such complaint was made only to vex or harass such qualified voter, then such name shall be placed upon such lists without such cross or check mark, but such cross or check mark shall be placed upon such lists in case either of the Registrars or the Judge of Registration desires.

(Source: Laws 1959, p. 1919.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-10.

10 ILCS 5/5-11 [Canvassing precincts]

Sec. 5-11. Upon the Wednesday, Thursday and Friday following the last day of precinct registration, if so much time is required, the two Deputy Registrars shall go together and canvass the precinct for which they have been appointed, calling at each dwelling place as indicated upon said "Verification Lists"; and if they shall find that any person whose name appears upon their "Verification Lists" does not reside at the place designated thereupon, they shall make a notation in the column headed "Remarks" as follows: "Not Found", "Died", or "Moved", as the case may be, indicating that such person does not reside at such place.

Whenever deemed necessary by the canvassers, or either of them, he or they may demand of the person having command of the police in such precinct to furnish a policeman, to accompany them and protect them in the performance of their duties; and it shall be the duty of the person having command of the police in such precinct to furnish a policeman for such purpose.

In making such canvass no person shall refuse to answer questions and give the information asked for and known to him or her, or shall wilfully and knowingly give false information, or make false statements. In making such canvass said canvassers shall make special inquiry at the residence or place designated on the said verification books, as to all persons registered as qualified voters, and shall receive information from judges of election, party canvassers, or other persons.

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-11.

10 ILCS 5/5-12 [Notice of nonresidence]

Sec. 5-12. Immediately upon the completion of canvass, said canvassers, or one of them, shall sign a notice and send the same through the United States mail, duly stamped, to the address given on the verification books, or in the case of homeless individuals, to their mailing address, of all persons in connection with whose names they have made a notation indicating that they do not reside at such place, which notice shall require such persons to appear before the Board of Revision, composed of said canvassers and the judge of registration, on the Monday and Tuesday following completion of the canvass, giving the time and place of such session, to show cause why his or her name should not be erased from the registry of the precinct in question. Proper blanks and postage stamps shall be furnished for this purpose to the canvassers by said County Clerk. A personal notice shall also be served by the canvassers at the time such canvass is being made, by leaving the same with the party, if found, or if he or she is not found at the place designated in such verification books, by leaving the same at such address, if there be such place. Such notice, to be sent through the mail, must be mailed not later than 10 o'clock p.m. of Thursday of the week of such canvass. If sufficient postage stamps are not delivered to the canvassers by the County Clerk for the purpose aforesaid, then anyone may furnish such postage stamps to such canvassers for the purpose or such canvassers may procure the same at their own expense and afterwards render an account therefor to the County Clerk, duly sworn to, and the County Clerk shall audit such account and cause the same to be paid by the County Treasurer. Such County Clerk, upon application, shall deliver to such canvassers postage stamps sufficient for the purpose aforesaid.

The registration officers shall make their returns to the County Clerk not later than noon of the day following the last day of the canvass of the registration provided by this Section.

The County Clerk when complaint is made to him shall investigate the action of such canvassers and shall cause them or either of them to be prosecuted criminally for such wilful neglect of duty.

(Source: Laws 1963, p. 2532; P.A. 87-1241, § 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-12.

Effect of Amendments.

The 1992 amendment, effective December 23, 1992, inserted "or in the case of homeless individuals, to their mailing address" near the beginning of the first sentence of the first paragraph.

10 ILCS 5/5-13 [Nonresidents list; affidavit; disability]

Sec. 5-13. The canvassers, or one of them, shall prepare a list of the names of the parties designated as aforesaid, and to whom such notice has been sent,

given, or left at the address, and make and attach his, or their affidavit or affidavits thereto stating that notice, duly stamped, was mailed to each of the said parties at the places designated on said list, on or before 10 o'clock p. m. of the Thursday following the canvass, and that notice was also personally left at the said address of each of said parties named in said lists so attached, if there be such address. Blank affidavit forms shall be furnished by the County Clerk for the purpose aforesaid; but if none are furnished, such canvassers shall cause the same to be drawn, and they shall swear to such affidavit before the Judge of Registration of such precinct or County Clerk, or one of his Deputies.

Either of the canvassers shall have the power and right of both in the matter pertaining to such canvass; but in case either refuses or neglects to make such canvass as aforesaid, then the other may make such canvass alone.

In case of the temporary disability upon the part of either canvasser, the remaining canvasser shall appoint a temporary canvasser who shall represent and be affiliated with the same political party as the canvasser whose place is being filled, and shall administer to him the usual oath of office for canvassers. Such temporary canvasser shall perform all the duties of the office until the disability of the regular canvasser is removed.

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-13.

10 ILCS 5/5-14 [Verification and registered voter lists]

Sec. 5-14. Either of the canvassers shall, at the end of the canvass, return the "Verification Lists" to the County Clerk and a certificate of the correctness of such return. Immediately after receipt of such Verification Lists, the County Clerk shall cause copies to be printed in plain large type in sufficient numbers to meet all demands, and upon application, a copy of the same shall be given to any person applying therefor. Thereafter a list of registered voters in each precinct shall be compiled by the County clerk, prior to the General Election to be held in November of each even numbered year. On the list, the County Clerk shall indicate, by italics, asterisk, or other means, the names of all persons who have registered since the last regularly scheduled election in the consolidated schedule of elections established in Section 2A-1.1 of this Act [10 ILCS 5/2A-1.1].

When the list of registered voters in each precinct is compiled, the County Clerk shall give a copy of it to the chairman of a county central committee of an established political party, as such party is defined in Section 10-2 of this Act [10 ILCS 5/10-2], or to the chairman's duly authorized representative. Within 30 days of the effective date of this Amendatory Act of 1983, the County Clerk shall give the list of

registered voters in each precinct that was compiled prior to the general November election of 1982 to the chairman of a county central committee of an established political party or to the chairman's duly authorized representative.

Within 60 days after each general election the county clerk shall indicate by italics, asterisk, or other means, on the list of registered voters in each precinct, each registrant who voted at that general election, and shall provide a copy of such list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

Within 60 days after the effective date of this amendatory Act of 1983, the county clerk shall indicate by italics, asterisk, or other means, on the list of registered voters in each precinct, each registrant who voted at the general election of 1982, and shall provide a copy of such coded list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

The county clerk may charge a fee to reimburse the actual cost of duplicating each copy of a list provided under either of the 2 preceding paragraphs.

(Source: P.A. 83-1263.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-14.

10 ILCS 5/5-15 [Application to erase name from register]

Sec. 5-15. Any voter or voters in the township, city, village, or incorporated town containing such precinct, and any precinct committeeman in the county, may, between the hours of nine o'clock a.m. and six o'clock p.m. of the Monday and Tuesday of the third week immediately preceding the week in which such April 10, 1962 Primary Election is to be held, make application in writing, before such County Clerk, to have any name upon such register of any precinct erased. Thereafter such application shall be made between the hours of nine o'clock a.m. and six o'clock p.m. of Monday and Tuesday of the second week prior to the week in which any county, city, village, township, or incorporated town election is to be held. Such application shall be in substance, in the words and figures following:

"I, being a qualified voter, registered from No Street in the precinct of the Ward of the city (village or town of) of the District town of do hereby solemnly swear (or affirm) that registered from No Street is not a qualified voter in the precinct of the ward of the city (village or town) of or of the district town of hence I ask that his name be erased from the register of such precinct for the following reason Affiant further says that he has personal knowledge of the facts set forth in the above affidavit.

(Signed)

Subscribed and sworn to before me on (insert date).

....
....
...."

Such application shall be signed and sworn to by the applicant before the County Clerk or any Deputy authorized by the County Clerk for that purpose, and filed with the Clerk. Thereupon notice of such application, with a demand to appear before the County Clerk and show cause why his name shall not be erased from the register, shall be mailed by special delivery, duly stamped and directed, to such person, to the address upon said register at least 4 days before the day fixed in said notice to show cause.

A like notice shall be mailed to the person or persons making the application to have the name upon such register erased to appear and show cause why the name should be erased, the notice to set out the day and hour of such hearing. If the voter making such application fails to appear before the Clerk at the time set for the hearing as fixed in the said notice or fails to show cause why the name upon such register shall be erased, the application may be dismissed by the County Clerk.

Any voter making such application or applications shall be privileged from arrest while presenting the same to the County Clerk, and whilst going to and returning from the office of the County Clerk.

(Source: P.A. 84-551; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-15.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

10 ILCS 5/5-16 [Docket; restoration]

Sec. 5-16. A docket of all applications to the County Clerk, whether such application shall be made for the purpose of being registered, or restored, or for the purpose of erasing a name on the register or for completing registration shall be made out in the order of the towns, wards, districts, precincts as the case may be. The County Clerk shall sit to hear such applications between the hours of ten o'clock a. m. and nine o'clock p. m. on Thursday, Friday and Saturday of the third week preceding the week in which such April 10, 1962 Primary Election is to be held, and thereafter the County Clerk shall sit to hear such applications between the hours of ten o'clock a. m. and nine o'clock p. m. on Thursday, Friday and Saturday of the second week prior to the week in which any county, city, town, village or

incorporated town election is to be held. At the request of either party to such applications, the Clerk shall issue subpoenas to witnesses to appear at such hearings, and witnesses may be sworn and examined upon the hearing of said applications. Each person appearing in response to an application to have a name erased shall deliver to the County Clerk a written affidavit, which shall be, in substance, in the words and figures following:

"I do solemnly swear that I am a citizen of the United States; that I do reside and have resided in the State of Illinois since the day of and in the county of in said State, since the day of and in the precinct of the ward, in the city, village or incorporated town of or in the district town of in said county and State, since the day of and that I am years of age; that I am the identical person registered in said precinct under the name I subscribe hereto."

This answer shall be signed and sworn to or affirmed before any person authorized to administer oaths or affirmations. The decision on each application shall be announced at once after hearing, and a minute made thereof, and when an application to be registered or to be restored to such register or to complete registration shall be allowed, the said County Clerk shall cause a minute to be made upon the original and duplicate registration records withdrawn.

All applications under this Section and hearings as hereinafter provided may be heard by deputy county clerks specially designated by the County Clerk for this purpose, and a decision by such deputies so designated, shall become the decision of the County Clerk, upon approval by the County Clerk.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-16.

10 ILCS 5/5-16.1 [Additional methods]

Sec. 5-16.1. In addition to registration at the office of the county clerk and at the offices of municipal and township clerks, each county subject to this Article shall provide for the following methods of registration:

(1) The appointment of deputy registrars as provided in Section 5-16.2 [10 ILCS 5/5-16.2];

(2) The establishment of temporary places of registration as provided in Section 5-16.3 [10 ILCS 5/5-16.3].

Each county subject to this Article may provide for precinct registration pursuant to Section 5-17 [10 ILCS 5/5-17].

(Source: P.A. 83-1059.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-16.1.

10 ILCS 5/5-16.2 [Deputy registrars; appointment; duties]

Sec. 5-16.2. (a) The county clerk shall appoint all municipal and township clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective counties. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of any county in which the municipality is located, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 28 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of The Illinois Vehicle Code [625 ILCS 5/2-105].

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of quali-

fied members designated by such official, who may accept the registrations of any qualified resident of the county.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983 [805 ILCS 5/1.01 et seq.], or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major

political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 28 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....
(Signature of Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 29th

day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 29th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registers shall not be deemed to be employees of the county clerk.

(Source: P.A. 86-873; 86-875; 86-1028; 86-1435; 87-1052, § 3; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-16.2.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, inserted "elementary school", following "high school" twice in subdivision (a)(2).

The 1996 amendment by P.A. 89-653, effective August 14, 1996, substituted "29th" for "28th" in the first and second sentences of subsection (c).

10 ILCS 5/5-16.3 [Temporary place of registration]

Sec. 5-16.3. The county clerk may establish temporary places of registration for such times and at such locations within the county as the county clerk may select. However, no temporary place of registration may be in operation during the 28 days preceding an election. Notice of time and place of registration at any such temporary place of registration under this Section shall be published by the county clerk in a newspaper having a general circulation in the county not less than 3 nor more than 15 days before the holding of such registration.

Temporary places of registration shall be established so that the areas of concentration of population or use by the public are served, whether by facilities provided in places of private business or in public buildings or in mobile units. Areas which may be designated as temporary places of registration include, but are not limited to, facilities licensed or certified pursuant to the Nursing Home Care Act [210 ILCS 45/1-101 et seq.], Soldiers' and Sailors' Homes, shopping centers, business districts, public buildings and county fairs.

Temporary places of registration shall be available to the public not less than 2 hours per year for each 1,000 population or fraction thereof in the county.

All temporary places of registration shall be manned by deputy county clerks or deputy registrars appointed pursuant to Section 5-16.2 [10 ILCS 5/5-16.2].

(Source: P.A. 86-873; 86-1028.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-16.3.

10 ILCS 5/5-17 [Precinct registration; pollwatchers; electioneering]

Sec. 5-17. If the county clerk determines, as provided in Section 5-16.1 [10 ILCS 5/5-16.1], to have precinct registration in the county, the board of county commissioners shall, prior to any general state election held in the month of November of any even numbered year designate a day or days and shall designate convenient places in the townships or cities or villages or incorporated towns for registration of voters. Such day or days shall not be more than 36 nor less than 28 days before such election.

The provisions of Section 5-3 of this Article [10 ILCS 5/5-3] shall apply to the selection of places of registration under this Section and the provisions of Section 5-3 [10 ILCS 5/5-3] relative to the attendance of police officers during the conduct of such registration shall also apply.

The officers of registration chosen to conduct registrations under the provisions of this Section shall be chosen by the county clerk.

In choosing officers of registration, the county clerk shall choose only persons residing in the township in which the place of registration is located. He shall choose, in each precinct, 3 officers of registration, at least one from each of the 2 major political parties. The county clerk may appoint additional officers of registration in precincts which have had sudden increases in population.

The officers so chosen shall be voters registered under the provisions of this Article 5 [10 ILCS 5/5-1 et seq.], and shall have the same qualifications and take the same oath as required of registration officers under Section 5-4 of this Article 5 [10 ILCS 5/5-4], and shall be subject to the same penalties.

The places of registration designated by the board of county commissioners under the provisions of this Section shall be open from 8 a.m. to 9 p.m. on such day or days as may be specified by the board of county commissioners.

Registration under this Section shall be made in the same manner as provided for precinct registration under the provisions of this Article 5 [10 ILCS 5/5-1 et seq.], but the canvass of registration shall be made by 2 registration officers of different political affiliations, said registration officers to be designated by the county clerk and the hearing and final revision of the registry heretofore conducted by the board of revision shall be performed by the county clerk or his deputy on the Monday and Tuesday following precinct registration. Said revision under

this Section shall take place at the office of the county clerk between the hours of 9 a.m. and 9 p.m.

The registration officers shall make their returns to the county clerk not later than noon of the day following the last day of the canvass of registration provided by this Section.

The election authorities shall issue credentials to registration day pollwatchers in the manner and on the terms prescribed in Section 17-23 [10 ILCS 5/17-23] with respect to pollwatchers at elections. Registration day pollwatchers shall be allowed to see the names and addresses of the people who have registered during the course of the day.

No person shall, at any precinct registration or reregistration, do any electioneering or soliciting of votes or engage in any political discussion within any precinct registration place or within 30 feet thereof. Nothing in this Act shall be construed to prohibit any candidate from being present in or near any precinct registration place. All persons who register to vote at any precinct registration place must be residents of the precinct in which they register.

(Source: P.A. 81-1535.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-17.

10 ILCS 5/5-18 [Notice of registration]

Sec. 5-18. At least 20 days prior to the precinct registration under Section 5-6 of this Article 5 [10 ILCS 5/5-6], and at least 20 days prior to any registration that may be provided under Section 5-17 of this Article 5 [10 ILCS 5/17], the County Clerk shall publish a notice of registration, giving the dates, hours and places of registration, in a newspaper of general circulation published in the county.

(Source: P.A. 79-75.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-18.

10 ILCS 5/5-19 [Town clerk's office; registration]

Sec. 5-19. Only persons residing within the corporate limits of a city, village or incorporated town wherein this Article 5 [10 ILCS 5/5-1 et seq.] is in effect, shall be permitted to register in the office of the clerk of the respective city, village or incorporated town in which they reside and then only during the periods provided by Section 5-5 of this Article 5 [10 ILCS 5/5-5].

Within 24 hours after a person has registered in the office of the clerk of a city, village or incorporated town, the said clerk shall transmit by mail or cause to be delivered to the County Clerk the original and duplicate registration cards of the person who has registered in his office.

Only persons who reside within the limits of a town in a county wherein this Article 5 [10 ILCS 5/5-1 et seq.] is in effect shall be permitted to register in the office of the town clerk of the respective towns in which they reside and then only during the periods provided by Section 5-5 of this Article 5 [10 ILCS 5/5-5].

Within 24 hours after a person not residing within the corporate limits of a city, village or incorporated town has registered in the office of a town clerk, the town clerk shall transmit by mail or cause to be delivered to the county clerk the original and duplicate cards of the person who has registered in his office. Within 24 hours after a person who resides within the limits of a city, village or incorporated town has registered in the office of a town clerk, the town clerk shall transmit by mail or cause to be delivered the original and duplicate cards of the person so registered to the county clerk.

Any person residing in the territory wherein this Article 5 [10 ILCS 5/5-1 et seq.] is in effect, may register in the office of the county clerk during the hours, and within the periods provided by Section 5-5 of this Article 5 [10 ILCS 5/5-5].

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-19.

10 ILCS 5/5-20 [Incomplete registration]

Sec. 5-20. Registrations under the above section shall be made in the manner provided by sections 5-7 and 5-9 [10 ILCS 5/5-7 and 10 ILCS 5/5-9], but electors whose registrations are marked "Incomplete" may make the applications provided by section 5-9 [10 ILCS 5/5-9] only on Monday and Tuesday of the third week prior to the week in which the election for officers, for which they are permitted to vote, is to be held. The subsequent procedure with reference to said cards shall be the same as that provided for voters registering under section 5-19 [10 ILCS 5/5-19] except that the election referred to shall be the election at which the applicant would be permitted to vote if otherwise qualified.

(Source: Laws 1949, p. 855.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-20.

10 ILCS 5/5-21 [Notice to registrants]

Sec. 5-21. To each person who registers at the office of the county, city, village, incorporated town or town clerk, or any place designated by the Board of County Commissioners under section 5-17 of article 5 [10 ILCS 5/5-17] and within five days thereafter, the County Clerk shall send by mail a notice setting forth the elector's name and address as it appears on the registration record card, and shall request him in case of any error to present the notice on or before the seventh day next ensuing at the office of the

County Clerk in order to secure the correction of the error. Such notice shall contain on the outside a request for the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon. Upon the return by the post office of such notice which it has been unable to deliver at the given address because the addressee cannot be found there, a notice shall be at once sent through the United States mail to such person at the address appearing upon his registration record card requiring him to appear before the County Clerk, within five days, to answer questions touching his right to register. If the person notified fails to appear at the County Clerk's office within five days as directed or if he appears and fails to prove his right to register, the County Clerk shall cancel his registration.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-21.

10 ILCS 5/5-22 [Instructing town clerks]

Sec. 5-22. As soon as possible after the precinct registration held under section 5-6 [10 ILCS 5/5-6] and again after the registrations provided by section 5-17 of this article 5 [10 ILCS 5/5-17], the County Clerk shall require all city, village and incorporated town clerks to call at his office and shall give written and verbal instructions relative to duties under this article 5 [10 ILCS 5/5-1 et seq.] to all city, village and incorporated town clerks, and shall also supply them with, and get their receipts for blank registration cards to enable them to perform their duties with respect to the registration of voters in their offices under section 5-19 of this article 5 [10 ILCS 5/5-19].

As soon as possible after the precinct registration held under section 5-6 of this article [10 ILCS 5/5-6], the County Clerk shall require all town clerks to appear at his office at which time he shall give them verbal and written instructions relative to their duties under this article 5 [10 ILCS 5/5-1 et seq.], and at the same time he shall also supply them with and get their receipts for blank registration cards to enable them to perform their duties with respect to the registration of voters in their offices under section 5-19 of this article 5 [10 ILCS 5/5-19].

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-22.

10 ILCS 5/5-23 [Transfer of registration]

Sec. 5-23. Any registered voter who changes his residence from one address, number or place to another within the same county wherein this article 5 [10 ILCS 5/5-1 et seq.] is in effect, may have his registration transferred to his new address by making and signing an application for such change of residence upon a form to be provided by the county

clerk. Such application must be made to the office of the county clerk. In case the person is unable to sign his name the county clerk shall require such person to execute the request in the presence of the county clerk or of his properly authorized representative, by his mark, and if satisfied of the identity of the person, the county clerk shall make the transfer.

Upon receipt of such application, the county clerk, or one of his employees deputized to take registrations shall cause the signature of the voter and the data appearing upon the application to be compared with the signature and data on the registration record, and if it appears that the applicant is the same person as the party previously registered under that name the transfer shall be made.

Transfer of registration under the provisions of this section may not be made within the period when the county clerk's office is closed to registration prior to an election at which such voter would be entitled to vote.

Any registered voter who changes his or her name by marriage or otherwise, shall be required to register anew and authorize the cancellation of the previous registration; provided, however, that if the change of name takes place within a period during which such new registration cannot be made, next preceding any election or primary, the elector may, if otherwise qualified, vote upon making the following affidavit before the judges of election:

I do solemnly swear that I am the same person now registered in the precinct of the ward of the city of or District Town of under the name of and that I still reside in said precinct or district.

(Signed)

When a removal of a registered voter takes place from one address to another within the same precinct within a period during which such transfer of registration cannot be made, before any election or primary, he shall be entitled to vote upon presenting to the judges of election an affidavit of a change and having said affidavit supported by the affidavit of a qualified voter of the same precinct.

Suitable forms for this purpose shall be provided by the county clerk. The form in all cases shall be similar to the form furnished by the county clerk for county and state elections.

The precinct election officials shall report to the county clerk the names and addresses of all such persons who have changed their addresses and voted. The city, village, town and incorporated town clerks shall within five days after every election report to the county clerk the names and addresses of the persons reported to them as having voted by affidavit as in this section provided.

The county clerk may obtain information from utility companies, city, village, town and incorporated town records, the post office or from other sources regarding the removal of registered voters and notify such voters that a transfer of registration may be made in the manner provided by this section.

If any person be registered by error in a precinct other than that in which he resides the county clerk shall be empowered to transfer his registration to the proper precinct.

Where a revision or rearrangement of precincts is made by the board of county commissioners, the county clerk shall immediately transfer to the proper precinct the registration of any voter affected by such revision or rearrangement of the precincts; make the proper notations on the registration cards of a voter affected by the revision of registration and shall notify the registrant of such change. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-23.

10 ILCS 5/5-24 [Notice of suspension]

Sec. 5-24. Following the general election occurring in November of 1944 and following the November election every four years thereafter, the county clerk shall examine the registration record and shall send to every voter who has not voted during the preceding four years a notice through the mails, substantially as follows:

Notice of Suspension of Registration:

"You are hereby notified that your registration will be cancelled according to law for failure to vote during the last four years, unless you apply for reinstatement within thirty days. You may reinstate your registration by signing the statement below and returning it to this office or by making application to do so."

Application for Reinstatement of Registration:

"I do hereby certify that I still reside at the address from which I am registered and apply for reinstatement of my registration.

Signed
Present address
Date"

In case the elector is unable to sign his name, the application for reinstatement shall be made at the office of the county clerk, or in the case of an elector, absent from the county of his residence, it shall be made before the clerk of a court of record in the county in which the elector is temporarily detained.

After the expiration of thirty days the county clerk shall cancel the registration of all electors thus notified who have not applied for reinstatement.

A proper entry shall be made on the registration record for all electors whose registrations are reinstated. Any elector whose registration has been cancelled for failure to vote may register again by making the application therefor in the manner provided by this article 5 [10 ILCS 5/5-1 et seq.].

When a registration is cancelled under this or other sections of this article 5 [10 ILCS 5/5-1 et seq.], a proper entry shall be made on the registration cards by the county clerk.

The county clerk shall, however, keep the cancelled cards in a suspense file for 2 years and

reinstate them at any time within such 2 year suspense period, when a person's registration is cancelled under this or other Sections of this Article for failure to apply for reinstatement or to appear in proper time, and there is sufficient subsequent showing that he is a duly qualified elector. (Source: P.A. 81-155.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-24.

10 ILCS 5/5-25 [Authority to investigate and canvass voters]

Sec. 5-25. The county clerk on his own initiative or upon order of the board of county commissioners shall at all times have authority to conduct investigation and to make canvasses of the registered voters in any precinct canvass or at other times and by other methods than those so prescribed. However, the county clerk shall conduct a verification of voter registrations at least once in every 2 years, and shall cause the cancellation of registration of persons who have ceased to be qualified voters. Such verification shall be accomplished by one of the following methods: (1) precinct canvass conducted by 2 qualified persons of opposite party affiliation appointed by the county clerk or (2) written request for verification sent to each registered voter by first class mail, not forwardable or (3) an alternative method of verification submitted in writing to and approved by the State Board of Elections at a public meeting not less than 60 days prior to the date which the county clerk has fixed for implementation of that method of verification; provided, that the county clerk shall submit to the State Board of Elections a written statement of the results obtained by use of such alternative method within 30 days of completion of the verification. In each precinct one canvasser may be appointed from outside such precinct if not enough other qualified persons who reside within the precinct can be found to serve as canvasser in such precinct. The one canvasser so appointed to serve in any precinct in which he is not entitled to vote prior to the election must be entitled to vote elsewhere within the ward or township which includes within its boundaries the precinct in which such canvasser is appointed and such canvasser must be otherwise qualified. If upon the basis of investigation or canvasses, the county clerk shall be of the opinion that any person registered under this Article 5 [10 ILCS 5/5-1 et seq.] is not a qualified voter or has ceased to be a qualified voter, he shall send a notice through the United States mail to such person, requiring him to appear before the county clerk for a hearing within ten days after the date of mailing such notice and show cause why his registration shall not be cancelled. If such person fails to appear within such time as provided, his registration shall be cancelled. If such a person does appear, he shall make an affidavit similar in every respect to

the affidavit required of applicants under Section 5-16 of this Article 5 [10 ILCS 5/5-16].
(Source: P.A. 81-1535.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-25.

10 ILCS 5/5-25.1 [Registrations transmitted to board]

Sec. 5-25.1. In any county in which there is a municipality under the jurisdiction of a board of election commissioners, the county clerk and his appointed deputy registrars shall accept the registration of qualified persons residing within such municipality and shall transmit the completed registration to the board of election commissioners prior to the close of registration before an election.
(Source: P.A. 83-1059.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-25.1.

10 ILCS 5/5-25.01 [Canvass of registered voters lacking permanent abode]

Sec. 5-25.01. Each registered voter lacking a permanent abode shall be canvassed by the county clerk before each election. The canvass shall be by mail sent not later than 49 days preceding the election to the mailing address listed on the voter's registration record card. The clerk shall include in the mailing a postage prepaid return postcard. The voter must certify on the postcard his or her continued residence at the registration address and mail the postcard back to the clerk so that it is postmarked no later than the 26th day preceding the election.

If an application for registration is presented within the 49 day period preceding an election, then this Section shall not apply and the provisions of this Article with respect to the mailing of a verification of a registration notice shall be a canvass, except that such notice shall be mailed to the registrant's mailing address.

(Source: P.A. 87-1241, § 1.)

Effective Date.

Section 2 of P.A. 87-1241 made this section effective upon becoming law. The Act was approved December 23, 1992.

10 ILCS 5/5-26 [Loss of registration cards]

Sec. 5-26. If either of the original or duplicate registration cards, or all of any elector shall be lost, destroyed or mutilated in whole or in part, the county clerk shall prepare 2 new registration cards, an original and a duplicate and shall require the execution of a new registration affidavit by such elector, and if any such elector shall refuse to execute such affidavit within thirty days after the mailing of a notice to such elector at the last address from which he has registered, then the registration of such elector shall be cancelled. If either the

original or duplicate registration cards, of all registered voters of a city, village or incorporated town, township or any ward, or precinct thereof, shall be lost or destroyed, the county clerk shall require a re-registration of electors of such city, village or incorporated town, township, ward or precinct and the same provisions as required for any registration under section 5-17 of this article 5 [10 ILCS 5/5-17] shall apply to such re-registration.
(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-26.

10 ILCS 5/5-28 [Record card storage]

Sec. 5-28. The original registration record cards shall remain permanently in the office of the county clerk except as destroyed as provided in Section 5-6 [10 ILCS 5/5-6]; shall be filed alphabetically without regard to precincts; and shall be known as the master file. The duplicate registration record cards shall constitute the official registry of voters for all elections and shall be filed by precincts and townships. The duplicate cards for use in conducting elections shall be delivered to the judges of election by the county clerk in a suitable binder or other device, which shall be locked and sealed in accordance with the directions to be given by the county clerk and shall also be suitably indexed for convenient use by the precinct officers. The precinct files shall be delivered to the judges of election for use at the polls for elections at the same time as the official ballots are delivered to them, and shall be returned to the county clerk by the judges of election within the time provided for the return of the official ballots. The county clerk shall determine the manner of return and delivery of such file.
(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-28.

10 ILCS 5/5-28.1 [Boundary and registrant records]

Sec. 5-28.1. For use in connection with referenda and the nonpartisan and consolidated elections, each election authority shall maintain permanent records of the boundaries of all political subdivisions partially or wholly within its jurisdiction and any districts thereof, and shall maintain permanent records indicating by tax extension number code for each registered voter the political subdivisions and any districts thereof in which that voter resides. Such records may be kept on the registration record cards or on separate registration lists, or if a method other than record coding by tax extension number is adopted by an election authority, such method shall be, approved by the State Board of Elections. Each political subdivision must, no later than 5 days after any redistricting, annexation, disconnection or other

boundary change is adopted, give notice of any such adoption and the effective date of such act to each election authority having election jurisdiction over any of its former or new territory.

Each election authority must make available to election judges for use on election day, records indicating by tax extension number code or other method approval by the State Board of Elections for each registered voter, the political subdivisions in which that voter resides. For the purposes of election day use by election judges, such records must be kept on the registration record cards or on separate registration lists.

(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-28.1.

10 ILCS 5/5-29 [Voter's application and certificate]

Sec. 5-29. Upon application to vote, except as hereinafter provided for absent electors, each registered elector shall sign his name or make his mark as the case may be, on a certificate substantially as follows:

"Certificate of Registered Voter

Town of District or Precinct Number;
City of Ward Precinct;
Village of Precinct;
Election
(date) (month) (year)
Registration record
Checked by
Voter's number

Instruction to voters

Sign this certificate and hand it to the election officer in charge. After the registration record has been checked, the officer will hand it back to you. Whereupon you shall present it to the officer in charge of the ballots.

I hereby certify that I am registered from the address below and am qualified to vote.

Signature of voter
Residence address"

An individual shall not be required to provide his social security number when applying for a ballot. He shall not be denied a ballot, nor shall his ballot be challenged, solely because of his refusal to provide his social security number. Nothing in this Act prevents an individual from being requested to provide his social security number when the individual applies for a ballot. If, however, the certificate contains a space for the individual's social security number, the following notice shall appear on the certificate, immediately above such space, in bold-face capital letters, in type the size of which equals the largest type on the certificate:

"THE INDIVIDUAL APPLYING FOR A BALLOT WITH THIS DOCUMENT IS NOT REQUIRED TO DISCLOSE HIS OR HER SOCIAL SECURITY NUMBER. HE OR SHE MAY NOT BE DENIED A BALLOT, NOR SHALL HIS OR HER BALLOT BE CHALLENGED, SOLELY BECAUSE OF HIS OR HER REFUSAL TO PROVIDE HIS OR HER SOCIAL SECURITY NUMBER."

Certificates as above prescribed shall be furnished by the county clerk for all elections.

The Judges in charge of the precinct registration files shall compare the signature upon such certificate with the signature on the registration record card as a means of identifying the voter. Unless satisfied by such comparison that the applicant to vote is the identical person who is registered under the same name, the Judges shall ask such applicant the questions for identification which appear on the registration card and if the applicant does not prove to the satisfaction of a majority of the judges of the election precinct that he is the identical person registered under the name in question then the vote for such applicant shall be challenged by a Judge of Election, and the same procedure followed as provided by law for challenged voters.

In case the elector is unable to sign his name, a Judge of Election shall check the data on the registration card and shall check the address given, with the registered address, in order to determine whether he is entitled to vote.

One of the Judges of election shall check the certificate of each applicant for a ballot after the registration record has been examined and shall sign his initials on the certificate in the space provided therefor, and shall enter upon such certificate the number of the voter in the place provided therefor, and make an entry in the voting record space on the registration record, to indicate whether or not the applicant voted. Such judge shall then hand such certificate back to the applicant in case he is permitted to vote, and such applicant shall hand it to the judge of election in charge of the ballots. The certificates of the voters shall be filed in the order in which they are received and shall constitute an official poll record. The term "Poll Lists" and "Poll Books" where used in this article 5 [10 ILCS 5/5-1 et seq.] shall be construed to apply to such official poll records.

After each general primary election the county clerk shall indicate by color code or other means next to the name of each registrant on the list of registered voters in each precinct the primary ballot of a political party that the registrant requested at that general primary election. The county clerk, within 60 days after the general primary election, shall provide a copy of this coded list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

Within 60 days after the effective date of this amendatory Act of 1983, the county clerk shall

provide to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative the list of registered voters in each precinct at the time of the general primary election of 1982 and shall indicate on such list by color code or other means next to the name of a registrant the primary ballot of a political party that the registrant requested at the general primary election of 1982.

The county clerk may charge a fee to reimburse the actual cost of duplicating each copy of a list provided under either of the 2 preceding paragraphs.

Where an elector makes application to vote by signing and presenting the certificate provided by this Section, and his registration record card is not found in the precinct registry of voters, but his name appears as that of a registered voter in such precinct upon the printed precinct list of voters and whose name has not been erased or withdrawn from such register, it shall be the duty of one of the Judges of Election to require an affidavit by such person and two voters residing in the precinct before the judges of election that he is the same person whose name appears upon the precinct register and that he resides in the precinct stating the street number of his residence. Forms for such affidavit shall be supplied by the county clerk for all elections. Upon the making of such affidavit and the presentation of his certificate such elector shall be entitled to vote. All affidavits made under this paragraph shall be preserved and returned to the county clerk in an envelope. It shall be the duty of the county clerk within 30 days after such election to take steps provided by Section 5-27 of this article 5 [10 ILCS 5/5-27] for the execution of new registration affidavits by electors who have voted under the provisions of this paragraph.

Provided, however, that the applications for ballots made by registered voters and under the provisions of article 19 of this act [10 ILCS 5/19-1 et seq.] shall be accepted by the Judges of Election in lieu of the "certificate of registered voter" provided for in this section.

When the county clerk delivers to the judges of election for use at the polls a supplemental or consolidated list of the printed precinct register, he shall give a copy of the supplemental or consolidated list to the chairman of a county central committee of an established political party or to the chairman's duly authorized representative.

Whenever two or more elections occur simultaneously, the election authority charged with the duty of providing application certificates may prescribe the form thereof so that a voter is required to execute only one, indicating in which of the elections he desires to vote.

After the signature has been verified, the judges shall determine in which political subdivisions the voter resides by use of the information contained on the voter registration cards or the separate registra-

tion lists or other means approved by the State Board of Elections and prepared and supplied by the election authority. The voter's certificate shall be so marked by the judges as to show the respective ballots which the voter is given.

(Source: P.A. 84-809; 84-832.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-29.

CASE NOTES

Ballot Applications

—Unsigned

Where voters failed to sign ballot applications, their ballots were nonetheless allowed to be counted because this section's signing requirement was merely directory and, absent proof of fraud or other illegality, ballots would not be invalidated. Pullen v. Mulligan, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

10 ILCS 5/5-29.01 [Military service; affidavit]

Sec. 5-29.01. The provisions of this Article 5, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election, have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

"State of Illinois)
) ss.
County of)

..... Precinct Ward
I,, do solemnly swear (or affirm), that I am a citizen of the United States, of the age of 18 years or over, and that within the past 60 days prior to the date of this election at which I am applying to vote, I have been engaged in the (military or naval) service of the United States; and I am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and that I am a legally qualified voter of this precinct and ward except that I have, because of such service, been unable to register as a voter; that I now reside at (insert street and number, if any) in this precinct and ward, that I have maintained a legal residence in this precinct and ward for 30 days and in the State 30 days next preceding this election.

.....
Subscribed and sworn to before me on (insert date).

.....
Judge of Election."

The affidavit of any such person shall be supported by the affidavit of a resident and qualified

voter of any such precinct and ward, which affidavit shall be in substantially the following form:

"State of Illinois)
) ss.
 County of)
 Precinct Ward

I,, do solemnly swear (or affirm), that I am a resident of this precinct and ward and entitled to vote at this election; that I am acquainted with (name of the applicant); that I verily believe him to be an actual bona fide resident of this precinct and ward and that I verily believe that he has maintained a legal residence therein 30 days and in this State 30 days next preceding this election.

Subscribed and sworn to before me on (insert date).

.....
 Judge of Election."

The provisions of this Article 5 [10 ILCS 5/5-1 et seq.], so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote who have made and subscribed to the affidavit provided in paragraph (b) of Section 17-10 of this Act [10 ILCS 5/17-10].

(Source: P.A. 84-551; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-29.01.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the forms.

10 ILCS 5/5-30 [Primary election; voter application]

Sec. 5-30. Upon application to vote at a general primary election each registered elector shall sign his name or mark and write his address on a certificate substantially the same as that used in the general election except that it shall have a place for party affiliation which is to be filled in by the elector, or by the officer in charge if the elector is unable to write. The certificates of each State-wide political party at a primary election shall be separately printed upon paper of uniform quality, texture and size, but the certificates of no 2 State-wide political parties shall be of the same color or tint. However, if the election authority provides computer generated applications with the precinct, ballot style and voter's name and address preprinted on the application, a single application may be used for State-wide political parties if it contains spaces or check-off boxes to indicate the political party. Such application shall not entitle the voter to vote in the primary of more than one political party at the same election. Such applications may contain spaces or check-off boxes permitting the voter to request a primary

ballot of any other political party which is established only within a political subdivision and for which a primary is conducted on the same election day. Such application shall not entitle the voter to vote in both the primary of the State-wide political party and the primary of the local political party with respect to the offices of the same political subdivision. In no event may a voter vote in more than one State-wide primary on the same day. Such certificates when checked and initialed by the Judge in charge shall constitute the primary poll record. Such certificates at the close of the election shall be placed in an envelope, sealed and returned with the ballots. Nothing herein shall be construed to conflict with sections 7-44 and 7-45 of article 7 of this act [10 ILCS 5/7-44 and 10 ILCS 5/7-45]. Provided, however, that the applications for ballots made by registered voters under the provisions of article 19 of this act [10 ILCS 5/19-1 et seq.] shall be accepted by the Judges of election in lieu of the "certificate of registered voter" provided for in this section. (Source: P.A. 83-1362.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-30.

10 ILCS 5/5-31 [Challenged voters affidavits]

Sec. 5-31. All challenged voters affidavits made before the judges of election under provisions of sections 5-29 and 5-30 of this article 5 [10 ILCS 5/5-29 and 10 ILCS 5/5-30] shall be immediately returned to the office of the county clerk. Such affidavits, before being so returned, shall be enclosed in an envelope provided for that purpose, which shall then be securely sealed with the sealing wax or other adhesive material, and each of the judges shall write his name across the seal. No judge of election shall break the seal of, or open any envelope containing affidavits, or shall permit any person to open any such envelope or break the seal thereof while the same is in his custody. It shall be the duty of the county clerk to furnish affidavits and envelopes provided by Sections 5-29 and 5-30 of this article 5 [10 ILCS 5/5-29 and 10 ILCS 5/5-30] to the judges of election for all elections.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-31.

10 ILCS 5/5-34 [Poll list]

Sec. 5-34. The official poll record provided by sections 5-29 and 5-30 of this article 5 [10 ILCS 5/5-29 and 10 ILCS 5/5-30] shall constitute the poll list, and poll books shall not be kept by clerks of election. Where in this article 5 [10 ILCS 5/5-1 et seq.], reference is made to poll lists or poll books, such reference shall hereafter apply to the official poll record.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-34.

10 ILCS 5/5-35 [Officers of registration; compensation]

Sec. 5-35. The officers of registration selected to conduct registrations under Section 5-17 [10 ILCS 5/5-17] shall be paid at the rate set out below:

Registration officers selected to conduct registration and canvass under Section 5-17 [10 ILCS 5/5-17] shall be paid at a rate of not less than \$20 per day nor more than \$30 per day, for each day designated by the County Board for any registration and canvass provided by Section 5-17 [10 ILCS 5/5-17], but in no case shall any such officer selected to conduct canvass be credited for less than two days' service for each canvass.

Officers of registration selected to conduct any registration under Section 5-17 [10 ILCS 5/5-17] shall be compensated at the rate of 5 cents per mile for each mile actually traveled in calling at the county clerk's office for registration cards and returning them to said officer.

The State Board of Elections shall reimburse each county for the amount of the increase in compensation under this Section provided by this amendatory Act from funds appropriated for that purpose. (Source: P.A. 84-1308.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-35.

10 ILCS 5/5-36 [City election law rejected; re-registration]

Sec. 5-36. In the event that the voters of any city, village or incorporated town (in any county having a population of 500,000 or more) which has adopted Articles 6, 14 and 18 of this Act (or the Act of which they are a continuation) [10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] shall reject the city election law as provided by said Article 6 [10 ILCS 5/6-1 et seq.], it shall not be necessary for the registered voters of said city, so rejecting the city election law to register again under the provisions of this Article 5 [10 ILCS 5/5-1 et seq.] unless they are not registered under the 1961 and 1962 re-registration provisions.

Within twenty-four hours after the Circuit Judge has entered his order declaring Articles 6, 14 and 18 of this Act [10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] rejected by the voters of any city, village, or incorporated town, it shall be the duty of the Board of Election Commissioners formerly having jurisdiction over elections held in such city, village or incorporated town to turn over to the County Clerk the original and duplicate registration cards of all persons affected by the rejection of the city election law in said city, village or incorporated town; the said Board of Election Commissioners shall also turn over to the County

Clerk all forms, papers and other instruments pertaining to the registration and election of voters within the said city, village or incorporated town that rejected the city election law, and they shall also cause to be delivered to the clerk of any such city, village or incorporated town that rejected the city election law, all booths and ballot boxes formerly used in conducting elections in said city, village or incorporated town.

The original registration cards of the voters turned over to the County Clerk by the Board of Election Commissioners shall be placed in a master file together with the registration cards of all voters who previously registered under the provisions of this Article 5 [10 ILCS 5/5-1 et seq.] and said cards shall then become part of the official registration record for the county in which this Article 5 [10 ILCS 5/5-1 et seq.] is in effect.

The duplicate cards shall be arranged in precinct order and shall be retained in the office of the county clerk for use in conducting State, county and township elections. The said duplicate cards shall become part of the official registration record for the county in which this Article 5 [10 ILCS 5/5-1 et seq.] is in effect.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-36.

10 ILCS 5/5-37 [Re-registration; enforcement]

Sec. 5-37. It shall be the duty of the Board of Election Commissioners to do, and cause to be done all things required of them by Section 5-36 of this Article 5 [10 ILCS 5/5-36].

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-37.

10 ILCS 5/5-37.1 [Annexation or disconnection]

Sec. 5-37.1. If any area becomes subject to a board of election commissioners by reason of annexation to a city, village or incorporated town subject to such a board or ceases to be subject to a board of election commissioners by reason of disconnection from such a city, village or incorporated town, it shall not be necessary for the registered voters in such area to register again, either under this Article or Article 6 [10 ILCS 5/6-1 et seq.].

As soon as practicable after such annexation or disconnection, the county clerk or board of election commissioners, as the case may be, shall turn over to officer or officers thereafter to be charged with the registration of voters within the area affected (the board of election commissioners or county clerk, as the case may be) the original and duplicate registra-

tion cards of all registered voters in the annexed or disconnected area.

(Source: Laws 1967, p. 405.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-37.1.

10 ILCS 5/5-38 [Conflicting laws]

Sec. 5-38. All laws in conflict with this article 5 [10 ILCS 5/5-1 et seq.] shall no longer be applicable to the electors residing in the territorial limits where this article 5 [10 ILCS 5/5-1 et seq.] is in effect, but all laws and parts of laws not inconsistent with the provisions of this article 5 [10 ILCS 5/5-1 et seq.] shall continue in force and effect.

(Source: Laws 1943, p. 253.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-38.

10 ILCS 5/5-39 [Liquor forbidden]

Sec. 5-39. During the hours of registration or revision of registration no person shall bring, take, order or send into, or shall attempt to bring, take or send into any place of registration or revision of registration, any distilled or spirituous liquors whatever; or shall, at any such time and place drink or partake of such liquor.

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 5-39.

10 ILCS 5/5-43 Computerization of voter records

Sec. 5-43. *Computerization of voter records.* (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 5-7 and 5-28.1 [10 ILCS 5/5-7 and 10 ILCS 5/5-28.1]; provided that the cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available.

(b) 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 for all purposes for which the original

registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code [10 ILCS 5/17-1 et seq. and 10 ILCS 5/18-1 et seq.] may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(Source: P.A. 89-40, § 5; 91-73, § 5.)

Effective Date.

Section 99 of P.A. 89-40 made this section effective upon becoming law. The Act was approved June 23, 1995.

Effect of Amendments.

The 1999 amendment by P.A. 91-73, effective July 9, 1999, added present subsection (a) and redesignated former subsections (a), (b), (c), (d) as present subsections (b), (c), (d) and (e) respectively; added

the last sentence in present subsection (b); and substituted "(b)" for "(a)" in the first sentence of present subsection (c).

ARTICLE 6.

REGISTRATION OF ELECTORS IN CERTAIN CITIES, VILLAGES, AND INCORPORATED TOWNS

10 ILCS 5/6-1 [Continuation of prior law; applicability]

Sec. 6-1. The provisions of this Article 6 [10 ILCS 5/6-1 et seq.] (and of Articles 14 and 18 hereof [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.]) so far as they are the same as those of the provisions of "An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this state", approved June 19, 1885, as amended, (hereinafter sometimes referred to in this Article as the Act of 1885) shall be construed as a continuation of such prior provisions and not as a new enactment; and it is declared to be the legislative intent that any city, village or incorporated town which has heretofore adopted and become entitled to the provisions of said Act of 1885, shall automatically become subject to the provisions of this Article 6 [10 ILCS 5/6-1 et seq.] and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] (as well as certain sections in other articles which are made specifically applicable to such city, village or incorporated town), which three articles together shall be known as the City Election Law.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-1. "An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this state," referred to in this section, has been repealed.

Cross References.

As to adoption of the City Election Law by municipalities under the Municipal Code, see 65 ILCS 5/7-2-6.

CASE NOTES

ANALYSIS

Applicability
City Election Law
—In General
Election Precincts
Precincts
—Improper Combination
Special Election
—Invalid

Applicability

The former City Election Act (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.), was, in a municipality which had adopted it, applicable to all elections, whether held to choose public officers or to pass upon some measure or proposition submitted by proper authority. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

City Election Law

—In General

For a case discussing former provisions of the City Election Law (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.), see *People ex rel. McCormick v. Czarnecki*, 266 Ill. 372, 107 N.E. 625 (1914).

Election Precincts

Construing the Election Code, the Roads and Bridges Act, and the Township Organization Act together, the geographical area designated as an election precinct is to be the same for all elections covered by these three acts and attended with the same legal significance; thus, a township is a single election precinct unless and until further election precincts are fixed under the several acts. *People ex rel. Schwartz v. Fagerholm*, 17 Ill. 2d 131, 161 N.E.2d 20 (1959).

Precincts

—Improper Combination

The action of reducing the number of polling places from 3,648 to 648 under the former City Election Act (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.), disfranchised no qualified voter, permitted no disqualified voter to vote, and allowed no fraud to be perpetrated by the Board of Election Commissioners; therefore, the action was upheld. *People ex rel. Elder v. Quilici*, 309 Ill. App. 466, 33 N.E.2d 492 (1 Dist. 1941).

Special Election

—Invalid

Where at the annual meeting of a town, a special election held at the request of the highway commissioner, for the borrowing of money for the construction of two township bridges and the borrowing of money was approved by secret ballot vote, the election was invalid since it was not held in the established precincts within the town and for the further reason that the board of election commissioners did not have charge of the election in that portion of the township lying within a city. *People ex rel. Schwartz v. Fagerholm*, 17 Ill. 2d 131, 161 N.E.2d 20 (1959).

LEGAL PERIODICALS

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

10 ILCS 5/6-2 [City electors; adoption of articles]

Sec. 6-2. The electors of any city now existing in this state may adopt and become entitled to the benefits of this Article 6 [10 ILCS 5/6-1 et seq.] and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] in the manner following:

Whenever one thousand of the legal voters of such city voting at the last preceding election shall petition the circuit court of the county in which such city is located, to submit to a vote of the electors of such city the proposition as to whether such city and the electors thereof shall adopt and become entitled to the benefits of this Article, and said Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.], it shall be the duty of such circuit court to order such proposition to be submitted accordingly at the next succeeding general or regularly scheduled municipal election; and if such proposition is not adopted at such election, the same shall in like manner be submitted to a vote of the electors of such city by said circuit court upon a like

application at any general or regularly scheduled municipal election thereafter. If one thousand shall exceed one-eighth of the legal voters of any such city voting at the last preceding general or consolidated election, then such application need not be signed or made by more than one-eighth of the legal voters of such city voting at the last preceding general or consolidated election. Such petition shall be subject to the applicable provisions of Article 28 of this Code [10 ILCS 5/28-1 et seq.].
(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-2.

CASE NOTES**City Election Act****—Constitutionality**

The former City Election Act (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.) was not invalid as a special law. *People ex rel. Rusch v. Enger*, 364 Ill. 464, 4 N.E.2d 870 (1936).

10 ILCS 5/6-3 [Election notice; duties of clerks and judges]

Sec. 6-3. The circuit court shall give at least 60 days notice of such election by publishing such notice in one or more newspapers published within such city, for at least 5 times, the first publication to be at least 60 days before the day of election, and if no newspaper is published in such city, then by posting at least 5 copies of such notice in each ward 60 days before such election; and such court shall enter an order directing the county clerk to prepare the necessary blank returns for the use of the judges of election, substantially in the following form:

“At an election held in the precinct of the ward in the city of in the State of Illinois, on the day of in the year the following vote was cast for and against city election law, to-wit:

For city election law votes.
Against city election law votes.

Certified by us:

A.B.,	G.H.,
C.D.,	I.J.,
E.F.,	K.L.,

Judges of Election”

Also to prepare separate tally sheets with appropriate headings.

And it shall be the duty of such county clerk to deliver to the judges of all the precincts in such city at such election proper tally sheets and blank statements of returns of votes cast for and against such proposition at such election. And it shall be the duty of the circuit court to supervise and direct such matters and see that they are properly done.

The circuit court shall also prepare directions to the judges of election as to the manner of canvassing the votes for and against such proposition, keeping tally thereof and making returns of the votes as to such proposition, in accordance with the provisions of this article; also informing them therein of the penalties of the law imposed upon the judges for any refusal or neglect pertaining to their duties, and such circuit court shall deliver such directions to the county clerk directing him to have them printed and sent out to such judges. And it shall be the duty of such county clerk to obey such instructions.

It shall be the duty of the county clerk to do and cause to be done all things required of him by Sections 6-2 to 6-20, inclusive, of this Article [10 ILCS 5/6-2 to 10 ILCS 5/6-20], and for a failure to perform such duties he shall, on conviction, be removed from his office by the court in which such conviction shall be had.

The county shall pay all expenses connected with such election.

(Source: P.A. 84-551.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-3.

Cross References.

As to notice of election from the Board of Election Commissioners, see 10 ILCS 5/12-3.

10 ILCS 5/6-4 [Form of ballot]

Sec. 6-4. At such election the ballots, so far as they relate to this act, shall be written or printed in the following form: “For city election law” or “Against city election law.”

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-4.

Cross References.

As to the duty of the county board to provide ballot boxes for municipalities not operating under the jurisdiction of Article 6 of this Act, see 10 ILCS 5/15-1.

As to duties of Board of Election Commissioners to provide ballot boxes, see 10 ILCS 5/15-4.

10 ILCS 5/6-5 [Location of ballot on ticket]

Sec. 6-5. The ballot upon such proposition in the form aforesaid must be printed or written at the bottom of the ticket containing the names of candidates for public offices at such election who are voted for by any elector.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-5.

10 ILCS 5/6-6 [Canvassing of ballots]

Sec. 6-6. The judges of such election shall canvass the ballots so cast for or against such proposition. They shall count in favor of said proposition all

ballots, "For city election law" and they shall count against such proposition all ballots, "Against city election law".

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-6.

10 ILCS 5/6-7 [Manner of canvassing]

Sec. 6-7. Such canvass shall be made by such judges in the following manner: Before the name or names of any candidate on any ballot shall be canvassed, one of the judges, two sitting on either side of him and observing the canvass, shall separate all the ballots cast in such precinct into 3 piles or files, putting together in the first pile all those containing the phrase, "For city election law", and putting together in the second pile all the ballots containing the phrase, "Against city election law", and putting together in the third pile all the other ballots of every description. One of the 3 judges shall then count the first pile of ballots in batches of 10, and when one batch is counted, shall pass the same to the next judge, who shall count the same and pass it to the third judge, who shall also count it, and when the 3 shall have finished the count of the 10 ballots, the last judge shall announce in a loud voice the result, "Ten votes for city election law". It shall then be duty of each of 2 judges, who took no part in the counting, to tally 10 votes accordingly on his tally sheet for city election law, and so the whole pile shall be counted. Before counting the second pile the tally judges shall announce the result or number so entered and credited, "For city election law", and the second pile shall be counted in the same way in batches of 10, and the result tallied and announced in the same way "Against city election law". And thereupon it shall be the duty of each of the judges in turn to announce in a loud voice the result of the election in that precinct upon that proposition. No ballot shall be counted for or against such proposition unless it be in the form herein prescribed; no account is to be kept of the third pile of ballots as to such proposition.

(Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-7.

10 ILCS 5/6-8 [Tally sheet]

Sec. 6-8. If no tally sheet shall be furnished to the judges of any precinct relating to such proposition, the tally judges shall use any piece of paper containing the headings written out by either of them: "For city election law", and "Against city election law", and tally the vote thereon opposite the respective headings as announced to them; and if no blank statements of returns relating to such proposition be provided or furnished to them, then it shall be the duty of the judges to write out a return in triplicate,

in substance in accordance with the form found in Section 6-3 of this Article [10 ILCS 5/6-3].

(Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-8.

10 ILCS 5/6-9 [Returns and tallies]

Sec. 6-9. After ascertaining and announcing the result as aforesaid, such judges shall make, fill up and sign triplicate returns or statements of the votes cast for and against such proposition as aforesaid, in the form found in Section 6-3 of this Article [10 ILCS 5/6-3], each of which shall be attested by the other judges, and each of which shall then be enclosed and sealed in an envelope, one of which shall be on the outside addressed to the circuit court, one to the clerk of the circuit court, and one to the comptroller of such city, or to the officer whose duties correspond with those of the comptroller. Upon each of which statements shall be endorsed "city election law returns". In the same manner the tally sheet in duplicate shall be signed by the judges, and shall be enclosed and sealed in separate envelopes, one of which shall be addressed to the county judge and one to the city clerk; upon both of the envelopes shall be endorsed "city election law tallies". On the outside of each envelope shall be endorsed whether it contains a statement of the votes cast or the tallies, and for what precinct and ward. After the envelopes respectively containing such returns and tallies are closed and sealed, the judges of election shall each write across the folds of such envelopes their names, and thereupon each of the judges of election shall take one of said returns or tallies, and shall deliver, each one respectively, to the person or officer to whom addressed, by noon of the next day, and when delivered he shall receive a receipt therefor from the officer to whom delivered, and it shall be the duty of such officer to give such receipts, and to safely keep such envelopes unopened until called for by the canvassing board herein provided.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-9.

10 ILCS 5/6-10 [Special watchers]

Sec. 6-10. At the canvass of the ballots in any precinct in any city where such proposition has been submitted, it shall be the duty of such judges of election, on request, to admit to the room two electors of the ward who voted in favor of such proposition and two who voted against it, as special watchers of such canvass; and said judges and the police officer or other officer of the law present shall protect such watchers and see that they are not excluded, and at the time of such canvass of the ballots cast for or against such proposition such watchers shall be entitled to a position where they

can plainly see and read each ballot, and it shall be the duty of such judges to grant and protect them in such position.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-10.

10 ILCS 5/6-11 [Canvassing board]

Sec. 6-11. On the sixth day after such election the judge of the circuit court shall call to his assistance two well known electors of integrity and character, one of whom voted for and one of whom voted against such proposition, who shall constitute the canvassing board to canvass the returns and votes so cast for and against such proposition. Such canvass shall be conducted in public in the room usually occupied by the circuit court. The envelopes containing all the returns and all the tally sheets shall, upon the demand of the judge of the court, be delivered to said board by the officers, so having either of them in his possession. Thereupon the same shall be opened in order and the vote on such proposition ascertained and announced. All of such returns and tallies may be used in ascertaining the result, and when, in the opinion of said board, any doubt exists as to what the actual vote was which was cast for or against such proposition in any precinct, or upon the written application of 2 persons who were at such canvass and who shall make oath that they believe that the returns of the said judges of election as to such proposition are not correct, said judge shall demand of and receive possession from such county clerk the ballots so cast in such precinct at such election, and it shall then be the duty of said board to open the envelope containing said ballots and to recount the same, and to hear evidence of any person present at such precinct canvass touching the same; and thereupon, said board shall announce and declare the vote cast for and against such proposition in such precinct, which shall be conclusive as to the ballots so cast; and, thereupon, the judge of the court, so having received possession of such ballots, shall again place them upon a string or twine and place them in the same envelope, or another with like endorsements, and seal the same, and shall write across the face thereof, "Opened by the judge of the circuit court," and sign his name thereunder, and shall then return such ballots to the possession of the county clerk. Said returns and tallies shall also be returned to the officers from whom received, who shall safely keep the same for 6 months, and then destroy the same if there be no contest. At the completion of the canvass of all the precincts in such city, the total number of votes cast for and against such proposition in the various precincts ascertained as aforesaid shall be added together by said board, who shall then declare the total result; thereupon said court shall enter an order declaring the number of votes so ascertained cast for, and the number of votes cast against such

proposition, and if such proposition shall have received a majority of the votes cast for and against the same at such election, the court shall, by its order, declare this Article 6 [10 ILCS 5/6-1 et seq.] and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] adopted. And it shall be the duty of such judge to file a copy of such order in the office of the Secretary of State, and thereupon said Articles of this act shall become operative and binding, and the law for all elections in such city, and for the electors thereof, and all courts and other persons shall take notice thereof.
(Source: Laws 1965, p. 3481.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-11.

Cross References.

As to the manner of canvassing for non-resident civilian citizens, see 10 ILCS 5/22-8.

As to the duty of the Board of Canvassers to canvass, and add up and declare the result of an election, for non-resident civilian citizens, see 10 ILCS 5/22-9.

As to the function of the presiding officer of the canvassing board, see 10 ILCS 5/22-14.

10 ILCS 5/6-12 [Judge of election; tampering forbidden]

Sec. 6-12. No judge of election shall knowingly open, change, tear, mutilate, lose or conceal or knowingly cause or permit to be opened, changed, torn, mutilated, lost or concealed any return of votes cast for or against this Article 6 [10 ILCS 5/6-1 et seq.] and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.], or any tally sheet of votes so cast for or against such proposition after the same has been sealed up and delivered to him to be carried and delivered to the officer of law required by this act to receive the same.
(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-12.

10 ILCS 5/6-13 [Officer in possession; tampering forbidden]

Sec. 6-13. No officer having possession of such returns, tallies or ballots, shall steal, counsel or assist in stealing, or shall change or mutilate any return or tally sheet relating to such election.
(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-13.

10 ILCS 5/6-15 [Village or incorporated town; adoption of articles]

Sec. 6-15. Any village or incorporated town in this state may adopt this article 6 [10 ILCS 5/6-1 et seq.] and articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.], in like manner, and

the same shall be submitted to a vote of the people of the said village or incorporated town, upon written application to said court, of 150 electors in such village or incorporated town.
(Source: Laws 1965, p. 3481.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-15.

10 ILCS 5/6-16 [Applicability; conflicting law]

Sec. 6-16. After and from the time of the adoption of this Article and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.], as aforesaid, the provisions of the said Articles shall be applicable to such cities, villages or incorporated towns, together with such other sections of this Act which are made specifically applicable thereto, and all laws in conflict therewith shall no longer be applicable to such cities, villages or incorporated towns. But all laws or parts of laws not inconsistent with the provisions of said Articles and sections shall continue in force and be applicable to any such city, village or incorporated town, the same as if said Articles and sections had not been adopted.
(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-16.

10 ILCS 5/6-17 [Petition to reject articles]

Sec. 6-17. Whenever 1,000 of the legal voters in a city of 250,000 population or less where this Article 6 [10 ILCS 5/6-1 et seq.] and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] or the Act of which they are a continuation have been adopted shall petition the circuit court in the county in which such city is located to submit to a vote of the electors of such city the proposition as to whether such city and the electors thereof shall reject the Articles, the court shall enter an order of record approving such petition and thereupon the court shall submit such proposition to the legal voters of such city at the next succeeding general, state, county or municipal election to be held in such county in not less than 30 days after the entry of such order. If 1,000 shall exceed one-eighth of the legal voters of any such city then such petition need not be signed or made by more than one-eighth of the legal voters of such city. Notice of election shall be given by the court at least 20 days prior to such election by publication in one or more newspapers of general circulation published within such city.
(Source: P.A. 83-1362.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-17.

CASE NOTES

ANALYSIS

Construction
Notice Held Sufficient

Construction

The word "published" as used in this section is not synonymous with the word "printed," but means to make public or to make known to people by newspapers of general circulation. People ex rel. City of Chicago Heights v. Richton, 43 Ill. 2d 267, 253 N.E.2d 403 (1969).

Notice Held Sufficient

Notice was sufficient where it was given by the board of election commissioners and by the judge personally ordering the notice of election, for once the court requires notice to be given, the actual compliance therewith is merely a ministerial act. People ex rel. City of Chicago Heights v. Richton, 43 Ill. 2d 267, 253 N.E.2d 403 (1969).

10 ILCS 5/6-18 [Rejection ballot; form]

Sec. 6-18. The ballots which shall be used for voting on the rejection of this Act shall be written or printed in the following form:

Shall the city election law be rejected?	YES	
	NO	

The ballots to be used at such election shall be printed by the officers charged by law with the duty of printing ballots for general elections in said city. The ballots so cast shall be received, returned and canvassed in the same manner and by the same officers as is provided by law in the case of ballots cast for city officers and any contest of the result of such election shall be tried as nearly as may be in accordance with the provisions of this Act.
(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-18.

10 ILCS 5/6-19 [Statement of result; termination order]

Sec. 6-19. The election officials canvassing returns shall cause a statement of the result of such election on the rejection of this Article 6 [10 ILCS 5/6-1 et seq.] and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] to be certified to the court. If a majority of the total votes cast at such election is in the affirmative, the court shall enter an order declaring said Articles rejected and shall file a copy of the order in the office of the Secretary of State. Thereupon said Articles shall cease to be operative and binding in such city.
(Source: Laws 1965, p. 3481.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-19.

10 ILCS 5/6-19.1 Validation of rejection

Sec. 6-19.1. *Validation of rejection.* When, prior to February 13, 1967, in any city with a population of 100,000 or less, a majority of the legal voters voting on the proposition of whether the city election law

shall be rejected, as provided in Section 6-18 [10 ILCS 5/6-18], have voted in favor of the rejection of the city election law and the election is in other respects in conformity with law, the publication of the election notice is declared to be legal and valid and the election is validated, notwithstanding that the publication was only 12 days prior to the election by publication in one or more newspapers of general circulation published within the city.
(Source: Laws 1967, p. 6; P.A. 87-1052, § 5-30.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 701.

This section was derived from former 10 ILCS 100/1. The historical citation to this section has been retained.

P.A. 87-1052, § 5-30 added the section catchline; substituted "February 13, 1967" for "the effective date of this Act"; and deleted "of The Election Code" following "Section 6-18".

10 ILCS 5/6-20 [Village or incorporated town; rejection of articles]

Sec. 6-20. Any village or incorporated town in this State having adopted this Article 6 [10 ILCS 5/6-1 et seq.] and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] may reject them in the same manner as provided in the case of cities upon written application to the circuit court in which such village or incorporated town is located of 150 electors in such village or incorporated town.
(Source: Laws 1965, p. 3481.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-20.

10 ILCS 5/6-21 [Board of election commissioners]

Sec. 6-21. In every city, village and incorporated town so adopting this Article 6 [10 ILCS 5/6-1 et seq.] and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] there shall be created a board of election commissioners, which shall be composed of 3 members, each of whom shall be designated as an election commissioner, and shall be appointed by the circuit court in the county in which such city, village or incorporated town shall be located. Each person appointed as an election commissioner shall at the time of such appointment have been a resident of the State of Illinois for the 2 years last past, except that the appointing court may waive the 2 year residence requirement for good cause shown and entered of record. And such appointment shall be entered of record in such court, and when qualified such commissioner shall be an officer of such court. The first appointment of such commissioners shall be within 60 days after the adoption of said Articles, and those first appointed shall hold their offices for the period of 1, 2 and 3 years, respectively, and the judge appointing them shall designate the term for which each one shall hold his office, whether for 1, 2 or 3 years. If the office of either commissioner shall become vacant, it

shall thereupon be the duty of such court to appoint within 60 days a successor for such unexpired term; within 60 days after the expiration of the term for which each commissioner is appointed such court shall, in the same way, nominate and appoint a successor, who shall hold his office for the period of 3 years, and until his successor is appointed.

A board of election commissioners is not a unit of local government within the meaning of Section 8 of Article VII of the Constitution of 1970. Appointments of election commissioners on and after July 1, 1971, shall continue to be made by the circuit court in the same manner as before that date.
(Source: P.A. 82-1014.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-21.

Cross References.

As to the compensation of persons on the board of election commissioners in cities, villages, and incorporated towns, see 10 ILCS 5/6A-5.

CASE NOTES

ANALYSIS

Jurisdiction
Legislative Intent
Mandamus

Jurisdiction

The jurisdiction of a city Board of Election Commissioners was not confined to the territorial limits of the city, but extended beyond the city and included those cities, towns and villages in the surrounding county which had adopted the provisions of the former City Election Act (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.). *People ex rel. Coleman v. Lipsky*, 307 Ill. App. 137, 30 N.E.2d 502 (1 Dist. 1940); *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

Legislative Intent

The legislative intent was to create the Board of Election Commissioners, not as a municipality separate and distinct from the city, but as officers of such city, clothed with all the power necessary to regulate, manage and control the registration and election machinery for and on behalf of the city. *City of Chicago v. Industrial Comm'n*, 389 Ill. 411, 59 N.E.2d 805 (1945).

Mandamus

Where the relator had ample opportunity, before the election, to attempt to compel the Board of Election Commissioners by mandamus to open all the precinct polling places, but stood by and took no action in this respect until the election had been held, which resulted in his defeat, he could not then successfully challenge the validity of the election. *People ex rel. Elder v. Quilici*, 309 Ill. App. 466, 33 N.E.2d 492 (1 Dist. 1941).

10 ILCS 5/6-22 [Commissioners; selection; other offices]

Sec. 6-22. Two of such commissioners at least shall always be selected from the 2 leading political parties of the state, one from each of such parties, and all shall be legal voters residing in such city, village or incorporated town, and be persons of well known political convictions and of approved integrity and capacity. No commissioner can hold any other political office. Whenever it shall come to the knowledge

of the court that one of the leading political parties of the state is not represented upon such commission by a person of the same political faith, the court shall at once remove one of such commissioners and fill the vacancy with a member of the leading political party not so represented.
(Source: P.A. 80-656.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-22.

10 ILCS 5/6-23 [Removal]

Sec. 6-23. Such court may at any time, upon complaint made and cause shown satisfactory to it, after notice to such commissioner and an opportunity to be heard, remove any such commissioner and enter of record in the court such order of removal. Such order may be appealed as in other civil cases. Such complaint must be signed and sworn to by at least 25 legal voters of such city, village or incorporated town, and must state the grounds of such complaint.

(Source: Laws 1967, p. 3840.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-23.

10 ILCS 5/6-24 [Chairman and secretary; oath]

Sec. 6-24. Within 20 days after such first appointment shall be made, such commissioners shall organize as a board by electing one of their number as chairman and one as secretary, and they shall perform the duties incident to such offices. And upon every new appointment of a commissioner, such board shall reorganize in like manner. Each commissioner, before taking his seat in such board, shall take an oath of office before the court, which in substance shall be in the following form:

"I, do solemnly swear, (or affirm) that I am a citizen of the United States, and have resided in the State of Illinois for a period of 2 years last past, and that I am a legal voter and resident of the jurisdiction of the Board of Election Commissioners. That I will support the Constitution of the United States and of the State of Illinois, and the laws passed in pursuance thereof, to the best of my ability, and will faithfully and honestly discharge the duties of the office of election commissioner."

Where the 2 year residence requirement is waived by the appointing court, the provision pertaining to the 2 year residence requirement shall be omitted from the oath of office.

Which oath, when subscribed and sworn to before such court shall be filed in the office of the county clerk of said county and be there preserved. Such commissioner shall also, before taking such oath, give an official bond in the sum of \$10,000.00 with

two securities, to be approved by said court, conditioned for the faithful and honest performance of his duties and the preservation of the property of his office. Such board of commissioners shall at once secure and open an office sufficient for the purposes of such board, which shall be kept open during ordinary business hours of each week day and such other days and such other times as the board may direct or as otherwise required by law, legal holidays excepted; provided that such office shall be kept open from the time of opening the polls on the day of any election, primary or general, and until all returns of that election have been received from each precinct under the jurisdiction of such Board. Upon the opening of such office the county clerk of the county in which such city, village or incorporated town is situated shall, upon demand, turn over to such board all registry books, registration record cards, poll books, tally sheets and ballot boxes heretofore used and all other books, forms, blanks and stationery of every description in his hands in any way relating to elections or the holding of elections within such city, village or incorporated town.
(Source: P.A. 80-1437.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-24.

10 ILCS 5/6-25 [Executive director; attorney; additional assistance]

Sec. 6-25. Said board shall have the right to employ an executive director who shall have charge of the office of said board and who shall be present and in attendance at all proper business hours. Such executive director shall take an oath of office before the court to the effect that he will honestly and faithfully perform all the duties of such office, under the direction of said board, which shall be preserved in the same way, and he shall be under the direction of said board, and he shall have the right to administer all oaths required under this act to be administered by either of said commissioners. The board shall have the right to employ an independent external auditor who shall assist the board and the circuit court in reviewing and approving all financial expenditures of the board. The board may employ an attorney who shall advise and represent such board in all cases where the advice or services of an attorney are necessary. Such additional assistance may be employed by said board from time to time, as may be necessary, with the consent and approval previously entered of record by said court or which may afterwards be approved by such court.
(Source: P.A. 82-373; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-25.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added the third sentence.

CASE NOTES

ANALYSIS

Clerks and Assistance
Construction with Other Laws

Clerks and Assistance

Under the former City Election Act (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.), election commissioners were authorized to employ clerks and other such assistance from time to time as they deemed necessary, with the consent and approval of the county court. *People ex rel. Coleman v. Lipsky*, 307 Ill. App. 137, 30 N.E.2d 502 (1 Dist. 1940).

Construction with Other Laws

There was no conflict between the former City Election Act (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.) and the former Civil Service Act, and the Civil Service Act did not, by implication, repeal the provisions of the City Election Act which empowered a Board of Election Commissioners to appoint employees with the consent and approval of the county court. *People ex rel. Coleman v. Lipsky*, 307 Ill. App. 137, 30 N.E.2d 502 (1 Dist. 1940).

10 ILCS 5/6-26 [Rules and regulations]

Sec. 6-26. The board of election commissioners shall make all necessary rules and regulations, not inconsistent with this Article 6 [10 ILCS 5/6-1 et seq.] and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.], with reference to the registration of voters and the conduct of elections. The board of election commissioners shall, except as otherwise provided in this Section, have charge of and make provisions for all elections, general, special, local, municipal, state and county, and all others of every description to be held in such city or any part thereof, at any time, or in such village or incorporated town, as the case may be. The board of election commissioners shall not have charge of elections for local school councils established pursuant to Article 34 of The School Code [105 ILCS 5/34-1 et seq.].
(Source: P.A. 84-923; 87-454.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-26.

Cross References.

As to duty of the Board of Commissioners to divide the city, village, or incorporated town into election precincts, see 10 ILCS 5/11-3.

CASE NOTES

Powers of Board**—Rules and Regulations**

This section authorizes Boards of Election Commissioners to make all rules and regulations necessary and not inconsistent with the statute in order to carry out their duties. *United States v. Kusper*, 317 F. Supp. 761 (N.D. Ill. 1970).

10 ILCS 5/6-27 [Persons entitled to vote and register]

Sec. 6-27. Every person having resided in the State and in election precinct 30 days next preceding any election therein and who shall be a citizen of the

United States of the age of 18 or more years, shall be entitled to vote at such elections described in the last preceding Section.

After the first registration provided by this Article, the vote of no person, other than an elector voting pursuant to Article 20 of this Act [10 ILCS 5/20-1 et seq.] or exempt under Section 6-67.01 or 6-67.02 of this Article [10 ILCS 5/6-67.01] from registration, shall be received in any election conducted under the provisions of this Article 6 [10 ILCS 5/6-1 et seq.] or Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] unless such person has registered under the provisions of this Article in the precinct in which such person resides. For the purposes of this Article, the word "election" shall include primary.

No person shall be entitled to be registered in or from any precinct unless such person shall, by the date of the election next following, have resided in the State and within the precinct for 30 days, and be otherwise qualified to vote at such election. Every applicant who shall be 18 years of age on the day of the next election shall be permitted to register, if otherwise qualified.

To constitute residence under this Act, Article 3 [10 ILCS 5/3-1 et seq.] is controlling.
(Source: P.A. 81-953.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-27.

Section 6-67.02 of this Article, referred to above, has been repealed.

Illinois Administrative Code.

See 26 Illinois Administrative Code, § 216.90.

CASE NOTES

Nominating Petitions**—Signature Requirements**

A person who signs a nominating petition must be registered to vote at the residence address set forth on the nominating petition. *Greene v. Board of Election Comm'rs*, 112 Ill. App. 3d 862, 68 Ill. Dec. 484, 445 N.E.2d 1337 (1 Dist. 1983).

10 ILCS 5/6-28 [First registration]

Sec. 6-28. The first registration under this Article shall be that preceding the election to be held on the first Tuesday after the first Monday in November, 1936. Registration for such election shall be conducted by the Board of Election Commissioners, shall be either at the office of such Board or in the precinct, as hereinafter provided in this Article, and shall be upon registration record cards in the manner provided by this Article. Such first registration under this Article and subsequent revisions thereof shall be under the full charge and control of the Board of Election Commissioners, and the expenses thereof shall be paid in the manner provided by this Article. It shall be the duty of such board to give timely notice through the press of the time and place of such first registration.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-28.

CASE NOTES

Notice Held Sufficient

The record showed beyond doubt that adequate and timely notice under the former City Election Act (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.) was given to the electorate of the reductions of the voting precincts by the Board of Election Commissioners. People ex rel. Elder v. Quilici, 309 Ill. App. 466, 33 N.E.2d 492 (1 Dist. 1941).

10 ILCS 5/6-29 [Board; office hours; registration deadlines]

Sec. 6-29. For the purpose of registering voters under this Article, the office of the Board of Election Commissioners shall be open during ordinary business hours of each week day, from 9 a.m. to 12 o'clock noon on the last four Saturdays immediately preceding the end of the period of registration preceding each election, and such other days and such other times as the board may direct. During the 28 days immediately preceding any election there shall be no registration of voters at the office of the Board of Election Commissioners in cities, villages and incorporated towns of fewer than 200,000 inhabitants. In cities, villages and incorporated towns of 200,000 or more inhabitants, there shall be no registration of voters at the office of the Board of Election Commissioners during the 35 days immediately preceding any election; provided, however, where no precinct registration is being conducted prior to any election then registration may be taken in the office of the Board up to and including the 29th day prior to such election. The Board of Election Commissioners may set up and establish as many branch offices for the purpose of taking registrations as it may deem necessary, and the branch offices may be open on any or all dates and hours during which registrations may be taken in the main office. All officers and employees of the Board of Election Commissioners who are authorized by such board to take registrations under this Article shall be considered officers of the circuit court, and shall be subject to the same control as is provided by Section 14-5 of this Act [10 ILCS 5/14-5] with respect to judges of election.

In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of election.

The Board of Election Commissioners shall appoint one or more registration teams, consisting of 2 of its employees for each team, for the purpose of accepting the registration of any voter who files an affidavit, within the period for taking registrations provided for in this article, that he is physically unable to appear at the office of the Board or at any

appointed place of registration. On the day or days when a precinct registration is being conducted such teams shall consist of one member from each of the 2 leading political parties who are serving on the Precinct Registration Board. Each team so designated shall visit each disabled person and shall accept the registration of such person the same as if he had applied for registration in person.

Any otherwise qualified person who is absent from his county of residence due to business of the United States, or who is temporarily residing outside the territorial limits of the United States, may make application to become registered by mail to the Board of Election Commissioners within the periods for registration provided for in this Article or by simultaneous application for absentee registration and absentee ballot as provided in Article 20 of this Code [10 ILCS 5/20-1 et seq.].

Upon receipt of such application the Board of Election Commissioners shall immediately mail an affidavit of registration in duplicate, which affidavit shall contain the following and such other information as the State Board of Elections may think it proper to require for the identification of the applicant:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.
Residence. The name and number of the street, avenue or other location of the dwelling, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the section, congressional township and range number may be used, or such other information as may be necessary, including post office mailing address.

Term of residence in the State of Illinois and the precinct.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Age. Date of birth, by month, day and year.

Out of State address of

AFFIDAVIT OF REGISTRATION

State of)
) ss.
County of)

I hereby swear (or affirm) that I am a citizen of the United States; that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days; that I am fully qualified to vote, that I am not registered to vote anywhere else in the United States, that I intend to remain a resident of the State of Illinois, and of the election

precinct, that I intend to return to the State of Illinois, and that the above statements are true.

.....
 (His or her signature or
 mark)

Subscribed and sworn to before me, an officer qualified to administer oaths, on (insert date).

.....
 Signature of officer administering oath.

Upon receipt of the executed duplicate affidavit of Registration, the Board of Election Commissioners shall transfer the information contained thereon to duplicate Registration Cards provided for in Section 6-35 of this Article [10 ILCS 5/6-35] and shall attach thereto a copy of each of the duplicate affidavit of registration and thereafter such registration card and affidavit shall constitute the registration of such person the same as if he had applied for registration in person.

(Source: P.A. 81-953; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-29. P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

10 ILCS 5/6-30 [First registration; adoption of articles]

Sec. 6-30. If any city, village or incorporated town adopts and becomes entitled to the benefits of this Article 6 [10 ILCS 5/6-1 et seq.] and Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.], after the date for the first registration hereunder, registration therein shall be governed by the law applicable thereto at the time of the adoption of said Articles until a complete first registration can be had. Such first registration shall be in the manner provided in this Article and shall precede the primary held for the nomination of candidates for the next succeeding congressional election, and the periods provided for each step in such registration shall be the same as are provided by this Article 6 [10 ILCS 5/6-1 et seq.] with respect to cities, villages and incorporated towns subject to this Article at the time when it takes effect. A period for registration at the office of the board of election commissioners prior to such election shall be allowed equal to that provided by this Article, for the period intervening between the first Tuesday in August, 1936 and the first Tuesday after the first Monday in November, 1936.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-30.

10 ILCS 5/6-31 [Additional registration days; board of registry]

Sec. 6-31. In addition to the registration authorized at the office of the Board of Election Commis-

sioners, there shall be two days of registration in each precinct preceding the election to be held on the first Tuesday after the first Monday in November, 1936. The place of registration in each precinct shall be designated by the Board of Election Commissioners, and public notice thereof given, and the provisions of Article 11, Section 11-4 of this Act [10 ILCS 5/11-4] shall apply thereto. The registration places so designated shall be open from 8:00 o'clock a.m. until 9:00 o'clock p.m. on each of such days of registration.

The first of said two days of registration shall be on Saturday preceding the Tuesday four weeks before said election; the second of said two days of registration shall be on Tuesday three weeks preceding said election; provided, however, that in cities, villages and incorporated towns of 200,000 or more, having a board of election commissioners, and in cities, villages and incorporated towns within the jurisdiction of said board of election commissioners, the first day of registration shall be on Saturday preceding the Tuesday six weeks preceding said election; and the second day of such registration shall be on Tuesday four weeks preceding said election.

In addition to the two days of registration hereinabove provided, the Board of Election Commissioners may provide for additional days of registration (not exceeding two) before said election. The last day so designated shall be earlier than the last day of registration hereinabove provided for cities, villages and incorporated towns under the jurisdiction of such Board.

For the registration held in accordance with the terms of this section there shall be a board of registry composed of two deputy registrars and one judge of registration for each precinct. The political party with which the minority member of the Board of Election Commissioners is affiliated, shall be entitled to be represented by one deputy registrar in each precinct. The political party with which the majority of the members of the Board of Election Commissioners are affiliated shall be entitled to be represented by one deputy registrar in each precinct.

In the even numbered precincts the political party with which a majority of the members of the Board of Election Commissioners are affiliated, shall be entitled to be represented by the judge of registration.

In the odd numbered precincts the party represented by the minority member of the Board of Election Commissioners shall be entitled to be represented by the judge of registration.

Such board shall cause the printed list and supplement of the registration for the previous election to be posted up at the place of registration two days before such registration, with a printed notice of the time and place of the next registration. After the first registration under this article, the printed lists required to be posted shall be those for the precincts served by the registration places designated by the Board of Election Commissioners.

The election authorities shall issue credentials to registration day pollwatchers in the manner and on the terms prescribed in Section 17-23 [10 ILCS 5/17-23] with respect to pollwatchers at elections. Registration day pollwatchers shall be allowed to see the names and addresses of the people who have registered during the course of the day.

No person shall, at any precinct registration or reregistration, do any electioneering or soliciting of votes or engage in any political discussion within any precinct registration place or within 30 feet thereof. Nothing in this Act shall be construed to prohibit any candidate from being present in or near any precinct registration place. All persons who register to vote at any precinct registration place must be residents of the precinct in which they register.

(Source: P.A. 81-1535.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-31.

10 ILCS 5/6-31.1 [Boundary and voter records]

Sec. 6-31.1. For use in connection with referenda and the nonpartisan and consolidated elections, each election authority shall maintain permanent records of the boundaries of all political subdivisions partially or wholly within its jurisdiction and any districts thereof, and shall maintain permanent records indicating by tax extension number code for each registered voter the political subdivisions and any districts thereof in which that voter resides. Such records may be kept on the registration record cards or on separate registration lists, or if a method other than record coding by tax extension number is adopted by an election authority, such method shall be, approved by the State Board of Elections. Each political subdivision must, no later than 5 days after any redistricting, annexation, disconnection or other boundary change is adopted, give notice of any such adoption and the effective date of such act to each election authority having election jurisdiction over any of its former or new territory.

Each election authority must make available to election judges for use on election day, records indicating by tax extension number code or other method approved by the State Board of Elections for each registered voter, the political subdivisions in which that voter resides. For the purposes of election day use by election judges, such records must be kept on the registration record cards or on separate registration lists.

(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-31.1.

10 ILCS 5/6-32 [Deputy registrars and judges of registration]

Sec. 6-32. The deputy registrars and judges of registration provided for by Section 6-30 of this

Article [10 ILCS 5/6-30] shall be selected by the Board of Election Commissioners in the manner and for the same term provided for judges of election by Sections 14-2 and 14-3 [10 ILCS 5/14-2 and 10 ILCS 5/14-3] and shall be officers of the court and have the qualifications prescribed for judges of election by Section 14-1 [10 ILCS 5/14-1]; provided that in each precinct in counties of 500,000 inhabitants or more, one deputy registrar may be appointed from outside such precinct if not enough other qualified persons who reside within the precinct can be found to serve as deputy registrar in such precinct. The one deputy registrar so appointed to serve in any precinct in which he is not entitled to vote prior to the election must be entitled to vote elsewhere within the ward or township which includes within its boundaries the precinct in which such deputy registrar is appointed and such deputy registrar must be otherwise qualified. A report of such selection shall be made and filed in the court and thereafter all provisions of Article 14, Section 14-5, of this Act [10 ILCS 5/14-5] with respect to judges of election shall apply to such deputy registrars and judges of registration. Such registrars and judges shall be notified of their appointments in the manner provided for judges by Section 14-7 of Article 14 of this Act [10 ILCS 5/14-7].

Any vacancy in the offices of deputy registrar or of judge of registration on the day of registration shall be filled by the registrar or judge of registration present, always selecting a person of the same political party as the absent deputy registrar or judge of registration; and the same oath shall be administered by the registrar or judge of registration present to such deputy registrar or judge of registration as is provided for regular deputy registrars and judges of registration. All oaths of office or affidavits which have been signed and sworn to shall be returned to the office of the Board of Election Commissioners in an envelope provided for that purpose, which envelope shall be sealed.

(Source: Laws 1965, p. 3481.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-32.

10 ILCS 5/6-34 [Registration oath]

Sec. 6-34. One of the deputy registrars, the judge of registration or an officer or clerk in the office of the board of election commissioners authorized to administer oaths, shall administer to all persons who shall personally apply to register the following oath or affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector and your right as such to register and vote under the laws of this State."

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-34.

10 ILCS 5/6-35 [Registration card]

Sec. 6-35. The Boards of Election Commissioners shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate. The duplicate of which may be a carbon copy of the original or a copy of the original made by the use of other method or material used for making simultaneous true copies or duplications.

The registration record card shall contain the following and such other information as the Board of Election Commissioners may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when the applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and the duplicate registration record card.

Signature of deputy registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the registration officer shall write a detailed description

of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name

Mother's first name

From what address did you last register?

Reason for inability to sign name

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois)
) ss
County of)

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days and that I intend that this location is my residence; that I am fully qualified to vote, and that the above statements are true.

.....
(His or her signature or mark)

Subscribed and sworn to before me, an officer qualified to administer oaths, on (insert date).

.....
Signature of officer administering oath.
(To be signed in presence of Registrant).

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to wards or precincts, as the case may be, and may be serially or otherwise marked for identification in such manner as the Board of Election Commissioners may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 28 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 [10 ILCS 5/7-10, 10 ILCS 5/8-8, 10 ILCS 5/10-6 or 10 ILCS 5/28-3] and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards,

during the 28 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the Board of Election Commissioners within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the State Board. For the purposes of this Section, a registration period is closed 28 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of \$.00034 per name of registered voters in the election jurisdiction, but not less than \$50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act [10 ILCS 5/9-1 et seq.] or the Federal Election Campaign Act [2 U.S.C. § 431 et seq.] at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the Board of Election Commissioners to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used

under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of County, Illinois.

To the Election Commission of the City of, Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was Having moved out of your (county), (city), I hereby authorize you to cancel that registration in your office.

Dated at, Illinois, on (insert date).

.....
(Signature of Voter)

Attest, Clerk, Election Commission of the City of, Illinois.

The cancellation certificate shall be mailed immediately by the clerk of the Election Commission to the county clerk, (or Election Commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration.

(Source: P.A. 86-873; 86-1348; 87-1241, § 1; 91-357, § 10; 92-465, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-35.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1992 amendment, effective December 23, 1992, added the last sentence in the paragraph defining "Residence"; and deleted "permanent" preceding "residence" in the first sentence of the form "Affidavit of Registration".

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the forms.

The 2001 amendment by P.A. 92-465, effective January 1, 2002, in the sixth paragraph beginning "Updated copies of computer tapes or computer discs", in the first sentence inserted "and within 10 days after each registration period is closed", and inserted the second sentence.

CASE NOTES

ANALYSIS

In General
Affidavits of Registration
 —**Inspection**
Political Party Affiliation

In General
 Registration laws have been sustained as reasonable limitations on the right of suffrage. *Pope v. Board of Election Comm'rs*, 370 Ill. 196, 18 N.E.2d 214 (1938).

Affidavits of Registration

—**Inspection**
 Inspection or copying of voter affidavits should be permitted after expiration of the time for filing an election contest pursuant to the statutory right to inspect and copy public records. *People ex rel. Sherman v. Slater*, 42 Ill. App. 3d 396, 355 N.E.2d 735 (1 Dist. 1976).

Political Party Affiliation
 One's political party affiliation does not constitute a privacy right under the Illinois Constitution. *Small v. Kusper*, 161 Ill. App. 3d 42, 112 Ill. Dec. 499, 513 N.E.2d 1108 (1 Dist. 1987).

10 ILCS 5/6-35.01 [Voter assistance]

Sec. 6-35.01. If an applicant for registration reports a permanent physical disability which would require assistance in voting, the board of election commissioners shall mark all his registration cards in the right margin on the front of the card with a band of ink running the full margin which shall be of contrast to, and easily distinguishable from, the color of the card. If an applicant for registration declares upon properly witnessed oath, with his signature or mark affixed, that he cannot read the English language and that he will require assistance in voting, all his registration cards shall be marked in a manner similar to the marking on the cards of a voter who requires assistance because of physical disability, except that the marking shall be of a different distinguishing color. Following each election the cards of any voter who has requested assistance as a disabled voter, and has stated that the disability is permanent, or who has received assistance because of inability to read the English language, shall be marked in the same manner. (Source: Laws 1967, p. 3524.)

Note.
 This section was Ill.Rev.Stat., Ch. 46, para. 6-35.01.

CASE NOTES

Voter Assistance

—**English Language Comprehension**
 Plaintiffs, who were born and educated in Puerto Rico, were citizens of the United States by virtue of their birth, and were

literate in Spanish but not proficient enough in English to exercise their right to vote effectively unless given assistance in Spanish, were entitled to such assistance as may be required to enable them to vote effectively. *Puerto Rican Org. for Political Action v. Kusper*, 350 F. Supp. 606 (N.D. Ill. 1972), aff'd, 490 F.2d 575 (7th Cir. 1973).

An Election Board did not violate the requirements of this section and section 17-14 of the Election Code (10 ILCS 5/17-14) that a voter is not entitled to assistance at the polls on election day unless he declares upon oath "that he cannot read the English language," where the Board instructed election judges that a voter could not have assistance at the polls unless the voter stated under oath that he or she could not read or write the English language sufficiently well to be able to comprehend or understand what he or she would be doing in a voting machine. *United States v. Kusper*, 317 F. Supp. 761 (N.D. Ill. 1970).

10 ILCS 5/6-35.02 [Disabled voter's card]

Sec. 6-35.02. Upon the issuance of a disabled voter's identification card as provided in Section 19-12.1 [10 ILCS 5/19-12.1], the board of election commissioners shall cause the identification number of such card to be clearly noted on all the registration cards of such voter.

(Source: P.A. 78-320.)

Note.
 This section was Ill.Rev.Stat., Ch. 46, para. 6-35.02.

10 ILCS 5/6-35.03 [Registration card design; transfer]

Sec. 6-35.03. The State Board of Elections shall design a registration record card which, except as otherwise provided in this Section, shall be used in triplicate by all election authorities in the State, except those election authorities adopting a computer-based voter registration file authorized under Section 6-79 [10 ILCS 5/6-79]. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color and print of such cards. Such cards shall contain boxes or spaces for the information required under Sections 6-31.1 and 6-35 of this Code [10 ILCS 5/6-31.1 and 10 ILCS 5/6-35]; provided, that such cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available.

Except for those election authorities adopting a computer-based voter registration file authorized under Section 6-79 [10 ILCS 5/6-79], the original and duplicate cards shall respectively constitute the master file and precinct binder registration records of the voter. A copy shall be given to the applicant upon completion of his or her registration or completed transfer of registration.

Whenever a voter moves to another precinct within the same election jurisdiction or to another election jurisdiction in the State, such voter may transfer his or her registration by presenting his or her copy to the election authority or a deputy registrar. If such voter is not in possession of or has lost

his or her copy, he or she may effect a transfer of registration by executing an Affidavit of Cancellation of Previous Registration.

In the case of a transfer of registration to a new election jurisdiction, the election authority shall transmit the voter's copy or such affidavit to the election authority of the voter's former election jurisdiction, which shall immediately cause the transmission of the voter's previous registration card to the voter's new election authority. No transfer of registration to a new election jurisdiction shall be complete until the voter's old election authority receives notification.

Deputy registrars shall return all copies of registration record cards or Affidavits of Cancellation of Previous Registration to the election authority within 7 working days after the receipt thereof. Such copies or Affidavits of Cancellation of Previous Registration received by the deputy registrars between the 35th and 29th day preceding an election shall be returned by the deputy registrars within 48 hours after receipt thereof. Such copies or Affidavits of Cancellation of Previous Registration received by the deputy registrars on the 29th day preceding an election shall be returned by the deputy registrars to the election authority within 24 hours after receipt thereof.

(Source: P.A. 86-873; 91-73, § 5; 91-533, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-35.03. P.A. 91-533 § 990 contains a "no acceleration or delay" provision, and P.A. 91-533 § 995 contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-73, effective July 9, 1999, rewrote the section to the extent that a detailed comparison would be impracticable.

The 1999 amendment by P.A. 91-533, effective August 13, 1999, deleted the last four sentences of the section, which contained provisions for transfer of registration to a new election jurisdiction.

Although the amendments made to this section by P.A. 91-73, § 5 and P.A. 91-533, § 5 did not take into account the amendments made by the other, the amendments have been combined into a single version by the publisher.

10 ILCS 5/6-36 [Supplying forms and instruction]

Sec. 6-36. The board of election commissioners shall supply deputy registrars and judges of registration with registration forms and shall fully instruct them in their duties. Each deputy registrar and judge of registration shall receipt to the board of election commissioners for all blank registration record cards issued to them, specifying therein the number of the blanks received by them, and each such deputy registrar and judge of registration shall be charged with such blanks until he returns them to the board of election commissioners. If for any cause a blank registration record card is mutilated or rendered unfit for use in making it out, or if a mistake therein has been made, such blank shall not be destroyed, but the word "mutilated" shall be

written across the face of such blank, and such blank shall be returned to the board of election commissioners and shall be preserved in the same manner and for the same length of time as mutilated ballots. When any registration shall have been completed, each deputy registrar and judge of registration shall return all registration record cards to the board of election commissioners whether such cards have been filled out and executed or whether they are unused, or whether they have been mutilated. Deputy registrars and judges of registration shall make personal delivery of the registration records to the board of election commissioners, after the close of each registration and before they separate. Each deputy registrar and judge of registration shall certify the registration records in substantially the following form:

"We, the undersigned deputy registrars and judge of registration in County of in the State of Illinois, do swear (or affirm) that at the registration of electors on the day of there was registered by us in the said election precinct the names which appear on the registration record cards, and that the number of voters registered and qualified was and is the number of

..... (Judge of Registration)

..... (Deputy Registrar)

..... (Deputy Registrar)

Date"
(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-36.

10 ILCS 5/6-37 [Registration; requirements]

Sec. 6-37. Except as otherwise provided for in Section 6-29 of this Article [10 ILCS 5/6-29], no person shall be registered unless he applies in person to a registration officer, answers such relevant questions as may be asked of him by the registration officer, and executes the affidavit of registration. The registration officer shall require the applicant to furnish two forms of identification, and except in the case of a homeless individual, one of which must include his or her residence address. These forms of identification shall include, but not be limited to, any of the following: driver's license, social security card, public aid identification card, utility bill, employee or student identification card, credit card, or a civic, union or professional association membership card. The registration officer shall require a homeless individual to furnish evidence of his or her use of the mailing address stated. This use may be demonstrated by a piece of mail addressed to that individual and received at that address or by a statement from a person authorizing use of the mailing address. The registration officer shall require each applicant for registration to read or have read to him the affidavit of registration before permitting him to execute the affidavit.

The registration officer shall satisfy himself that each applicant for registration is qualified to register before registering him. Any voter of the ward, village or incorporated town in which such applicant resides, shall be permitted to be present at the place of registration, and shall have the right to challenge any applicant who applies to be registered.

In case the officer is not satisfied that the applicant is qualified he shall forthwith in writing notify such applicant to appear before the board of election commissioners to furnish further proof of his qualification. Upon the card of such applicant shall be written the word "incomplete" and no such applicant shall be permitted to vote unless such registration is satisfactorily completed as hereinafter provided.

Any person claiming to be an elector in any election precinct in such city, village or incorporated town and whose registration is marked "incomplete" may make and sign an application in writing, under oath, to the board of election commissioners in substance in the following form:

"I do solemnly swear that I, did on make application to the board of registry of the precinct of ward of the city of (or to the board of election commissioners of) and that said board refused to complete my registration as a qualified voter in said precinct, that I reside in said precinct, am a duly qualified voter and entitled to vote in said precinct at the next election.

.....
(Signature of Applicant)"

In all cities, villages or incorporated towns having a population of less than 200,000 all such applications shall be presented to the board of election commissioners by the applicant, in person, between the hours of nine o'clock a.m., and five o'clock p.m. on Tuesday or Wednesday of the second week prior to the week in which such election is to be held, and in all municipalities having a population of more than 200,000 and having a board of election commissioners and in all cities, villages and incorporated towns within the jurisdiction of such board, all such applications shall be presented to the board of election commissioners by the applicant, in person between the hours of nine o'clock a.m. and five o'clock p.m., on Monday and Tuesday of the third week prior to the week in which such election is to be held.

(Source: P.A. 83-258; 87-1241, § 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-37.

Effect of Amendments.

The 1992 amendment, effective December 23, 1992, in the first paragraph, inserted "and except in the case of a homeless individual" in the second sentence, inserted "public aid identification card" following "social security card" in the third sentence, and added the present fourth and fifth sentences.

10 ILCS 5/6-38 [Precinct canvasser; duties]

Sec. 6-38. The 2 deputy registrars provided by this Article 6 [10 ILCS 5/6-1 et seq.] for registration in each precinct preceding the election to be held on the

first Tuesday after the first Monday in November, 1936, and for the last day of registration provided for in Section 6-49.1 [10 ILCS 5/6-49.1], shall be the canvassers of the precinct for which they are appointed.

The Board of Election Commissioners shall furnish to each deputy registrar a verification list of registered voters approved by the Board of Election Commissioners or a blank book which shall be named "Verification List", each page of which shall be ruled into 4 columns, and to be marked thus:

Street Number	Street	Names	Remarks O.K. — Died — Moved, etc.
---------------	--------	-------	--------------------------------------

Such book shall contain pages sufficient to allow 6 pages for each street, avenue, alley and court in the precinct in question. During the progress of the registration, or immediately thereafter, each deputy registrar shall transfer all the names upon the registration record cards to such verification list; arranging them according to streets, avenues, alleys or courts, beginning with the lowest residence number, and placing them numerically, as near as possible, from the lowest up to the highest number.

They shall first write the name of such street, avenue, alley or court, at the top of the second column, and then proceed to transfer the names to such "Verification Lists" according to the street numbers as above indicated.

If, during either day of registration, any registered voter of the ward, village, or incorporated town shall come before the deputy registrars and the judge of registration and make oath that he believes that any particular person whose name has been entered upon the registry is not a qualified voter, such fact shall be noted; and after the completion of such "Verification Lists" one of the registrars, or judge of registration, shall make a cross or check mark in ink opposite such name. If the deputy registrars or the judge of the registration know any person so complained of is a qualified voter and believe that such complaint was made only to vex and harass such qualified voter, then such name shall be placed upon such lists without such cross or check mark but such cross or check mark shall be placed upon such lists in case either of the registrars or the judge of registration desires.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-38.

10 ILCS 5/6-39 [Canvassing times; nonresidents; police]

Sec. 6-39. Upon the Wednesday and Thursday following the last day of registration, and upon the Wednesday and Thursday following the last day of precinct registration provided for in Section 6-49.1 of this Article [10 ILCS 5/6-49.1], if so much time is required, the 2 deputy registrars shall go together

and canvass the precinct for which they have been appointed, calling at each dwelling place or each house from which any one is registered in such precinct and each dwelling place as indicated upon said "Verification Lists"; and if they shall find that any person whose name appears upon their verification lists does not reside at the place designated thereupon, they shall make a notation in the column headed "Remarks" as follows: "Changed Name"; "Died", or "Moved", as the case may be, indicating that such person does not reside at such place.

Whenever deemed necessary by the canvassers, or either of them, he or they may demand of the person having command of the police in such precinct to furnish a policeman, to accompany them and protect them in the performance of their duties; and it shall be the duty of the person having command of the police in such precinct to furnish a policeman for such purpose. In such canvass no person shall refuse to answer questions and give the information asked for and known to him or her, or shall knowingly give false information, or make false statements. In making such canvass the canvassers shall make special inquiry at the residence or place designated on the verification lists, as to all the persons registered as qualified voters, and shall receive information from judges of election, party canvassers, or other persons.

(Source: Laws 1967, p. 2987.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-39.

10 ILCS 5/6-40 [Return of verification lists; notice]

Sec. 6-40. Where verification lists are furnished to the canvassers by the Board of Election Commissioners, immediately upon completion of the canvass, the canvassers, or one of them, shall file with the Board of Election Commissioners the list of registered voters upon which the canvassers have made notation in the column headed "Remarks" as follows: "O. K.", if they still reside at the address shown on the registration list, or "Died", "Moved", or "Changed Name" as the case may be. Such lists shall be attested to by the canvassers in an attached affidavit. No canvasser shall be remunerated for services as canvasser until such signed affidavit is filed with the Board of Election Commissioners.

Upon receipt by the Board of Election Commissioners of the completed list and the attached affidavit as to the correctness of the list, the Board of Election Commissioners shall prepare post card "Notices to Show Cause Why Registration Should not be Cancelled" to send to each voter on each list after whose name the canvassers have written "Died", "Moved", or "Changed Name". They shall be mailed to those whose registration is questioned by the Board of Election Commissioners not later than 10 P.M. on Friday of the week of the canvass. The affidavits made by the canvassers showing the

names and addresses of such canvassers shall be a public record for 60 days.

The Board of Election Commissioners shall also prepare a correct list of those registered voters in each precinct who are designated "O.K." in the remarks column by the canvassers and supplemental lists after the hearings on "Notices to Show Cause Why Registration Should Not be Cancelled"; such lists to be called "Printed Register of Registered Voters" of a given date and supplements thereto.

It shall be the duty of the Board of Election Commissioners when complaint is made to them, to investigate the action of such canvassers and to cause them or either of them to be brought before the circuit court and to prosecute them as for contempt, and also at the discretion of the Board of Election Commissioners, to cause them to be prosecuted criminally for such wilful neglect of duty. (Source: Laws 1965, p. 3501.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-40.

10 ILCS 5/6-41 [Voter list; registry revision; affidavit]

Sec. 6-41. The canvassers, or one of them, shall prepare a list of the names of the parties designated as aforesaid, and to whom such notice has been sent, given, or left at the address, and make and attach his or their affidavit or affidavits thereto, stating that notice, duly stamped, was mailed to each of said parties at the places designated on the list, on or before 10 o'clock p. m. of the Thursday following the canvass, and that notice was also personally left at the said address of each of the parties named in the lists so attached, if there be such address; and such canvassers shall also file in the office of the Board of Election Commissioners on or before 6 o'clock p. m. on the Friday following the canvass, an exact duplicate of such list with the affidavit or affidavits attached thereto. Blank affidavit forms shall be furnished by the board for the purpose aforesaid; but if none are furnished, such canvassers shall cause the same to be drawn, and they shall swear to such affidavit before the judge of registration of such precinct, or a member of the Board of Election Commissioners, or the executive director thereof.

In cities, villages and incorporated towns having a population of over 200,000 and having a Board of Election Commissioners and in cities, villages and incorporated towns within the jurisdiction of the Board of Election Commissioners, the Board of Election Commissioners shall remain in session from 10 o'clock a.m. to 9 o'clock p.m. for 10 days following the last day of the canvass for the sole purpose of revising their registry. No new name shall be added to the registry at such session of the Board of Election Commissioners.

In cities, villages and incorporated towns having a population of less than 200,000, the hearing herein

provided and the final revision of the registry, shall be by the Board of Election Commissioners for such city, village or incorporated town. The commissioners shall meet for this purpose upon the Monday and Tuesday following the canvass, and shall remain in session between the hours of 8 o'clock a.m. and 10 o'clock p.m., and the precinct election officials who made the canvass of the precinct shall meet with them as may be required by the Board of Election Commissioners.

If any person to whom such notice has been sent, shall appear before the Board of Election Commissioners during the session, he shall make oath and sign an affidavit in substance as follows:

"I do solemnly swear that I am a citizen of the United States and that I have resided in the precinct of the Ward of the City of in the State of Illinois, since the day of; and that I have never been convicted of any crime (or if convicted, state the time and when pardoned by the Governor of any State)."

This affidavit shall be signed and sworn to before one of such Board of Election Commissioners, or the clerk of the board, and it shall be filed in the office of the Board of Election Commissioners and be preserved for 60 days.

Thereupon the Board of Election Commissioners shall further examine him and shall also swear such canvassers or the precinct election officials as the case may be, and hear them upon the question, and the Board of Election Commissioners shall have the power to send one or both of the canvassers or precinct election officials, as the case may be, to make further examination and inquiry at the place claimed by such person to be his residence, and again examine such canvassers or precinct election officials touching the same; and if after such further examination and hearing, the majority of the board in question are of the opinion that such person is not a qualified voter in such precinct, they shall indicate in the proper manner that the card of such person shall be removed from the precinct file.

At the close of any such session, if any person so notified to appear at such session has not appeared and shown cause why the card bearing his name should not be withdrawn from the precinct file, the same shall be withdrawn from the file.

The Board of Election Commissioners shall, however, keep the cancelled cards in a suspense file for 2 years and reinstate them at any time within such 2 year suspense period, when a person's registration is cancelled under this or other Sections of this Article for failure to apply for reinstatement or to appear in proper time, and there is sufficient subsequent showing that he is a duly qualified elector.

Either of said canvassers shall have the power and right of both in the matter pertaining to such canvass; but in case either refuses or neglects to make such canvass as aforesaid, then the other may make such canvass alone.

In case of the temporary disability upon the part of either canvasser, the remaining canvasser shall

appoint a temporary canvasser who shall represent and be affiliated with the same political party as the canvasser whose place is being filled, and shall administer to him the usual oath of office for canvassers. Such temporary canvasser shall perform all the duties of the office until the disability of the regular canvasser is removed.

(Source: P.A. 82-373.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-41.

10 ILCS 5/6-42 [Registration at board office]

Sec. 6-42. With respect to those who register at the office of the Board of Election Commissioners preceding the election to be held on the first Tuesday after the first Monday in November, 1936, as provided by Section 6-29 of this Article [10 ILCS 5/6-29], and preceding the last day of registration as provided for in Section 6-49.1 [10 ILCS 5/6-49.1], such board shall, immediately after completion of the precinct registration, or by the last day of such registration, transmit to the deputy registrar of each precinct the original registration record cards of each person who has registered at the office of the Board of Election Commissioners as a qualified elector of such precinct; and the provisions of Sections 6-38, 6-39, 6-40 and 6-41 [10 ILCS 5/6-38, 10 ILCS 5/6-39, 10 ILCS 5/6-40 and 10 ILCS 5/6-41], of this Article shall apply to the persons registered at such office in the same manner as if they had registered in the precinct. The Board of Election Commissioners shall have power to provide by rule for the manner of returning such original registration cards and for a separate report upon electors who have registered at its office.

(Source: Laws 1961, p. 1806.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-42.

10 ILCS 5/6-43 [Printed precinct register]

Sec. 6-43. Immediately after the completion of the revision by the Board of Election Commissioners, the board shall cause copies to be made of all names upon the registration record cards not marked or erased, with the address, and shall have the same arranged according to the streets, avenues, courts, or alleys, commencing with the lowest number, and arranging the same in order according to the street numbers, and shall then cause such precinct register, upon such arrangement, to be printed in plain, large type in sufficient numbers to meet all demands, and upon application a copy of the same shall be given to any person applying therefor. Provided, however, that in municipalities having a population of more than 500,000 and having a Board of Election Commissioners, as to all elections, excepting any elections held for the purpose of electing judges of the circuit courts, registrations for which

are made solely before the Board of Election Commissioners, and where no general precinct registrations were provided for or held within 28 days before the election, the Board of Election Commissioners shall cause, within 10 days after the last day of registration before such board, copies to be made of all names of qualified electors appearing upon each registration record card in like manner as hereinabove provided, and upon application a copy of the same shall be given to any person applying therefor: Provided, further, that whenever an election is held within 90 days after a preceding election, or when any elections are held for the purpose of electing judges of the circuit courts, the printed list and the supplement thereto provided for the last preceding election shall constitute the Printed Precinct Register for the ensuing election, subject to such changes as shall be made, if any, as herein provided, which changes, if any, and the contents of any supplemental list, insofar as the latter have not been changed pursuant to this Act, shall be printed in a new supplemental list which shall supplant the prior supplemental list and shall be delivered to the judges of the respective precincts, with the printed register and the certification, in the manner and at the time provided in Sections 6-48 and 6-60 of this Article [10 ILCS 5/6-48 and 10 ILCS 5/6-60]. Such list shall have printed on the bottom thereof the facsimile signatures of the members of the Board of Election Commissioners certifying that the names on the list are the names of all voters entitled to vote in the precinct indicated on the top thereof. Such list shall be termed the "Printed Precinct Register" and shall be prima facie evidence that the electors whose names appear thereon are entitled to vote. Provided that if, on order of the Board of Election Commissioners a corrected or revised precinct register of voters in a precinct or precincts is printed, such list or lists shall have printed thereon the day and month of such revision and shall be designated "Revised Precinct Register of Voters."

Any elector whose name does not appear as a registered voter on such printed precinct register, supplemental list or any list provided for in this Article and whose name has not been erased or withdrawn shall be entitled to vote as hereinafter in this Article provided if his registration card is in the master file. Such elector shall within 7 days after the publication of such printed precinct register, file with the Board of Election Commissioners an application stating that he is a duly registered voter and that his registration card is in the master file. The Board shall hold a hearing upon such application within 2 days after the filing thereof and shall announce its decision thereon within 3 days after the hearing. If the name of such applicant appears upon the registration card in the master file, the board shall issue to such elector a certificate setting forth that his name does so appear and certifying that he has the right to vote at the next succeeding election. Such certificate shall be issued in duplicate,

one to be retained in the files of the board, and the other to be issued to the elector.

The Board of Election Commissioners upon the issuance of such certificate shall see that the name of such elector appears upon the precinct registry list in the precinct.
(Source: Laws 1965, p. 3481.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-43.

10 ILCS 5/6-44 [Application to erase name from register]

Sec. 6-44. Any voter or voters in the ward, village or incorporated town containing such precinct, and any precinct committeeman in the county, may, between the hours of nine o'clock a.m. and six p.m. of Monday and Tuesday of the second week prior to the week in which such election is to be held make application in writing, before such board of election commissioners, to have any name upon such register of any precinct erased. However, in municipalities having a population of more than 500,000 and having a board of election commissioners (except as otherwise provided for such municipalities in Section 6-60 of this Article [10 ILCS 5/6-60]) and in all cities, villages and incorporated towns within the jurisdiction of such board, such application shall be made between the hours of nine o'clock a.m. and six o'clock p.m. of Monday and Tuesday of the second week prior to the week in which such election is to be held. Such application shall be, in substance, in the words and figures following:

"I being a qualified voter, registered from No street in the precinct of the ward of the city (village or town) of do hereby solemnly swear (or affirm) that I have personal knowledge that registered from No street is not a qualified voter in the precinct of the ward of the city (village or town) of and hence I ask that his name be erased from the register of such precinct for the following reason

Affiant further says that he has personal knowledge of the facts set forth in the above affidavit.

(Signed)

Subscribed and sworn to before me on (insert date).

.....
....."

Such application shall be signed and sworn to by the applicant before any member of the board or the clerk thereof and filed with said board. Thereupon notice of such application, with a demand to appear before the board of election commissioners and show cause why his name shall not be erased from said register, shall be personally served upon such person

or left at his place of residence indicated in such register, or in the case of a homeless individual, at his or her mailing address, by a messenger of said board of election commissioners, and, as to the manner and time of serving such notice such messenger shall make affidavit; the messenger shall also make affidavit of the fact in case he cannot find such person or his place of residence, and that he went to the place named on such register as his or her place of residence. Such notice shall be served at least one day before the time fixed for such party to show cause.

The commissioners shall also cause a like notice or demand to be sent by mail duly stamped and directed, to such person, to the address upon the register at least 2 days before the day fixed in the notice to show cause.

A like notice shall be served on the person or persons making the application to have the name upon such register erased to appear and show cause why said name shall be erased, the notice to set out the day and hour of such hearing. If the voter making such application fails to appear before said board at the time set for the hearing as fixed in the notice or fails to show cause why the name upon such register shall be erased, the application may be dismissed by the board.

Any voter making such application or applications shall be privileged from arrest while presenting the same to the board of election commissioners, and while going to and returning from the board of election commissioners.

(Source: P.A. 84-551; 87-1241, § 1; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-44.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1992 amendment, effective December 23, 1992, inserted "or in the case of a homeless individual, at his or her mailing address" in the second sentence of the third paragraph.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

10 ILCS 5/6-45 [Application docket; hearings]

Sec. 6-45. A docket of all applications to said board of election commissioners, whether such application shall be made for the purpose of being registered or restored, or for the purpose of erasing a name on the register or for completing registration shall be made out in the order of the wards and precincts as the case may be. Such docket shall show the disposition of each case and be available to the public. In cities, villages or incorporated towns having a population of less than 500,000 the commissioners shall sit to hear such applications between the hours of 10 o'clock a. m., and 9 o'clock p. m. on the Tuesday, Wednesday and Thursday immediately preceding such election, and in cities, villages and incorpo-

rated towns having a population of over 500,000 and having a board of election commissioners, (except as otherwise provided for such municipalities in section 6-60 of this Article [10 ILCS 5/6-60]), and in all cities, villages and incorporated towns within the jurisdiction of such board, such commissioners shall sit to hear such applications between the hours of 10 o'clock a. m. and 9 o'clock p. m., on Thursday, Friday and Saturday of the second week prior to the week in which such election is to be held. At the request of either party to such applications, the board shall issue subpoenas to witnesses to appear at such hearings, and witnesses may be sworn and examined upon the hearing of said application. Each person appearing in response to an application to have a name erased shall deliver to the board a written affidavit, which shall be, in substance, in the words and figures following:

"I do solemnly swear that I am a citizen of the United States; that I have resided in the State of Illinois since the day of and in the county of said State, since the day of and in the precinct of the ward, in the city of said county and State, since the day of and that I am years of age; that I am the identical person registered in said precinct under the name I subscribe hereto."

This answer shall be signed and sworn to or affirmed before any person authorized to administer oaths or affirmations. The decision on each application shall be announced at once after hearing, and a minute made thereof, and when an application to be registered or to be restored to such register or to complete registration shall be allowed the said board of election commissioners shall cause a minute to be made upon the original and duplicate registration records. And where an application to erase a name shall be allowed, the board of election commissioners shall cause the name to be erased forthwith, and the registration record card withdrawn.

In cities, villages and incorporated towns of 500,000 or more inhabitants, having a board of election commissioners, and in cities, villages and incorporated towns within the jurisdiction of such board of election commissioners, applications under this section and hearings or citations under Sections 6-56, 6-59 and 6-60 hereof [10 ILCS 5/6-56, 10 ILCS 5/6-59 and 10 ILCS 5/6-60], may be heard by individual commissioners or by persons specially designated by the commissioners for this purpose, and a decision by such individual commissioner or person so designated, shall become the decision of the board of election commissioners upon approval of such board.

(Source: Laws 1947, p. 899.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-45.

10 ILCS 5/6-46 [Application to add name; hearings]

Sec. 6-46. The circuit court of the county in which such city, village or incorporated town shall be

located, shall, on Friday and Saturday of the week prior to the week in which such election is to be held, especially sit to hear such applications as shall be made to it to be placed upon the registry in any particular precinct: Provided, however, that the circuit court of any county in which a municipality is located having a population of over 200,000 and having a board of election commissioners, and in cities, villages and incorporated towns within the jurisdiction of such board, shall especially sit to hear such applications on Monday and Tuesday of the first week prior to the week in which such election is to be held. Such application shall be sworn to, and shall state that the party making the same has applied to the precinct registration officers, or to the board of election commissioners, and that said precinct registration officers, or board of election commissioners, as the case may be, refused to place his name upon such registry or to complete his registration or has stricken his name from such registry. Application shall be made on or before the opening of the court on Friday or Monday last aforesaid, as the case may be, and the court shall cause a docket of such applications to be made out, arranged by wards and precincts, and the same shall be heard, summarily and evidence may be introduced for and against such application. Each case shall be decided at once on hearings and the clerk of the court shall make a minute of the disposition of each application; a copy of such minute shall at once be given to the board of election commissioners which shall forthwith cause such name to be placed upon the original and duplicate registration records if the court has so ordered, and indicate that it was entered by order of court. After the entry of the order to be restored, or to be registered or to complete registration, no further change shall be permitted in the original and duplicate registration records by the board of election commissioners, and such records shall constitute the official registration for the election to be held on the first Tuesday after the first Monday in November, 1936. No person admitted to the register by order of such court shall be protected by such order from a criminal prosecution for any violation of the provisions of this Act.
(Source: Laws 1965, p. 3481.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-46.

10 ILCS 5/6-47 [Application refusal]

Sec. 6-47. In case said court shall refuse any such application, an order shall be entered accordingly on the Wednesday following the session of the court held for the purpose aforesaid. Appeals may be taken as in other civil cases.
(Source: P.A. 79-1364.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-47.

10 ILCS 5/6-48 [Restoration; supplemental list]

Sec. 6-48. A supplemental list of all persons whose registration shall have been ordered restored or completed by order of the board of election commissioners or by order of the circuit court, under Sections 6-45 and 6-46 of this Article [10 ILCS 5/6-45 and 10 ILCS 5/6-46], and a supplemental list of all persons erased or withdrawn from such register by order of the board, under Sections 6-45 or 6-60 of this Article [10 ILCS 5/6-45 or 10 ILCS 5/6-60], shall be printed by such board in sufficient quantity to accommodate each precinct, and the board shall cause copies thereof to be delivered to all persons demanding the same. If the names of no persons have been added, erased or withdrawn, a supplemental list shall be printed stating that fact. The board of election commissioners shall post one copy of the printed register in each polling place not later than the fifth day before the election and one copy of the supplemental list on the day before the election. Before the opening of the polls on the day of election, the board of election commissioners shall deliver to the judges of each precinct where such election is to be held, the printed register required by Section 6-43 of this Article [10 ILCS 5/6-43] and the supplemental list or lists aforesaid, together with a certification thereof bearing the facsimile signature of the executive director of the board attesting that the persons whose names appear on such printed register as revised or corrected by the supplemental list or lists, are qualified to vote at such election in the precinct indicated at the top of the list. The printed register, and supplemental list or lists, together with the certification of the executive director shall be firmly attached to each other.

In case the printed register or supplemental list or lists, together with the certification by the executive director of the board be lost or destroyed, the board of election commissioners shall furnish a duplicate thereof upon request of any judge of election.

The original and supplemental lists may be consolidated into one list. In the event of such consolidation the certification herein required by the executive director shall be attached to such consolidated list.

(Source: P.A. 82-373.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-48.

10 ILCS 5/6-49 [Permanent registration established]

Sec. 6-49. The registration hereinabove provided preceding the first Tuesday after the first Monday in November, 1936, shall constitute a permanent registration, subject to revision and alteration in the manner hereinafter provided. However, except as provided in Section 6-49.1 of this Article [10 ILCS 5/6-49.1], the registration hereinabove provided for

shall constitute a permanent registration only until September 15, 1961, in municipalities having 3 days of precinct registration preceding the 1962 primary election and only until the last day of precinct re-registration in 1970 in other municipalities, at which time such registrations shall become null and void and shall be cancelled immediately thereafter by such Board.

All registrations subsequent to that hereinbefore provided shall be upon registration record cards provided by the Board of Election Commissioners in accordance with the provisions of Section 6-35 of this Article [10 ILCS 5/6-35].

(Source: Laws 1967, p. 2987.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-49.

10 ILCS 5/6-49.1 [Registration days; re-registration]

Sec. 6-49.1. In municipalities of 500,000 or more inhabitants having a Board of Election Commissioners and in all cities, villages and incorporated towns under the jurisdiction of such Board of Election Commissioners there shall be 3 days of registration in each precinct preceding the April 10, 1962 State and County Primary Election. The first of such 3 days of registration shall be on Friday, September 15, 1961; the second of such 3 days of registration shall be on Friday, October 13, 1961; and the third of such 3 days of registration shall be on Tuesday, March 13, 1962. Any registration received by the Board of Election Commissioners after July 15, 1961 shall be considered a part of the re-registration required by this Section and shall constitute a permanent registration subject to revision and alteration in the manner hereafter provided in this Article. In all other cities, villages and incorporated towns the registration heretofore in effect shall continue unless the Board of Election Commissioners for any such other cities, villages or incorporated towns files with the clerk of such other city, village or incorporated town, prior to October 15, 1969, a resolution, or copy thereof, expressing the need for a general registration therein preceding the June, 1970, State and county primary election. If such resolution is so filed, there shall be a re-registration in 1969 and 1970 as hereinafter in this Section provided. The registration herein provided in this Section 6-49.1 [10 ILCS 5/6-49.1] shall constitute a permanent registration subject to revision and alteration in the manner hereinafter provided in this Article.

In municipalities having fewer than 500,000 inhabitants and having a board of election commissioners and in which a resolution expressing the need for a general registration preceding the June, 1970, primary has been filed as provided in this Section, there shall be 3 days of registration in each precinct preceding the primary election of June 9, 1970. The first of such 3 days of registration shall be

Friday, November 21, 1969; the second, Friday, December 19, 1969; and the third, Tuesday, January 15, 1970. Any registration received by the board of election commissioners after September 1, 1970, shall be considered a part of the re-registration required by this Section and shall constitute a permanent registration subject to revision and alteration in the manner hereinafter provided in this Article.

The place of registration in each precinct shall be designated by the Board of Election Commissioners and public notice thereof given, and the provisions of Article 11, Section 11-4 of this Act [10 ILCS 5/11-4] shall apply thereto. The registration places so designated shall be open from 8:00 a.m. until 9:00 p.m. on each of such days of registration. All of the provisions of this Article 6 [10 ILCS 5/6-1 et seq.] shall apply to such registration.

(Source: Laws 1967, p. 2987.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-49.1.

10 ILCS 5/6-50 [Registration at board office preceding election]

Sec. 6-50. The office of the board of election commissioners shall be open during ordinary business hours of each week day, from 9 a.m. to 12 o'clock noon on the last four Saturdays immediately preceding the end of the period of registration preceding each election, and such other days and such other times as the board may direct. There shall be no registration at the office of the board of election commissioners in cities, villages and incorporated towns of fewer than 200,000 inhabitants during the 28 days preceding any primary, regular or special election at which the cards provided for in this article are used, or until the second day following such primary, regular or special election. In cities, villages and incorporated towns of 200,000 or more inhabitants, there shall be no registration of voters at the office of the board of election commissioners during the 35 days immediately preceding any election; provided, however, where no precinct registration is being conducted prior to any election then registration may be taken in the office of the board up to and including the 29th day prior to such election. In any election called for the submission of the revision or alteration of, or the amendments to the Constitution, submitted by a Constitutional Convention, the final day for registration at the office of the election authority charged with the printing of the ballot of this election shall be the 15th day prior to the date of election.

The Board of Election Commissioners shall appoint one or more registration teams, each consisting of one member from each of the 2 leading political parties, for the purpose of accepting the registration of any voter who files an affidavit, within the period for taking registrations provided for in this Article, that he is physically unable to

appear at the office of the Board or at any appointed place of registration. On the day or days when a precinct registration is being conducted such teams shall consist of one member from each of the 2 leading political parties who are serving on the precinct registration board. Each team so designated shall visit each disabled person and shall accept the registration of such person the same as if he had applied for registration in person.

The office of the board of election commissioners may be designated as a place of registration under Section 6-51 of this Article [10 ILCS 5/6-51] and, if so designated, may also be open for purposes of registration on such day or days as may be specified by the board of election commissioners under the provisions of that Section.

(Source: P.A. 79-1134.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-50.

Cross References.

As to duty and the procedures of Board of Election Commissioners to appoint the place of registration or election, see 10 ILCS 5/11-4.

10 ILCS 5/6-50.1 [Additional methods]

Sec. 6-50.1. In addition to registration at the office of the board of election commissioners, the board of election commissioners shall provide the following methods of registration:

(1) The appointment of deputy registrars as provided in Section 6-50.2 [10 ILCS 5/6-50.2];

(2) The establishment of temporary places of registration as provided in Section 6-50.3 [10 ILCS 5/6-50.3].

The board of election commissioners may provide for registration pursuant to Section 6-51 [10 ILCS 5/6-51].

(Source: P.A. 83-1059.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-50.1.

10 ILCS 5/6-50.2 [Deputy registrars; appointment]

Sec. 6-50.2. (a) The board of election commissioners shall appoint all precinct committee persons in the election jurisdiction as deputy registrars who may accept the registration of any qualified resident of the election jurisdiction, except during the 28 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the

manner provided in Section 2-105 of The Illinois Vehicle Code [625 ILCS 5/2-105].

The board of election commissioners shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the election jurisdiction, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such school. The board of election commissioners shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated in the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the election jurisdiction.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the election jurisdiction. In determining the number of deputy registrars that shall be appointed, the board of election commissioners shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a board of election commissioners fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the election jurisdiction at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the election jurisdiction at any such unemployment office. If the request to be appointed as deputy registrar is denied, the board of election commissioners shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

8. The president of any corporation, as defined by the Business Corporation Act of 1983 [805 ILCS 5/1.01 et seq.], or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the election jurisdiction.

The board of election commissioners may appoint as many additional deputy registrars as it considers necessary. The board of election commissioners shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The board of election commissioners, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the board by November 30 of each year. The board may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 28 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the election jurisdiction and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of registration officer to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....
(Signature of Registration Officer)"

This oath shall be administered and certified to by one of the commissioners or by the executive director or by some person designated by the board of election commissioners, and shall immediately thereafter be filed with the board of election commissioners. The members of the board of election commissioners and all persons authorized by them under the provisions of this Article to take registrations, after themselves taking and subscribing to the above oath, are authorized to take or administer such oaths and execute such affidavits as are required by this Article.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The board of election commissioners shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the board of election commissioners and such appointees. The board of election commissioners shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars appointed pursuant to subsection (a) shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 29th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 29th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The board of election commissioners shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The board of election commissioners shall not be criminally or civilly liable for the acts or omis-

sions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the board of election commissioners.

(Source: P.A. 86-873; 86-875; 86-1028; 86-1435; 87-1052, § 3; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-50.2.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, inserted "elementary school" following "high school" twice in subdivision (a)(2).

The 1996 amendment by P.A. 89-653, effective August 14, 1996, substituted "29th" for "28th" in the first and second sentences of subsection (c).

10 ILCS 5/6-50.3 [Temporary places of registration]

Sec. 6-50.3. The board of election commissioners may establish temporary places of registration for such times and at such locations as the board may select. However, no temporary place of registration may be in operation during the 28 days preceding an election. Notice of the time and place of registration at any such temporary place of registration under this Section shall be published by the board of election commissioners in a newspaper having a general circulation in the city, village or incorporated town not less than 3 nor more than 15 days before the holding of such registration.

Temporary places of registration shall be established so that the areas of concentration of population or use by the public are served, whether by facilities provided in places of private business or in public buildings or in mobile units. Areas which may be designated as temporary places of registration include, but are not limited to facilities licensed or certified pursuant to the Nursing Home Care Act [210 ILCS 45/1-101 et seq.], Soldiers' and Sailors' Homes, shopping centers, business districts, public buildings and county fairs.

Temporary places of registration shall be available to the public not less than 2 hours per year for each 1,000 population or fraction thereof in the county.

All temporary places of registration shall be manned by employees of the board of election commissioners or deputy registrars appointed pursuant to Section 6-50.2 [10 ILCS 5/6-50.2].

(Source: P.A. 86-820; 86-873; 86-1028.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-50.3.

10 ILCS 5/6-51 [Designating registration sites before election]

Sec. 6-51. Prior to any election the board of election commissioners may, in the manner provided by this Section, designate convenient places in the city, village or incorporated town for the registration of voters. A list of such places shall be submitted to and be subject to the approval of the circuit court, and

notice of the time and place for such registration shall be given by publication in a newspaper in such city, village or incorporated town 20 days before such registration. In cities, villages and incorporated towns of 200,000 or more, at least one such place shall be designated for each 30,000 inhabitants, and at least one shall be designated for each ward of such city, village or incorporated town and for each city, village or incorporated town under the jurisdiction of a board of election commissioners; but the requirement of one place of registration for each 30,000 inhabitants shall not apply to special elections for a city, village or incorporated town, or any part thereof, or to any judicial election at which no officers other than judicial officers are to be elected, or to any election, general, special or municipal (including a primary election) that shall be held on or before July 1, in the year immediately following a congressional election.

The places so designated for registration shall be open from 8 o'clock a. m., to 9 o'clock p. m., on such day or days (not exceeding 2) as may be specified by the board of election commissioners, but shall not be open on any day more than 38 days preceding the election or at any time subsequent to Tuesday, 4 weeks before the election; provided that in municipalities of more than 200,000 and having a board of election commissioners and in cities, villages and incorporated towns within the jurisdiction of such board, such place may be opened on such day or days as may be specified by the board of election commissioners but shall not be open on any day more than 38 days preceding the election, and shall not be open at any time subsequent to Tuesday, 4 weeks before the election.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-51.

10 ILCS 5/6-52 [Registration; hearings; appeals]

Sec. 6-52. Registration under Sections 6-49.1, 6-50, 6-50.2, 6-50.3 and 6-51 of this Article [10 ILCS 5/6-49.1, 10 ILCS 5/6-50, 10 ILCS 5/6-50.2, 10 ILCS 5/6-50.3, and 10 ILCS 5/6-51] shall be made in the manner provided by Sections 6-34, 6-35 and 6-37 of this Article [10 ILCS 5/6-34, 10 ILCS 5/6-35 and 10 ILCS 5/6-37]. With respect to registrations at the office of the Board of Election Commissioners under Section 6-50 [10 ILCS 5/6-50] hereof, applications to complete registrations and hearings thereon shall (except as may be otherwise provided in Sections 6-43 and 6-60 of this Article [10 ILCS 5/6-43 and 10 ILCS 5/6-60]) be made and heard at such times as may be prescribed by the Board of Election Commissioners, but the hearing and decision thereof by the Board of Election Commissioners shall be within 30 days after the application for registration. In such cases and in all other cases not specifically provided for by this Article, applications

for hearings by the court may be made within 5 days after decision by the board in the manner provided by Section 6-46 [10 ILCS 5/6-46], and a hearing and decision by such court shall be had within 30 days after such application. Appeals may be taken as in other civil cases. In all cases where registration is had at the office of the Board of Election Commissioners within 42 days before any election hearings by such board and by the court shall (except as may be otherwise provided in Sections 6-43 and 6-60 of this Article [10 ILCS 5/6-43 and 10 ILCS 5/6-60] be on the days preceding the election specified in Sections 6-45 and 6-46 of this Article [10 ILCS 5/6-45 and 10 ILCS 5/6-46]. Hearings and decisions shall be had within the periods specified by such sections. (Source: P.A. 79-1364.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-52.

10 ILCS 5/6-53 [Transfer of registration]

Sec. 6-53. Any registered elector who changes his residence from one address number or place to another within the same precinct, city or village or incorporated town, may have his registration transferred to his new address by making and signing an application for such change of residence address upon a form to be provided by such board of election commissioners. Such application may be made to the office of such board or at any place designated in accordance with section 6-51 of this Article [10 ILCS 5/6-51].

Upon receipt of such application the board of election commissioners or officer, employee or deputy registrar designated by such board shall cause the signature of the voter and the data appearing upon the application to be compared with the signature and data on the registration record, and if it appears that the applicant is the same person as the party previously registered under that name, the transfer shall be made. In case the person is unable to sign his name the board of election commissioners shall require such person to execute the request in the presence of the board or of its properly authorized representative, by his mark, and if satisfied of the identity of the person, the board of election commissioners shall make the transfer. The person in charge of the registration shall draw a line through the last address, ward and precinct number on the original and duplicate and write the new address, ward and precinct number on the original and duplicate registration records.

Any registered elector may transfer his registration only at any such time as is provided by this Article for the registration of voters at the office of the board. When a removal of a registered voter takes place from one address to another within the same precinct within a period during which such transfer of registration cannot be made, before any election or primary, he shall be entitled to vote upon presenting to the judges of election an affidavit of a

change and having said affidavit supported by the affidavit of a qualified voter who is a householder in the same precinct. Suitable forms for this purpose shall be provided by the board of election commissioners whose duty it is to conduct the election; and thereupon the precinct election officials shall report to the board of election commissioners the names of all such persons who have changed their address and voted.

The board of election commissioners may obtain information from utility companies, city records, the post office or from other sources regarding the removal of registered voters, and notify such voters that a transfer of registration may be made in the manner provided by this section.

If any person be registered by error in a precinct other than that in which he resides, a transfer of registration to the precinct in which he resides may be made in the manner provided by this section.

Where a revision or rearrangement of precincts is made by the board of election commissioners under the power conferred by Section 11-3 of Article 11 of this Act [10 ILCS 5/11-3], such board shall immediately transfer to the proper precinct the registration of any voter affected by such revision or rearrangement of precincts; make the proper notations on the cards in the master and precinct files; and shall notify the registrant of such change. (Source: Laws 1967, p. 3449.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-53.

10 ILCS 5/6-54 [Name change]

Sec. 6-54. Any registered voter who changes his or her name by marriage or otherwise, shall be required to register anew and authorize the cancellation of the previous registration; provided, however, that if the change of name takes place within a period during which such new registration cannot be made, next preceding any election or primary, the elector may, if otherwise qualified, vote upon making the following affidavit before the judges of election:

"I do solemnly swear that I am the same person now registered in the precinct of the ward, under the name of and that I still reside in said precinct.

(Signed)"

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-54.

CASE NOTES

ANALYSIS

Construction
 Marriage
 —Change of Maiden Name

Construction

The provisions of this section are imperative that any voter who

Construction (Cont'd)

changes his or her name by marriage or otherwise is disqualified from remaining registered and voting under the former name and must, in order to preserve the right to vote, re-register in the new name. *People ex rel. Rago v. Lipsky*, 327 Ill. App. 63, 63 N.E.2d 642 (1 Dist. 1945).

Marriage**—Change of Maiden Name**

Although petitioner practiced law, had become known in the neighborhood as an attorney, had taken an active part in the political activities of the neighborhood, had been admitted to practice in various courts, and had had certificates issued to her in her maiden name, these facts were immaterial and had no bearing whatever upon the duty of the plaintiff to register anew in her husband's surname in order to preserve her right to vote. *People ex rel. Rago v. Lipsky*, 327 Ill. App. 63, 63 N.E.2d 642 (1 Dist. 1945).

10 ILCS 5/6-55 [Criminals and deceased persons]

Sec. 6-55. The board of election commissioners shall obtain the reports provided for by sections 6-61 and 6-62 of this Article [10 ILCS 5/6-61 and 10 ILCS 5/6-62] and shall cancel the registration of criminals and of deceased persons whose names are reported to it.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-55.

10 ILCS 5/6-56 [Nursing home care facilities]

Sec. 6-56. Not more than 30 nor less than 28 days before any election under this Article, all owners, managers, administrators or operators of hotels, lodging houses, rooming houses, furnished apartments or facilities licensed or certified under the Nursing Home Care Act [210 ILCS 45/1-101 et seq.], which house 4 or more persons, outside the members of the family of such owner, manager, administrator or operator, shall file with the board of election commissioners a report, under oath, together with one copy thereof, in such form as may be required by the board of election commissioners, of the names and descriptions of all lodgers, guests or residents claiming a voting residence at the hotels, lodging houses, rooming houses, furnished apartments, or facility licensed or certified under the Nursing Home Care Act [210 ILCS 45/1-101 et seq.] under their control. In counties having a population of 500,000 or more such report shall be made on forms mailed to them by the board of election commissioners. The board of election commissioners shall sort and assemble the sworn copies of the reports in numerical order according to ward and according to precincts within each ward and shall, not later than 5 days after the last day allowed by this Article for the filing of the reports, maintain one assembled set of sworn duplicate reports available for public inspection until 60 days after election days. Except as is otherwise expressly provided in this Article, the board shall not be required to perform any duties with respect to

the sworn reports other than to mail, sort, assemble, post and file them as hereinabove provided.

Except in such cases where a precinct canvass is being conducted by the Board of Election Commissioners prior to a Primary or Election, the board of election commissioners shall compare the original copy of each such report with the list of registered voters from such addresses. Every person registered from such address and not listed in such report or whose name is different from any name so listed, shall immediately after the last day of registration be sent a notice through the United States mail, at the address appearing upon his registration record card, requiring him to appear before the board of election commissioners on one of the days specified in Section 6-45 of this Article [10 ILCS 5/6-45] and show cause why his registration should not be cancelled. The provisions of Sections 6-45, 6-46 and 6-47 of this Article [10 ILCS 5/6-45, 10 ILCS 5/6-46 and 10 ILCS 5/6-47] shall apply to such hearing and proceedings subsequent thereto.

Any owner, manager or operator of any such hotel, lodging house, rooming house or furnished apartment who shall fail or neglect to file such statement and copy thereof as in this Article provided, may, upon written information of the attorney for the election commissioners, be cited by the election commissioners or upon the complaint of any voter of such city, village or incorporated town, to appear before them and furnish such sworn statement and copy thereof and make such oral statements under oath regarding such hotel, lodging house, rooming house or furnished apartment, as the election commissioners may require. The election commissioners shall sit to hear such citations on the Friday of the fourth week preceding the week in which such election is to be held. Such citation shall be served not later than the day preceding the day on which it is returnable.

(Source: P.A. 86-820.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-56.

CASE NOTES**Citation Hearings****—Participation by County Judge**

A similar prior provision which required lodging house keepers to file with the election commissioners affidavits containing certain information as to their lodgers conferred no authority upon the county judge or the county court in connection with a hearing held by the Election Commissioners to hear citations; if the judge sat with the commissioners, or took part in the hearing, it was as a volunteer. *People ex rel. Owens v. Hogan*, 256 Ill. 496, 100 N.E. 177 (1912).

10 ILCS 5/6-57 [Error correction notice to registrants]

Sec. 6-57. To each person who registers at the office of the board of election commissioners or at any place designated by such board under section

6-51 of this Article [10 ILCS 5/6-51], after the first registration under this Article, the board shall send by mail a notice setting forth the elector's name and address as it appears on the registration record card, and shall request him in case of any error to present the notice on or before the tenth day next ensuing at the office of the Board of Election Commissioners in order to secure the correction of the error. Such notice shall contain on the outside a request for the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon. Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there, a notice shall be at once sent through the United States mail to such person at the address appearing upon his registration record card requiring him to appear before the Board of Election Commissioners at a time and place specified in the notice and show cause why his name should not be cancelled from the register. Thereafter, proceedings shall be, as nearly as may be, in conformity with those established by section 6-52 of this Article [10 ILCS 5/6-52] with respect to applications to complete registration. Such notice may be sent at any time within thirty days after the registration of any person, but such notice shall be sent within five days after the last day of registration before any election, to all persons who have registered since the last preceding election, and to whom no such notice has theretofore been sent; and where the addressee cannot be found, notice requiring such person to appear before the board of election commissioners shall specify dates for hearing before the election not later than those prescribed by section 6-45 of this Article [10 ILCS 5/6-45].

(Source: Laws 1951, p. 1795.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-57.

10 ILCS 5/6-58 [Registration suspension; notice]

Sec. 6-58. Following each general election occurring in November of even numbered years, beginning in 1940, the board of election commissioners shall examine the registration records and shall send to every voter who has not voted during the last four years, a notice through the mails, substantially as follows:

NOTICE OF SUSPENSION OF REGISTRATION

"You are hereby notified that your registration will be cancelled according to law for failure to vote during the last four years, unless you apply for reinstatement within thirty days. You may reinstate your registration by signing the statement below and returning it to this office or by making application in person to do so."

"APPLICATION FOR REINSTATEMENT OF REGISTRATION

I hereby certify that I still reside at the address from which I am registered and apply for reinstatement of my registration:

Signed
Present address
Date"

In case the elector is unable to sign his name, the application for reinstatement shall be made at the office of the board of election commissioners.

After the expiration of thirty days the board of election commissioners shall cancel the registration of all electors thus notified who have not applied for reinstatement. A proper entry shall be made on the registration record for all electors whose registration is reinstated. Any elector whose registration has been cancelled for failure to vote may register again by making application therefor in the manner provided by this Article.

When a registration is cancelled under this or other sections of this Article, a proper entry shall be made upon the face of the original and duplicate records, which shall then be placed in a file of cancelled registrations and shall be preserved for two years from date of cancellation.

The Board of Election Commissioners shall, however, keep the cancelled cards in a suspense file for 2 years and reinstate them at any time within such 2 year suspense period, when a person's registration is cancelled under this or other Sections of this Article for failure to apply for reinstatement or to appear in proper time, and there is sufficient subsequent showing that he is a duly qualified elector.

(Source: P.A. 81-155.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-58.

10 ILCS 5/6-59 [Authority to investigate and canvass]

Sec. 6-59. The Board of Election Commissioners on its own initiative, or upon order of the circuit court, shall at all times have authority to conduct investigations and to make canvasses of the registered voters in any precinct or precincts within its jurisdiction either by the methods provided in this Article or at other times and by other methods than those prescribed herein. However, the Board of Election Commissioners shall, at least once in every 2 years, conduct a verification of voter registrations and shall cause the cancellation of registration of persons who have ceased to be qualified voters. Such verification shall be accomplished by one of the following methods: (1) precinct canvass conducted by 2 qualified persons of opposite party affiliation appointed by the Board of Election Commissioners or (2) written request sent to each registered voter by first class mail, not forwardable or (3) an alternative method of verification submitted in writing to

and approved by The State Board of Elections at a public meeting not less than 60 days prior to the date on which the Board of Election Commissioners has fixed for implementation of that method of verification; provided, said Board shall submit to the State Board of Elections a written statement of the results obtained by use of such alternative method within 30 days of the completion of the verification.

If, upon the basis of investigations or canvasses, the board shall be of the opinion that any person registered under this Article is not a qualified voter or has ceased to be a qualified voter, it shall send a notice through the United States mail to such person, requiring him to appear before such board at a time specified in such notice, not less than 10 nor more than 30 days after the mailing of such notice and show cause why his registration should not be cancelled. If such a person does not appear, his registration shall be cancelled. If such a person does appear he shall make an affidavit and shall be heard in the manner provided by Section 6-45 of this Article [10 ILCS 5/6-45], and if his registration is cancelled as a result of such a hearing, he shall be entitled to a hearing in the circuit court and to an appeal to the Supreme Court in the manner provided by Section 6-52 of this Article [10 ILCS 5/6-52].

Whenever the Board of Election Commissioners acting under authority of this section conducts a canvass of the registered voters in any precinct or precincts and the board designates canvassers to conduct the canvass, the board shall appoint as canvassers persons affiliated with the leading political parties in like manner as judges of election are appointed under the provisions of Section 14-4 of this Act [10 ILCS 5/14-4]; provided that in each precinct in counties of 500,000 inhabitants or more, one canvasser may be appointed from outside such precinct if not enough other qualified persons who reside within the precinct can be found to serve as canvasser in such precinct. The one canvasser so appointed to serve in any precinct in which he is not entitled to vote prior to the election must be entitled to vote elsewhere within the ward or township which includes within its boundaries the precinct in which such canvasser is appointed and such canvasser must be otherwise qualified.

The canvassers, so appointed by virtue of this section, shall comply with the provisions of Sections 6-40 and 6-41 [10 ILCS 5/6-40 and 10 ILCS 5/6-41] relative to the mailing and leaving of notices at the addresses of persons whose right to vote in the precinct or precincts is questioned.

(Source: P.A. 81-1433.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-59.

10 ILCS 5/6-59.01 [Canvass of registered voters lacking permanent abode]

Sec. 6-59.01. Each registered voter lacking a permanent abode shall be canvassed by the board of election commissioners before each election. The

canvass shall be by mail sent not later than 49 days preceding the election to the mailing address listed on the voter's registration record card. The board shall include in the mailing a postage prepaid return postcard. The voter must certify on the postcard his or her continued residence at the registration address and mail the postcard back to the board so that it is postmarked no later than the 26th day preceding the election.

If an application for registration is presented within the 49 day period preceding an election, then this Section shall not apply and the provisions of this Article with respect to the mailing of a verification of a registration notice shall be a canvass, except that such notice shall be mailed to the registrant's mailing address.

(Source: P.A. 87-1241, § 1.)

Effective Date.

Section 2 of P.A. 87-1241 made this section effective upon becoming law. The Act was approved December 23, 1992.

10 ILCS 5/6-59.1 [Jurisdiction to accept registrations]

Sec. 6-59.1. The board of election commissioners and its appointed deputy registrars shall accept the registration of any qualified person residing in the county in which the municipality under the jurisdiction of such board is situated and shall transmit such registrations to the county clerk prior to the close of registration before an election.

(Source: P.A. 83-1059.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-59.1.

10 ILCS 5/6-60 [Printing precinct registers]

Sec. 6-60. Immediately after the last registration day before any election, except as is otherwise provided in Section 6-43 of this Article [10 ILCS 5/6-43], the board of election commissioners shall prepare and print precinct registers in the manner provided by Section 6-43 of this article [10 ILCS 5/6-43], and make such copies available to any person applying therefor. Provided, however, that in cities, villages and incorporated towns of less than 200,000 inhabitants such printed lists shall be prepared only before a general election. On the precinct registers, the board of election commissioners shall indicate, by italics, asterisk, or other means, the names of all persons who have registered since the last regularly scheduled election in the consolidated schedule of elections established in Section 2A-1.1 of this Act [10 ILCS 5/2A-1.1].

Prior to the general election of even-numbered years, all boards of election commissioners shall give the precinct registers to the chairman of a county central committee of an established political party, as such party is defined in Section 10-2 of this Act [10 ILCS 5/10-2], or to the chairman's duly autho-

rized representative. Within 30 days of the effective date of this Amendatory Act of 1983, all boards of election commissioners shall give the precinct registers compiled prior to the general November election of 1982 to the chairman of a county central committee of an established political party or to the chairman's duly authorized representative.

For the first registration under this article, such precinct register shall be printed and available to any person upon application therefor at least three days before the first day upon which any voter may make application in writing to have any name erased from the register as provided by Section 6-44 of this Article [10 ILCS 5/6-44]. For subsequent registrations, such registers, except as otherwise provided in this section for municipalities of more than 500,000, shall be printed and shall be available to any person upon application at least five days before the first day upon which any voter may make application in writing to have any name erased from the register.

Application to have a name upon such register erased may be made in the manner provided by Section 6-44 of this Article [10 ILCS 5/6-44], and applications to erase names, complete registration, or to register or restore names shall be heard in the same manner as is provided by Section 6-45 of this Article [10 ILCS 5/6-45], with application to the circuit court and appeal to the Supreme Court as provided in Sections 6-46 and 6-47 [10 ILCS 5/6-46 and 10 ILCS 5/6-47]. The rights conferred and the times specified by these sections with respect to the first election under this article shall also apply to succeeding registrations and elections. Provided, however, that in municipalities having a population of more than 500,000, and having a Board of Election Commissioners, as to all elections, registrations for which are made solely with the Board of Election Commissioners, and where no general precinct registrations were provided for or held within twenty-eight days before the election, an application to have a name upon such register erased, as provided for in Section 6-44 [10 ILCS 5/6-44], shall be made within two days after the publication of the printed precinct register, and the Board of Election Commissioners shall announce its decision on such applications within four days after said applications are made, and within four days after its decision on such applications shall cause a supplemental printed precinct register showing such correction as may be necessary by reason of such decision to be printed in like manner as hereinabove provided in Section 6-43 [10 ILCS 5/6-43] hereof, and upon application a copy of the same shall be given to any person applying therefor. Such list shall have printed on the bottom thereof the facsimile signatures of the members of the board of election commissioners. Said supplemental printed precinct register shall be prima facie evidence that the electors whose names appear thereon are entitled to vote. If the dates specified in this Article as to applications to complete or erase

registrations or as to proceedings before the Board of Election Commissioners or the circuit court in the first registration under this Article shall not be applicable to any subsequent primary or regular or special election, the Board of Election Commissioners shall, with the approval of the circuit court, adopt and publish a schedule of dates which shall permit equal intervals of time therefor as are provided for such first registrations.

After action by the Board of Election Commissioners and by the circuit court, a supplemental list shall be prepared and made available in the manner provided by Section 6-48 of this Article [10 ILCS 5/6-48].

Within 60 days after each general election the board of election commissioners shall indicate by italics, asterisk, or other means, on the list of registered voters in each precinct, each registrant who voted at that general election, and shall provide a copy of such list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

Within 60 days after the effective date of this amendatory Act of 1983, the board of election commissioners shall indicate by italics, asterisk, or other means, on the list of registered voters in each precinct, each registrant who voted at the general election of 1982, and shall provide a copy of such coded list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

The board of election commissioners may charge a fee to reimburse the actual cost of duplicating each copy of a list provided under either of the 2 preceding paragraphs.
(Source: P.A. 83-1263.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-60.

10 ILCS 5/6-61 [Persons convicted or sentenced]

Sec. 6-61. It shall be the duty of the clerk of any court where parties are tried or convicted of penitentiary offenses in the county where such city, village or incorporated town is located, to furnish monthly to such board of commissioners the names of all parties convicted or sentenced for any crime, the punishment of which is confinement in the penitentiary, and their place of residence if such fact be in the possession of such clerk.
(Source: Laws 1943, vol. 2, p. 1; P.A. 90-372, § 5-20.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-61.

Effect of Amendments.

The 1997 amendment by P.A. 90-372, effective July 1, 1998, deleted the former second sentence which read "It shall be the duty of the Governor of the state, or court, as the case may be on or before the first day of October in each year, to furnish to such commissioners of election the names of all persons released from

the penitentiary or discharged from probation for any crime of which such person was convicted in a court in a county where said city, village or incorporated town is located and to whom a certificate has been issued restoring his rights of citizenship”.

10 ILCS 5/6-62 [Deceased persons]

Sec. 6-62. It shall be the duty of the person or officer having charge of the vital records of a city, village or incorporated town to furnish to the board of election commissioners, monthly, a report of the names and previous residences of all persons over 21 years of age that have died during the preceding month.

(Source: P.A. 87-895.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-62.

10 ILCS 5/6-63 [Striking names from register]

Sec. 6-63. It shall be the duty of the board of election commissioners to strike the names of all such criminals and of all such deceased persons from the registers of the precinct in which any such person is registered, noting opposite such name the cause for which it was stricken.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-63.

10 ILCS 5/6-64 [Loss of registration card]

Sec. 6-64. If either the original or duplicate registration card or both, of any elector, shall be lost, destroyed or mutilated in whole or in part, the board of election commissioners shall prepare two new registration cards, an original and a duplicate, and shall require the execution of a new registration affidavit by such elector, and if any such elector shall refuse to execute such affidavit within thirty days after the mailing of a notice to such elector at the last address from which he has registered, then the registration of such elector shall be cancelled. If either the original or duplicate registration cards, or both, of all registered voters of any city, village or incorporated town or any ward or precinct thereof shall be lost or destroyed, the board of election commissioners shall require a re-registration of electors of such city, ward or precinct.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-64.

10 ILCS 5/6-65 [Record cards; storage]

Sec. 6-65. The duplicate registration record cards shall remain permanently in the office of the Board of Election Commissioners; shall be filed alphabetically without regard to wards or precincts; and shall

be known as the master file. The original registration record cards shall constitute the official precinct registry of voters; shall be filed by wards and precincts; and shall be known as the precinct file. The original cards shall be delivered to the judges of election by the Board of Election Commissioners in a suitable binder or other device, which shall be locked and sealed in accordance with directions to be given by the Board of Election Commissioners and shall also be suitably indexed for convenient use by the precinct officers. The precinct files shall be delivered to the precinct officers for use at the polls, on the day of election and shall be returned to the Board of Election Commissioners immediately after the close of the polls. The board shall determine by rules the manner of delivery and return to such file. At all other times the precinct file shall be retained at the office of the Board of Election Commissioners except for such use of it as may be made under this Article with respect to registration not at the office of the Board of Election Commissioners.

(Source: P.A. 78-934.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-65.

10 ILCS 5/6-66 [Voter's application and certification]

Sec. 6-66. Upon application to vote each registered elector shall sign his name or make his mark as the case may be, on a certificate substantially as follows:

“CERTIFICATE OF REGISTERED VOTER

City of Ward Precinct
Election (Date) (Month)
(Year) Registration Record
Checked by Voter's number

INSTRUCTION TO VOTERS

Sign this certificate and hand it to the election officers in charge. After the registration record has been checked, the officer will hand it back to you. Whereupon you shall present it to the officer in charge of the ballots.

I hereby certify that I am registered from the address below and am qualified to vote.

Signature of voter
Residence address

An individual shall not be required to provide his social security number when applying for a ballot. He shall not be denied a ballot, nor shall his ballot be challenged, solely because of his refusal to provide his social security number. Nothing in this Act prevents an individual from being requested to provide his social security number when the individual applies for a ballot. If, however, the certificate contains a space for the individual's social security number, the following notice shall appear on the certificate, immediately above such space, in bold-

face capital letters, in type the size of which equals the largest type on the certificate:

"THE INDIVIDUAL APPLYING FOR A BALLOT WITH THIS DOCUMENT IS NOT REQUIRED TO DISCLOSE HIS OR HER SOCIAL SECURITY NUMBER. HE OR SHE MAY NOT BE DENIED A BALLOT, NOR SHALL HIS OR HER BALLOT BE CHALLENGED, SOLELY BECAUSE OF HIS OR HER REFUSAL TO PROVIDE HIS OR HER SOCIAL SECURITY NUMBER."

The applications of each State-wide political party at a primary election shall be separately printed upon paper of uniform quality, texture and size, but the applications of no 2 State-wide political parties shall be of the same color or tint. If the election authority provides computer generated applications with the precinct, ballot style, and voter's name and address preprinted on the application, a single application may be used for State-wide political parties if it contains spaces or check-off boxes to indicate the political party. Such applications may contain spaces or check-off boxes permitting the voter to also request a primary ballot of any political party which is established only within a political subdivision and for which a primary is conducted on the same election day. Such applications shall not entitle the voter to vote in both the primary of a State-wide political party and the primary of a local political party with respect to the offices of the same political subdivision or to vote in the primary of more than one State-wide political party on the same day.

The judges in charge of the precinct registration files shall compare the signature upon such certificate with the signature on the registration record card as a means of identifying the voter. Unless satisfied by such comparison that the applicant to vote is the identical person who is registered under the same name, the judges shall ask such applicant the questions for identification which appear on the registration card, and if the applicant does not prove to the satisfaction of a majority of the judges of the election precinct that he is the identical person registered under the name in question then the vote of such applicant shall be challenged by a judge of election, and the same procedure followed as provided in this Article and Act for challenged voters.

In case the elector is unable to sign his name, a judge of election shall check the data on the registration card and shall check the address given, with the registered address, in order to determine whether he is entitled to vote.

One of the judges of election shall check the certificate of such applicant for a ballot after the registration record has been examined, and shall sign his initials on the certificate in the space provided therefor, and shall enter upon such certificate the number of the voter in the place provided therefor, and make an entry in the voting record space on the registration record, to indicate whether or not the applicant voted. Such judge shall then hand such certificate back to the applicant in case he

is permitted to vote, and such applicant shall hand it to the judge of election in charge of the ballots. The certificates of the voters shall be filed in the order in which they are received and shall constitute an official poll record. The terms "poll lists" and "poll books", where used in this Article and Act, shall be construed to apply to such official poll record.

After each general primary election the board of election commissioners shall indicate by color code or other means next to the name of each registrant on the list of registered voters in each precinct the primary ballot of a political party that the registrant requested at the general primary election. The board of election commissioners, within 60 days after that general primary election, shall provide a copy of this coded list to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative.

Within 60 days after the effective date of this amendatory Act of 1983, the board of election commissioners shall provide to the chairman of the county central committee of each established political party or to the chairman's duly authorized representative the list of registered voters in each precinct at the time of the general primary election of 1982 and shall indicate on such list by color code or other means next to the name of a registrant the primary ballot of a political party that the registrant requested at the general primary election of 1982.

The board of election commissioners may charge a fee to reimburse the actual cost of duplicating each copy of a list provided under either of the 2 preceding paragraphs.

Where an elector makes application to vote by signing and presenting the certificate provided by this Section, and his registration card is not found in the precinct registry of voters, but his name appears as that of a registered voter in such precinct upon the printed precinct register as corrected or revised by the supplemental list, or upon the consolidated list, if any provided by this Article and whose name has not been erased or withdrawn from such register, the printed precinct register as corrected or revised by the supplemental list, or consolidated list, if any, shall be prima facie evidence of the elector's right to vote upon compliance with the provisions hereinafter set forth in this Section. In such event it shall be the duty of one of the judges of election to require an affidavit by such person and 2 voters residing in the precinct before the judges of election that he is the same person whose name appears upon the printed precinct register as corrected or revised by the supplemental list, or consolidated list, if any, and that he resides in the precinct, stating the street and number of his residence, and upon the presentation of such affidavits, a certificate shall be issued to such elector, and upon the presentation of such certificate and affidavits, he shall be entitled to vote. Any elector whose name does not appear as a registered voter on the printed precinct register or supplemental list but who has a certificate issued by

the board of election commissioners as provided in Section 6-43 of this Article [10 ILCS 5/6-43], shall be entitled to vote upon the presentation of such certificate accompanied by the affidavits of 2 voters residing in the precinct that the elector is the same person described in such certificate and that he resides in the precinct, stating the street and number of his residence. Forms for all affidavits required hereunder shall be supplied by the board of election commissioners. All affidavits made under this paragraph shall be preserved and returned to the board of election commissioners in the manner provided by this Article and Article 18 of this Act [10 ILCS 5/18-1 et seq.]. It shall be the duty of the board of election commissioners, within 30 days after such election, to take the steps provided by Section 6-64 of this Article [10 ILCS 5/6-64] for the execution of new registration affidavits by electors who have voted under the provisions of this paragraph.

When the board of election commissioners delivers to the judges of election for use at the polls a supplemental or consolidated list of the printed precinct register, it shall give a copy of the supplemental or consolidated list to the chairman of a county central committee of an established political party or to the chairman's duly authorized representative.

Whenever 2 or more elections occur simultaneously, the election official or officials charged with the duty of providing application certificates may prescribe the form thereof so that a voter is required to execute only one, indicating in which of the elections he desires to vote.

After the signature has been verified, the judges shall determine in which political subdivisions the voter resides by use of the information contained on the voter registration cards or the separate registration lists or other means approved by the State Board of Elections and prepared and supplied by the election authority. The voter's certificate shall be so marked by the judges as to show the respective ballots which the voter is given.

(Source: P.A. 84-809.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-66.

CASE NOTES

Failure to Follow Procedure

—Sanctions Upheld

Where judges of election in charge of the precinct registration files or binders failed to compare the signature on each application to vote with the signature on the registration record as a means of identifying the voter as required under this section, contempt sanctions were upheld. *People ex rel. Rusch v. Verdon*, 335 Ill. App. 616, 82 N.E.2d 828 (1 Dist. 1948).

10 ILCS 5/6-67 [Voter's application; primary election]

Sec. 6-67. Upon application to vote at a primary election each registered elector shall sign his name or mark and write his address on a certificate

substantially the same as that used in the general election except that it shall have a place for party affiliation which is to be filled in by the elector, or by the officer in charge if the elector is unable to write. Such certificates when checked and initialed by the judge in charge, shall constitute the primary poll record. Such certificates at the close of the primary election shall be placed in an envelope, sealed and returned with the ballots. Nothing herein shall be construed to conflict with sections 7-44 and 7-45 of Article 7 of this Act [10 ILCS 5/7-44 and 10 ILCS 5/7-45].

(Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-67.

Cross References.

As to qualifications needed to vote in a primary election for officers in a county, city, village of more than 5,000 people, see 10 ILCS 5/7-43.

10 ILCS 5/6-67.01 [Military or naval service]

Sec. 6-67.01. The provisions of this Article 6 [10 ILCS 5/6-1 et seq.], so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

"State of Illinois)
) ss.
 County of)

..... Precinct Ward

I,, do solemnly swear (or affirm), that I am a citizen of the United States, of the age of 18 years or over, and that within the past 60 days prior to the date of this election at which I am applying to vote, I have been engaged in the (military or naval) service of the United States; and I am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and that I am a legally qualified voter of this precinct and ward except that I have, because of such service, been unable to register as a voter; that I now reside at (insert street and number, if any) in this precinct and ward, and that I have maintained a legal residence in this precinct and ward for 30 days and in the State 30 days next preceding this election.

.....
 Subscribed and sworn to before me on (insert date).

Judge of Election."

The affidavit of any such person shall be supported by the affidavit of a resident and qualified voter of such precinct and ward, which affidavit shall be in substantially the following form:

“State of Illinois)
) ss.
County of)

..... Precinct Ward
I,, do solemnly swear (or affirm), that I am a resident of this precinct and ward and entitled to vote at this election; that I am acquainted with (name of the applicant); that I verily believe him to be an actual bona fide resident of this precinct and ward and that I verily believe that he has maintained a legal residence therein 30 days and in this State 30 days next preceding this election.

Subscribed and sworn to before me on (insert date).

.....
Judge of Election.”

The provisions of this Article 6 [10 ILCS 5/6-1 et seq.], so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote who have made and subscribed to the affidavit provided in paragraph (b) of Section 17-10 of this Act [10 ILCS 5/17-10].

(Source: P.A. 84-551; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-67.01.
P.A. 91-357, § 996 contains a “no acceleration or delay” provision, and P.A. 91-357, § 997, contains a “no revival or extension” provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

10 ILCS 5/6-68 [Return of affidavits to board]

Sec. 6-68. All affidavits made before judges of election under the provisions of this Article or of Article 14 of this Act [10 ILCS 5/14-1 et seq.] shall be immediately returned to the office of the board of election commissioners. Such affidavits, before being so returned, shall be enclosed in an envelope provided for that purpose, which shall then be securely sealed with sealing wax or other adhesive material, and each of the judges shall write his name across the seal. No judge of election shall break the seal of, or open any envelope containing affidavits, or shall permit any person to open any such envelope or break the seal thereof while the same is in his custody.

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-68.

10 ILCS 5/6-69 [Subsequent registrations]

Sec. 6-69. In the conduct of registrations subsequent to that first provided for under this Article, the board of election commissioners shall have authority to designate its officers and employees to take registrations at its office or at such other places as may be specified by such board under Section 6-51 of this Article [10 ILCS 5/6-51]. For registration at other places than the office of the board of election commissioners, the board may select 3 officers of registration, one of whom may be an officer or employee of the board of election commissioners, and of the other 2, one shall be a member of the political party represented by a majority of the commissioners and one a member of the political party represented by a minority of such commissioners. To the extent that the third officer is not a permanent officer or employee of the board of election commissioners, the appointment of such officer of registration shall be equally divided between the 2 leading political parties. Judges of election for any precinct within the area served by one place of registration shall be eligible for appointment as officers of registration, but application shall in all cases be made to the circuit court for the appointment and confirmation of such officers of registration, in the manner provided for judges of election by Section 14-5 of Article 14 of this Act [10 ILCS 5/14-5].

All officers of registration appointed in the manner provided above and all officers and employees of the board of election commissioners designated to take registrations either at the office of the board of election commissioners, or elsewhere, shall be deemed officers of registration; shall take the oath prescribed by Section 6-33 of this Article [10 ILCS 5/6-33]; shall be considered officers of the circuit court; and shall be subject to the control provided for judges of election by Section 14-5 of Article 14 of this Act [10 ILCS 5/14-5]. The appointment of such registration officers shall be made for the same terms as Judges of election. All penalties imposed by this Act or Article upon judges of election or boards of registry with respect to the registration of voters or revision thereof or with respect to registration records, shall equally apply to deputy registrars, judges of registration and registration officers provided for by this Article.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-69.

10 ILCS 5/6-70 [Commissioners; compensation]

Sec. 6-70. Such election commissioners and the executive director of the Board of Election Commissioners shall be paid by the county. In counties having a population of 500,000 or more, the city first adopting the provisions of this Act shall pay the

salary of the assistant executive director. In all other counties such salary shall be paid by the county. In cities, villages and incorporated towns having a population less than 25,000 as determined by the last federal census, the election commissioners shall receive a salary of not less than \$1,800 per annum. If the population is 25,000 or more but less than 40,000 the election commissioners shall receive a salary of not less than \$2,400 per annum, to be determined by the county board. If the population is 40,000 or more but less than 70,000 the election commissioners shall receive a salary of not less than \$2,100 per annum, to be determined by the county board. If the population is 70,000 or more but less than 100,000 the election commissioners shall receive a salary of not less than \$2,700 per annum, to be determined by the county board. If the population is 100,000 or more but less than 2,000,000 the election commissioners shall receive a salary of not less than \$3,200 per annum, to be determined by the county board. The chairman of a board of election commissioners, in counties with a population of less than 2,000,000, shall be paid by the county an additional amount equal to 10% of his salary as an election commissioner. If the population is less than 25,000 the executive director shall receive a salary of not less than \$4,500 per annum. If the population is 25,000 or more but less than 40,000 the executive director shall receive a salary of not less than \$8,000 per annum, and in such cities, villages and incorporated towns there may be employed one assistant executive director who shall receive a salary of not less than \$6,000 per annum. If the population is 40,000 or more but less than 70,000 the executive director shall receive a salary of not less than \$9,500 per annum, and in such cities, villages and incorporated towns there may be employed one assistant executive director who shall receive a salary of not less than \$7,500 per annum. If the population is 70,000 or more but less than 100,000 the executive director shall receive a salary of not less than \$11,000 per annum, and in such cities, villages and incorporated towns there may be employed one assistant executive director who shall receive a salary of not less than \$8,000 per annum. If the population is 100,000 or more but less than 2,000,000 the executive director shall receive a salary of not less than \$12,000 per annum, and in such cities, villages and incorporated towns there may be employed one assistant executive director who shall receive a salary of not less than \$8,000 per annum. It shall be the duty of the Board of Election Commissioners in such cities, villages and incorporated towns to fix the salary of the executive director and assistant executive director at the time of appointment of the clerk. In cities, villages and incorporated towns with a population greater than 2,000,000 the election commissioners shall receive a salary of not less than \$21,000, provided, however, that the chairman of the Board of Election Commissioners shall receive a salary, as set by and from time to time

changed by the Board of County Commissioners, of not less than \$35,000 per annum and shall hold no other office. In cities, villages and incorporated towns with a population greater than 2,000,000, such other election commissioners shall hold no other office. In cities, villages and incorporated towns with a population greater than 2,000,000 the executive director and employees of the Board of Election Commissioners shall serve on a full-time basis and shall hold no other office. In cities, villages and incorporated towns with a population of greater than 2,000,000, no election commissioner, executive director nor employee shall participate in any manner, in any activity or interests of any political party or of any candidate for public office or for nomination thereof, nor participate in any political campaign for the nomination or election of candidates for public office. Violation of any provision hereof shall be cause for removal from office or dismissal, as the case may be; provided, that nothing contained herein shall be deemed to interfere with the right of any person to vote for any candidate or upon any issue as his reason and conscience may dictate nor interfere with the duties of his office. All expenses incurred by such Board of Election Commissioners shall be paid by such city.

The salaries and expenditures are to be audited by the chief circuit judge, who may designate an independent external auditor to perform the task, and the salaries and expenditures shall be paid by the county or city treasurer, as the case may be, upon the warrant of the chief circuit judge of any money in the county or city treasury, as the case may be, not otherwise appropriated. It shall also be the duty of the governing authority of those counties and cities, respectively, to make provisions for the prompt payment of the salaries and expenditures.

(Source: P.A. 86-874; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-70.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, rewrote the second paragraph of this section.

CASE NOTES

Counties

—Expenses

Counties are required to pay the salaries of the election commissioners out of the county treasury and are also required to pay the total amount of election tax revenues to the election commission for the purpose of conducting elections and maintaining voter registration. Board of Election Comm'rs v. County of Peoria, 182 Ill. App. 3d 567, 132 Ill. Dec. 190, 539 N.E.2d 753 (3 Dist. 1989).

OPINIONS OF ATTORNEY GENERAL

Audit

Claims against the board of election commissioners are not paid upon order of the county board; instead, the county treasurer makes payments upon the order of the chief circuit judge, and it is the judge who audits the payments. Therefore, claims against the

Audit (Cont'd)

county board of election commissioners need not be audited by the county auditor. 1977 Op. Atty. Gen. 106.

10 ILCS 5/6-71 [Deputy registrars and judges of registration; compensation]

Sec. 6-71. In the cities, villages and incorporated towns in counties having a population of 500,000 or more, which are operating under this Article, the compensation of deputy registrars and judges of registration provided for the first registration under this Article and officers of registration appointed in conformity with Section 6-69 of this Article [10 ILCS 5/6-69] for subsequent registration shall be not less than \$20 nor more than \$30 per day. In cities, villages and incorporated towns in counties having a population of less than 500,000, and operating under this Article, the compensation of the deputy registrars and judges of registration provided for the first registration under this Article, and officers of registration appointed in conformity with Section 6-69 of this Article [10 ILCS 5/6-69] for subsequent registrations shall be \$17.50 per day. The compensation of such deputy registrars, judges of registration and officers of registration, shall be apportioned and paid in the manner provided by Article 14 of this Act [10 ILCS 5/14-1 et seq.] for judges of election.

Each judge of registration who has performed all the duties and services required for the first registration under this Article shall be credited with 2 days' service for the 2 days of general registration provided for by this Article. Each deputy registrar who has performed all the duties and services required for the first registration under this Article shall be credited with 4 days' service for the 2 days of general registration and the 2 days of canvass as provided for by this Article.

Officers of registration authorized by Section 6-69 of this Article [10 ILCS 5/6-69] for registration subsequent to the first registration under this Article shall be credited with one day's service for each registration, and, with the approval of the circuit court, may be credited with an additional day for such other services as the Board of Election Commissioners may require of them, an order of the circuit court in such cases to recite such additional services and to designate the officers of registration from whom such additional services are to be received, provided that in cities, villages and incorporated towns in counties having a population of 500,000 or more, which are operating under this Article, any such officer selected to conduct canvass shall be credited with not less than 2 days' service for each canvass.

The State Board of Elections shall reimburse each board of election commissioners for the amount of the increase in compensation under this Section provided by this amendatory Act from funds appropriated for that purpose.

(Source: P.A. 81-850; 81-1149.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-71.

10 ILCS 5/6-72 [Village or incorporated town; article adoption]

Sec. 6-72. Whenever this article (together with articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.]) is adopted by any village or incorporated town, all its and their provisions shall be applicable and operative, except as in this article or in articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] modified. (Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-72.

10 ILCS 5/6-73 [Ex-officio commissioners of election]

Sec. 6-73. Whenever any city, village or incorporated town may adopt this Article (together with Articles 14 and 18 of this Act [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.]), and which city, village or incorporated town shall lie within any county in which another city shall have previously thereto adopted said Articles of this Act, then in such case the commissioners of election, appointed or which may be appointed for such last mentioned city, shall also be ex-officio commissioners of election for such first mentioned city, village or incorporated town, and shall have and exercise the same powers as if specially appointed for such city, village or town. (Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-73.

10 ILCS 5/6-74 [Village or town officer elections; returns]

Sec. 6-74. The quadruple returns of the judges of election of such village or incorporated town, mentioned in the last section, in case of a village or town election for any officer of such village or town, shall be made to the same officer as otherwise required by law, who shall receipt therefor; and all such returns shall be canvassed by the canvassing board of such village or incorporated town, as established by law, with the same powers of investigation and examination by such board as is authorized by this act to the canvassing board of any such city. (Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-74.

10 ILCS 5/6-75 [Other village or town elections; returns]

Sec. 6-75. The returns of the judges of election of such village or incorporated towns, in case of all other elections therein, shall be made to the same

officers, as required by this Article or by Articles 14 or 18 of this Act [10 ILCS 5/14-1 et seq. or 10 ILCS 5/18-1 et seq.], of returns of elections held in a city, and such returns shall be canvassed and the result declared by the same canvassing board.
(Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-75.

10 ILCS 5/6-76 [Oaths]

Sec. 6-76. All oaths in writing provided for in this Article or in Articles 14 or 18 of this Act [10 ILCS 5/14-1 et seq. or 10 ILCS 5/18-1 et seq.], must have a jurat, or certificate of the officer taking the same, attached and signed by him, and said election commissioners and said judges of election are hereby empowered to administer all oaths and affirmations required in the administration of the affairs of their several offices.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-76.

10 ILCS 5/6-77 [Election defined]

Sec. 6-77. For the purpose of this Article the term "election" shall also include primary elections held in such city, village or incorporated town.

(Source: Laws 1957, p. 2373.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-77.

10 ILCS 5/6-78 [Liquor forbidden]

Sec. 6-78. During the hours of registration or revision of registration no person shall bring, take, order or send into, or shall attempt to bring, take or send into any place of registration or revision of registration, any distilled or spirituous liquors whatever; or shall, at any such time and place drink or partake of such liquor.

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6-78.

10 ILCS 5/6-79 Computerization of voter records

Sec. 6-79. *Computerization of voter records.* (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the informa-

tion required under Sections 6-31.1 and 6-35 [10 ILCS 5/6-31.1 and 10 ILCS 5/6-35]; provided that the cards shall also contain a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available.

(b) 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 for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based

registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents. (Source: P.A. 89-40, § 5; 91-73, § 5.)

Effective Date.

Section 99 of P.A. 89-40 made this section effective upon becoming law. The Act was approved June 23, 1995.

Effect of Amendments.

The 1999 amendment by P.A. 91-73, effective July 9, 1999, added present subsection (a) and redesignated former subsections (a), (b), (c) and (d) as present subsections (b), (c), (d) and (e) respectively; added the last sentence in present subsection (b); and substituted "(b)" for "(a)" in the first sentence of present subsection (c).

ARTICLE 6A.

COUNTY BOARD OF ELECTION COMMISSIONERS

10 ILCS 5/6A-1 [Establishment]

Sec. 6A-1. Any county in which there is no city, village or incorporated town with a board of election commissioners may establish a county board of election commissioners either (1) by ordinance of the county board or (2) by vote of the electors of the county in accordance with Section 6A-2 [10 ILCS 5/6A-2].

The fact that some territory in a county is within the corporate limits of a city, village or incorporated town with a board of election commissioners does not prevent that county from establishing a county board of election commissioners in accordance with this Article if no portion of such city, village or incorporated town was within the county at the time of the establishment of the board of election commissioners for such city, village or incorporated town. If such a county establishes a county board of election commissioners pursuant to this Article, the county board of election commissioners shall, with respect to the territory in the county within the corporate limits of the city, village or incorporated town, supersede the board of election commissioners of that city, village or incorporated town. (Source: P.A. 81-1433.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6A-1.

CASE NOTES

Authority of Board

County boards of election commissioners are not extensions of the county clerk's office, but are independent bodies, created by statute, and possessing only that authority granted to them by the legislature. *Redmond v. Novak*, 86 Ill. 2d 374, 55 Ill. Dec. 933, 427 N.E.2d 53 (1981).

10 ILCS 5/6A-2 [Petition to establish; proposition]

Sec. 6A-2. Whenever registered voters in the county numbering at least 1,000 or 1/8 of the number voting at the last preceding general election in the

county, whichever is less, petition the circuit court to submit to the electors of the county a proposition to establish a county board of election commissioners, the circuit court shall cause such proposition to be submitted to the electors of the county at the next succeeding general election. The proposition shall be submitted in the same manner as provided in Article 6 [10 ILCS 5/6-1 et seq.] for the adoption of Articles 6, 14 and 18 [10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] by cities, villages and incorporated towns, except that the question shall be stated: "Shall a board of election commissioners be established for County?" (Source: P.A. 78-465.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6A-2.

10 ILCS 5/6A-3 [Establishment ordinance]

Sec. 6A-3. If the county board adopts an ordinance providing for the establishment of a county board of election commissioners, or if a majority of the votes cast on a proposition submitted in accordance with Section 6A-2 [10 ILCS 5/6A-2] are in favor of a county board of election commissioners, a county board of election commissioners shall be appointed in the same manner as is provided in Article 6 [10 ILCS 5/6-1 et seq.] for boards of election commissioners in cities, villages and incorporated towns, except that the county board of election commissioners shall be appointed by the chairman of the county board rather than the circuit court. However, before any appointments are made, the appointing authority shall ascertain whether the county clerk desires to be a member of the county board of election commissioners. If the county clerk so desires, he shall be one of the members of the county board of election commissioners, and the appointing authority shall appoint only 2 other members. (Source: P.A. 80-648; 91-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6A-3.

Effect of Amendments.

The 1999 amendment by P.A. 91-358, effective July 29, 1999, added "except that the county board of election commissioners shall be appointed by the chairman of the county board rather than the circuit court" at the end of the first sentence.

10 ILCS 5/6A-4 [Records, powers and duties; transfer]

Sec. 6A-4. Upon the opening of the office of the county board of election commissioners, the county clerk shall turn over to such board all registry books, registration record cards, poll books, tally sheets and ballot boxes and all other books, forms, blanks and stationery of every description in his hands in any way relating to elections or the holding of elections in the county. Thereupon, all functions, powers and duties of the county clerk or the county

board relating to elections are transferred to the county board of election commissioners.
(Source: P.A. 78-465.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6A-4.

10 ILCS 5/6A-5 [Articles 6, 14 and 18; applicability]

Sec. 6A-5. The provisions of Articles 6, 14 and 18 of this Act [10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] relating to boards of election commissioners in cities, villages and incorporated towns shall, insofar as they can be made applicable, apply to and govern county boards of election commissioners established pursuant to this Article. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county, where one such county is governed by a county board of election commissioners established pursuant to this Article, may accept the registration of any qualified resident of the municipality, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in. However, the county board, in fixing the compensation of the members of the county board of election commissioners and of the executive director and assistant executive director, is not subject to the limitations of Section 6-70 [10 ILCS 5/6-70] and may provide for either an annual salary or a per diem compensation.

(Source: P.A. 85-958.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6A-5.

10 ILCS 5/6A-6 [References to county clerk or board]

Sec. 6A-6. Any references in this Act to the county clerk or the county board with respect to the registration of voters, filing of petitions, certification of candidates, preparation of ballots, establishment of election precincts, designation of polling places, or any other matter pertaining to the conduct of elections, shall, as applied to any county having a county board of election commissioners, be construed as referring to the county board of election commissioners.

(Source: P.A. 78-465.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6A-6.

10 ILCS 5/6A-7 [Abandonment of board]

Sec. 6A-7. Any county which has established a board of election commissioners may subsequently vote to abandon such board in the same manner as

provided in Article 6 [10 ILCS 5/6-1 et seq.] for cities, villages and incorporated towns, except that the petition to the circuit court to submit to the vote of the electors of the county the proposition to abandon the board of election commissioners shall be signed by at least 10% of the registered voters of the county.
(Source: P.A. 80-1090; 87-1247, § 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 6A-7.

Effect of Amendments.

The 1992 amendment, effective January 1, 1993, added language beginning "except that the petition" to the end of the section.

ARTICLE 7.**THE MAKING OF NOMINATIONS BY POLITICAL PARTIES****10 ILCS 5/7-1 Application of Article**

Sec. 7-1. *Application of Article.* (a) Except as otherwise provided in this Article, the nomination of all candidates for all elective State, congressional, judicial, and county officers, State's Attorneys (whether elected from a single county or from more than one county), city, village, and incorporated town and municipal officers, trustees of sanitary districts, township officers in townships of over 5,000 population coextensive with or included wholly within cities or villages not under the commission form of government, precinct, township, ward, and State central committeemen, and delegates and alternate delegates to national nominating conventions by all political parties, as defined in Section 7-2 of this Article 7 [10 ILCS 5/7-2], shall be made in the manner provided in this Article 7 and not otherwise. The nomination of candidates for electors of President and Vice President of the United States shall be made only in the manner provided for in Section 7-9 of this Article [10 ILCS 5/7-9].

(b) This Article 7 shall not apply to (i) the nomination of candidates for school elections and township elections, except in those townships specifically mentioned in subsection (a) and except in those cases in which a township central committee determines under Section 6A-2 of the Township Law of 1874 or Section 45-55 of the Township Code [60 ILCS 1/45-55] that its candidates for township offices shall be nominated by primary in accordance with this Article, (ii) the nomination of park commissioners in park districts organized under the Park District Code [70 ILCS 1205/1-1 et seq.], (iii) the nomination of officers of cities and villages organized under special charters, or (iv) the nomination of municipal officers for cities, villages, and incorporated towns with a population of 5,000 or less, except where a city, village, or incorporated town with a population of 5,000 or less has by ordinance determined that political parties shall nominate

candidates for municipal office in the city, village, or incorporated town by primary in accordance with this Article. In that event, the municipal clerk shall certify the ordinance to the proper election officials no later than November 15 in the year preceding the consolidated primary election.

(c) The words "township officers" or "township offices" shall be construed, when used in this Article, to include supervisors.

(d) As provided in Sections 3.1-25-20 through 3.1-25-60 of the Illinois Municipal Code [65 ILCS 5/3.1-25-20 through 65 ILCS 5/3.1-25-60], a village may adopt a system of nonpartisan primary and general elections for the election of village officers. (Source: P.A. 83-1337; 87-1119, § 6; 88-670, § 3-5; 89-5, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-1.

Section 6A-2 of the Township Law of 1874 was repealed and the subject matter is now contained in 60 ILCS 1/45-55.

Effect of Amendments.

The 1992 amendment, effective May 13, 1993, added the section catchline; designated the first through the fourth paragraphs as subsections (a) through (d), respectively; in the first sentence of subsection (a) deleted "herein" after "Except as", inserted "in this Article", inserted "and" before "county", inserted "officers" after "county", and deleted "and for the election of" after "commission form of government"; subdivided subsection (b) into subdivisions (i) through (iv); in subdivision (b)(i) deleted "hereinabove" before "specifically", inserted "in subsection (a)" and substituted "under" for "pursuant to"; in subdivision (b)(ii) deleted "or to" before "nomination" and deleted "as now or hereafter amended" after "Park District Code"; in subdivision (b)(iii) deleted "or to" before "the nomination"; in subdivision (b)(iv) substituted "the" for "to" before "nomination", and substituted "the" for "such" after "municipal office in"; in subsection (d) substituted "3.1-25-20" for "3-5-3a", substituted "3.1-25-60" for "3-5-3i"; and made stylistic changes throughout the section.

The 1994 amendment by P.A. 88-670, effective December 2, 1994, in subsection (b), in the first sentence inserted "or Section 45-55 of the Township Code".

The 1995 amendment by P.A. 89-5, effective January 1, 1996, in subsection (a), in the second sentence, deleted "and trustees of the University of Illinois" preceding "shall be made".

CASE NOTES

ANALYSIS

Constitutionality

—Prior Law

Applicability

—Nominations

—Prior Law

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Scope

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Constitutionality

—Prior Law

The former Primary Act of 1927, entitled "An act to provide for the making of nominations by, and the organization of, political parties" (see now 10 ILCS 5/7-1 et seq.), was not unconstitutional in that the title of the act expressed more than one subject, or that the body of the act contained provisions covering more than one subject. *People ex rel. Kell v. Kramer*, 328 Ill. 512, 160 N.E. 60 (1928).

For a case discussing the constitutionality of the residency requirement of the former laws governing election primaries, see *People ex rel. McInerney v. Sweitzer*, 266 Ill. 89, 107 N.E. 132 (1914).

Applicability

—Nominations

The provisions governing the making of nominations by political parties apply to nominations for the established political parties, and 10 ILCS 5/10-1 et seq. applies to the nominations for minority parties. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

—Prior Law

The former Primary Election Act (see now 10 ILCS 5/7-1 et seq.) did not govern the nomination of candidates for judicial offices, and such nominations were not confined to independent nominations by petition unless it could be said that there was no other law which provided for the making of such nominations by political parties. *People ex rel. Hoyno v. Sweitzer*, 266 Ill. 459, 107 N.E. 902 (1915).

Elected Officers

As the officers elected at a primary are political party functionaries, it is not unreasonable for the legislature to regulate such elected officers under the same scheme as political nominees. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

Equal Protection

In Illinois, although alternative methods of selecting party nominees may be available, the legislature has chosen to limit the selection process to one method, the primary election, and having decided to hold primaries through the Election Code, the state must do so constitutionally so as to provide equal protection to its citizens under the Fourteenth Amendment to the United States Constitution. *Lawlor v. Chicago Bd. of Election Comm'rs*, 395 F. Supp. 692 (N.D. Ill. 1975).

Judicial Vacancies

The Election Code (10 ILCS 5/1-1 et seq.) does not authorize a political party to fill a judicial vacancy in nomination by party resolution. *Bonaguro v. County Officers Electoral Bd.*, 158 Ill. 2d 391, 199 Ill. Dec. 659, 634 N.E.2d 712 (1994).

Legislative Intent

The legislature's approach in 10 ILCS 5/7-1 et seq. clearly evidences an intent to regulate every aspect of the nomination or election of candidates at a primary, including the contest of elections. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

The declaration in this section that elections held at a primary shall be made only in the manner set forth in 10 ILCS 5/7-1 et seq. evidences a clear intent to provide in those sections for every aspect of an election, including the contest of the election, and the legislature intended 10 ILCS 5/7-63 to provide for primary contests whether from a nominated office or an elected office. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

While 10 ILCS 5/7-1 et seq. sets forth the procedure for conducting a primary election, the legislature did not intend that those sections governing the making of nominations by political parties would be the exclusive means of contesting an election. *Whitsell v. Rutherford*, 118 Ill. App. 2d 401, 255 N.E.2d 34 (5 Dist. 1969).

It was the evident intent of the legislature in the enactment of a primary election law to provide a means whereby each political

Legislative Intent (Cont'd)

party would be able to nominate the candidates of its choice at primary elections for all offices included within the scope of the former Primary Election Act (see now 10 ILCS 5/7-1 et seq.). People ex rel. Hoyne v. Sweitzer, 266 Ill. 459, 107 N.E. 902 (1915).

Parties**—Change by Candidates**

Restrictions upon party switching by political candidates and establishment of the periods of time involved are, within constitutional limitations, matters for legislative determination. Sperling v. County Officers Electoral Bd., 57 Ill. 2d 81, 309 N.E.2d 589 (1974).

—Change by Voters

An absolute prohibition of change of political parties for a two year period was invalid as applied to voters generally or as applied to voters who sign primary petitions. Sperling v. County Officers Electoral Bd., 57 Ill. 2d 81, 309 N.E.2d 589 (1974).

—Establishment

Even though a party was not organized as an established party, it was not precluded from being an established party within the meaning of 10 ILCS 5/10-2; the party could become established if its candidates received more than five percent of the electorate's vote, and thereafter nominated its candidates by either the primary or caucus proceedings described in this Article. Vasquez v. Municipal Officers Electoral Bd., 115 Ill. App. 3d 1014, 71 Ill. Dec. 500, 450 N.E.2d 1379 (3 Dist. 1983).

—Label Designation

Where the "Action IV Party" was the same party which was designated "Action III Party" in 1981 and in prior years under the Action Party label, the Action Party did not become a new party in terms of label designation solely by adding a number which merely designated the number of times the party had been on the ballot. Vasquez v. Municipal Officers Electoral Bd., 115 Ill. App. 3d 1014, 71 Ill. Dec. 500, 450 N.E.2d 1379 (3 Dist. 1983).

—Restrictions on Change

The state has a legitimate interest in curtailing "raiding" by members of opposing political parties and preserving the integrity of the electoral process, and reasonable conditions tailored to that objective may be imposed upon the right to change political parties. Sperling v. County Officers Electoral Bd., 57 Ill. 2d 81, 309 N.E.2d 589 (1974).

Party Designation**—Improper Nominating Petition**

Where persons were not properly nominated as candidates of an established party but their nominating petitions were signed by sufficient voters to entitle them to be placed on the ballot as individuals, their improper party designation could be stricken and they could be placed on the ballot as individuals without any party designation. Vasquez v. Municipal Officers Electoral Bd., 115 Ill. App. 3d 1014, 71 Ill. Dec. 500, 450 N.E.2d 1379 (3 Dist. 1983).

Precinct Committeemen**—General Election**

The primary is the general election insofar as precinct committeemen are concerned, as precinct committeemen are elected and not nominated at that election. Whitsell v. Rutherford, 118 Ill. App. 2d 401, 255 N.E.2d 34 (5 Dist. 1969).

Primary Election Law**—In General**

For a case discussing former provisions of the Primary Election Law, see People ex rel. McCormick v. Czarnecki, 266 Ill. 372, 107 N.E. 625 (1914).

Scope

The provisions governing the making of nominations by political parties contain a comprehensive, all-inclusive approach to regulating the course and conduct of primary elections, including petitions for nomination, the qualifications of voters at a primary, procedures for the election itself, and post-election procedures. Orbach v.

Axelrod, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

Township Supervisors

Mandamus would not lie to compel the Board of Auditors of a township to publish notices for party caucuses to be held for the purpose of nominating candidates for election to the office of assistant supervisor where the office of assistant supervisor had been eliminated effective May 1, 1972, and an election of assistant supervisors would not have complied with the constitutional requisites of the "one man, one vote" principle, where not all townships were governed by the caucus provisions applicable to this township, nor were all potential candidates in this township necessarily governed by the caucus provision, and where the time for the initial procedures under the provisions for other modes of nomination in other townships had passed, and it had thus become impossible to obtain uniform compliance with the statutory procedures. People ex rel. Maro v. Board of Auditors, 48 Ill. 2d 202, 268 N.E.2d 424 (1971).

Under this article of the Election Code judicial nomination by party convention and filling a judicial vacancy in nomination by party committee are prohibited; therefore, there is no method available to fill judicial vacancies in nomination. Bonaguro v. County Officers Electoral Bd., 158 Ill. 2d 391, 199 Ill. Dec. 659, 634 N.E.2d 712 (1994).

Women Voters

The former Primary Election Law (see now 10 ILCS 5/7-1 et seq.) gave women the right to vote at primary elections for such offices as they may have voted for at the election for which the primary was held, but they were not entitled thereby to vote for the election of delegates to national conventions and for party committeemen. People ex rel. Garretson v. Byers, 271 Ill. 600, 111 N.E. 564 (1916).

LEGAL PERIODICALS

For article, "Irreconcilable Principles: Law, Politics, and the Illinois Supreme Court", see 18 N. Ill. U.L. Rev. 267 (1998).

10 ILCS 5/7-2 [Political party; establishment]

Sec. 7-2. A political party, which at the general election for State and county officers then next preceding a primary, polled more than 5 per cent of the entire vote cast in the State, is hereby declared to be a political party within the State, and shall nominate all candidates provided for in this Article 7 [10 ILCS 5/7-1 et seq.] under the provisions hereof, and shall elect precinct, township, ward and State central committeemen as herein provided.

A political party, which at the general election for State and county officers then next preceding a primary, cast more than 5 per cent of the entire vote cast within any congressional district, is hereby declared to be a political party within the meaning of this Article, within such congressional district, and shall nominate its candidate for Representative in Congress, under the provisions hereof. A political party, which at the general election for State and county officers then next preceding a primary, cast more than 5 per cent of the entire vote cast in any county, is hereby declared to be a political party within the meaning of this Article, within said county, and shall nominate all county officers in said county under the provisions hereof, and shall elect precinct, township, and ward committeemen, as herein provided;

A political party, which at the municipal election for city, village or incorporated town officers then

next preceding a primary, cast more than 5 per cent of the entire vote cast in any city or village, or incorporated town is hereby declared to be a political party within the meaning of this Article, within said city, village or incorporated town, and shall nominate all city, village or incorporated town officers in said city or village or incorporated town under the provisions hereof to the extent and in the cases provided in section 7-1 [10 ILCS 5/7-1].

A political party, which at the municipal election for town officers then next preceding a primary, cast more than 5 per cent of the entire vote cast in said town, is hereby declared to be a political party within the meaning of this Article, within said town, and shall nominate all town officers in said town under the provisions hereof to the extent and in the cases provided in section 7-1 [10 ILCS 5/7-1].

A political party, which at the municipal election in any other municipality or political subdivision, (except townships and school districts), for municipal or other officers therein then next preceding a primary, cast more than 5 per cent of the entire vote cast in such municipality or political subdivision, is hereby declared to be a political party within the meaning of this Article, within said municipality or political subdivision, and shall nominate all municipal or other officers therein under the provisions hereof to the extent and in the cases provided in section 7-1 [10 ILCS 5/7-1].

Provided, that no political organization or group shall be qualified as a political party hereunder, or given a place on a ballot, which organization or group is associated, directly or indirectly, with Communist, Fascist, Nazi or other un-American principles and engages in activities or propaganda designed to teach subservience to the political principles and ideals of foreign nations or the overthrow by violence of the established constitutional form of government of the United States and the State of Illinois.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-2.

CASE NOTES

ANALYSIS

Applicability
Established Parties
Municipal Political Parties
New Political Parties
Rights of Political Parties

Applicability

A provision which prevented a political party from being disqualified from participating in a primary election by reason of its failure to name candidates in a preceding judicial election did not apply and was not intended to apply to a political party entitled to nominate after it became such as a result of the provisions of 10 ILCS 5/10-2. *Progressive Party v. Flynn*, 400 Ill. 102, 79 N.E.2d 516 (1948).

Established Parties

An individual or group of less than five percent has a right to

place a name upon the primary ballot by petition with the requisite number of signatures, and if such group or political party in the ensuing election polls more than five percent of the vote in such election, then it becomes an "established political party" for the subdivision in which the election was held and is entitled to the identical rights to which political parties are entitled with a like percentage of votes. *Progressive Party v. Flynn*, 400 Ill. 102, 79 N.E.2d 516 (1948).

Municipal Political Parties

The Republican and Democratic parties within a city were units of state and county political parties and were not "purely" city parties entitled to nominate candidates to fill city offices only. *Faherty v. Board of Election Comm'rs*, 5 Ill. 2d 519, 126 N.E.2d 235 (1955).

New Political Parties

No First Amendment right of plaintiffs was infringed by the action of the state Electoral Board in not certifying the Socialist Workers Party as a new political party for purposes of the general election ballot because of the failure of the party to put forth a full slate of candidates eligible for the offices they sought. *Socialist Workers Party v. Ogilvie*, 357 F. Supp. 109 (N.D. Ill. 1972).

Rights of Political Parties

A political party possesses certain inherent rights, founded on the constitutional right of association, which pertain to the party's internal management, and these rights may be exercised so long as there is no violation of statutory limitations or the constitutional rights of voters. *Totten v. State Bd. of Elections*, 79 Ill. 2d 288, 38 Ill. Dec. 137, 403 N.E.2d 225 (1980).

10 ILCS 5/7-3 [Determining party's total vote]

Sec. 7-3. In determining the total vote of a political party, whenever required by this Article 7 [10 ILCS 5/7-1 et seq.], the test shall be the total vote cast by such political party for its candidate who received the greatest number of votes; provided however, that in applying this section to the vote cast for any candidate for an office for which cumulative voting is permitted, the total vote cast for such candidate shall be divided by that number which equals the greatest number of votes that could lawfully be cast for such candidate by one elector.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-3.

10 ILCS 5/7-4 [Definitions]

Sec. 7-4. The following words and phrases in this Article 7 [10 ILCS 5/7-1 et seq.] shall, unless the same be inconsistent with the context, be construed as follows:

1. The word "primary" the primary elections provided for in this Article, which are the general primary, the consolidated primary, and for those municipalities which have annual partisan elections for any officer, the municipal primary held 6 weeks prior to the general primary election date in even numbered years.

2. The definition of terms in Section 1-3 of this Act [10 ILCS 5/1-3] shall apply to this Article.

3. The word "precinct" a voting district heretofore or hereafter established by law within which all qualified electors vote at one polling place.

4. The words "state office" or "state officer", an office to be filled, or an officer to be voted for, by qualified electors of the entire state, including United States Senator and Congressman at large.

5. The words "congressional office" or "congressional officer", representatives in Congress.

6. The words "county office" or "county officer," include an office to be filled or an officer to be voted for, by the qualified electors of the entire county. "County office" or "county officer" also include the assessor and board of appeals and county commissioners and president of county board of Cook County, and county board members and the chairman of the county board in counties subject to "An Act relating to the composition and election of county boards in certain counties", enacted by the 76th General Assembly.

7. The words "city office" and "village office," and "incorporated town office" or "city officer" and "village officer", and "incorporated town officer" an office to be filled or an officer to be voted for by the qualified electors of the entire municipality, including aldermen.

8. The words "town office" or "town officer", an office to be filled or an officer to be voted for by the qualified electors of an entire town.

9. The words "town" and "incorporated town" shall respectively be defined as in Section 1-3 of this Act [10 ILCS 5/1-3].

10. The words "delegates and alternate delegates to National nominating conventions" include all delegates and alternate delegates to National nominating conventions whether they be elected from the state at large or from congressional districts or selected by State convention unless contrary and non-inclusive language specifically limits the term to one class.

11. "Judicial office" means a post held by a judge of the Supreme, Appellate or Circuit Court.
(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-4.

10 ILCS 5/7-5 [Primary elections; dates held]

Sec. 7-5. (a) Primary elections shall be held on the dates prescribed in Article 2A [10 ILCS 5/2A-1 et seq.].

(b) Notwithstanding the provisions of any other statute, no primary shall be held for an established political party in any township, municipality, or ward thereof, where the nomination of such party for every office to be voted upon by the electors of such township, municipality, or ward thereof, is uncontested. Whenever a political party's nomination of candidates is uncontested as to one or more, but not all, of the offices to be voted upon by the electors of a township, municipality, or ward thereof, then a primary shall be held for that party in such township, municipality, or ward thereof; provided that the primary ballot shall not include those offices

within such township, municipality, or ward thereof, for which the nomination is uncontested. For purposes of this Article, the nomination of an established political party of a candidate for election to an office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such party for election to such office.

(c) Notwithstanding the provisions of any other statute, no primary election shall be held for an established political party for any special primary election called for the purpose of filling a vacancy in the office of representative in the United States Congress where the nomination of such political party for said office is uncontested. For the purposes of this Article, the nomination of an established political party of a candidate for election to said office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such established party for election to said office. This subsection (c) shall not apply if such primary election is conducted on a regularly scheduled election day.

(d) Notwithstanding the provisions in subsection (b) and (c) of this Section whenever a person who has not timely filed valid nomination papers and who intends to become a write-in candidate for a political party's nomination for any office for which the nomination is uncontested files a written statement or notice of that intent with the State Board of Elections or the local election official with whom nomination papers for such office are filed, a primary ballot shall be prepared and a primary shall be held for that office. Such statement or notice shall be filed on or before the date established in this Article for certifying candidates for the primary ballot. Such statement or notice shall contain (i) the name and address of the person intending to become a write-in candidate, (ii) a statement that the person is a qualified primary elector of the political party from whom the nomination is sought, (iii) a statement that the person intends to become a write-in candidate for the party's nomination, and (iv) the office the person is seeking as a write-in candidate. An election authority shall have no duty to conduct a primary and prepare a primary ballot for any office for which the nomination is uncontested, unless a statement or notice meeting the requirements of this Section is filed in a timely manner.

(e) The polls shall be open from 6:00 a.m. to 7:00 p.m.

(Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-5.

CASE NOTES

ANALYSIS

Constitutionality
Number of Nominees
Senatorial Committee

Constitutionality

Portions of this section and section 7-12 of the Election Code [10 ILCS 5/7-12], which directed that no primary election be held if, for each office to be filled by election, no more than one person from any party was entitled to have his or her name printed on the primary ballot for an election at which no other offices were to be voted on, were unconstitutional on their face. *Lawlor v. Chicago Bd. of Election Comm'rs*, 395 F. Supp. 692 (N.D. Ill. 1975).

Despite the substantial cost of the additional elections and diminishing of the time during which residents of the counties affected might register, the General Assembly chose to provide for the elections under former Ill.Rev.Stat., ch. 34, para. 832 (see now 55 ILCS 5/3002), and 10 ILCS 5/4-6 and this section did not create invalid classifications or result in constitutional violations. *Bridgewater v. Hotz*, 51 Ill. 2d 103, 281 N.E.2d 317 (1972).

Number of Nominees

Under a prior similar provision, although three candidates were voted for by the electors at a primary election, the resolution fixing the number to be nominated at one was not invalid because the law authorizing the senatorial committee to fix and determine the number of candidates to be nominated by any political party was not invalid. *People ex rel. Donahue v. Deneen*, 256 Ill. 436, 100 N.E. 236 (1912).

Senatorial Committee

A provision of the former Legislative Primary Act (see now this section), which provided that the senatorial committee meet and organize within 30 days after its election, was not regarded as mandatory; it would have been the correct and proper thing for the committee to have done, but the failure to do so did not render invalid either the title of the committeemen to their offices or their acts at a meeting after organization more than 30 days subsequent to their election. *People ex rel. Donahue v. Deneen*, 256 Ill. 436, 100 N.E. 236 (1912).

10 ILCS 5/7-6 [Primary elections; expense]

Sec. 7-6. The expense of conducting each primary, including the per diem of judges, furnishing, warming, lighting and maintaining the polling place, and all other expenses necessarily incurred in the preparation for or conducting such primary shall be paid in the same manner, and by the same authorities or officers as provided in Sections 17-30 through 17-32 of this Code [10 ILCS 5/17-30 through 10 ILCS 5/17-32].

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-6.

10 ILCS 5/7-7 [Nominating committees]

Sec. 7-7. For the purpose of making nominations in certain instances as provided in this Article and this Act, the following committees are authorized and shall constitute the central or managing committees of each political party, viz: A State central committee, a congressional committee for each congressional district, a county central committee for each county, a municipal central committee for each city, incorporated town or village, a ward committeeman for each ward in cities containing a population of 500,000 or more; a township committeeman for each township or part of a township that lies outside of cities having a population of 200,000 or more, in counties having a population of 2,000,000 or more; a

precinct committeeman for each precinct in counties having a population of less than 2,000,000; a county board district committee for each county board district created under Division 2-3 of the Counties Code [55 ILCS 5/2-3001 et seq.]; a State's Attorney committee for each group of 2 or more counties which jointly elect a State's Attorney; a Superintendent of Multi-County Educational Service Region committee for each group of 2 or more counties which jointly elect a Superintendent of a Multi-County Educational Service Region; and a judicial subcircuit committee in Cook County for each judicial subcircuit in Cook County.

(Source: P.A. 84-861; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-7.

"An Act relating to the composition and election of county boards in certain counties," referred to in this section, has been repealed. See now 55 ILCS 5/2-3001 et seq.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, substituted "under Division 2-3 of the Counties Code" for "pursuant to 'An Act relating to the composition and election of county boards in certain counties', approved October 2, 1969, as now or hereafter amended"; and added at the end of the section "and a judicial subcircuit ... Cook County".

CASE NOTES**Applicability**

This section and 10 ILCS 5/7-61 describe only political districts for legislative and executive positions and do not refer to judicial committees for judicial vacancies in nomination. *Bonaguro v. County Officers Electoral Bd.*, 158 Ill. 2d 391, 199 Ill. Dec. 659, 634 N.E.2d 712 (1994).

10 ILCS 5/7-8 [Committees; election and appointment]

Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory Act of 1983 the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

Alternative A. At the primary held on the third Tuesday in March 1970, and at the primary held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of

such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

After the effective date of this amendatory Act of the 91st General Assembly [P.A. 91-426], whenever a vacancy occurs in the office of Chairman of a State central committee, or at the end of the term of office of Chairman, the State central committee of each political party that has selected Alternative A shall elect a Chairman who shall not be required to be a member of the State Central Committee. The Chairman shall be a registered voter in this State and of the same political party as the State central committee.

Alternative B. Each congressional committee shall, within 30 days after the adoption of this alternative, appoint a person of the sex opposite that of the incumbent member for that congressional district to serve as an additional member of the State central committee until his or her successor is elected at the general primary election in 1986. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section. In each congressional district at the general primary election held in 1986 and every 4 years thereafter, the male candidate receiving the highest number of votes of the party's male candi-

dates for State central committeeman, and the female candidate receiving the highest number of votes of the party's female candidates for State central committeewoman, shall be declared elected State central committeeman and State central committeewoman from the district. At the general primary election held in 1986 and every 4 years thereafter, if all a party's candidates for State central committeemen or State central committeewomen from a congressional district are of the same sex, the candidate receiving the highest number of votes shall be declared elected a State central committeeman or State central committeewoman from the district, and, because of a failure to elect one male and one female to the committee, a vacancy shall be declared to exist in the office of the second member of the State central committee from the district. This vacancy shall be filled by appointment by the congressional committee of the political party, and the person appointed to fill the vacancy shall be a resident of the congressional district and of the sex opposite that of the committeeman or committeewoman elected at the general primary election. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section.

The Chairman of a State central committee composed as provided in this Alternative B must be selected from the committee's members.

Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee, under both of the foregoing alternatives, the State central committee of each political party shall be composed of members elected or appointed from the several congressional districts of the State, and of no other person or persons whomsoever. The members of the State central committee shall, within 30 days after each quadrennial election of the full committee, meet in the city of Springfield and organize by electing a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the State central committee, each State central committeeman and State central committeewoman shall have one vote for each ballot voted in his or her congressional district by the primary electors of his or her party at the primary election immediately preceding the meeting of the State central committee. Whenever a vacancy occurs in the State central committee of any political party, the vacancy shall be filled by appointment of the chairmen of the county central committees of the political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township committeemen of the political party in counties of 2,000,000

or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, in a committee composed as provided in Alternative B, shall be of the same sex as his or her predecessor. A political party may, by a majority vote of the delegates of any State convention of such party, determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

(b) At the primary held on the third Tuesday in March, 1972, and every 4 years thereafter, each primary elector in cities having a population of 200,000 or over may vote for one candidate of his party in his ward for ward committeeman. Each candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. The one having the highest number of votes shall be such ward committeeman of such party for such ward. At the primary election held on the third Tuesday in March, 1970, and every 4 years thereafter, each primary elector in counties containing a population of 2,000,000 or more, outside of cities containing a population of 200,000 or more, may vote for one candidate of his party for township committeeman. Each candidate for township committeeman must be a resident of and in the township or part of a township (which lies outside of a city having a population of 200,000 or more, in counties containing a population of 2,000,000 or more), and in which township or part of a township he seeks to be elected township committeeman. The one having the highest number of votes shall be such township committeeman of such party for such township or part of a township. At the primary held on the third Tuesday in March, 1970 and every 2 years thereafter, each primary elector, except in counties having a population of 2,000,000 or over,

may vote for one candidate of his party in his precinct for precinct committeeman. Each candidate for precinct committeeman must be a bona fide resident of the precinct where he seeks to be elected precinct committeeman. The one having the highest number of votes shall be such precinct committeeman of such party for such precinct. The official returns of the primary shall show the name of the committeeman of each political party.

Terms of Committeemen. All precinct committeemen elected under the provisions of this Article shall continue as such committeemen until the date of the primary to be held in the second year after their election. Except as otherwise provided in this Section for certain State central committeemen who have 2 year terms, all State central committeemen, township committeemen and ward committeemen shall continue as such committeemen until the date of primary to be held in the fourth year after their election. However, a vacancy exists in the office of precinct committeeman when a precinct committeeman ceases to reside in the precinct in which he was elected and such precinct committeeman shall thereafter neither have nor exercise any rights, powers or duties as committeeman in that precinct, even if a successor has not been elected or appointed.

(c) The Multi-Township Central Committee shall consist of the precinct committeemen of such party, in the multi-township assessing district formed pursuant to Section 2-10 of the Property Tax Code [35 ILCS 200/2-10] and shall be organized for the purposes set forth in Section 45-25 of the Township Code [60 ILCS 1/45-25]. In the organization and proceedings of the Multi-Township Central Committee each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.

County Central Committee

(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates

for election to the General Assembly immediately preceding the meeting of the county central committee.

Congressional Committee

(e) The congressional committee of each party in each congressional district shall be composed of the chairmen of the county central committees of the counties composing the congressional district, except that in congressional districts wholly within the territorial limits of one county, or partly within 2 or more counties, but not coterminous with the county lines of all of such counties, the precinct committeemen, township committeemen and ward committeemen, if any, of the party representing the precincts within the limits of the congressional district, shall compose the congressional committee. A State central committeeman in each district shall be a member and the chairman or, when a district has 2 State central committeemen, a co-chairman of the congressional committee, but shall not have the right to vote except in case of a tie.

In the organization and proceedings of congressional committees composed of precinct committeemen or township committeemen or ward committeemen, or any combination thereof, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected, each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee, and each ward committeeman shall have one vote for each ballot voted in each precinct of his ward located in such congressional district by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee; and in the organization and proceedings of congressional committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee.

Judicial District Committee

(f) The judicial district committee of each political party in each judicial district shall be composed of the chairman of the county central committees of the counties composing the judicial district.

In the organization and proceedings of judicial district committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at

the primary election immediately preceding the meeting of the judicial district committee.

Circuit Court Committee

(g) The circuit court committee of each political party in each judicial circuit outside Cook County shall be composed of the chairmen of the county central committees of the counties composing the judicial circuit.

In the organization and proceedings of circuit court committees, each chairman of a county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the circuit court committee.

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in Cook County shall be composed of the ward and township committeemen of the townships and wards composing the judicial subcircuit.

In the organization and proceedings of each judicial subcircuit committee, each township committeeman shall have one vote for each ballot voted in his township or part of a township, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; and each ward committeeman shall have one vote for each ballot voted in his ward or part of a ward, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee.

Municipal Central Committee

(h) The municipal central committee of each political party shall be composed of the precinct, township or ward committeemen, as the case may be, of such party representing the precincts or wards, embraced in such city, incorporated town or village. The voting strength of each precinct, township or ward committeeman on the municipal central committee shall be the same as his voting strength on the county central committee.

For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the local established party. The party officers of a local established party shall be as follows: the chairman and secretary of the caucus for those municipalities and townships authorized by statute to nominate candidates by caucus shall serve as party officers for the purpose of filling vacancies in nomination under Section 7-61 [10 ILCS 5/7-61]; for municipalities and townships authorized by statute or ordinance to nominate candidates by petition and primary elec-

tion, the party officers shall be the party's candidates who are nominated at the primary. If no party primary was held because of the provisions of Section 7-5 [10 ILCS 5/7-5], vacancies in nomination shall be filled by the party's remaining candidates who shall serve as the party's officers.

Powers

(i) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Article. The several committees herein provided for shall not have power to delegate any of their powers, or functions to any other person, officer or committee, but this shall not be construed to prevent a committee from appointing from its own membership proper and necessary subcommittees.

(j) The State central committee of a political party which elects it [sic] members by Alternative B under paragraph (a) of this Section shall adopt a plan to give effect to the delegate selection rules of the national political party and file a copy of such plan with the State Board of Elections when approved by a national political party.

(k) For the purpose of the designation of a proxy by a Congressional Committee to vote in place of an absent State central committeeman or committeewoman at meetings of the State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section, the proxy shall be appointed by the vote of the ward and township committeemen, if any, of the wards and townships which lie entirely or partially within the Congressional District from which the absent State central committeeman or committeewoman was elected and the vote of the chairmen of the county central committees of those counties which lie entirely or partially within that Congressional District and in which there are no ward or township committeemen. When voting for such proxy the county chairman, ward committeeman or township committeeman, as the case may be shall have one vote for each ballot voted in his county, ward or township, or portion thereof within the Congressional District, by the primary electors of his party at the primary at which he was elected. However, the absent State central committeeman or committeewoman may designate a proxy when permitted by the rules of a political party which elects its members by Alternative B under paragraph (a) of this Section.

(Source: P.A. 86-875; 86-1089; 86-1348; 87-1052, § 3; 88-670, § 3-5; 90-627, § 5; 91-426, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-8.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, inserted "outside Cook County" in the first paragraph of subsection (g); added subsection (g-1); and added the second paragraph of subsection (h).

The 1994 amendment by P.A. 88-670, effective December 2, 1994,

in subsection (c), in the first sentence substituted "2-10 of the Property Tax Code" for "1.1 of the Revenue Act of 1939" and substituted "45-25 of the Township Code" for "6A-1 of the Township Law of 1874", approved March 4, 1874, as amended".

The 1998 amendment by P.A. 90-627, effective July 10, 1998, rewrote the last paragraph in subsection (a).

The 1999 amendment by P.A. 91-426, effective August 6, 1999, in subdivision (a), inserted the fifth paragraph, which begins "After the effective date of this amendatory Act", inserted the seventh paragraph beginning "The Chairman of a State central committee", and in the eighth paragraph inserted "Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee" at the beginning of the first sentence, and deleted "from among their own number" following "organize be electing" in the second sentence.

CASE NOTES

ANALYSIS

Candidates

—False Statement of Residency

Parties

—Filling Vacancies

Precinct Committeemen

—Election

Township Committeemen

—Accountability

Candidates

—False Statement of Residency

Where a candidate falsely stated his place of residence in his statement of candidacy, municipal officers electoral board of the city of Chicago properly ordered that the candidate's name not be printed on the ballot. *McCullough v. LaVelle*, 141 Ill. App. 3d 983, 96 Ill. Dec. 268, 491 N.E.2d 82 (1 Dist. 1986).

Parties

—Filling Vacancies

Under subsection (i) of this section the Republican central committee was authorized to delegate the task of filling vacancies in nomination to its executive committee. *Allen v. Electoral Bd.*, 147 Ill. App. 3d 782, 101 Ill. Dec. 554, 498 N.E.2d 878 (5 Dist. 1986).

Precinct Committeemen

—Election

The primary is the general election insofar as precinct committeemen are concerned, as the precinct committeemen are elected and not nominated at that election. *Whitsell v. Rutherford*, 118 Ill. App. 2d 401, 255 N.E.2d 34 (5 Dist. 1969).

Township Committeemen

—Accountability

Township committeemen are not public officers and are only accountable to the members of their respective political parties. *McCarthy v. Streit*, 182 Ill. App. 3d 1026, 131 Ill. Dec. 498, 538 N.E.2d 873 (1 Dist. 1989).

10 ILCS 5/7-8.01 [County board district committee; composition]

Sec. 7-8.01. The county board district committee of each political party in each county board district created pursuant to "An Act relating to the composition and election of county boards in certain counties", enacted by the 76th General Assembly, shall consist of the precinct committeemen of the precincts included in the county board district. (Source: P.A. 76-1651.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-8.01.

"An act relating to the composition and election of county boards in certain counties," referred to in this section, has been repealed. See now 55 ILCS 5/2-3001 et seq.

10 ILCS 5/7-8.02 [State's attorney committee; composition]

Sec. 7-8.02. The State's Attorney committee for each group of counties which jointly elect a State's Attorney and the Superintendent of Multi-County Educational Service Region committee for each group of counties which jointly elect a Superintendent of a Multi-County Educational Service Region shall consist of the chairmen of the county central committees of the counties composing such group of counties. In the organization and proceedings of a State's Attorney or Superintendent of Multi-County Educational Service Region committee, each chairman of a county central committee shall have one vote for each ballot voted in his or her county by the primary electors of his or her party at the last primary of an even-numbered year.

(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-8.02.

10 ILCS 5/7-9 County central committee; county and State conventions

Sec. 7-9. *County central committee; county and State conventions.* (a) On the second Monday next succeeding the primary at which committeemen are elected, the county central committee of each political party shall meet at the county seat of the proper county and proceed to organize by electing from its own number a chairman and either from its own number, or otherwise, such other officers as such committee may deem necessary or expedient. Such meeting of the county central committee shall be known as the county convention.

The chairman of each county committee shall within 10 days after the organization, forward to the State Board of Elections, the names and post office addresses of the officers, precinct committeemen and representative committeemen elected by his political party.

The county convention of each political party shall choose delegates to the State convention of its party; but in any county having within its limits any city having a population of 200,000, or over the delegates from such city shall be chosen by wards, the ward committeemen from the respective wards choosing the number of delegates to which such ward is entitled on the basis prescribed in paragraph (e) of this Section such delegates to be members of the delegation to the State convention from such county. In all counties containing a population of 2,000,000 or more outside of cities having a population of 200,000 or more, the delegates from each of the townships or parts of townships as the case may be

shall be chosen by townships or parts of townships as the case may be, the township committeemen from the respective townships or parts of townships as the case may be choosing the number of delegates to which such townships or parts of townships as the case may be are entitled, on the basis prescribed in paragraph (e) of this Section such delegates to be members of the delegation to the State convention from such county.

Each member of the State Central Committee of a political party which elects its members by Alternative B under paragraph (a) of Section 7-8 [10 ILCS 5/7-8] shall be a delegate to the State Convention, ex officio.

Each member of the State Central Committee of a political party which elects its members by Alternative B under paragraph (a) of Section 7-8 [10 ILCS 5/7-8] may appoint 2 delegates to the State Convention who must be residents of the member's Congressional District.

(b) State conventions shall be held within 180 days after the general primary in the year 2000 and every 4 years thereafter. In the year 1998, and every 4 years thereafter, the chairman of a State central committee may issue a call for a State convention within 180 days after the general primary.

The State convention of each political party has power to make nominations of candidates of its political party for the electors of President and Vice President of the United States, and to adopt any party platform, and, to the extent determined by the State central committee as provided in Section 7-14, to choose and select delegates and alternate delegates at large to national nominating conventions. The State Central Committee may adopt rules to provide for and govern the procedures of the State convention.

(c) The chairman and secretary of each State convention shall, within 2 days thereafter, transmit to the State Board of Elections of this State a certificate setting forth the names and addresses of all persons nominated by such State convention for electors of President and Vice President of the United States, and of any persons selected by the State convention for delegates and alternate delegates at large to national nominating conventions; and the names of such candidates so chosen by such State convention for electors of President and Vice President of the United States, shall be caused by the State Board of Elections to be printed upon the official ballot at the general election, in the manner required by law, and shall be certified to the various county clerks of the proper counties in the manner as provided in Section 7-60 of this Article 7 [10 ILCS 5/7-60] for the certifying of the names of persons nominated by any party for State offices. If and as long as this Act prescribes that the names of such electors be not printed on the ballot, then the names of such electors shall be certified in such manner as may be prescribed by the parts of this Act applicable thereto.

(d) Each convention may perform all other functions inherent to such political organization and not inconsistent with this Article.

(e) At least 33 days before the date of a State convention, the chairman of the State central committee of each political party shall file in the principal office of the State Board of Elections a call for the State convention. Such call shall state, among other things, the time and place (designating the building or hall) for holding the State convention. Such call shall be signed by the chairman and attested by the secretary of the committee. In such convention each county shall be entitled to one delegate for each 500 ballots voted by the primary electors of the party in such county at the primary to be held next after the issuance of such call; and if in such county, less than 500 ballots are so voted or if the number of ballots so voted is not exactly a multiple of 500, there shall be one delegate for such group which is less than 500, or for such group representing the number of votes over the multiple of 500, which delegate shall have $\frac{1}{500}$ of one vote for each primary vote so represented by him. The call for such convention shall set forth this paragraph (e) of Section 7-9 [10 ILCS 5/7-9] in full and shall direct that the number of delegates to be chosen be calculated in compliance herewith and that such number of delegates be chosen.

(f) All precinct, township and ward committeemen when elected as provided in this Section shall serve as though elected at large irrespective of any changes that may be made in precinct, township or ward boundaries and the voting strength of each committeeman shall remain as provided in this Section for the entire time for which he is elected.

(g) The officers elected at any convention provided for in this Section shall serve until their successors are elected as provided in this Act.

(h) A special meeting of any central committee may be called by the chairman, or by not less than 25% of the members of such committee, by giving 5 days notice to members of such committee in writing designating the time and place at which such special meeting is to be held and the business which it is proposed to present at such special meeting.

(i) Except as otherwise provided in this Act, whenever a vacancy exists in the office of precinct committeeman because no one was elected to that office or because the precinct committeeman ceases to reside in the precinct or for any other reason, the chairman of the county central committee of the appropriate political party may fill the vacancy in such office by appointment of a qualified resident of the county and the appointed precinct committeeman shall serve as though elected; however, no such appointment may be made between the general primary election and the 14th day after the general primary election.

(j) If the number of Congressional Districts in the State of Illinois is reduced as a result of reapportionment of Congressional Districts following a federal decennial census, the State Central Committeemen

and Committeewomen of a political party which elects its State Central Committee by either Alternative A or by Alternative B under paragraph (a) of Section 7-8 [10 ILCS 5/7-8] who were previously elected shall continue to serve as if no reapportionment had occurred until the expiration of their terms.

(Source: P.A. 86-873; 86-875; 86-1028; 86-1089; 86-1348; 86-1475; 89-5, § 10; 90-627, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-9.

Effect of Amendments.

The 1995 amendment by P.A. 89-5, effective January 1, 1996, added the section catchline; in subsection (b), in the second sentence, deleted "and for trustees of the University of Illinois" preceding "and to adopt"; and in subsection (c), in the first sentence, deleted "and for trustees of the University of Illinois" preceding "and of any persons" and deleted "and trustees of the University of Illinois" preceding "shall be caused".

The 1998 amendment by P.A. 90-605, effective July 10, 1998, rewrote the first paragraph in subsection (b); and in the first sentence of subsection (e), substituted "date of a State convention" for "primary at which committeemen are elected", and substituted "principal office of the State Board of Elections" for "office of the county clerk in each county of the State".

10 ILCS 5/7-9.1 [Office of delegate; vacancy]

Sec. 7-9.1. (a) Except as otherwise provided in this Act, whenever a vacancy exists in the office of delegate to a State or national nominating convention by reason of death or for any other reason, then the alternate receiving the highest vote shall succeed to the vacated office and exercise all the rights and prerogatives and discharge all the duties of the office. The vacated office of alternate shall be filled by the congressional committee of the district.

(b) Vacancies, whether temporary or permanent, in the office of delegate to the national nominating convention of a political party whose State Central Committee uses Alternative B of Section 7-14.1 [10 ILCS 5/7-14.1] shall be filled by alternate delegates in the following order:

1. Alternates from the same District with same Presidential preference;
2. Alternates from other Districts with same Presidential preference;
3. Alternate at-large delegates with same Presidential preference;
4. Alternates from the same District with different Presidential preference;
5. Alternates from other Districts with different Presidential preference;
6. Alternate at-large delegates with different Presidential preference.

Unpledged delegates shall be replaced by unpledged alternates.

Each delegate shall certify in writing the order of his succession of alternates to the chairman of the State's delegation.

The delegation shall, as soon as practicable, fill a vacancy in the position of alternate delegate by choosing, in accord with its rules, a person of the

same Presidential preference and from the same political subdivision.

The alternate succeeding to the vacated office shall exercise all the rights and prerogatives of the office and discharge all the duties of the office. (Source: P.A. 83-32.)

Note. This section was Ill.Rev.Stat., Ch. 46, para. 7-9.1.

10 ILCS 5/7-10 Form of petition for nomination

Sec. 7-10. Form of petition for nomination. The name of no candidate for nomination, or State central committeeman, or township committeeman, or precinct committeeman, or ward committeeman or candidate for delegate or alternate delegate to national nominating conventions, shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

We, the undersigned, members of and affiliated with the party and qualified primary electors of the party, in the of, in the county of and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the party for the nomination for (or in case of committeemen for election to) the office or offices hereinafter specified, to be voted for at the primary election to be held on (insert date).

Table with 3 columns: Name, Office, Address. Row 1: John Jones, Governor, Belvidere, Ill. Row 2: Thomas Smith, Attorney General, Oakland, Ill.

Name Address State of Illinois)) ss. County of)

I,, do hereby certify that I reside at No. street, in the of, county of, and State of, that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this sheet were signed in my presence, and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the party, and that their respective residences are correctly stated, as above set forth.

Subscribed and sworn to before me on (insert date).

Each sheet of the petition other than the statement of candidacy and candidate's statement shall be of uniform size and shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented and place of resi-

dence; and the heading of each sheet shall be the same.

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However the county or city, village or town, and state of residence of the electors may be printed on the petition forms where all of the electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. At the bottom of each sheet of such petition shall be added a circulator statement signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; and certifying that the signatures on that sheet of the petition were signed in his or her presence and certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 [10 ILCS 5/7-12] for the filing of such petition.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

- (1) the person striking the signature shall initial the petition at the place where the signature is struck; and
(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

Such sheets before being filed shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election

officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator thereof, and not photocopies or duplicates of such sheets. Each petition must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified (in the case of a candidate for State's Attorney it shall state that the candidate is at the time of filing such statement a licensed attorney-at-law of this State), shall state that he has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.], shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy

Name	Address	Office	District	Party
John Jones	102 Main St. Belvidere, Illinois	Governor	Statewide	Republican
State of Illinois))))
County of))	ss.)

I,, being first duly sworn, say that I reside at Street in the city (or village) of, in the county of, State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the party; that I am a candidate for nomination (for election in the case of committeeman and delegates and alternate delegates) to the office of to be voted upon at the primary election to be held on (insert date); that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed (or I will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for (or election to in the case of committeemen and delegates and alternate delegates) such office.

Signed

Subscribed and sworn to (or affirmed) before me by, who is to me personally known, on (insert date).

Signed

(Official Character)

(Seal, if officer has one.)

The petitions, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the State Board of Elections, election authority or local election official with whom the petition is required to be filed, and before the filing of such petition. Whoever forges the name of a signer upon any petition required by this Article is deemed guilty of a forgery and on conviction thereof shall be punished accordingly.

Petitions of candidates for nomination for offices herein specified, to be filed with the same officer, may contain the names of 2 or more candidates of the same political party for the same or different offices.

Such petitions for nominations shall be signed:

(a) If for a State office, or for delegate or alternate delegate to be elected from the State at large to a National nominating convention by not less than 5,000 nor more than 10,000 primary electors of his party.

(b) If for a congressional officer or for delegate or alternate delegate to be elected from a congressional district to a national nominating convention by at least .5% of the qualified primary electors of his party in his congressional district, except that for the first primary following a redistricting of congressional districts such petitions shall be signed by at least 600 qualified primary electors of the candidate's party in his congressional district.

(c) If for a county office (including county board member and chairman of the county board where elected from the county at large), by at least .5% of the qualified electors of his party cast at the last preceding general election in his county. However, if for the nomination for county commissioner of Cook County, then by at least .5% of the qualified primary electors of his or her party in his or her county in the district or division in which such person is a candidate for nomination; and if for county board member from a county board district, then by at least .5% of the qualified primary electors of his party in the county board district. In the case of an election for county board member to be elected from a district, for the first primary following a redistricting of county board districts or the initial establishment of county board districts, then by at least .5% of the qualified electors of his party in the entire county at the last preceding general election, divided by the number of county board districts, but in any event not less than 25 qualified primary electors of his party in the district.

(d) If for a municipal or township office by at least .5% of the qualified primary electors of his party in the municipality or township; if for alderman, by at least .5% of the voters of his party of his ward. In the case of an election for alderman or trustee of a municipality to be elected from a ward or district, for the first primary following a redistricting of wards or districts, then by at least .5% of the qualified electors of his party in the ward or district.

tricting or the initial establishment of wards or districts, then by .5% of the total number of votes cast for the candidate of such political party who received the highest number of votes in the entire municipality at the last regular election at which an officer was regularly scheduled to be elected from the entire municipality, divided by the number of wards or districts, but in any event not less than 25 qualified primary electors of his party in the ward or district.

(e) If for State central committeeman, by at least 100 of the primary electors of his or her party of his or her congressional district.

(f) If for a candidate for trustee of a sanitary district in which trustees are not elected from wards, by at least .5% of the primary electors of his party, from such sanitary district.

(g) If for a candidate for trustee of a sanitary district in which the trustees are elected from wards, by at least .5% of the primary electors of his party in his ward of such sanitary district, except that for the first primary following a reapportionment of the district such petitions shall be signed by at least 150 qualified primary electors of the candidate's ward of such sanitary district.

(h) If for a candidate for judicial office in a district, circuit, or subcircuit, by a number of primary electors at least equal to 0.25% of the number of votes cast for the judicial candidate of his or her political party who received the highest number of votes at the last regular general election at which a judicial officer from the same district, circuit, or subcircuit was regularly scheduled to be elected, but in no event fewer than 500.

(i) If for a candidate for precinct committeeman, by at least 10 primary electors of his or her party of his or her precinct; if for a candidate for ward committeeman, by not less than 10% nor more than 16% (or 50 more than the minimum, whichever is greater) of the primary electors of his party of his ward; if for a candidate for township committeeman, by not less than 5% nor more than 8% (or 50 more than the minimum, whichever is greater) of the primary electors of his party in his township or part of a township as the case may be.

(j) If for a candidate for State's Attorney or Regional Superintendent of Schools to serve 2 or more counties, by at least .5% of the primary electors of his party in the territory comprising such counties.

(k) If for any other office by at least .5% of the total number of registered voters of the political subdivision, district or division for which the nomination is made or a minimum of 25, whichever is greater.

For the purposes of this Section the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for such political party who received the highest number of votes, state-wide, at the last general election in the State at which electors for

President of the United States were elected. For political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such political subdivision at the last regular election at which an officer was regularly scheduled to be elected from that subdivision. For wards or districts of political subdivisions, the number of primary electors shall be determined by taking the total vote cast for the candidate for such political party who received the highest number of votes in such ward or district at the last regular election at which an officer was regularly scheduled to be elected from that ward or district.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

(Source: P.A. 86-786; 86-867; 86-1028; 86-1348; 86-1478; 87-1052, § 3; 88-89, § 3-5; 91-57, § 5; 91-357, § 10; 91-358, § 5; 92-16, § 10; 92-129, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-10.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Section 996 of P.A. 92-16 contains a "no acceleration or delay" provision, and Section 997 contains a "no revival or extension" provision.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, inserted "and have been a registered voter at all times I have circulated this petition" in second paragraph of the form near the beginning of the section; and in the fourth paragraph, inserted "who has been a registered voter at all times he or she circulated the petition".

The 1993 amendment by P.A. 88-89, effective July 14, 1993, in the third sentence of the third paragraph and at the end of the fourth paragraph inserted "or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election".

The 1999 amendment by P.A. 91-57, effective June 30, 1999, added the section heading; changed the date blanks in the petition and statement of candidacy forms; and substituted "county, and city, village or town, and state" for "city, village or town" throughout the section.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the forms.

The 1999 amendment by P.A. 91-358, effective July 29, 1999, rewrote subdivision (h) which formerly provided: "If for a candidate for judicial office, by at least 500 qualified primary electors of his or her judicial district, circuit, or subcircuit, as the case may be".

The 2001 amendment by P.A. 92-16, effective June 28, 2001, incorporated amendments by P.A. 91-57, P.A. 91-357, and P.A. 91-358; in subdivision (h) substituted "If" for "The number of signatures required", "by a number of primary electors at least equal to" for "shall be", and "fewer than 500" for "shall be less than 500"; and made a stylistic change.

The 2001 amendment by P.A. 92-129, effective July 20, 2001, incorporated amendments by P.A. 91-57, P.A. 91-357, and P.A. 91-358; in the notary certification paragraph in the first sample form deleted "that I am a registered voter and have been a registered voter at all times I have circulated this petition" following "do hereby certify", and inserted "that I am 18 years of age or older, that I am a citizen of the United States" following "State of Illinois"; in the second undesignated paragraph following the first sample form, in the fourth sentence inserted "circulator", substituted "person 18 years of age or older who is a citizen of the United States" for "registered voter of the political division, who has been

a registered voter at all times he or she circulated the petition for which the candidate is seeking a nomination", deleted "of the voter" following "rural route number", inserted "and certifying that the signatures are genuine", deleted "or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election and certifying that the signatures on the sheet are genuine" following "90 days preceding the last day for the filing of the petition", and made gender-neutralizing and other stylistic changes; in the third undesignated paragraph following the form, deleted "or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election"; and in subdivision (h) substituted "If" for "The number of signatures required" at the beginning, and "by a number of primary electors at least equal to" for "shall be" preceding "0.25%", and substituted "fewer than 500" for "shall be less than 500 signatures".

Although the amendments made to this section by P.A. 92-16, § 10 and P.A. 92-129, § 5 did not take into account the amendments made by the other, the amendments have been combined into a single version by the publisher.

CASE NOTES

ANALYSIS

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Constitutionality

—Equal Protection

Where subsection (i) of this section established a legislative classification based upon geography, and candidates from a particular city were required to submit a greater percentage of signatures on their nominating petitions than candidates in townships, such disparate legislative treatment of candidates and voters was violative of the equal protection clause of the Fourteenth Amendment to the United States Constitution. *Smith v. Board of Election Comm'rs*, 587 F. Supp. 1136 (N.D. Ill. 1984).

—First Amendment

The statutory requirements that a nominating petition circulator must be a registered voter and must be registered to vote in the same political subdivision for which the candidate is seeking office is unconstitutional as the statute prevents political candidates from fully associating with individuals who are not registered to vote in the relevant political subdivisions to circulate nominating petitions, and greatly minimizes the candidates' ability to disseminate one type of political speech through these individuals; the provision substantially burdens the candidates' First Amendment rights and cannot withstand exacting scrutiny because, although it helps ensure that candidates have a modicum of support among the electorate, it is not narrowly tailored to serve this or any other compelling interest. *Krislov v. Rednour*, 226 F.3d 851 (7th Cir. 2000), cert denied, U.S. S. Ct., 148 L. Ed. 2d 960 (2001).

—Registration Requirement

This section, requiring that circulators be registered in the candidate's nominating district, does not violate the first and fourteenth amendments; the slight burden is justified in that the section insures community support for a candidate before he or she is placed on a ballot. *Krislov v. Rednour*, 980 F. Supp. 267 (N.D. Ill. 1997).

—Signature Limitations

A maximum signature limitation did not prevent a monopolization of signatures by an entrenched candidate, thus preventing others from access to the ballot. *Richards v. Lavelle*, 483 F. Supp. 732 (N.D. Ill.), aff'd, 620 F.2d 144 (7th Cir. 1980).

The state may not enforce the maximum limitation with the drastic sanction of removal from the ballot because the sanction of removal bears no rational relationship to the valid interest which the state asserts in imposing the maximum limitation; the rational way to deal with a petition filed with too many signatures is to find a way to avoid unnecessary administrative burdens without needlessly infringing other valid interests. *Richards v. Lavelle*, 620 F.2d 144 (7th Cir. 1980).

The imposition of maximum signature limitations on only two classes of office-seekers did not constitute an irrational classification. *Lizak v. Zadrozny*, 4 Ill. App. 3d 1023, 283 N.E.2d 252 (1 Dist. 1972).

—Signature Requirement

Subsection (i) of this section, to the extent that in a particular county it imposed a higher percentage signature requirement for access to the ballot for the office of ward committeeman than for township committeeman, was unconstitutional. *Gjersten v. Board of Election Comm'rs*, 791 F.2d 472 (7th Cir. 1986).

Since the signature requirement for a candidate for sheriff was no different from any county-wide office other than judge, and neither candidate individually nor candidates for sheriff as a class were subject to special or suspect classifications or requirements, candidate's equal protection rights were not violated by subsection (c) of this section. *Fuller v. Kuspier*, 141 Ill. App. 3d 1074, 96 Ill. Dec. 273, 491 N.E.2d 87 (1 Dist. 1986).

Constitutionality (Cont'd)**—Signature Requirement (Cont'd)**

The requirement under subsection (c) of this section that a petition for the nomination of a candidate for sheriff of Cook County must be signed by at least one-half of one percent of the qualified electors of his party was not so onerous that it abridged a candidate's constitutional First Amendment and Due Process Guarantees. *Fuller v. Kusper*, 141 Ill. App. 3d 1074, 96 Ill. Dec. 273, 491 N.E.2d 87 (1 Dist. 1986).

—Upheld

Ballot-access provisions in 10 ILCS 5/10-8 and this section did not place an unconstitutional burden on candidates for primary elections because provisions sufficiently guarded against frivolous challenges and a neutral body holds a judicially reviewable hearing to determine whether any objections are well founded. *Krislov v. Rednour*, 946 F. Supp. 563 (N.D. Ill. 1996).

Adequate State Remedy

In an action challenging the constitutionality of this section, since 10 ILCS 5/10-10.1, providing for state court judicial review of decisions of Electoral Board, provided an adequate remedy at law, and since there were several actions involving virtually the same parties and the same legal and factual issues pending in state courts initiated pursuant to 10 ILCS 5/10-10.1, a temporary restraining order issued by a federal district court would not have been proper. *Ament v. Kusper*, 370 F. Supp. 65 (N.D. Ill. 1974).

Affidavit**—Form**

The form of the circulator's affidavit is merely suggestive or directory and not mandatory. *O'Connor v. Cook County Officers Electoral Bd.*, 281 Ill. App. 3d 1108, 217 Ill. Dec. 583, 667 N.E.2d 672 (1 Dist. 1996).

Applicability

This section is not addressed solely to petition-signers and precludes candidates from indiscriminately striking signatures from their own petitions. *Lizak v. Zadrozny*, 4 Ill. App. 3d 1023, 283 N.E.2d 252 (1 Dist. 1972).

Certification Requirements**—Strict Enforcement**

Certification requirements have been strictly enforced by courts because such requirements are important safeguards against fraud in the nominating process. *Moscardini v. County Officers Electoral Bd.*, 224 Ill. App. 3d 1059, 168 Ill. Dec. 762, 590 N.E.2d 84 (2 Dist.), appeal denied, 144 Ill. 2d 635, 169 Ill. Dec. 143, 591 N.E.2d 23 (1992).

Change of Political Parties

An absolute prohibition of change of political parties for a two year period was invalid as applied to voters generally or as applied to voters who sign primary petitions. *Sperling v. County Officers Electoral Bd.*, 57 Ill. 2d 81, 309 N.E.2d 589 (1974).

Construction

The requirements of this section are mandatory and not directory. *Bowe v. Chicago Elec. Bd.*, 79 Ill. 2d 469, 38 Ill. Dec. 756, 404 N.E.2d 180 (1980).

Filing

10 ILCS 5/1-3 and this section do not require that a candidate must simultaneously file his statement of candidacy and petition sheets; it is sufficient if a candidate files both within the statutorily prescribed filing period. *Courtney v. County Officers Electoral Bd.*, 314 Ill. App. 3d 870, 247 Ill. Dec. 861, 732 N.E.2d 1193 (1 Dist. 2000).

Jurisdiction**—Chancery**

Since there is no property right in public office, the former court of chancery lacked jurisdiction to enjoin the issuance of a certificate of nomination or to proclaim the number of votes cast for candidates in an election. *Elder v. Mall*, 350 Ill. 538, 183 N.E. 578 (1932).

Nomination Papers Properly Filed

Where the nomination papers of a judicial candidate were filed after notice of resignation was received by the chief justice, they were properly filed after notice of resignation was received by the Supreme Court, and after the vacancy became effective. *Cole v. McGilliguddy*, 21 Ill. App. 3d 645, 316 N.E.2d 109 (1 Dist. 1974).

Oath

An oath taken before a notary public who had received his or her commission from a state other than Illinois was legally sufficient for the oath required on a statement of candidacy under this section. *Frost v. County Officers Electoral Bd.*, 285 Ill. App. 3d 286, 220 Ill. Dec. 531, 673 N.E.2d 443 (1 Dist. 1996).

Petitions and Voting Lists

When a cursory comparison of a petition and the relevant voting lists reveals that fewer than the statutorily required number of signatories appearing in the former also appear in the latter, the petition is not genuine and the candidate need not be certified. *Daly v. Stratton*, 215 F. Supp. 244 (N.D. Ill. 1963), aff'd, 326 F.2d 340 (7th Cir. 1964).

Petitions for Nomination**—Acknowledgement**

Failure of the circulator of a petition for nomination to appear personally before the notary public invalidated the petition. *Bowe v. Chicago Elec. Bd.*, 79 Ill. 2d 469, 38 Ill. Dec. 756, 404 N.E.2d 180 (1980).

—Circulation Dates

This section, calling for an indication on a petition of when nominating petition was circulated, is mandatory rather than directory. *Simmons v. DuBose*, 142 Ill. App. 3d 1077, 97 Ill. Dec. 150, 492 N.E.2d 586 (1 Dist. 1986).

Where three sheets of a candidate's nominating petition failed to indicate the circulation date or that the sheets were circulated within the statutory period, the signatures contained on those sheets were invalid. *Simmons v. DuBose*, 142 Ill. App. 3d 1077, 97 Ill. Dec. 150, 492 N.E.2d 586 (1 Dist. 1986).

—Circulator's Affidavit

There is no requirement that the person who signs the so called circulator's affidavit at the bottom of each sheet of a nominating petition must be the person who physically presented the sheet to each voter who signed; instead, the only requirement is that the person who signs the circulator's affidavit must have been present when each signatory signed the sheet. *Moscardini v. County Officers Electoral Bd.*, 224 Ill. App. 3d 1059, 168 Ill. Dec. 762, 590 N.E.2d 84 (2 Dist.), appeal denied, 144 Ill. 2d 635, 169 Ill. Dec. 143, 591 N.E.2d 23 (1992).

—Circulator's Residence

An individual sheet of a nominating petition which was filed pursuant to this section was not rendered invalid where the address set forth within the circulator's affidavit at the bottom of the petition sheet did not match the address where the circulator of the sheet was registered to vote. *Lucas v. Lakin*, 175 Ill. 2d 166, 221 Ill. Dec. 834, 676 N.E.2d 637 (1997).

Where a petition circulator was not a resident of a city having a population over 10,000, he was not required to set forth the street and number of his residence on a candidate's nominating petition. *Panarese v. Hosty*, 104 Ill. App. 3d 627, 60 Ill. Dec. 434, 432 N.E.2d 1333 (1 Dist. 1982).

—Compliance Not Shown

Since there were numerous vacancies on the reclamation district up for election and petitioner's nominating petitions did not specifically name the vacancy sought by the petitioner, and there was uncontroverted evidence that petitioner obtained signatures from voters by failing to inform them of the specific vacancy she sought, petitioner's nominating petitions failed to comply strictly or substantially with this section. *Zapolsky v. Cook County Officers Electoral Bd.*, 296 Ill. App. 3d 731, 231 Ill. Dec. 210, 695 N.E.2d 1329 (1 Dist. 1998).

—Failure to Number Pages

The provision of this section regarding page numbering is mandatory; therefore, where plaintiff did not comply, plaintiff's name

Petitions for Nomination (Cont'd)**—Failure to Number Pages (Cont'd)**

was properly removed from the ballot for a primary election. *El-Aboudi v. Thompson*, 293 Ill. App. 3d 191, 227 Ill. Dec. 684, 687 N.E.2d 1166 (2 Dist. 1997).

A registered voter in a county, who observed that the pages in a candidate's package were unnumbered, lacked standing to intervene in the candidate's suit to issue an injunction directing the county board of election commissioners to place his name on the ballot. *Moy v. Cowen*, 958 F.2d 168 (7th Cir. 1992).

The failure to number the pages of a nominating petition did not impose an undue burden upon anyone wishing to challenge any of the signatures where the petition, which consisted of 48 pages, was not of such a size as would present a serious problem of page identification. *Stevenson v. County Officers Electoral Bd.*, 58 Ill. App. 3d 24, 15 Ill. Dec. 571, 373 N.E.2d 1043 (3 Dist. 1978).

Where pages of plaintiff's nominating petition were numbered 1 through 323, but lacked page 191, the omission did not constitute any basis for striking the remaining pages because the failure to insert or number a page was a mere technicality and could not invalidate a petition. *Williams v. Butler*, 35 Ill. App. 3d 532, 341 N.E.2d 394 (4 Dist. 1976).

—Form

Nominating petitions should be free from a basis for confusion as to the office for which they are filed as a potential signatory to a nominating petition has a right to know the specific vacancy sought by the candidate so that the signatory may make an informed decision to sign the petition or support another candidate for the same vacancy. *Zapolsky v. Cook County Officers Electoral Bd.*, 296 Ill. App. 3d 731, 231 Ill. Dec. 210, 695 N.E.2d 1329 (1 Dist. 1998).

—Independent Candidates

The use of nominating petitions by independents to obtain a place on the Illinois ballot is an integral part of the elective system. *Moore v. Ogilvie*, 394 U.S. 814, 89 S. Ct. 1493, 23 L. Ed. 2d 1 (1969).

—Judicial Office

Until smaller subcircuits for judgeship selection were established as mandated by the General Assembly, subsection (h) of this section provided that the entire Cook County Judicial Circuit, including both Chicago and its suburbs, was fair territory for collecting nominating petition signatures for judicial vacancies occurring within the circuit. *Jordan v. Glaub*, 196 Ill. App. 3d 736, 143 Ill. Dec. 922, 554 N.E.2d 994 (1 Dist. 1990).

—Multiple Sets

This section does not permit a candidate to file multiple sets of nominating papers for the same office; otherwise, the express terms of this section that nominating petitions for an office "shall not be withdrawn or added to" would be rendered meaningless. *Anthony v. Butler*, 166 Ill. App. 3d 575, 117 Ill. Dec. 26, 519 N.E.2d 1193 (1 Dist. 1988).

—Photocopies

This section permits a candidate to file nominating papers containing photocopied sheets of individuals' signatures, provided those photocopies are not otherwise duplicated in the candidate's set of nominating papers. *Anthony v. Butler*, 166 Ill. App. 3d 575, 117 Ill. Dec. 26, 519 N.E.2d 1193 (1 Dist. 1988).

—Qualified Primary Electors

The failure of nominating petitions to include a statement that persons signing were qualified primary electors of an affiliated political party did not disqualify candidate from a ballot position where each signer was qualified to vote in state and resided in judicial district where candidate sought vacant judicial post. *Dooley v. McGillicuddy*, 63 Ill. 2d 54, 345 N.E.2d 102 (1976).

Since the Electoral Board's interpretation of qualified primary electors as those persons who had voted in the past two party primaries, although it may not have been correct, was not so unreasonable as to make the decision that nominating petitions for ward committeemen did not contain the required number of signatures fraudulent, it was therefore upheld. *Telcser v. Holzman*, 31 Ill. 2d 332, 201 N.E.2d 370 (1964).

—Refusal to Include Name

Refusal to include name of plaintiff, who inadvertently filed 367

signatures too many, on the ballot was unreasonable and arbitrary governmental action. *Richards v. Lavelle*, 483 F. Supp. 732 (N.D. Ill.), *aff'd*, 620 F.2d 144 (7th Cir. 1980).

—Substantial Compliance

Substantial compliance with this section is acceptable when the invalidating charge concerns a technical violation, but substantial compliance is not operative to release a candidate from compliance with the provisions intended by the legislature to guarantee a fair and honest election. *Madden v. Schumann*, 105 Ill. App. 3d 900, 61 Ill. Dec. 684, 435 N.E.2d 173 (1 Dist. 1982).

A candidate complied with the requirements of nomination papers for judicial office where he properly described the office sought, specifying the particular vacancy for which he was a candidate; the law required nothing more than compliance with the statute. *Cole v. McGillicuddy*, 21 Ill. App. 3d 645, 316 N.E.2d 109 (1 Dist. 1974).

Where the printed introductory language of each petition for a candidate for representative to the General Assembly stated that the signers were duly qualified electors residing in the legislative district, where following the signatures on each petition, there was a printed section in which the individual who procured the signatures verified under oath that such signatures were valid and that the petitioners resided in the legislative district, and where the plaintiffs raised no question as to the authenticity of the signatures or the street addresses of the petitioners, the printed sections of the petition, read together with the handwritten sections, resulted in a finding that the nominating petitions of the candidate were in substantial compliance with this section. *Madison v. Sims*, 6 Ill. App. 3d 795, 286 N.E.2d 592 (1 Dist. 1972).

—Time of Circulation

Nowhere in the statutes is a candidate prohibited from circulating nominating petitions until the office sought is actually vacated. *Cole v. McGillicuddy*, 21 Ill. App. 3d 645, 316 N.E.2d 109 (1 Dist. 1974).

Purpose

The apparent purpose of the nominating petitions signed by voters is to expand the informed participation of members of the respective parties in their primary election. *Zapolsky v. Cook County Officers Electoral Bd.*, 296 Ill. App. 3d 731, 231 Ill. Dec. 210, 695 N.E.2d 1329 (1 Dist. 1998).

The general purpose of this section is to provide an orderly procedure whereby qualified persons seeking public office may enter primary elections. *Lewis v. Dunne*, 63 Ill. 2d 48, 344 N.E.2d 443 (1976).

Resignation**—Effective Date**

Once tendered, a resignation is final and becomes effective when it is received by, or filed with, the officer authorized by law to fill the vacancy. *Cole v. McGillicuddy*, 21 Ill. App. 3d 645, 316 N.E.2d 109 (1 Dist. 1974).

A resignation which becomes effective at a later date creates a vacancy in that office when received. *Cole v. McGillicuddy*, 21 Ill. App. 3d 645, 316 N.E.2d 109 (1 Dist. 1974).

Revocation of Signatures**—False Affidavits**

Where it was shown that circulators of various sheets of a candidate's nominating petition had filed false affidavits in connection with the circulation of those sheets, all signatures on those sheets should have been stricken by the electoral board since the sheets did not contain the notarized affidavit of the actual circulator. *Fortas v. Dixon*, 122 Ill. App. 3d 697, 78 Ill. Dec. 496, 462 N.E.2d 615 (1 Dist. 1984).

—False Oath

Where the sheets of a nominating petition submitted by a purported circulator evidenced a pattern of fraud, false swearing and total disregard for the mandatory requirements of this Code, there was ample support for the Electoral Board's finding that circulator's oath was incredible, making all signatures on the first three sheets of the petition invalid. *Canter v. Cook County Officers*

Revocation of Signatures (Cont'd)

—False Oath (Cont'd)

Electoral Bd., 170 Ill. App. 3d 364, 120 Ill. Dec. 388, 523 N.E.2d 1299 (1 Dist. 1988).

—Multiple Parties

The mere appearance of voters' signatures on both the Democratic and Republican nominating petitions was insufficient for disqualification of the voters from the Democratic candidate's nominating petition where it was not proved that the Republican nominating petitions was signed earlier. *Watkins v. Burke*, 122 Ill. App. 3d 499, 78 Ill. Dec. 41, 461 N.E.2d 625 (1 Dist. 1984).

Signers

—Ill or Disabled

Under U.S. Const., Amend. 1 and 10 ILCS 5/3-1.2, all voters may participate in the nominating process, so this section must be construed to mean a voter who is otherwise eligible but who, because of illness or disability, cannot physically execute a petition may be granted assistance in that process. *Anderson v. Chicago Bd. of Election Comm'rs*, 284 Ill. App. 3d 832, 220 Ill. Dec. 247, 672 N.E.2d 1259 (1 Dist. 1996), appeal denied, 171 Ill. 2d 561, 222 Ill. Dec. 429, 677 N.E.2d 963 (1997).

—Multiple Parties

Where an otherwise qualified voter has signed the nominating petitions of more than one political party, the signature appearing on the petition first signed is valid and all subsequent signatures appearing on the nominating petitions of other parties are invalid. *Watkins v. Burke*, 122 Ill. App. 3d 499, 78 Ill. Dec. 41, 461 N.E.2d 625 (1 Dist. 1984).

Statement of Candidacy

—Mandatory Requirements

This section's statement of candidacy requirements are mandatory rather than directory; therefore a candidate's nominating petition and statement of candidacy could not be read together so as to validate his insufficient statement of candidacy. *Lawlor v. Municipal Officer Electoral Bd.*, 28 Ill. App. 3d 823, 329 N.E.2d 436 (1 Dist. 1975).

—Oath Requirement

An oath that candidate was a qualified primary voter, contained in his statement of candidacy, was sufficient to constitute substantial compliance with the petition circulator's oath requirement of this section. *Madden v. Schumann*, 105 Ill. App. 3d 900, 61 Ill. Dec. 684, 435 N.E.2d 173 (1 Dist. 1982).

—Purpose

The apparent purpose of the requirement that a statement of candidacy be included as a part of a candidate's nominating papers is to obtain a sworn statement from the candidate establishing his qualifications to enter the primary election for the office he seeks. *Lewis v. Dunne*, 63 Ill. 2d 48, 344 N.E.2d 443 (1976).

—Specific Office

A candidate's failure to designate the specific vacancy in his statement of candidacy for election as judge of the appellate court did not render his nominating papers invalid where those papers, of which the statement of candidacy was a part, clearly stated the particular vacancy, and where there was no conflict or inconsistency between the description of the office in the petitions signed by the electors and the statement of candidacy. *Lewis v. Dunne*, 63 Ill. 2d 48, 344 N.E.2d 443 (1976).

Ward Committeemen

—Standing

A candidate for the office of ward committeeman was not required to establish the strength of his campaign before challenging the statute. *Gjersten v. Board of Election Comm'rs*, 791 F.2d 472 (7th Cir. 1986).

Write-In Candidates

—Eligibility

Individual who was on the Democratic ballot for the office of

circuit judge in a primary election was not eligible to be written-in by the voters of the Republican party as their candidate for the same position. *Fleming v. State Bd. of Elections*, 40 Ill. App. 3d 695, 353 N.E.2d 57 (4 Dist. 1976).

10 ILCS 5/7-10.1 [Sworn statement]

Sec. 7-10.1. Each petition or certificate of nomination shall include as a part thereof, a statement for each of the candidates filing, or in whose behalf the petition or certificate of nomination is filed, said statement shall be subscribed and sworn to by such candidate or nominee before some officer authorized to take acknowledgment of deeds in this State and shall be in substantially the following form:

United States of America)
) ss
 State of Illinois)

I, do swear that I am a citizen of the United States and the State of Illinois, that I am not affiliated directly or indirectly with any communist organization or any communist front organization, or any foreign political agency, party, organization or government which advocates the overthrow of constitutional government by force or other means not permitted under the Constitution of the United States or the constitution of this State; that I do not directly or indirectly teach or advocate the overthrow of the government of the United States or of this State or any unlawful change in the form of the governments thereof by force or any unlawful means.

.....
 Subscribed and sworn to by me on (insert date).

.....
 (Notary Public)

My commission expires:
 (Source: P.A. 76-1329; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-10.1. P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

CASE NOTES

Constitutionality

—Loyalty Oath

A loyalty oath requirement of this section and former section 10-5 of the Election Code was invalid in that it violated plaintiff's rights to participate in the electoral process, to freedom of speech, and to freedom of association, and was therefore unconstitutional under the First and Fourteenth Amendments to the United States Constitution. *Socialist Workers Party v. Ogilvie*, 357 F. Supp. 109 (N.D. Ill. 1972).

A loyalty oath requirement of this section and former section 10-5 of the Election Code was found to be invalid in that it was vague and overbroad on its face, and therefore unconstitutional under the

Constitutionality (Cont'd)**—Loyalty Oath (Cont'd)**

First and Fourteenth Amendments to the United States Constitution. *Communist Party v. Ogilvie*, 357 F. Supp. 105 (N.D. Ill. 1972).

LEGAL PERIODICALS

For article "Federal Protections of Individual Rights in Local Elections," see 13 J. Marshall L. Rev. 503 (1980).

10 ILCS 5/7-10.2 [Designation of name]

Sec. 7-10.2. In the designation of the name of a candidate on a petition for nomination or certificate of nomination the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a title or degree, or nickname suggesting or implying possession of a title, degree or professional status, similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. (Source: P.A. 81-135.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-10.2.

10 ILCS 5/7-10.3 [Statement of preference]

Sec. 7-10.3. (A) Except as otherwise provided in paragraph (C) of this Section, a candidate for delegate or alternate delegate to a national nominating convention shall file with the State Board of Elections at the time of filing the statement of candidacy described in Section 7-10 [10 ILCS 5/7-10], a statement declaring the name of his preference for President of the United States or that he is uncommitted.

(B) If more candidates for delegate or alternate delegate in a congressional district than have been allocated to that district file statements designating the same presidential candidate as their preference for President of the United States, the presidential candidate so designated or his authorized representative may, within 10 days after the last day for filing such statements, file an affidavit designating which of such candidates he wants to be listed on the ballot as being committed to the presidential candidate. Candidates for delegate or alternate delegate not designated on an affidavit by the presidential candidate shall be listed on the ballot as uncommitted. In no event may the designated person's filing of the affidavit leave fewer candidates listed on the ballot as being committed to him than the number of delegates or alternate delegates allocated to the district.

(C) The State central committee of a political party may choose to file a statement with the State Board of Elections not less than 30 days prior to the first day for filing the statement of candidacy described in Section 7-10 [10 ILCS 5/7-10], specifying

that a candidate for delegate or alternate delegate shall not be required to file an official declaration statement pursuant to this Section.

If the State central committee of a political party specifies that any such official declaration statement is not required to be filed by the candidates for delegates and alternate delegates to the national nominating convention of any such political party, then "no such declaration statement shall be required to be made.

(Source: P.A. 85-903.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-10.3.

CASE NOTES**ANALYSIS****Constitutionality****—Uniformity**

Construction with Other Laws

Declaration of Preference

Delegation of Power

—Not Improper

Selection of Candidates

Constitutionality**—Uniformity**

The decision for a blind primary chosen by the state central committee of the Republican Party, which was in contrast to the Democratic Party's decision to allow the designation of candidates' presidential preferences, did not affect the manner in which the primary election was held, and it did not violate the uniformity provision of Article III, Section 4 of the Illinois Constitution of 1970. *Totten v. State Bd. of Elections*, 79 Ill. 2d 288, 38 Ill. Dec. 137, 403 N.E.2d 225 (1980).

Construction with Other Laws

Considering 10 ILCS 5/7-19 with this section, it is clear that subsections (A) and (B) of this section are to be interpreted as separate and mutually exclusive alternatives. *Totten v. State Bd. of Elections*, 79 Ill. 2d 288, 38 Ill. Dec. 137, 403 N.E.2d 225 (1980).

Declaration of Preference

Under subsection (B) of this section, a candidate for delegate is required to file with his statement of candidacy a declaration of presidential preference or a declaration of being uncommitted, unless the state central committee of the political party exercises the option for a blind primary, in which case neither declaration will appear on the ballot next to the candidate's name. *Totten v. State Bd. of Elections*, 79 Ill. 2d 288, 38 Ill. Dec. 137, 403 N.E.2d 225 (1980).

Delegation of Power**—Not Improper**

Under this section, the legislature has not improperly delegated its sovereign power of administering the election process to an organization of private persons. *Totten v. State Bd. of Elections*, 79 Ill. 2d 288, 38 Ill. Dec. 137, 403 N.E.2d 225 (1980).

Selection of Candidates

Neither this section nor 10 ILCS 5/7-19 delegates to the state central committee of a political party authority to appoint public officials or delegates to a national nominating convention; the selection of candidates is left entirely to the electorate. *Totten v. State Bd. of Elections*, 79 Ill. 2d 288, 38 Ill. Dec. 137, 403 N.E.2d 225 (1980).

10 ILCS 5/7-11 [Presidential candidates; petition; primary ballot]

Sec. 7-11. Any candidate for President of the United States may have his name printed upon the

primary ballot of his political party by filing in the office of the State Board of Elections not more than 99 and not less than 92 days prior to the date of the general primary, in any year in which a Presidential election is to be held, a petition signed by not less than 3000 or more than 5000 primary electors, members of and affiliated with the party of which he is a candidate, and no candidate for President of the United States, who fails to comply with the provisions of this Article shall have his name printed upon any primary ballot: Provided, however, that if the rules or policies of a national political party conflict with such requirements for filing petitions for President of the United States in a presidential preference primary, the Chairman of the State central committee of such national political party shall notify the State Board of Elections in writing, citing by reference the rules or policies of the national political party in conflict, and in such case the Board shall direct such petitions to be filed not more than 69 and not less than 62 days prior to the date of the general primary, in any year in which a Presidential election is to be held. Provided, further, unless rules or policies of a national political party otherwise provide, the vote for President of the United States, as herein provided for, shall be for the sole purpose of securing an expression of the sentiment and will of the party voters with respect to candidates for nomination for said office, and the vote of the state at large shall be taken and considered as advisory to the delegates and alternates at large to the national conventions of respective political parties; and the vote of the respective congressional districts shall be taken and considered as advisory to the delegates and alternates of said congressional districts to the national conventions of the respective political parties.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-11.

10 ILCS 5/7-11.1 [Vacancy in elective county office]

Sec. 7-11.1. Whenever a vacancy in any elective county office is to be filled by election pursuant to Section 25-11 of this Code [10 ILCS 5/25-11], nominations shall be made and any vacancy in nomination for a county office shall be filled pursuant to this Section:

(1) If the vacancy in office occurs before the first date provided in Section 7-12 [10 ILCS 5/7-12] for filing nomination papers for the primary in the next even numbered year following the commencement of the term, nominations for the election for filling such vacancy shall be made pursuant to this Article 7 [10 ILCS 5/7-1 et seq.] as provided for other county offices.

(2) If the vacancy in office occurs during the time provided in Section 7-12 [10 ILCS 5/7-12] for filing nomination papers for county offices for the primary

in the next even-numbered year following commencement of the term of office in which such vacancy occurs, the time for filing nomination papers for such office for the primary shall not be more than 91 days and not less than 85 days prior to the date of the primary election.

(3) If the vacancy in office occurs after the last day provided in Section 7-12 [10 ILCS 5/7-12] for filing nomination papers for any elective county office a vacancy in nomination shall be deemed to have occurred and the county central committee or the appropriate county board district committee of each established political party shall nominate, by resolution, a candidate to fill such vacancy in nomination for election to such office at such general election. In the nomination proceedings to fill such vacancy in nomination, each member of the county central committee, or the county board district committee, as the case may be, shall have the voting strength as set forth in Sections 7-8 and 7-8.01 [10 ILCS 5/7-8 and 10 ILCS 5/7-8.01], respectively. The name of the candidate so nominated shall not appear on the ballot at the general primary election. Such vacancy in nomination shall be filled prior to the date of certification of candidates for the general election.

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

(a) the name of the original nominee and the office vacated;

(b) the date on which the vacancy occurred;

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

The resolution to fill the vacancy shall be accompanied by a Statement of Candidacy, as prescribed in Section 7-10 [10 ILCS 5/7-10], completed by the selected nominee and a receipt indicating that such nominee has filed a Statement of Economic Interests as required by the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.].

The provisions of Sections 10-8 through 10-10.1 [10 ILCS 5/10-8 through 10 ILCS 5/10-10.1] relating to objections to nomination papers, hearings on objections and judicial review, shall also apply to and govern objections to nomination papers and resolutions for filling vacancies in nomination filed pursuant to this Section.

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

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-11.1.

Cross References.

As to nominations by minor political parties and groups, see 10 ILCS 5/10-1.

10 ILCS 5/7-12 [Nominating petitions; filing]

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

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

Where a vacancy occurs in the office of Supreme, Appellate or Circuit Court Judge within the 3-week period preceding the 92nd day before a general primary election, petitions for nomination for the office in which the vacancy has occurred shall be filed in the principal office of the State Board of Elections not more than 78 nor less than 71 days prior to the date of the general primary election.

Where the nomination is to be made for delegates or alternate delegates to a national nominating convention, then such petition for nomination shall be filed in the principal office of the State Board of Elections not more than 99 and not less than 92 days prior to the date of the primary; provided, however, that if the rules or policies of a national political party conflict with such requirements for filing petitions for nomination for delegates or alternate delegates to a national nominating convention, the chairman of the State central committee of such national political party shall notify the Board in writing, citing by reference the rules or policies of the national political party in conflict, and in such case the Board shall direct such petitions to be filed not more than 69 and not less than 62 days prior to the date of the primary.

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

(3) Where the nomination is to be made for a municipal or township office, such petitions for nomination shall be filed in the office of the local election official, not more than 78 nor less than 71 days prior to the date of the primary; provided, where a municipality's or township's boundaries are coextensive with or are entirely within the jurisdiction of a municipal board of election commissioners, the petitions shall be filed in the office of such board; and provided, that petitions for the office of multi-township assessor shall be filed with the election authority.

(4) The petitions of candidates for State central committeeman shall be filed in the principal office of

the State Board of Elections not more than 99 nor less than 92 days prior to the date of the primary.

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

(6) The State Board of Elections and the various election authorities and local election officials with whom such petitions for nominations are filed shall specify the place where filings shall be made and upon receipt shall endorse thereon the day and hour on which each petition was filed. All petitions filed by persons waiting in line as of 8:00 a.m. on the first day for filing, or as of the normal opening hour of the office involved on such day, shall be deemed filed as of 8:00 a.m. or the normal opening hour, as the case may be. Petitions filed by mail and received after midnight of the first day for filing and in the first mail delivery or pickup of that day shall be deemed as filed as of 8:00 a.m. of that day or as of the normal opening hour of such day, as the case may be. All petitions received thereafter shall be deemed as filed in the order of actual receipt. Where 2 or more petitions are received simultaneously, the State Board of Elections or the various election authorities or local election officials with whom such petitions are filed 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. Such lottery shall be conducted within 9 days following the last day for petition filing and shall be open to the public. Seven days written notice of the time and place of conducting such random selection shall be given by the State Board of Elections to the chairman of the State central committee of each established political party, and by each election authority or local election official, to the County Chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. The State Board of Elections, election authority or local election official shall post in a conspicuous, open and public place, at the entrance of the office, notice of the time and place of such lottery. The State Board of Elections shall adopt rules and regulations governing the procedures for the conduct of such lottery. All candidates shall be certified in the order in which their petitions have been filed. Where candidates have filed simultaneously, they shall be certified in the order determined by lot and prior to candidates who filed for the same office at a later time.

(7) The State Board of Elections or the appropriate election authority or local election official with whom such a petition for nomination is filed shall notify the person for whom a petition for nomination has been filed of the obligation to file statements of organization, reports of campaign contributions, and annual reports of campaign contributions and ex-

penditures under Article 9 of this Act [10 ILCS 5/9-1 et seq.]. Such notice shall be given in the manner prescribed by paragraph (7) of Section 9-16 of this Code [10 ILCS 5/9-16].

(8) Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.] in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer within a year preceding the date on which such nomination papers were filed. If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

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

(10)(a) Notwithstanding the provisions of any other statute, no primary shall be held for an established political party in any township, municipality, or ward thereof, where the nomination of such party for every office to be voted upon by the electors of such township, municipality, or ward thereof, is uncontested. Whenever a political party's nomination of candidates is uncontested as to one or more, but not all, of the offices to be voted upon by the

electors of a township, municipality, or ward thereof, then a primary shall be held for that party in such township, municipality, or ward thereof; provided that the primary ballot shall not include those offices within such township, municipality, or ward thereof, for which the nomination is uncontested. For purposes of this Article, the nomination of an established political party of a candidate for election to an office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such party for election to such office.

(b) Notwithstanding the provisions of any other statute, no primary election shall be held for an established political party for any special primary election called for the purpose of filling a vacancy in the office of representative in the United States Congress where the nomination of such political party for said office is uncontested. For the purposes of this Article, the nomination of an established political party of a candidate for election to said office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such established party for election to said office. This subsection (b) shall not apply if such primary election is conducted on a regularly scheduled election day.

(c) Notwithstanding the provisions in subparagraph (a) and (b) of this paragraph (10), whenever a person who has not timely filed valid nomination papers and who intends to become a write-in candidate for a political party's nomination for any office for which the nomination is uncontested files a written statement or notice of that intent with the State Board of Elections or the local election official with whom nomination papers for such office are filed, a primary ballot shall be prepared and a primary shall be held for that office. Such statement or notice shall be filed on or before the date established in this Article for certifying candidates for the primary ballot. Such statement or notice shall contain (i) the name and address of the person intending to become a write-in candidate, (ii) a statement that the person is a qualified primary elector of the political party from whom the nomination is sought, (iii) a statement that the person intends to become a write-in candidate for the party's nomination, and (iv) the office the person is seeking as a write-in candidate. An election authority shall have no duty to conduct a primary and prepare a primary ballot for any office for which the nomination is uncontested unless a statement or notice meeting the requirements of this Section is filed in a timely manner.

(11) If multiple sets of nomination papers are filed for a candidate to the same office, the State Board of Elections, appropriate election authority or local election official where the petitions are filed shall within 2 business days notify the candidate of his or

her multiple petition filings and that the candidate has 3 business days after receipt of the notice to notify the State Board of Elections, appropriate election authority or local election official that he or she may cancel prior sets of petitions. If the candidate notifies the State Board of Elections, appropriate election authority or local election official, the last set of petitions filed shall be the only petitions to be considered valid by the State Board of Elections, election authority or local election official. If the candidate fails to notify the State Board of Elections, election authority or local election official then only the first set of petitions filed shall be valid and all subsequent petitions shall be void.

(12) All nominating petitions shall be available for public inspection and shall be preserved for a period of not less than 6 months.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-12.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added subsection (11) and made stylistic changes.

CASE NOTES

ANALYSIS

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Constitutionality

Portions of 10 ILCS 5/7-5 and this section, which directed that no primary election be held if, for each office to be filled by election, no more than one person from any party was entitled to have his or her name printed on the primary ballot for an election at which no other offices were to be voted on, were unconstitutional on their face. *Lawlor v. Chicago Bd. of Election Comm'rs*, 395 F. Supp. 692 (N.D. Ill. 1975).

Allocation of Ballot Position

The order of listing candidates' names on the ballot can affect the outcome of an election, and candidates have a right to equal protection in the allocation of ballot positions; an attempt to favor personal acquaintances and party regulars by awarding them top positions on the ballot is not constitutionally allowed. *Mann v. Powell*, 333 F. Supp. 1261 (N.D. Ill. 1969).

Applicability

—Aldermanic Elections

The prohibition against filing for incompatible offices under subsection (9) of this section did not apply to a candidate for alderman in a nonpartisan aldermanic election. *Velazquez v. Soliz*,

141 Ill. App. 3d 1024, 96 Ill. Dec. 141, 490 N.E.2d 1346 (1 Dist. 1986).

Filing of Petitions

—Prior Law

Former section 10-6 of the Election Code (see now this section), which required that certificates of nomination for township offices be filed 35 days prior to election, was applicable only in townships, villages, and towns with a population of less than 5,000. *People ex rel. Ferry v. Palmer*, 1 Ill. 2d 384, 115 N.E.2d 609 (1953).

—Simultaneous Filing

Lottery system used to break ties resulting from the simultaneous filing of petitions for the same office with the State Board of Elections did not violate any constitutional or statutory right of candidates for the office of judge. *Bradley v. Lunding*, 63 Ill. 2d 91, 344 N.E.2d 472 (1976).

Legislative Intent

The legislature, in passing paragraph 6 of this section and subsection (3) of 10 ILCS 5/8-9, was endeavoring to provide a fair and impartial means of determining the order in which nominating petitions were to be considered filed so that ballot placement could be settled on a nondiscriminatory basis. *Huff v. State Bd.*, 57 Ill. 2d 74, 309 N.E.2d 585 (1974).

Petitions and Voting Lists

When a cursory comparison of a petition and the relevant voting lists reveals that fewer than the statutorily required number of signatories appearing in the former also appear in the latter, the petition is not genuine and the candidate need not be certified. *Daly v. Stratton*, 215 F. Supp. 244 (N.D. Ill. 1963), *aff'd*, 326 F.2d 340 (7th Cir. 1964).

Scope of Acceptance

This section does not provide that a petition accepted for filing is presumptively bona fide. *Daly v. Stratton*, 215 F. Supp. 244 (N.D. Ill. 1963), *aff'd*, 326 F.2d 340 (7th Cir. 1964).

Senatorial Committee

Under a prior similar provision, although three candidates were voted for by the electors at a primary election, the resolution fixing the number to be nominated at one was not invalid because the law authorizing the senatorial committee to fix and determine the number of candidates to be nominated by any political party was not invalid. *People ex rel. Donahue v. Deneen*, 256 Ill. 436, 100 N.E. 236 (1912).

A provision of the former Legislative Primary Act (see now this section), which provided that the senatorial committee meet and organize within 30 days after its election, was not regarded as mandatory; it would have been the correct and proper thing for the committee to have done, but the failure to do so did not render invalid either the title of the committeemen to their offices or their acts at a meeting after organization more than 30 days subsequent to their election. *People ex rel. Donahue v. Deneen*, 256 Ill. 436, 100 N.E. 236 (1912).

Statement of Economic Interest

—Office Designation

The words "15th Representative District" appearing on a candidate's statement of economic interest substantially disclosed that candidate was seeking the office of Representative of the 15th District of the General Assembly and adequately informed the public of her candidacy. *Bryant v. Cook County Electoral Bd.*, 195 Ill. App. 3d 556, 142 Ill. Dec. 675, 553 N.E.2d 25 (1 Dist. 1990).

—Purpose

The purpose of requiring a statement of economic interest to be included in a candidate's nomination papers under subsection (8) of this section is to facilitate the public's right to information concerning financial dealings between a candidate and the unit of government in which he seeks office. *Bryant v. Cook County Electoral Bd.*, 195 Ill. App. 3d 556, 142 Ill. Dec. 675, 553 N.E.2d 25 (1 Dist. 1990).

Write-In Candidates

—Eligibility

Individual who was on the Democratic ballot for the office of

Write-In Candidates (Cont'd)**—Eligibility (Cont'd)**

circuit judge in a primary election was not eligible to be written-in by the voters of the Republican Party as their candidate for the same position. *Fleming v. State Bd. of Elections*, 40 Ill. App. 3d 695, 353 N.E.2d 57 (4 Dist. 1976).

LEGAL PERIODICALS

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

10 ILCS 5/7-12.1 [Nomination certificates; objections]

Sec. 7-12.1. The provisions of Sections 10-8 through 10-10.1 [10 ILCS 5/10-8 through 10 ILCS 5/10-10.1] relating to objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall also apply to and govern objections to petitions for nomination filed under this Article, except as otherwise provided in Section 7-13 [10 ILCS 5/7-13] for cases to which it is applicable.

(Source: Laws 1967, p. 597.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-12.1.

CASE NOTES**ANALYSIS****Authority of Electoral Board****Mandamus****—Authority of Supreme Court****Municipal Judges****Primary Election Contests****—In General****Authority of Electoral Board**

The legislative intent is that the decisions of the Electoral Board are final, and unless clearly fraudulent cannot be reviewed; relief from unjust and unfair decisions is confined to exceptional and extraordinary cases, and where there was nothing in the record which showed that the decision of the Board was clearly fraudulent, it could not be reviewed. *Coles v. Holzman*, 55 Ill. App. 2d 93, 204 N.E.2d 162 (1 Dist. 1964).

Where the Electoral Board's interpretation of the law, as to certain objections, was not so unreasonable as to make the Board's decision fraudulent, the appellate court had no power to review it even though the Board's interpretation of the law may have been incorrect. *Hatch v. Holzman*, 55 Ill. App. 2d 168, 204 N.E.2d 157 (1 Dist. 1964).

Mandamus**—Authority of Supreme Court**

The Supreme Court is not authorized, in a proceeding for mandamus, to review the action of the Electoral Board in deciding whether nomination papers are valid, nor is it authorized to ignore that tribunal's action, and take it as a matter of original jurisdiction, notwithstanding the provisions of the statute making the decision of such tribunal final, and to determine for itself who is entitled to the nomination. *People ex rel. Schlaman v. Electoral Bd.*, 4 Ill. 2d 504, 122 N.E.2d 532 (1954).

Municipal Judges

Under a prior similar provision, the nominations of candidates for the municipal court of a city were not made in a lawful manner

and by a body authorized to make such nominations where they were candidates of a political party for a municipal office for the city, but their nominations were made by a county convention of their political party. *Swiney v. Peden*, 306 Ill. 131, 137 N.E. 405 (1922).

Primary Election Contests**—In General**

Illinois statutes that govern election contests impart the meaning that, in election contests, due process of law is afforded even though the length of time provided for disposition of the contest is a short one. *Waupoose v. Kusper*, 8 Ill. App. 3d 668, 290 N.E.2d 903 (1 Dist. 1972).

10 ILCS 5/7-13 [Electoral board]

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

Such objections shall be filed in the office of the county clerk not less than 81 days prior to the primary. The objection shall state the name and address of the objector, who may be any qualified elector in the ward, the specific grounds of objection and the relief requested of the electoral board. Upon the receipt of the objection, the county clerk shall forthwith transmit such objection and the petition of the candidate to the board of election commissioners. The board of election commissioners shall forthwith notify the objector and candidate objected to of the time and place for hearing hereon. After a hearing upon the validity of such objections, the board shall, not less than 74 days prior to the date of the primary, certify to the county clerk, its decision stating whether or not the name of the candidate shall be printed on the ballot and the county clerk in his or her certificate to the board of election commissioners shall leave off of the certificate the name of the candidate for ward committeeman that the election commissioners order not to be printed on the ballot. However, the decision of the board of election commissioners is subject to judicial review as provided in Section 10-10.1 [10 ILCS 5/10-10.1].

The county electoral board composed as provided in Section 10-9 [10 ILCS 5/10-9] shall constitute an electoral board for the hearing and passing upon objections to nomination petitions for precinct and township committeemen. Such objections shall be filed in the office of the county clerk not less than 81 days prior to the primary. The objection shall state the name and address of the objector who may be any qualified elector in the precinct or in the township or part of a township that lies outside of a city having a population of 500,000 or more, the specific grounds of objection and the relief requested of the electoral board. Upon the receipt of the objection the county clerk shall forthwith transmit such objection and the petition of the candidate to the chairman of the county electoral board. The chairman of the county electoral board shall forthwith notify the objector, the candidate whose petition is objected to and the other members of the electoral board of the

time and place for hearing thereon. After hearing upon the validity of such objections the board shall, not less than 74 days prior to the date of the primary, certify its decision to the county clerk stating whether or not the name of the candidate shall be printed on the ballot, and the county clerk, in his or her certificate to the board of election commissioners, shall leave off of the certificate the name of the candidate ordered by the board not to be printed on the ballot, and the county clerk shall also refrain from printing on the official primary ballot, the name of any candidate whose name has been ordered by the electoral board not to be printed on the ballot. However, the decision of the board is subject to judicial review as provided in Section 10-10.1 [10 ILCS 5/10-10.1].

In such proceedings the electoral boards have the same powers as other electoral boards under the provisions of Section 10-10 of this Act [10 ILCS 5/10-10] and their decisions are subject to judicial review under Section 10-10.1 [10 ILCS 5/10-10.1]. (Source: P.A. 84-1308.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-13.

CASE NOTES

ANALYSIS

Constitutionality

—Signature Limitations
 Authority of Electoral Board
 Disposition of Election Contest
 Mandamus
 —Authority of Supreme Court

Constitutionality

—Signature Limitations

Ward committeeman races give rise to an extremely high rate of objections, compounding the administrative burden faced by the Board of Election Commissioners, and because of this fact, a maximum limit of signatures which the Board must consider permits the Board to proceed in an orderly and timely manner to determine whether or not the petitions contain sufficient valid signatures; the maximum limitation serves the legitimate state interest of providing an orderly election procedure, especially in light of the time constraints placed on the defendants, there is a rational basis for the limitation. *Richards v. Lavelle*, 620 F.2d 144 (7th Cir. 1980).

Authority of Electoral Board

The legislative intent is that the decisions of the Electoral Board are final, and unless clearly fraudulent cannot be reviewed; relief from unjust and unfair decisions is confined to exceptional and extraordinary cases and where there was nothing in the record which showed that the decision of the Board was clearly fraudulent, it could not be reviewed. *Coles v. Holzman*, 55 Ill. App. 2d 93, 204 N.E.2d 162 (1 Dist. 1964).

Where the Electoral Board's interpretation of the law, as to certain objections, was not so unreasonable as to make the Board's decision fraudulent, the appellate court had no power to review it even though the Board's interpretation of the law may have been incorrect. *Hatch v. Holzman*, 55 Ill. App. 2d 168, 204 N.E.2d 157 (1 Dist. 1964).

Since the Electoral Board's interpretation of qualified primary electors as those persons who had voted in the past two party primaries, although it may not have been correct, was not so unreasonable as to make the decision that nominating petitions for

ward committeemen did not contain the required number of signatures fraudulent, it was therefore upheld. *Telcser v. Holzman*, 31 Ill. 2d 332, 201 N.E.2d 370 (1964).

Disposition of Election Contest

Illinois statutes that govern election contests impart the meaning that, in election contests, due process of law is afforded even though the length of time provided for disposition of the contest is a short one. *Waupoose v. Kusper*, 8 Ill. App. 3d 668, 290 N.E.2d 903 (1 Dist. 1972).

Mandamus

—Authority of Supreme Court

The Supreme Court is not authorized, in a proceeding for mandamus, to review the action of the Electoral Board in deciding whether nomination papers are valid, nor is it authorized to ignore that tribunal's action, and take it as a matter of original jurisdiction, notwithstanding the provisions of the statute making the decision of such tribunal final, and to determine for itself who is entitled to the nomination. *People ex rel. Schlaman v. Electoral Bd.*, 4 Ill. 2d 504, 122 N.E.2d 532 (1954).

**10 ILCS 5/7-13.1 Certification of Candidates
 — Consolidated primary**

Sec. 7-13.1. Certification of Candidates — Consolidated primary. Not less than 61 days before the date of the consolidated primary, each local election official of each political subdivision required to nominate candidates for the respective offices by primary shall certify to each election authority whose duty it is to prepare the official ballot for the consolidated primary in such political subdivision the names of all candidates in whose behalf nomination papers have been filed in the office of such local election official and direct the election authority to place upon the official ballot for the consolidated primary election the names of such candidates in the same manner and in the same order as shown upon the certification. However, subject to appeal, the names of candidates whose nomination papers have been held invalid by the appropriate electoral board provided in Section 10-9 of this Code [10 ILCS 5/10-9] shall not be so certified. The certification shall be modified as necessary to comply with the requirements of any other statute or any ordinance adopted pursuant to Article VII of the Constitution prescribing specific provisions for nonpartisan elections, including without limitation Articles 3, 4 and 5 of "The Municipal Code" [65 ILCS 5/3-1-1 et seq., 65 ILCS 5/4-1-1 et seq. and 65 ILCS 5/5-1-1 et seq.].

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

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

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

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

(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; and

(4) The territory in which a candidate is required by law to reside, when such residency requirement is not identical to the territory of the political subdivision from which the candidate is to be elected or nominated.

The local election official shall issue an amended certification whenever it is discovered that the original certification is in error.
(Source: P.A. 84-757.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-13.1.

10 ILCS 5/7-14 [Petition examinations]

Sec. 7-14. Not less than 61 days before the date of the general primary the State Board of Elections shall meet and shall examine all petitions filed under this Article 7 [10 ILCS 5/7-1 et seq.], in the office of the State Board of Elections. The State Board of Elections shall then certify to the county clerk of each county, the names of all candidates whose nomination papers or certificates of nomination have been filed with the Board and direct the county clerk to place upon the official ballot for the general primary election the names of such candidates in the same manner and in the same order as shown upon the certification.

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

Not less than 55 days before the date of the general primary, each county clerk shall certify the names of all candidates whose nomination papers have been filed with such clerk and declare that the names of such candidates for the respective offices shall be placed upon the official ballot for the general primary in the order in which such nomination papers were filed with the clerk, or as determined by lot, or as otherwise specified by statute. Each county clerk shall place a copy of the certification on file in his or her office and at the same time issue to the board of election commissioners a copy of the certification that has been filed in the county clerk's office, together with a copy of the certification that has been issued to the clerk by the State Board of Elections, with directions to the board of election commissioners to place upon the official ballot for the general primary in that election jurisdiction the names of all candidates that are listed on such certification in the same manner and in the same order as shown upon such certifications.

The certification shall indicate, where applicable, the following:

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

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

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

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

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

Subject to appeal, the names of candidates whose nomination papers have been held invalid by the appropriate electoral board provided in Section 10-9 of this Code [10 ILCS 5/10-9] shall not be certified.
(Source: P.A. 86-867.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-14.

CASE NOTES

ANALYSIS

**Allocation of Ballot Position
Certification of Candidates**

- In General
- Simultaneous Filing
- Electoral Board
- Powers
- Refusal to Certify Petition

Allocation of Ballot Position

The Fourteenth Amendment requires all candidates, newcomers and incumbents alike, to be treated equally; the attempt to favor personal acquaintances and party regulars by awarding them top positions on the ballot is not constitutionally allowed. *Mann v. Powell*, 333 F. Supp. 1261 (N.D. Ill. 1969).

The order of listing candidates' names on the ballot can affect the outcome of an election, and candidates have a right to equal protection in the allocation of ballot positions. *Mann v. Powell*, 333 F. Supp. 1261 (N.D. Ill. 1969).

Certification of Candidates

—In General

Certification of candidates' names for inclusion on the primary ballot is a function reserved to the State Board of Elections, acting in its own capacity. *Kozel v. State Bd. of Elections*, 126 Ill. 2d 58, 127 Ill. Dec. 714, 533 N.E.2d 796 (1988).

—Simultaneous Filing

Lottery system used to break ties resulting from the simultaneous filing of petitions with the State Board of Elections for the same office did not violate any constitutional or statutory right of candidates for the office of judge. *Bradley v. Lunding*, 63 Ill. 2d 91, 344 N.E.2d 472 (1976).

Electoral Board

—Powers

The Illinois Electoral Board, consisting of the Governor, Secretary of State, Attorney General, State Treasurer and Auditor of Public Accounts, all customarily elected by the voters, has the power to examine all petitions filed with the Secretary of State and, only after such examination, is authorized to certify a candidate

Electoral Board (Cont'd)

—**Powers (Cont'd)**
named therein for inclusion on the ballot. *Daly v. Stratton*, 326 F.2d 340 (7th Cir. 1964).

—**Refusal to Certify Petition**

The Electoral Board had authority to refuse to certify a defective or insufficient petition. *Daly v. Stratton*, 326 F.2d 340 (7th Cir. 1964).

LEGAL PERIODICALS

For article, "Federal Protections of Individual Rights in Local Elections," see 13 J. Marshall L. Rev. 503 (1980).

10 ILCS 5/7-14.1 [National nominating conventions; delegates]

Sec. 7-14.1. Delegates and alternate delegates to national nominating conventions shall be chosen according to one of the following alternative methods of allocating delegates for election. The State central committee of each political party established pursuant to this Article 7 [10 ILCS 5/7-1 et seq.] shall certify to the State Board of Elections, not less than 30 days prior to the first date for filing of petitions for election as delegate or alternate delegate to a national nominating convention, which of the following alternatives it wishes to be utilized in allocating the delegates and alternate delegates to which Illinois will be entitled at its national nominating convention. The State Board of Elections shall meet promptly and, not less than 20 days prior to the first date for filing of such petitions, shall publish and certify to the county clerk in each county the number of delegates or alternate delegates to be elected from each congressional district or from the State at large or State convention of a political party, as the case may be, according to the method chosen by each State central committee. If a State central committee fails to certify to the State Board of Elections its choice of one of the following methods prior to the aforementioned meeting of the State Board of Elections, the State Board of Elections shall certify delegates for that political party pursuant to whichever of the alternatives below was used by that political party pursuant to whichever of the alternatives below was used by that political party in the most recent year in which delegates were selected, subject to any subsequent amendments.

Prior to the aforementioned meeting of the State Board of Elections at which the Board shall publish and certify to the county clerk the number of delegates or alternate delegates to be elected from each congressional district or the State at large or State convention, the Secretary of State shall ascertain from the call of the national convention of each political party the number of delegates and alternate delegates to which Illinois will be entitled at the respective national nominating conventions. The Secretary of State shall report the number of delegates and alternate delegates to which Illinois will

be entitled at the respective national nominating conventions to the State Board of Elections convened as aforesaid to be utilized by the State Board of Elections in calculating the number of delegates and alternates to be elected from each congressional district in the State at large or State convention, as the case may be.

Alternative A: The State Board of Elections shall allocate the number of delegates and alternate delegates to which the State is entitled among the congressional districts in the State.

1. Of the number of delegates to which the State is entitled, 10, plus those remaining unallocated under paragraph 2, shall be delegates at large. The State central committee of the appropriate political party shall determine whether the delegates at large shall be (a) elected in the primary from the State at large, (b) selected by the State convention, or (c) chosen by a combination of these 2 methods. If the State central committee determines that all or a specified number of the delegates at large shall be elected in the primary, the committee shall file with the Board a report of such determination at the same time it certifies the alternative it wishes to use in allocating its delegates.

2. All delegates other than the delegates at large shall be elected from the congressional districts. Two delegates shall be allocated from this number to each district. After reserving 10 delegates to be delegates at large and allocating 2 delegates to each district, the Board shall allocate the remaining delegates to the congressional districts pursuant to the following formula:

(a) For each district, the number of remaining delegates shall be multiplied by a fraction, the numerator of which is the vote cast in the congressional district for the party's nominee in the last Presidential election, and the denominator of which is the vote cast in the State for the party's nominee in the last Presidential election.

(b) The Board shall first allocate to each district a number of delegates equal to the whole number in the product resulting from the multiplication procedure in subparagraph (a).

(c) The Board shall then allocate any remaining delegates, one to each district, in the order of the largest fractional remainder in the product resulting from the multiplication procedure in subparagraph (a), omitting those districts for which that product is less than 1.875.

(d) The Board shall then allocate any remaining delegates, one to each district, in the order of the largest fractional remainder in the product resulting from the multiplication procedure in subparagraph (a), among those districts for which that product is at least one but less than 1.875.

(e) Any delegates remaining unallocated shall be delegates at large and shall be selected as determined by the State central committee under paragraph 1 of this Alternative A.

3. The alternate delegates at large shall be allocated in the same manner as the delegates at large.

The alternate delegates other than the alternate delegates at large shall be allocated in the same manner as the delegates other than the delegates at large.

Alternative B: the chairman of the State central committee shall file with the State Board of Elections a statement of the number of delegates and alternate delegates to which the State is entitled and the number of such delegates and alternate delegates to be elected from congressional districts. The State Board of Elections shall allocate such number of delegates and alternate delegates, as the case may be, among the congressional districts in the State for election from the congressional districts.

The Board shall utilize the sum of $\frac{1}{2}$ of each of the following formulae to determine the number of delegates and alternate delegates, as the case may be, to be elected from each congressional district:

(1) Formula 1 shall be determined by multiplying paragraphs a, b and c together as follows:

(a) The fraction derived by dividing the population of the district by the population of the State and adding to that fraction the following: $\frac{1}{2}$ of the fraction calculated by dividing the total district vote for the party's candidate in the most recent presidential election by the total statewide vote for that candidate in that election, plus $\frac{1}{2}$ of the fraction calculated by dividing the total district vote for the party's candidate in the second most recent Presidential election by the total statewide vote for that candidate in that election;

(b) $\frac{1}{2}$;

(c) The number of delegates or alternate delegates, as the case may be, to which the State is entitled at the party's national nominating convention.

(2) Formula 2 shall be determined by multiplying paragraphs a, b and c together as follows:

(a) The fraction calculated by dividing the total numbers of votes in the district for the party's candidate in the most recent Gubernatorial election by the total statewide vote for that candidate in that election, plus, the fraction calculated by dividing the total district vote for the party's candidate in the most recent presidential election by the total statewide vote for that candidate in that election.

(b) $\frac{1}{2}$;

(c) The number of delegates or alternate delegates, as the case may be, to which the State is entitled at the party's national nominating convention.

(3) Formula 3 shall be determined by multiplying paragraphs a, b and c together as follows:

(a) $\frac{1}{2}$ of the fraction calculated by dividing the total district vote for the party's candidate in the most recent presidential election by the total statewide vote for that candidate in that election, plus $\frac{1}{2}$ of the fraction calculated by dividing the total district vote for the party's candidate in the

second most recent presidential election by the total statewide vote for that candidate in that election. This sum shall be added to the fraction calculated by dividing the total voter registration of the party in the district by the total voter registration of the party in the State as of January 1 of the year prior to the year in which the national nominating convention is held;

(b) $\frac{1}{2}$;

(c) The number of delegates or alternate delegates, as the case may be, to which the State is entitled at the party's national nominating convention.

Fractional numbers of delegates and alternate delegates shall be rounded upward in rank order to the next whole number, largest fraction first, until the total number of delegates and alternate delegates, respectively, to be so chosen have been allocated.

The remainder of the delegates and alternate delegates shall be selected as determined by the State central committee of the party and shall be certified to the State Board of Elections by the chairman of the State central committee.

Notwithstanding anything to the contrary contained herein, with respect to all aspects of the selection of delegates and alternate delegates to a national nominating convention under Alternative B, this Code shall be superceded by the delegate selection rules and policies of the national political party including, but not limited to, the development of an affirmative action plan.

(Source: P.A. 85-903; 85-958; 86-1089.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-14.1.

10 ILCS 5/7-14.2 [Delegates to other national conventions]

Sec. 7-14.2. Delegates and alternate delegates to national conventions other than national nominating conventions shall be chosen according to procedures established by the appropriate State central committee of a political party established pursuant to this Article 7 [10 ILCS 5/7-1 et seq.], which may include the procedure prescribed by Section 7-14.1 [10 ILCS 5/7-14.1] of this Act.

(Source: P.A. 80-1122.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-14.2.

CASE NOTES

Mandamus

Plaintiff, chairman of the Illinois Democratic Central Committee, was not entitled to a writ of mandamus against defendant, Board of Elections of the state, with regards to the method to be used in apportioning the delegates to the Democratic National Convention among the congressional districts within the state where the record contained factual questions which were necessary to determine the

Mandamus (Cont'd)

plaintiff's entitlement to relief. *Touhy v. State Bd. of Elections*, 62 Ill. 2d 303, 342 N.E.2d 364 (1976).

10 ILCS 5/7-14a [Judgeships]

Sec. 7-14a. Where there are 2 or more additional judgeships created in any judicial district or circuit, to be filled at the same general election and to be elected from the same district, circuit or county, each such additional judgeship shall be designated by the State Board of Elections by a letter of the alphabet beginning with the letter "A". Such designation shall be made no later than one day prior to the first day for filing of nominating petitions for such additional judgeships. Each candidate for such additional judgeship shall specify to the State Board of Elections upon the filing of his nominating petitions the judgeship for which he seeks nomination. Such candidates shall be nominated and elected for the judgeships which they have designated. (Source: P.A. 85-903.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-14a.

10 ILCS 5/7-15 [Notice; voting aids; primaries]

Sec. 7-15. At least 60 days prior to each general and consolidated primary, the election authority shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of registration and voting aids under the Federal Voting Accessibility for the Elderly and Handicapped Act [42 U.S.C. § 1973ee et seq.], of the availability of assistance in marking the ballot, and procedures for voting by absentee ballot. At least 20 days before the general primary the county clerk of each county, and not more than 30 nor less than 10 days before the consolidated primary the election authority, shall prepare in the manner provided in this Act, a notice of such primary which notice shall state the time and place of holding the primary, the hours during which the polls will be open, the offices for which candidates will be nominated at such primary and the political parties entitled to participate therein, notwithstanding that no candidate of any such political party may be entitled to have his name printed on the primary ballot. Such notice shall also include the list of addresses of precinct polling places for the consolidated primary unless such list is separately published by the election authority not less than 10 days before the consolidated primary.

In counties, municipalities, or towns having fewer than 500,000 inhabitants notice of the general primary shall be published once in two or more newspapers published in the county, municipality or town, as the case may be, or if there is no such newspaper, then in any two or more newspapers published in the county and having a general circulation throughout the community.

In counties, municipalities, or towns having 500,000 or more inhabitants notice of the general primary shall be published at least 15 days prior to the primary by the same authorities and in the same manner as notice of election for general elections are required to be published in counties, municipalities or towns of 500,000 or more inhabitants under this Act.

Notice of the consolidated primary shall be published once in one or more newspapers published in each political subdivision having such primary, and if there is no such newspaper, then published once in a local, community newspaper having general circulation in the subdivision, and also once in a newspaper published in the county wherein the political subdivisions, or portions thereof, having such primary are situated.

(Source: P.A. 84-808.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-15.

10 ILCS 5/7-16 [Primary ballot; printing]

Sec. 7-16. Each election authority in each county shall prepare and cause to be printed the primary ballot of each political party for each precinct in his respective jurisdiction.

The election authority shall, at least 45 days prior to the date of the primary election, have a sufficient number of ballots printed so that such ballots will be available for mailing 45 days prior to the primary election to persons who have filed application for a ballot under the provisions of Article 20 of this Act [10 ILCS 5/20-1 et seq.]. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-16.

10 ILCS 5/7-17 [Primary ballot; candidates' names]

Sec. 7-17. Each election authority in each county shall cause to be printed upon the general primary ballot of each party for each precinct in his jurisdiction the name of each candidate whose petition for nomination or for committeeman has been filed in the office of the county clerk, as herein provided; and also the name of each candidate whose name has been certified to his office by the State Board of Elections, and in the order so certified, except as hereinafter provided.

It shall be the duty of the election authority to cause to be printed upon the consolidated primary ballot of each political party for each precinct in his jurisdiction the name of each candidate whose name has been certified to him, as herein provided and which is to be voted for in such precinct.

In the designation of the name of a candidate on the primary ballot the candidate's given name or names, initial or initials, a nickname by which the

candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. (Source: P.A. 81-135.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-17.

CASE NOTES**Precinct Committeemen**

The primary is the general election insofar as precinct committeemen are concerned, as the precinct committeemen are elected and not nominated at that election. *Whitsell v. Rutherford*, 118 Ill. App. 2d 401, 255 N.E.2d 34 (5 Dist. 1969).

10 ILCS 5/7-18 [Primary ballot; paper and color]

Sec. 7-18. The primary ballot of each political party shall be separately printed upon paper of uniform quality, texture and size, but the primary ballot of no two political parties shall be of the same color or tint.

The election authority shall, at least 15 days prior to the date of the primary, post in a conspicuous place in his office an announcement of the color of the primary ballots of the respective parties, and, in the case of the general primary, shall also publish such announcement for at least 1 week in at least 2 newspapers of general circulation published in the county. In the case of the consolidated primary, the election authority shall publish such announcement at the same time and in the manner provided for notice of the consolidated primary in Section 7-15 of this Article [10 ILCS 5/7-15]. (Source: P.A. 81-963.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-18.

10 ILCS 5/7-19 [Primary ballot; contents]

Sec. 7-19. The primary ballot of each political party for each precinct shall be arranged and printed substantially in the manner following:

1. Designating words. At the top of the ballot shall be printed in large capital letters, words designating the ballot, if a Republican ballot, the designating words shall be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and in like manner for each political party.

2. Order of Names, Directions to Voters, etc. Beginning not less than one inch below designating words, the name of each office to be filled shall be printed in capital letters. Such names may be

printed on the ballot either in a single column or in 2 or more columns and in the following order, to-wit:

President of the United States, State offices, congressional offices, delegates and alternate delegates to be elected from the State at large to National nominating conventions, delegates and alternate delegates to be elected from congressional districts to National nominating conventions, member or members of the State central committee, trustees of sanitary districts, county offices, judicial officers, city, village and incorporated town offices, town offices, or of such of the said offices as candidates are to be nominated for at such primary, and precinct, township or ward committeemen. If two or more columns are used, the foregoing offices to and including member of the State central committee shall be listed in the left-hand column and Senatorial offices, as defined in Section 8-3 [10 ILCS 5/8-3], shall be the first offices listed in the second column.

Below the name of each office shall be printed in small letters the directions to voters: "Vote for one"; "Vote for two"; "Vote for three"; or a spelled number designating how many persons under that head are to be voted for.

Next to the name of each candidate for delegate or alternate delegate to a national nominating convention shall appear either (a) the name of the candidate's preference for President of the United States or the word "uncommitted" or (b) no official designation, depending upon the action taken by the State central committee pursuant to Section 7-10.3 of this Act [10 ILCS 5/7-10.3].

Below the name of each office shall be printed in capital letters the names of all candidates, arranged in the order in which their petitions for nominations were filed, except as otherwise provided in Sections 7-14 and 7-17 of this Article [10 ILCS 5/7-14 and 10 ILCS 5/7-17]. Opposite and in front of the name of each candidate shall be printed a square and all squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates under each office shall be uniform and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office, to avoid confusion and to permit the writing in of the names of other candidates.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 83-33.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-19.

CASE NOTES**ANALYSIS**

Construction with Other Laws
Selection of Candidates

Construction with Other Laws

Considering this section with 10 ILCS 5/7-10.3, it is clear that subsections (A) and (B) of 10 ILCS 5/7-10.3 are to be interpreted as separate and mutually exclusive alternatives. *Totten v. State Bd. of Elections*, 79 Ill. 2d 288, 38 Ill. Dec. 137, 403 N.E.2d 225 (1980).

Selection of Candidates

Neither 10 ILCS 5/7-10.3 nor this section delegates to the state central committee of a political party authority to appoint public officials or delegates to a national nominating convention; the selection of candidates is left entirely to the electorate. *Totten v. State Bd. of Elections*, 79 Ill. 2d 288, 38 Ill. Dec. 137, 403 N.E.2d 225 (1980).

10 ILCS 5/7-20 [Primary ballot; printing on outside]

Sec. 7-20. On the back or outside of the primary ballot of each precinct, so as to appear when folded, shall be printed the words "Primary Ballot," followed by designation of said precinct, the date of the primary and a facsimile of the signature of the election authority who furnished the ballots. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-20.

CASE NOTES

Defective Ballot

—No Precinct Designation

Technical irregularities, including the absence of a precinct designation on a ballot, and unintentional errors in printing which did not interfere with a voter's ability to freely exercise his choice, did not justify voiding an affected ballot. *Pullen v. Mulligan*, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

10 ILCS 5/7-21 [Specimen ballots]

Sec. 7-21. The election authority shall transmit or cause to be delivered to the primary judges, and to the respective local election officials prior to the consolidated primary, specimen ballots of each political party, substantially in the form of the official primary ballots, to be used at such primary, which specimen ballot shall be printed upon paper of a different texture and color from the official primary ballot. In units of local government having fewer than 500,000 inhabitants the election authority shall have published in two or more newspapers published in the county, municipality or town, as the case may be, or if there is no such newspaper, then in any two or more newspapers published in the county and having general circulation throughout the community, at least 5 days prior to the general primary, a true copy of the specimen ballot, and the primary judges shall post one of each such specimen ballots at the polling place. In counties, municipalities or towns having 500,000 or more inhabitants the primary judges shall post not less than 5 of each such specimen ballots in the precinct, and one of each such specimen ballots at the polling place. For the consolidated primary, the local election official shall have the duty to make such publication with respect

to the ballots for his unit of local government, and may make his publication as part of the announcement heretofore required.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-21.

10 ILCS 5/7-22 [Primary ballot boxes]

Sec. 7-22. Primary ballot boxes shall be furnished by the same authorities and in the same manner and shall be of the same style and description as ballot boxes furnished for the purpose of general elections, under the provisions of this Act.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-22.

10 ILCS 5/7-23 [Furnishing of primary supplies]

Sec. 7-23. All necessary primary poll books, official poll records, tally sheets, return blanks, stationery and other necessary primary supplies shall be furnished by the same authorities upon whom is imposed the duty of furnishing such supplies at general elections, by this Act.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-23.

10 ILCS 5/7-24 [Primary poll books; form]

Sec. 7-24. The primary poll books shall be substantially in the following form:

Primary poll books of the primary held in the precinct of the county of on (insert date).

Name of Voter	Party Affiliation				
	Residence Street and Number	Republican	Democrat	Prohibitionist	Socialist
1 John Jones		x			
2 Richard Smith			x		
3 John Doe				x	
4 Richard Roe					x
5 Charles Lee					x

This is to certify that the above and foregoing is a correct list of primary voters at a primary held on (insert date) in the precinct, in county, and State of Illinois. That at the primary the undersigned judges served as required by law and are entitled to pay therefor.

Dated (insert date).

.....
.....
.....

Judges of primary

The primary poll books shall otherwise be in form and shall contain the same certificates as nearly as may be as the poll books used in the general election and shall be signed and attested in the same manner, as nearly as may be, as the poll books used for the purpose of general elections. If Article 4, 5 or 6 of this Act [10 ILCS 5/4-1 et seq., 10 ILCS 5/5-1 et seq. or 10 ILCS 5/6-1 et seq.] applies to any such primary the official poll record provided for in such applicable Article shall be used in lieu of poll books. (Source: Laws 1957, p. 1450; P.A. 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-24. P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the forms.

10 ILCS 5/7-25 [Tally sheets; form]

Sec. 7-25. The tally sheets for each political party participating in the primary election shall be substantially in the following form:

"Tally sheet for (name of political party) for the precinct, in the county of for a primary held on the day of A.D."

The names of candidates for nomination and for State central committeemen, township, and precinct and ward committeemen, and delegates and alternate delegates to National nominating conventions, shall be placed on the tally sheets of each political party by the primary judges, in the order in which they appear on the ballot. (Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-25.

10 ILCS 5/7-26 [Judges of primary election]

Sec. 7-26. The judges of general elections for state and county officers are hereby constituted the judges of primary elections in their respective precincts, under the provisions of this Article. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-26.

10 ILCS 5/7-27 [Current judges of general elections]

Sec. 7-27. It is hereby made the duty of the respective judges of general elections to act as judges of primary elections in their respective precincts until their successors, as judges of general elections, are duly appointed and qualified. (Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-27.

10 ILCS 5/7-28 [Absence of primary judge]

Sec. 7-28. If, at the time for opening of a primary, one of the primary judges be absent, or refuse to act, the judges present shall appoint some qualified primary elector of the precinct to act in his place. If two of the primary judges be absent or refuse to act, the judge present shall fill the vacancies in the same manner, as above provided. If all of the primary judges be absent, or refuse to act, the primary electors present, who reside in the precinct, shall select the appropriate number of themselves to act as primary judges. The judges so selected and appointed shall take the same oath, have the same powers, and perform the same duties and be subject to the same penalties as regularly constituted election judges. (Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-28.

10 ILCS 5/7-30 [Primary judges; oath]

Sec. 7-30. Previous to any vote being taken, the primary judges shall severally subscribe and take an oath or affirmation in the following form, to-wit:

"I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of Illinois, and will faithfully and honestly discharge the duties of primary judge, according to the best of my ability, and that I have resided in this State for 30 days, (and only in the case of a primary judge in counties of less than 500,000 inhabitants, have resided in this precinct for the 30 days next preceding this primary), (and in the case of a registered voter, am entitled to vote at this primary)."

All persons subscribing the oath and all persons actually serving as primary judges, whether sworn or not, shall be deemed to be and are hereby declared to be officers of the circuit court of their respective counties.

(Source: P.A. 80-178; 80-704; 80-1364; 91-352, § 5; 92-16, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-30.

Section 996 of P.A. 92-16 contains a "no acceleration or delay" provision, and Section 997 contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-352, effective January 1, 2000, in the last sentence of the second paragraph inserted "in the case of a registered voter" and made stylistic changes.

The 2001 amendment by P.A. 92-16, effective June 28, 2001, in the oath provision substituted "have resided" for "the following" and inserted "for the" preceding "30 days" and made a stylistic change; and in the last paragraph deleted "as aforesaid" after "subscribing the oath"; and combined the amendments by P.A. 91-57, P.A. 91-357 and P.A. 91-358.

10 ILCS 5/7-31 [Administration of oath]

Sec. 7-31. In case there is no notary public present at the opening of a primary, or in case such notary

public is appointed one of the primary judges, the primary judges may administer the oath or affirmation to each other.

(Source: Laws 1963, p. 1135.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-31.

10 ILCS 5/7-32 [Duties; powers; penalties]

Sec. 7-32. The primary judges, except as otherwise provided in this article, shall perform the same duties, have the same powers, and be subject to the same penalties as judges of general elections under this Act.

(Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-32.

CASE NOTES

ANALYSIS

Misconduct

- Contempt
- Evidence Held Insufficient
- Mishandling of Ballots
- Trial
- Venue

Misconduct

—Contempt

In an action against election officials, it was not necessary that the court proceed with any formal statement in writing; it was the intention that proceedings be summary, vigorous, and effective. *Dreman v. Fields*, 337 Ill. App. 335, 86 N.E.2d 121 (4 Dist. 1949), rev'd on other grounds, 58 Ill. 2d 20, 317 N.E.2d 39 (1974); *Dreman v. Fields*, 406 Ill. 153, 92 N.E.2d 654 (1950).

Under prior law, primary election judges were not deemed officers of the county court, and the county court was without jurisdiction to punish the violation of duties of a judge of a primary election as contempt of court. *Graham v. People*, 135 Ill. 442, 25 N.E. 749 (1890).

—Evidence Held Insufficient

Evidence was insufficient to sustain penalties imposed for misconduct by primary election judges. *People ex rel. Rusch v. Lidovsky*, 308 Ill. App. 60, 31 N.E.2d 372 (1 Dist. 1941).

—Mishandling of Ballots

Although there was some contemptuous mishandling of ballots and records which could only have resulted from the voluntary acts of the respondent election officials, for which they should have been punished, uncontrolled disturbances, threats and interference occurring at the polling place during the night would alleviate some of respondents' acts even though such incidents did not legally excuse them; thus, although imprisonment was too severe, the respondents should have been fined. *Dreman v. Fields*, 406 Ill. 153, 92 N.E.2d 654 (1950).

—Trial

In the trial of a primary judge for misconduct, where the question of disqualification of the trial judge was not preserved by any motion or in any other way, defendant waived this issue. *People ex rel. Rusch v. Lidovsky*, 308 Ill. App. 60, 31 N.E.2d 372 (1 Dist. 1941).

—Venue

Because the trial judge in defendants' trial for contempt of court for alleged misbehavior as primary judges or clerks was a candidate for office at the primary in which defendants were charged to have committed offenses, and was therefore personally interested, denial

of their motion for change of venue was erroneous. *People ex rel. Rusch v. Cunningham*, 308 Ill. App. 63, 31 N.E.2d 369 (1 Dist. 1941).

10 ILCS 5/7-33 [Compensation]

Sec. 7-33. Primary judges shall receive the same pay, and shall be paid by the same authorities and in the same manner as judges of general elections under this Act.

(Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-33.

10 ILCS 5/7-34 [Pollwatchers; authorization]

Sec. 7-34. Pollwatchers in a primary election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint one pollwatcher per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching. For all primary elections, except as provided in subsection (5), such pollwatchers must be registered to vote from a residence in the county in which they are pollwatching.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For Federal, State, and county primary elections, one pollwatcher must be registered to vote from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching. For township and municipal primary elections, one pollwatcher must be registered to vote from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the names and addresses of its principal officers with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. For all primary elections, except as provided in subsection (5), such pollwatcher must be registered to vote from a residence in the county in which he is pollwatching.

(4) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. Except as provided in subsection (5), such pollwatcher must be registered to vote from a residence in the county in which the ballot proposition is being voted upon.

(5) In any primary election held to nominate candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of a county in which any part of the municipality is situated shall be eligible to serve as a pollwatcher in any polling place located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (4) of this Section and is a registered voter whose residence is within the municipality.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints (name of pollwatcher) at (address) in the county of, (township or municipality) of (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the precinct of the ward (if applicable) of the (township or municipality) of at the election to be held on (insert date).

..... (Signature of Appointing Authority)

..... TITLE (party official, candidate, civic organization president, proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code [10 ILCS 5/29-10], the undersigned pollwatcher certifies that he or she resides at (address) in the county of, (township or municipality) of (name), State of Illinois, and is duly registered to vote from that address.

.....
(Precinct and/or Ward (Signature of Pollwatcher)
in Which Pollwatcher
Resides)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a

pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates, qualified civic organizations and proponents and opponents of a ballot proposition can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed, pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I (name of candidate) hereby certify that I am a candidate for (name of office) and seek admittance to precinct of the ward (if applicable) of the (township or municipality) of at the election to be held on (insert date).

.....
(Signature of OFFICE FOR WHICH
Candidate) CANDIDATE SEEKS
NOMINATION OR ELEC-
TION

Pollwatchers shall be permitted to observe all proceedings relating to the conduct of the election and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each candidate and each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act [10 ILCS 5/19-12.2]. (Source: P.A. 86-867; 90-655, § 14; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-34.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1998 amendment by P.A. 90-655, effective July 30, 1998, substituted "facsimile" for "fascimile" in the sixth paragraph of subsection (5) and made a punctuation change in the thirteenth paragraph of that same subsection.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

10 ILCS 5/7-35 [Primary ballot; delivery to primary judges]

Sec. 7-35. The election authority shall cause to be delivered to the primary judges of each precinct not less than 12 hours before the time fixed for the opening of the polls, the official primary ballot of

each political party, and the number thereof for each political party in each precinct shall be 100 for each 50 votes cast in said precinct by said political party at the last preceding general primary election. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-35.

10 ILCS 5/7-36 [Packaging of primary ballots]

Sec. 7-36. The official primary ballots shall be put in separate sealed packages with marks on the outside thereof clearly designating the precinct for which they are intended, and the number of ballots enclosed for each political party and a receipt therefor shall be given by the primary judge to whom such ballots are delivered, which receipt shall be filed by the proper election authority in his office. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-36.

10 ILCS 5/7-37 [Extra primary ballots]

Sec. 7-37. The election authority shall provide and retain in his office until after the primary, an ample supply of extra primary ballots for each political party in each precinct, and if, at any time before or during the primary, ballots of any precinct shall be lost, destroyed or exhausted, on written application, signed by the primary judges of said precinct, or any of them, he shall immediately cause to be delivered to said primary judges such supply of extra ballots as may be required to comply with the provision of this article. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-37.

10 ILCS 5/7-38 [Polling places]

Sec. 7-38. The primaries herein provided for shall be held at the regular polling places now established, or which may hereafter be established, for the purposes of a general election. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-38.

10 ILCS 5/7-39 [Opening and closing; proclamation]

Sec. 7-39. Upon the opening of the polls one of the primary judges shall make proclamation of the same. And at least thirty (30) minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour. (Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-39.

10 ILCS 5/7-40 [Ballot boxes; procedure]

Sec. 7-40. (a) Before voting begins, the ballot box shall be emptied and shall be opened and shown to those present to be empty, after which it shall be locked and the key delivered to one of the primary judges, and such ballot box shall not be removed from public view from the time it is shown to be empty until after the close of the polls. This paragraph (a) applies whenever permanent type ballot boxes are used, and does not apply when ballot boxes are used in accordance with paragraph (b) of this Section.

(b) The election authority charged with providing ballot boxes for the conduct of an election under this Article may provide non-permanent type ballot boxes as authorized under Section 15-1, paragraph (b), and Section 15-4, paragraph (b) [10 ILCS 5/15-1 and 10 ILCS 5/15-4]. When such ballot boxes are used, prior to the commencement of voting and before any ballots are deposited therein, the judges shall examine each such sealed ballot box, show it to those present and insure that it is in fact sealed and empty; the sealed slot shall be broken open before those present and the box inspected to insure that it is empty and such ballot box shall not be removed from public view from the time it is so inspected until after the close of the polls. The sealed opening on the side of the box shall not be unsealed or opened until after the close of the polls.
(Source: P.A. 77-6.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-40.

10 ILCS 5/7-41 [Voting booths]

Sec. 7-41. All officers upon whom is imposed by law the duty of designating and providing polling places for general elections, shall provide in each such polling place so designated and provided, a sufficient number of booths for such primary election, which booths shall be provided with shelves, such supplies and pencils as will enable the voter to prepare his ballot for voting and in which voters may prepare their ballots screened from all observation as to the manner in which they do so. Such booths shall be within plain view of the election officers and both they and the ballot boxes shall be within plain view of those within the proximity of the voting booths. No person other than election officers and the challengers allowed by law and those admitted for the purpose of voting, as hereinafter provided, shall be permitted within the proximity of the voting booths, except by authority of the primary officers to keep order and enforce the law.

The number of such voting booths shall not be less than one to every seventy-five voters or fraction thereof, who voted at the last preceding election in the precinct or election district.

No person shall do any electioneering or soliciting of votes on primary day within any polling place or within one hundred feet of any polling place.
(Source: Laws 1943, vol. 2, p. 1; P.A. 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-41.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in the first paragraph, in the first sentence, deleted "and the guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting booths", deleted the former second sentence which read "The arrangement shall be such that the voting booths can only be reached by passing within said rail", in the present second sentence substituted "within the proximity of the voting booths" for "outside the guard rail" and in the third sentence substituted "proximity of the voting booths" for "guard rail".

10 ILCS 5/7-42 [Time-off from work to vote]

Sec. 7-42. Any person entitled to vote at such primary shall, on the day of such primary, with the consent of his employer be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls. The employer may specify the hours during which said employe may absent himself.
(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-42.

CASE NOTES**ANALYSIS****Constitutionality
Evidence****Constitutionality**

Prior similar provisions (see now 10 ILCS 5/17-15 and this section) that gave an employee the right to absent himself for two hours on election day and to cast his vote, and which required his employer to give him this opportunity of attending the election for such purpose, were wholesome provisions of the statute, and were valid and binding, but the provision of the former statute that required the employer to pay him for two hours' time for exercising such privilege was invalid, because it was an unreasonable abridgment of the right to make contracts and it was not the constitutional right of any citizen to be paid for the exercise of his right to vote. *People v. Chicago, M. & St. P. Ry.*, 306 Ill. 486, 138 N.E. 155 (1923).

Evidence

Employer's evidence that if one employee were entitled to time off to vote, with full pay, all of the 2000 employees would be entitled to time off to vote, with pay, at a total cost to employer of at least \$3,500, was not relevant in a prosecution for violation of a prior similar provision allowing time off for voting (see now 10 ILCS 5/17-15 and this section). *People v. Chicago, M. & St. P. Ry.*, 306 Ill. 486, 138 N.E. 155 (1923).

10 ILCS 5/7-43 [Persons entitled to vote]

Sec. 7-43. Every person having resided in this State 6 months and in the precinct 30 days next preceding any primary therein who shall be a citizen

CASE NOTES

of the United States of the age of 18 or more years, shall be entitled to vote at such primary.

The following regulations shall be applicable to primaries:

No person shall be entitled to vote at a primary:

(a) Unless he declares his party affiliations as required by this Article.

(b) Who shall have signed the petition for nomination of a candidate of any party with which he does not affiliate, when such candidate is to be voted for at the primary.

(c) Who shall have signed the nominating papers of an independent candidate for any office for which office candidates for nomination are to be voted for at such primary.

(c.5) If that person has participated in the town political party caucus, under Section 45-50 of the Township Code [60 ILCS 1/45-50], of another political party by signing an affidavit of voters attending the caucus within 45 days before the first day of the calendar month in which the primary is held.

(d) If he has voted at a primary held under this Article 7 of another political party within a period of 23 calendar months next preceding the calendar month in which such primary is held: Provided, participation by a primary elector in a primary of a political party which, under the provisions of Section 7-2 of this Article [10 ILCS 5/7-2], is a political party within a city, village or incorporated town or town only and entitled hereunder to make nominations of candidates for city, village or incorporated town or town offices only, and for no other office or offices, shall not disqualify such primary elector from participating in other primaries of his party: And, provided, that no qualified voter shall be precluded from participating in the primary of any purely city, village or incorporated town or town political party under the provisions of Section 7-2 of this Article [10 ILCS 5/7-2] by reason of such voter having voted at the primary of another political party within a period of 23 calendar months next preceding the calendar month in which he seeks to participate is held.

(e) In cities, villages and incorporated towns having a board of election commissioners only voters registered as provided by Article 6 of this Act shall be entitled to vote at such primary.

(f) No person shall be entitled to vote at a primary unless he is registered under the provisions of Articles 4, 5 or 6 of this Act, when his registration is required by any of said Articles to entitle him to vote at the election with reference to which the primary is held.

(Source: P.A. 80-178; 89-331, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-43.

Effect of Amendments.

The 1995 amendment by P.A. 89-331, effective August 17, 1995, in subsection (c) deleted "or" from the end; added subsection (c.5); and made minor punctuation changes.

ANALYSIS

Constitutionality
 Changing Political Parties
 Construction
 Effect
 Independent Candidates
 —Voting in Party Primary
 Ineligible Voters
 —Apportionment of Illegal Votes
 Political Party Affiliation
 Purpose

Constitutionality

Subsection (c) of this section is constitutional. *Jordan v. Officer*, 170 Ill. App. 3d 776, 121 Ill. Dec. 760, 525 N.E.2d 1067 (5 Dist. 1988).

Subsection (d) of this section substantially restricts an Illinois voter's freedom to change his political party affiliation; one who wishes to change his party registration must wait almost two years before his choice will be given effect, and he is forced to forego participation in any primary elections occurring within the statutory 23 month hiatus. *Kusper v. Pontikes*, 414 U.S. 51, 94 S. Ct. 303, 38 L. Ed. 2d 260 (1973).

A prime objective of most voters in associating themselves with a particular party must be to gain a voice in the selection process; by preventing a voter from participating in a party's primary elections during the statutory period, subsection (d) of this section deprived her of any voice in choosing the party's candidates, and thus substantially abridged her ability to associate effectively with the party of her choice. *Kusper v. Pontikes*, 414 U.S. 51, 94 S. Ct. 303, 38 L. Ed. 2d 260 (1973).

By the 23 month rule, subsection (d) of this section prevented voters from exercising their constitutional freedom to associate with the political party of their choice. *Kusper v. Pontikes*, 414 U.S. 51, 94 S. Ct. 303, 38 L. Ed. 2d 260 (1973).

The 23 month rule substantially burdened plaintiffs' right to vote in derogation of Article 1, section 2 of the Illinois Constitution. *Pontikes v. Kusper*, 345 F. Supp. 1104 (N.D. Ill. 1972), *aff'd*, 414 U.S. 51, 94 S. Ct. 303, 38 L. Ed. 2d 260 (1973).

Where registration laws in those cities which had adopted prior similar provisions failed to provide in such cities a means for registration of voters within 30 days of respective dates when primary elections were required to be held, one prior similar provision (see now this section) which provided that, in all cases where registration was required as a condition precedent to voting at regular elections, only registered voters would be permitted to vote at primary elections, violated the Illinois Constitution. *Rouse v. Thompson*, 228 Ill. 522, 81 N.E. 1109 (1907).

Changing Political Parties

The state has a legitimate interest in curtailing "raiding" by members of opposing political parties and preserving the integrity of the electoral process, and reasonable conditions tailored to that objective may be imposed upon the right to change political parties. *Sperling v. County Officers Electoral Bd.*, 57 Ill. 2d 81, 309 N.E.2d 589 (1974).

An absolute prohibition of change of political parties for a two year period is invalid as applied to voters generally or as applied to voters who sign primary petitions. *Sperling v. County Officers Electoral Bd.*, 57 Ill. 2d 81, 309 N.E.2d 589 (1974).

Construction

The language of subsection (d) of this section refers to a particular kind of political party and not to a particular kind of election. *Faherty v. Board of Election Comm'rs*, 5 Ill. 2d 519, 126 N.E.2d 235 (1955).

Effect

The effect of subsection (d) of this section is to lock the voter into his pre-existing party affiliation for a substantial period of time following participation in any primary election, and each succeeding primary vote extends this period of confinement. *Kusper v. Pontikes*, 414 U.S. 51, 94 S. Ct. 303, 38 L. Ed. 2d 260 (1973).

Independent Candidates**—Voting in Party Primary**

Signing a nominating petition for any independent candidate who is running for political office disqualifies the signer from voting in a primary election under subsection (c) of this section. *Jordan v. Officer*, 170 Ill. App. 3d 776, 121 Ill. Dec. 760, 525 N.E.2d 1067 (5 Dist. 1988).

Subsection (c) of this section does not prohibit independents from voting in a party primary; rather, it prevents those who have signed nominating petitions for independent candidates from voting in the primary. *Jordan v. Officer*, 170 Ill. App. 3d 776, 121 Ill. Dec. 760, 525 N.E.2d 1067 (5 Dist. 1988).

Ineligible Voters**—Apportionment of Illegal Votes**

Where votes cast in a party primary election were illegal pursuant to subsection (c) of this section because voters signed nominating petitions for independent candidates, the illegal votes were apportioned between the candidates on a precinct by precinct basis, rather than nullifying the election. *Jordan v. Officer*, 170 Ill. App. 3d 776, 121 Ill. Dec. 760, 525 N.E.2d 1067 (5 Dist. 1988).

Political Party Affiliation

While having a voice in elections is regarded as one of the most important and protected rights, and the vote itself is traditionally within the "zone of privacy," such is not the case with party affiliation; one's political party affiliation does not constitute a privacy right under the Illinois Constitution. *Small v. Kusper*, 161 Ill. App. 3d 42, 112 Ill. Dec. 499, 513 N.E.2d 1108 (1 Dist. 1987).

Purpose

The purpose of this section and 10 ILCS 5/7-45 of the Election Code is to ensure that by voting in the primary of a local party, the voter does not lose his right to participate in the primary of a major political party. *Faherty v. Board of Election Comm'rs*, 5 Ill. 2d 519, 126 N.E.2d 235 (1955).

LEGAL PERIODICALS

For article, "Federal Protections of Individual Rights in Local Elections," see 13 J. Marshall L. Rev. 503 (1980).

For comment, "Open Verses Closed Primaries: A Dilemma in the Illinois Election Process," see 1977 S. Ill. U.L.J. 210.

10 ILCS 5/7-44 [Application to vote]

Sec. 7-44. Any person desiring to vote at a primary shall state his name, residence and party affiliation to the primary judges, one of whom shall thereupon announce the same in a distinct tone of voice, sufficiently loud to be heard by all persons in the polling place. When article 4, 5 or 6 [10 ILCS 5/4-1 et seq., 10 ILCS 5/5-1 et seq. or 10 ILCS 5/6-1 et seq.] is applicable the Certificate of Registered Voter therein prescribed shall be made and signed and the official poll record shall be made. If the person desiring to vote is not challenged, one of the primary judges shall give to him one, and only one, primary ballot of the political party with which he declares himself affiliated, on the back of which such primary judge shall endorse his initials in such manner that they may be seen when the primary ballot is properly folded. If the person desiring to vote is challenged he shall not receive a primary ballot from the primary judges until he shall have established his right to vote as hereinafter provided. No person who refuses to state his party affiliation shall be allowed to vote at a primary.

A person who declares his party affiliation with a statewide established political party and requests a primary ballot of such party may nonetheless also declare his affiliation with a political party established only within a political subdivision, and may also vote in the primary of such local party on the same election day, provided that such voter may not vote in both such party primaries with respect to offices of the same political subdivision. However, no person declaring his affiliation with a statewide established political party may vote in the primary of any other statewide political party on the same election day.

(Source: P.A. 81-1535.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-44.

CASE NOTES**ANALYSIS**

Construction
Directory Provisions
Political Party Affiliation
Uninitialled Ballots
—In General

Construction

Where a prior similar provision simply declared that certain things should be done within a particular time or in a particular manner, and did not declare that their performance was essential to the validity of the election, they would be considered directory only, and not vital to the election, but they would be regarded as mandatory if they affected the actual merits of the case. *People ex rel. Woods v. Green*, 265 Ill. 39, 106 N.E. 504 (1914).

Directory Provisions

Prior election law provisions as to the manner of conducting the details of an election were not mandatory, but directory, and mere irregularities in the manner of proceedings, which deprived no legal voter of his vote and did not change the result, did not vitiate an election. *People ex rel. Woods v. Green*, 265 Ill. 39, 106 N.E. 504 (1914).

Political Party Affiliation

While having a voice in elections is regarded as one of the most important and protected rights, and the vote itself is traditionally within the "zone of privacy," such is not the case with party affiliation; one's political party affiliation does not constitute a privacy right under the Illinois Constitution. *Small v. Kusper*, 161 Ill. App. 3d 42, 112 Ill. Dec. 499, 513 N.E.2d 1108 (1 Dist. 1987).

Uninitialled Ballots**—In General**

In primary election to fill judicial vacancy, the uninitialled ballots could not be counted. *McDunn v. Williams*, 156 Ill. 2d 288, 189 Ill. Dec. 417, 620 N.E.2d 385 (1993).

10 ILCS 5/7-45 [Challenge of voter qualifications; affidavit]

Sec. 7-45. Whenever a person offering to vote at a primary is challenged, and is not personally known to the judges of election to have the qualifications required in this Article to vote, the person so challenged shall make and subscribe an affidavit in the following form, which shall be presented to and retained by the primary judges and returned by

them affixed to the primary poll book or with the official poll record:

State of Illinois)
) ss.
County of)

I,, do solemnly swear (or affirm) that I am a citizen of the United States, of the age of 18 years or over, and am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and am a legally qualified voter of the precinct; that I now reside at (insert street and number, if any) in this precinct, and am a member of and affiliated with the party; that I have not voted at a primary of another political party within a period of 23 calendar months prior to the calendar month in which this primary is being held; and that I voted at the city, village, incorporated town, or town primary, with the political party at the election held in, which the political party was entitled at such primary to make nominations of candidates for city, village, incorporated town or town offices only, and for no other offices, and that the name or names of no candidate or candidates of the political party (the political party with which the primary elector declares himself affiliated) were, at such city, village, incorporated town or town primary, printed on the primary ballot; that I have not signed the petition for nomination of a candidate of a political party with which I am not affiliated, and that I have not signed the nominating papers of an independent candidate for any office for which office candidates for nomination are voted for at this primary.

Subscribed and sworn to before me, this day of, ...
Judge of Primary

In addition to such affidavit the person so challenged shall provide to the judges of election proof of residence by producing two forms of identification showing the person's current residence address, provided that such identification may include not more than one piece of mail addressed to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the primary election, or the person shall produce the affidavit of one voter of the precinct, who shall be a qualified voter at such primary, and who shall be personally known or proved to the judges to be a voter in the precinct, which affidavit shall be in the following form:

State of Illinois)
) ss.
County of)

I,, do solemnly swear (or affirm) that I am a voter of this precinct and entitled to vote at this primary; that I am acquainted with (name of the party challenged), whose right to vote at this primary has been challenged; that I know him or her to

be an actual bona fide resident of this precinct, and that he has resided herein 30 days, and I verily believe he or she has resided in this State 30 days next preceding this primary; that I verily believe he or she is a member of and affiliated with the party.

Subscribed and sworn to before me, this day of, 19 ...
Judge of Primary

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

Note.
This section was Ill.Rev.Stat., Ch. 46, para. 7-45.

CASE NOTES

ANALYSIS

Construction Purpose

Construction The language of this section does not suggest a legislative purpose to establish an open primary for city elections. Faherty v. Board of Election Comm'rs, 5 Ill. 2d 519, 126 N.E.2d 235 (1955).

Purpose The purpose of 10 ILCS 5/7-43 and this section is to ensure that by voting in the primary of a local party, the voter does not lose his right to participate in the primary of a major political party. Faherty v. Board of Election Comm'rs, 5 Ill. 2d 519, 126 N.E.2d 235 (1955).

10 ILCS 5/7-46 [Marking ballot; procedure]

Sec. 7-46. On receiving from the primary judges a primary ballot of his party, the primary elector shall forthwith and without leaving the polling place, retire alone to one of the voting booths and prepare such primary ballot by marking a cross (X) in the square in front of and opposite the name of each candidate of his choice for each office to be filled, and for delegates and alternate delegates to national nominating conventions, and for committeemen, if committeemen are being elected at such primary.

Any primary elector may, instead of voting for any candidate for nomination or for committeeman or for delegate or alternate delegate to national nominating conventions, whose name is printed on the primary ballot, write in the name of any other person affiliated with such party as a candidate for the nomination for any office, or for committeeman, or for delegates or alternate delegates to national nominating conventions, and indicate his choice of such candidate or committeeman or delegate or alternate delegate, by placing to the left of and opposite the name thus written a square and placing in the square a cross (X).

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: Laws 1965, p. 2220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-46.

CASE NOTES**ANALYSIS****Write-In Candidates**

- Eligibility
- Limitations

Write-In Candidates**—Eligibility**

Individual who was on the Democratic ballot for the office of circuit judge in a primary election was not eligible to be written-in by the voters of the Republican party as their candidate for the same position. *Fleming v. State Bd. of Elections*, 40 Ill. App. 3d 695, 353 N.E.2d 57 (4 Dist. 1976).

—Limitations

Having granted the right to cast a vote in a primary by "writing in" the name of a candidate which does not appear on the printed ballot form, the state may not then unreasonably or arbitrarily limit such right. *Lawlor v. Chicago Bd. of Election Comm'rs*, 395 F. Supp. 692 (N.D. Ill. 1975).

10 ILCS 5/7-47 [Returning marked ballot]

Sec. 7-47. Before leaving the booth, the primary elector shall fold his primary ballot in such manner as to conceal the marks thereon. Such voter shall then vote forthwith by handing the primary judge the primary ballot received by such voter. Thereupon the primary judge shall deposit such primary ballot in the ballot box. One of the judges shall thereupon enter in the primary poll book the name of the primary elector, his residence and his party affiliation or shall make the entries on the official poll record as required by articles 4, 5 and 6 [10 ILCS 5/4-1 et seq., 10 ILCS 5/5-1 et seq. and 10 ILCS 5/6-1 et seq.], if any one of them is applicable.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: Laws 1965, p. 2220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-47.

10 ILCS 5/7-47.1 [Access to polling place]

Sec. 7-47.1. (a) In the case of an emergency, as determined by the State Board of Elections, or if the Board determines that all potential polling places have been surveyed by the election authority and that no accessible polling place, as defined by rule of the State Board of Elections, is available within a precinct nor is the election authority able to make a polling place within the precinct temporarily accessible, the Board, upon written application by the election authority, is authorized to grant an exemption from the accessibility requirements of the Federal Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435) [42 U.S.C. §1973ee

et seq.]. Such exemption shall be valid for a period of 2 years.

(b) Any temporarily or permanently physically disabled voter who, because of structural features of the building in which the polling place is located, is unable to access or enter the polling place, may request that 2 judges of election of opposite party affiliation deliver a ballot to him or her at the point where he or she is unable to continue forward motion toward the polling place; but, in no case, shall a ballot be delivered to the voter beyond 50 feet of the entrance to the building in which the polling place is located. Such request shall be made to the election authority not later than the close of business at the election authority's office on the day before the election and on a form prescribed by the State Board of Elections. The election authority shall notify the judges of election for the appropriate precinct polling places of such requests.

Weather permitting, 2 judges of election shall deliver to the disabled voter the ballot which he or she is entitled to vote, a portable voting booth or other enclosure that will allow such voter to mark his or her ballot in secrecy, and a marking device.

(c) The voter must complete the entire voting process, including the application for ballot from which the judges of election shall compare the voter's signature with the signature on his or her registration record card in the precinct binder.

After the voter has marked his or her ballot and placed it in the ballot envelope (or folded it in the manner prescribed for paper ballots), the 2 judges of election shall return the ballot to the polling place and give it to the judge in charge of the ballot box who shall deposit it therein.

Pollwatchers as provided in Sections 7-34 and 17-23 of this Code [10 ILCS 5/7-34 and 10 ILCS 5/17-23] shall be permitted to accompany the judges and observe the above procedure.

No assistance may be given to such voter in marking his or her ballot, unless the voter requests assistance and completes the affidavit required by Section 17-14 of this Code [10 ILCS 5/17-14]. (Source: P.A. 84-808.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-47.1.

10 ILCS 5/7-48 [Voter assistance]

Sec. 7-48. Any primary elector who may declare upon oath, properly witnessed and with his or her signature or mark affixed, that he or she requires assistance to vote by reason of blindness, physical disability or inability to read, write or speak the English language, shall, upon request, be assisted in marking his or her primary ballot in the same manner as provided by this Act for general elections. (Source: P.A. 84-808.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-48.

10 ILCS 5/7-49 [Adjournment forbidden]

Sec. 7-49. After the opening of the polls at a primary no adjournment shall be had nor recess taken until the canvass of all the votes is completed and the returns carefully enveloped and sealed.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: Laws 1965, p. 2220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-49.

10 ILCS 5/7-50 [Vote canvassing; location]

Sec. 7-50. The votes shall be canvassed in the room or place where the primary is held and the primary judges shall not allow the ballot box or any of the ballots, or the primary poll book, or any of the tally sheets to be removed or carried away from such room or polling place until the canvass of the votes is completed and the returns carefully enveloped and sealed.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-50.

10 ILCS 5/7-51 [Incorrectly marked ballots]

Sec. 7-51. If the primary elector marks more names upon the primary ballot than there are persons to be nominated as candidates for an office, or for State central committeemen, or precinct committeemen, or township committeemen, or ward committeemen, or delegates or alternate delegates to National nominating conventions, or if for any reason it is impossible to determine the primary elector's choice of a candidate for the nomination for an office, or committeeman, or delegate, his primary ballot shall not be counted for the nomination for such office or committeeman.

No primary ballot, without the endorsement of the judge's initials thereon, shall be counted.

No judge shall omit to endorse his initials on a primary ballot, as required by this Article, nor shall any person not authorized so to do initial a primary ballot knowing that he is not so authorized.

Primary ballots not counted shall be marked "defective" on the back thereof; and primary ballots to which objections have been made by either of the primary judges or challengers shall be marked "objected to" on the back thereof; and a memorandum, signed by the primary judges, stating how it was counted, shall be written on the back of each primary ballot so marked; and all primary ballots marked "defective" or "objected to" shall be enclosed in an envelope and securely sealed, and so marked and endorsed as to clearly disclose its contents. The

envelope to be used for enclosing ballots marked "defective" or "objected to" shall bear upon its face, in not less than 1½ inch type, the legend: "This envelope is for use after 6:00 P.M. only." The envelope to be used for enclosing ballots spoiled by voters while attempting to vote shall bear upon its face, in not less than 1½ inch type, the legend: "This envelope is for use before 6:00 P.M. only."

All primary ballots not voted, and all that have been spoiled by voters while attempting to vote, shall be returned to the proper election authority by the primary judges, and a receipt taken therefor, and shall be preserved 2 months. Such official shall keep a record of the number of primary ballots delivered for each polling place, and he or they shall also enter upon such record the number and character of primary ballots returned, with the time when and the persons by whom they are returned. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-51.

CASE NOTES**ANALYSIS****Defective Ballots**

—Uninitialed Absentee Ballots

Jurisdiction

—Appellate Court

Numbered Ballots

—Validity

Defective Ballots

—Uninitialed Absentee Ballots

Uninitialed absentee ballots may be counted only if two conditions are met: (1) they are readily identifiable and distinguishable from in-precinct ballots, and (2) the initialing requirement does not enhance the integrity of the election. *Bazydlo v. Volant*, 264 Ill. App. 3d 105, 201 Ill. Dec. 675, 636 N.E.2d 1107 (3 Dist.), appeal granted, 157 Ill. 2d 495, 205 Ill. Dec. 156, 642 N.E.2d 1273 (1994), aff'd, 164 Ill. 2d 207, 207 Ill. Dec. 31, 647 N.E.2d 273 (1995).

Technical irregularities, including the absence of a precinct designation on a ballot, and unintentional errors in printing which did not interfere with a voter's ability to freely exercise his choice, did not justify voiding an affected ballot. *Pullen v. Mulligan*, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

Since absentee ballots were not cast at the polling place, were not opened until after the polls had closed, and application of the initialing requirement to such ballots was not necessary to prevent voters from fraudulently stuffing the ballot box, uninitialed absentee ballots could be counted if they could be identified and distinguished from in-precinct ballots. *Pullen v. Mulligan*, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

Jurisdiction

—Appellate Court

In a contempt proceeding where defendants were found guilty of misconduct and misbehavior in performing their duties as officers, the appellate court had jurisdiction to pass upon the question of whether the defendants violated former section 415 of the Primary Election Law (see now this section). *People ex rel. Rusch v. Freedman*, 297 Ill. App. 73, 17 N.E.2d 332 (1 Dist. 1938).

Numbered Ballots

—Validity

Numbers on ballots were not distinguishing marks which invalidated the ballots where the numbers were placed on the ballots by

Numbered Ballots (Cont'd)

—Validity (Cont'd)

election judges, rather than the voters, since, as a general rule, ignorance, inadvertence, mistake, or even intentional wrong on the part of election officials will not be permitted to disenfranchise voters. Pullen v. Mulligan, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

10 ILCS 5/7-52 [Vote canvassing; procedure]

Sec. 7-52. Immediately upon closing the polls, the primary judges shall proceed to canvass the votes in the manner following:

(1) They shall separate and count the ballots of each political party.

(2) They shall then proceed to ascertain the number of names entered on the applications for ballot under each party affiliation.

(3) If the primary ballots of any political party exceed the number of applications for ballot by voters of such political party, the primary ballots of such political party shall be folded and replaced in the ballot box, the box closed, well shaken and again opened and one of the primary judges, who shall be blindfolded, shall draw out so many of the primary ballots of such political party as shall be equal to such excess. Such excess ballots shall be marked "Excess-Not Counted" and signed by a majority of the judges and shall be placed in the "After 6:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots;

(4) The primary judges shall then proceed to count the primary ballots of each political party separately; and as the primary judges shall open and read the primary ballots, 3 of the judges shall carefully and correctly mark upon separate tally sheets the votes which each candidate of the party whose name is written or printed on the primary ballot has received, in a separate column for that purpose, with the name of such candidate, the name of his political party and the name of the office for which he is a candidate for nomination at the head of such column.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 80-484.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-52.

CASE NOTES

Precinct Resident

—Wrongly Counted Ballot

Where ballots were counted in the wrong precinct, but were cast by voters who resided in the representative district and were entitled to vote for one of the candidates involved in the contest,

and where there was no allegation or evidence that the ballots were fraudulently cast, otherwise qualified voters could not be deprived of their right to have their votes counted simply because of error on the part of election officials. Pullen v. Mulligan, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

10 ILCS 5/7-53 [Tally sheets; certificate of results]

Sec. 7-53. As soon as the ballots of a political party shall have been read and the votes of the political party counted, as provided in the last above section, the 3 judges in charge of the tally sheets shall foot up the tally sheets so as to show the total number of votes cast for each candidate of the political party and for each candidate for State Central committeeman and precinct committeeman, township committeeman or ward committeeman, and delegate and alternate delegate to National nominating conventions, and certify the same to be correct. Thereupon, the primary judges shall set down in a certificate of results on the tally sheet, under the name of the political party, the name of each candidate voted for upon the primary ballot, written at full length, the name of the office for which he is a candidate for nomination or for committeeman, or delegate or alternate delegate to National nominating conventions, the total number of votes which the candidate received, and they shall also set down the total number of ballots voted by the primary electors of the political party in the precinct. The certificate of results shall be made substantially in the following form:

..... Party
 At the primary election held in the precinct of the (1) *township of, or (2) *City of, or (3) *.... ward in the city of on (insert date), the primary electors of the party voted ballots, and the respective candidates whose names were written or printed on the primary ballot of the party, received respectively the following votes:

Name of Candidate,	Title of Office,	No. of Votes
John Jones	Governor	100
Sam Smith	Governor	70
Frank Martin	Attorney General	150
William Preston	Rep. in Congress	200
Frederick John	Circuit Judge	50

*Fill in either (1), (2) or (3).

And so on for each candidate.

We hereby certify the above and foregoing to be true and correct.

Dated (insert date)

.....
 Name Address

 Name Address

 Name Address

.....
 Name Address

 Name Address
 Judges of Primary

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 and Article 24A [10 ILCS 5/24-1 et seq. and 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 84-551; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-53. P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

10 ILCS 5/7-54 [Binding and sealing ballots; endorsement]

Sec. 7-54. After the votes of a political party have been counted and set down and the tally sheets footed and the entry made in the primary poll books or return, as above provided, all the primary ballots of said political party, except those marked "defective" or "objected to" shall be securely bound, lengthwise and in width, with a soft cord having a minimum tensile strength of 60 pounds separately for each political party in the order in which said primary ballots have been read, and shall thereupon be carefully sealed in an envelope, which envelope shall be endorsed as follows:

"Primary ballots of the ... party of the ... precinct of the county of ... and State of Illinois."

Below each endorsement, each primary judge shall write his name.

Immediately thereafter the judges shall designate one of their number to go to the nearest telephone and report to the office of the county clerk or board of election commissioners (as the case may be) the results of such primary. Such clerk or board shall keep his or its office open after the close of the polls until he or it has received from each precinct under his or its jurisdiction the report above provided for. Immediately upon receiving such report such clerk or board shall cause the same to be posted in a public place in his or its office for inspection by the public. Immediately after making such report such judge shall return to the polling place.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 81-1433.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-54.

10 ILCS 5/7-55 [Delivery of materials to election authority]

Sec. 7-55. The primary poll books or the official poll record, and the tally sheets with the certificates of the primary judges written thereon, together with the envelopes containing the ballots, including the envelope containing the ballots marked "defective" or "objected to", shall be carefully enveloped and sealed up together, properly endorsed, and the primary judges shall elect 2 judges (one from each of the major political parties), who shall immediately deliver the same to the clerk from whom the primary ballots were obtained, which clerk shall safely keep the same for 2 months, and thereafter shall safely keep the poll books until the next primary. Each election authority shall keep the office of the election authority, or any receiving stations designated by such authority, open for at least 12 consecutive hours after the polls close, or until the judges of each precinct under the jurisdiction of the election authority have delivered to the election authority all the above materials sealed up together and properly endorsed as provided herein. Materials delivered to the election authority which are not in the condition required by this Section shall not be accepted by the election authority until the judges delivering the same make and sign the necessary corrections. Upon acceptance of the materials by the election authority, the judges delivering the same shall take a receipt signed by the election authority and stamped with the time and date of such delivery. The election judges whose duty it is to deliver any materials as above provided shall, in the event such materials cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

The county clerk or board of election commissioners shall deliver a copy of each tally sheet to the county chairmen of the two largest political parties.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 and Article 24A [10 ILCS 5/24-1 et seq. and 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 83-764.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-55.

10 ILCS 5/7-56 [Canvassing primary returns]

Sec. 7-56. As soon as complete returns are delivered to the proper election authority, the returns shall be canvassed for all primary elections as follows:

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

2. In the case of nomination of candidates for village offices, by the president of the board of

trustees, one member of the board of trustees, and the village clerk.

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

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

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

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

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

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

8. Within 48 hours of the delivery of complete returns of the consolidated primary to the election authority, the election authority shall deliver an original certificate of results to each local election official, with respect to whose political subdivisions nominations were made at such primary, for each precinct in his jurisdiction in which such nominations were on the ballot. Such original certificate of results need not include any offices or nominations for any other political subdivisions. The local election official shall immediately transmit the certificates to the canvassing board for his political subdivisions, which shall open and canvass the returns, make a tabulated statement of the returns for each political party separately, and as nearly as possible, follow the procedures required for the county canvassing board. Such canvass of votes shall be conducted within 7 days after the close of the consolidated primary.

(Source: P.A. 84-861; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-56.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added subsection 3.5.

CASE NOTES

ANALYSIS

Primary Election Contest

—Timeliness

Tabulated Statement of Returns

—Duty of Board

Primary Election Contest

—Timeliness

Where both the county canvassing board and the State Board of Elections canvassed the returns of a primary election and neither canvass was any more a canvass than the other, an election contest petition filed within 10 days after the final canvass by the State Board was timely. *Pullen v. Mulligan*, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

Petition for election contest filed with the circuit court of Cook County on the 10th day following the canvass of the primary results by the State Board of Elections was timely filed. *McDunn v. Williams*, 204 Ill. App. 3d 332, 149 Ill. Dec. 791, 562 N.E.2d 255 (1 Dist. 1990).

Tabulated Statement of Returns

—Duty of Board

It is the function of the State Board of Elections to examine or canvass the tabulated statement of returns before proclaiming the results of the election; the State Board of Elections is the canvassing board which makes the final canvass of the return. *McDunn v. Williams*, 204 Ill. App. 3d 332, 149 Ill. Dec. 791, 562 N.E.2d 255 (1 Dist. 1990).

10 ILCS 5/7-56.1 [Furnishing abstracts to candidates]

Sec. 7-56.1. The county clerk or board of election commissioners shall, upon request, and by mail if so requested, furnish free of charge to any candidate for State office, including State Senator and Representative in the General Assembly, whose name appeared upon the primary ballot within the jurisdiction of the county clerk or board of election commissioners, a copy of the abstract of votes by precinct for all candidates for the office for which such person was a candidate. Such abstract shall be furnished no later than 2 days after the receipt of the request or 8 days after the completing of the canvass, whichever is later.

(Source: P.A. 78-775.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-56.1.

10 ILCS 5/7-56.2 [Even numbered year municipal primaries]

Sec. 7-56.2. The provisions of this Article 7 [10 ILCS 5/7-1 et seq.] governing the conduct of primaries for the nomination of officers of units of local government at the consolidated primary of odd numbered years, shall also govern the conduct of those municipal primaries held in even numbered years 6 weeks before the date of the general primary election pursuant to Article 2A of this Code [10 ILCS 5/2A-1 et seq.]. In applying the provisions of this Article to those even numbered year municipal elections, references to the "election" shall be construed to refer to the municipal election to be held on the day of the general primary, and references to the "consolidated primary" shall be construed to refer to the municipal primary of the even numbered year.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-56.2.

10 ILCS 5/7-57 [Death of a candidate]

Sec. 7-57. The death of any candidate prior to, or on, the date of the primary shall not affect the canvass of the ballots. If the result of such canvass discloses that such candidate, if he had lived, would have been nominated, such candidate shall be declared nominated.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-57.

10 ILCS 5/7-58 [Primary results; proclamation]

Sec. 7-58. Each of the canvassing boards respectively shall, upon completion of the canvassing of the returns, make and transmit to the State Board of

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

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

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-58.

CASE NOTES

Duty to Runners-Up

Under this section, the county clerk does not have a duty to certify first runners-up in the event the winner is later disqualified for nonresidence, but is only required to select as shown by the returns. *Durham v. Barrett*, 15 Ill. App. 3d 1011, 305 N.E.2d 201 (1 Dist. 1973).

OPINIONS OF ATTORNEY GENERAL

Filling Vacancies

Vacancies in nomination created by the failure of a political party to slate candidates for nomination at a primary election may be filled only until such time as the appropriate canvassing board certifies the candidates nominated at such election. 1984 Op. Atty. Gen. 66.

10 ILCS 5/7-59 [Interpreting primary results]

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

Except as otherwise provided by Section 7-8 of this Act [10 ILCS 5/7-8], the person receiving the highest number of votes of his party for State central committeeman of his congressional district shall be declared elected State central committeeman from said congressional district.

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

A political party which elects the members to its State Central Committee by Alternative B under paragraph (a) of Section 7-8 [10 ILCS 5/7-8] shall select its congressional district delegates and alternate delegates to its national nominating convention by proportional selection representation according to the results of a Presidential preference primary in each congressional district in the manner provided by the rules of the national political party and the State Central Committee, when the rules and policies of the national political party so require.

A political party which elects the members to its State Central Committee by Alternative B under paragraph (a) of Section 7-8 [10 ILCS 5/7-8] shall select its at large delegates and alternate delegates to its national nominating convention by proportional selection representation according to the results of a Presidential preference primary in the whole State in the manner provided by the rules of the national political party and the State Central Committee, when the rules and policies of the national political party so require.

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

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

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

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

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

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

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

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

(Source: P.A. 86-867; 86-873; 86-1028; 86-1089; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-59.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in subsection (b), in the first paragraph, in the first sentence, substituted "Tuesday" for "Friday" and deleted "unless a candidate, whose name is printed on the ballot, dies later than 5:00 p.m. on the Friday immediately preceding the primary" from the end and deleted the last four sentences regarding the death of a candidate and replacement by a write in candidate.

CASE NOTES

ANALYSIS

Constitutionality
Construction
Precinct Committeeman

Constitutionality

Subdivision (c)(1) of this section, as it then read, was declared unconstitutional where a write-in candidate who received not only a plurality but an actual majority of the votes cast was not certified the winner, as he had fewer than the vote total required for nominating petitions. *Foster v. Kuser*, 587 F. Supp. 1194 (N.D. Ill. 1984).

Construction

Where the trial court declared the 1990 general election to fill judicial vacancy void, the Election Code specifically provided that the trial court could place candidate from the void election on the 1992 general election ballot to run for judicial vacancy, even though she had won the 1990 primary election to run for that vacancy. *McDunn v. Williams*, 156 Ill. 2d 288, 189 Ill. Dec. 417, 620 N.E.2d 385 (1993).

Precinct Committeeman

The primary is the general election insofar as precinct committeemen are concerned, as the precinct committeemen are elected and not nominated at that election. *Whitsell v. Rutherford*, 118 Ill. App. 2d 401, 255 N.E.2d 34 (5 Dist. 1969).

10 ILCS 5/7-60 [Nominated candidates; certification]

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

Not less than 61 days before the date of the general election, each county clerk shall certify the

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

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

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

Each county clerk and board of election commissioners shall determine by a fair and impartial method of random selection the order of placement of established political party candidates for the general election ballot. Such determination shall be made within 30 days following the canvass and proclamation of the results of the general primary in the office of the county clerk or board of election commissioners and shall be open to the public. Seven days written notice of the time and place of conducting such random selection shall be given, by each such election authority, to the County Chairman of each established political party, and to each organization of citizens within the election jurisdic-

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

Each certification shall indicate, where applicable, the following:

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

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

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

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

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

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-60.

CASE NOTES

ANALYSIS

Construction
Mandamus
Objections

Construction

As used in this section, "name" should be given its usual sense and ordinary meaning unless it has become a word of art or has been given another accepted meaning, and it ordinarily means the distinctive designation of a person or thing; this does not include other descriptive terminology, and it is not permissible to place on an official ballot a characterization or designation before or after a candidate's name. *People ex rel. Richter v. Telford*, 103 Ill. App. 2d 132, 242 N.E.2d 464 (4 Dist. 1968).

Mandamus

Where petitioner was a candidate of a political party at its primary, and at the time of that primary the respondent was nominated by his party on a ballot using the designations of "Dr." and "O.D.," the same prefix and suffix as were sought to be eliminated by the petitioner, the petitioner thus had notice of the descriptive matter sought to be removed, and he should have used the mechanics provided by the Election Code so as to avoid the necessity for application for a writ of mandamus. *People ex rel. Richter v. Telford*, 103 Ill. App. 2d 132, 242 N.E.2d 464 (4 Dist. 1968).

Objections

This Code provides adequate mechanics for an aggrieved person to present objections to the manner and style in which a candidate's name is to be placed on the ballot, and it further prescribes the time for pursuing such remedies. *People ex rel. Richter v. Telford*, 103 Ill. App. 2d 132, 242 N.E.2d 464 (4 Dist. 1968).

OPINIONS OF ATTORNEY GENERAL

ANALYSIS

Filling Vacancies
Retroactivity

Filling Vacancies

Vacancies in nomination created by the failure of a political party to slate candidates for nomination at a primary election may be filled only until such time as the appropriate canvassing board certifies the candidates nominated at such election. 1984 Op. Atty. Gen. 66.

Retroactivity

Attorney General Opinion No. 84-018 (1984 Op. Atty. Gen. 66), issued September 13, 1984, which stated that vacancies in nomination created by the failure of a political party to slate candidates for nomination at a primary election could be filled only until such time as the appropriate canvassing board certifies the candidates nominated at the primary, overruled opinion No. S-511, issued September 14, 1972 (1972 Ill. Atty. Gen. Op. 222), in which Attorney General Scott advised that such vacancies could be filled at any time prior to certification by the State Board of Elections pursuant to this section; notwithstanding the fact that opinion No. 84-018 concludes that the law provides for a substantially shorter period of time within which certain vacancies in nomination may be filled, the construction of the law contained therein does not, at this juncture, affect nominations which were made in accordance with the earlier interpretation. 1984 Op. Atty. Gen. 70.

10 ILCS 5/7-60.1 Certification of Candidates — Consolidated Election

Sec. 7-60.1. *Certification of Candidates — Consolidated Election.* Each local election official of a political subdivision in which candidates for the respective local offices are nominated at the consolidated primary shall, no later than 5 days following the canvass and proclamation of the results of the consolidated primary, certify to each election authority whose duty it is to prepare the official ballot for the consolidated election in that political subdivision the names of each of the candidates who have been nominated as shown by the proclamation of the appropriate canvassing board or who have been nominated to fill a vacancy in nomination and direct the election authority to place upon the official ballot for the consolidated election the names of such candidates in the same manner and in the same order as shown upon the certification, except as otherwise provided by this Section.

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

No person who is shown by the canvassing board's proclamation to have been nominated at the consolidated primary as a write-in candidate shall have his

or her name certified unless such person shall have filed with the certifying office or board within 5 days after the canvassing board's proclamation a statement of candidacy pursuant to Section 7-10 [10 ILCS 5/7-10] and a statement pursuant to Section 7-10.1 [10 ILCS 5/7-10.1].

Each board of election commissioners of the cities in which established political party candidates for city offices are nominated at the consolidated primary shall determine by a fair and impartial method of random selection the order of placement of the established political party candidates for the consolidated ballot. Such determination shall be made within 5 days following the canvass and proclamation of the results of the consolidated primary and shall be open to the public. Three days written notice of the time and place of conducting such random selection shall be given, by each such election authority, to the County Chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. Each election authority shall post in a conspicuous, open and public place, at the entrance of the election authority office, notice of the time and place of such lottery.

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

Not less than 61 days before the date of the consolidated election, each local election official of a political subdivision in which established political party candidates for the respective local offices have been nominated by caucus or have been nominated because no primary was required to be held shall

certify to each election authority whose duty it is to prepare the official ballot for the consolidated election in that political subdivision the names of each of the candidates whose certificates of nomination or nomination papers have been filed in his or her office and direct the election authority to place upon the official ballot for the consolidated election the names of such candidates in the same manner and in the same order as shown upon the certification. Such local election official shall, prior to certification, determine by a fair and impartial method of random selection the order of placement of the established political party candidates for the consolidated election ballot. Such determination shall be made in the office of the local election official and shall be open to the public. Three days written notice of the time and place of conducting such random selection shall be given by each such local election official to the county chairman of each established political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Article, at the next preceding election, to have pollwatchers present on the day of election. Each local election official shall post in a conspicuous, open and public place, at the entrance of the office, notice of the time and place of such lottery. The local election official shall certify the ballot placement order so determined as part of his official certification of candidates to the election authorities whose duty it is to prepare the official ballot for the consolidated election in that political subdivision.

The certification shall indicate, where applicable, the following:

- (1) The political party affiliation of the candidates for the respective offices;
- (2) If there is to be more than one candidate elected or nominated to an office from the State, political subdivision or district;
- (3) If the voter has the right to vote for more than one candidate for an office;
- (4) The term of office, if a vacancy is to be filled for less than a full term or if the offices to be filled in a political subdivision or district are for different terms.

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

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

Note.

This section was Ill. Rev. Stat., Ch. 46, para. 7-60.1.

10 ILCS 5/7-61 [Special election]

Sec. 7-61. Whenever a special election is necessary the provisions of this Article are applicable to the nomination of candidates to be voted for at such special election.

In cases where a primary election is required the officer or board or commission whose duty it is under the provisions of this Act relating to general elections to call an election, shall fix a date for the

primary for the nomination of candidates to be voted for at such special election. Notice of such primary shall be given at least 15 days prior to the maximum time provided for the filing of petitions for such a primary as provided in Section 7-12 [10 ILCS 5/7-12].

Any vacancy in nomination under the provisions of this Article 7 [10 ILCS 5/7-1 et seq.] occurring on or after the primary and prior to certification of candidates by the certifying board or officer, must be filled prior to the date of certification. Any vacancy in nomination occurring after certification but prior to 15 days before the general election shall be filled within 8 days after the event creating the vacancy. The resolution filling the vacancy shall be sent by U. S. mail or personal delivery to the certifying officer or board within 3 days of the action by which the vacancy was filled; provided, if such resolution is sent by mail and the U. S. postmark on the envelope containing such resolution is dated prior to the expiration of such 3 day limit, the resolution shall be deemed filed within such 3 day limit. Failure to so transmit the resolution within the time specified in this Section shall authorize the certifying officer or board to certify the original candidate. Vacancies shall be filled by the officers of a local municipal or township political party as specified in subsection (h) of Section 7-8 [10 ILCS 5/7-8], other than a statewide political party, that is established only within a municipality or township and the managing committee (or legislative committee in case of a candidate for State Senator or representative committee in the case of a candidate for State Representative in the General Assembly) of the respective political party for the territorial area in which such vacancy occurs.

The resolution to fill a vacancy in nomination shall be duly acknowledged before an officer qualified to take acknowledgements of deeds and shall include, upon its face, the following information:

(a) the name of the original nominee and the office vacated;

(b) the date on which the vacancy occurred;

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

The resolution to fill a vacancy in nomination shall be accompanied by a Statement of Candidacy, as prescribed in Section 7-10 [10 ILCS 5/7-10], completed by the selected nominee and a receipt indicating that such nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.].

The provisions of Section 10-8 through 10-10.1 [10 ILCS 5/10-8 through 10 ILCS 5/10-10.1] relating to objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall apply to and govern objections to resolutions for filling a vacancy in nomination.

Any vacancy in nomination occurring 15 days or less before the consolidated election or the general election shall not be filled. In this event, the certifi-

cation of the original candidate shall stand and his name shall appear on the official ballot to be voted at the general election.

A vacancy in nomination occurs when a candidate who has been nominated under the provisions of this Article 7 [10 ILCS 5/7-1 et seq.] dies before the election (whether death occurs prior to, on or after the day of the primary), or declines the nomination; provided that nominations may become vacant for other reasons.

If the name of no established political party candidate was printed on the consolidated primary ballot for a particular office and if no person was nominated as a write-in candidate for such office, a vacancy in nomination shall be created which may be filled in accordance with the requirements of this Section. If the name of no established political party candidate was printed on the general primary ballot for a particular office and if no person was nominated as a write-in candidate for such office, a vacancy in nomination shall be created, but no candidate of the party for the office shall be listed on the ballot at the general election unless such vacancy is filled in accordance with the requirements of this Section within 60 days after the date of the general primary.

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at such primary election, is ineligible to be listed on the ballot at that general or consolidated election as a candidate of another political party.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus, is ineligible to be listed on the ballot at that general or consolidated election as a candidate of another political party.

In the proceedings to nominate a candidate to fill a vacancy or to fill a vacancy in the nomination, each precinct, township, ward, county or congressional district, as the case may be, shall through its representative on such central or managing committee, be entitled to one vote for each ballot voted in such precinct, township, ward, county or congressional district, as the case may be, by the primary electors of its party at the primary election immediately preceding the meeting at which such vacancy is to be filled.

For purposes of this Section, the words "certify" and "certification" shall refer to the act of officially declaring the names of candidates entitled to be printed upon the official ballot at an election and directing election authorities to place the names of such candidates upon the official ballot. "Certifying officers or board" shall refer to the local election official, election authority or the State Board of Elections, as the case may be, with whom nomination papers, including certificates of nomination and resolutions to fill vacancies in nomination, are filed and whose duty it is to "certify" candidates. (Source: P.A. 86-867; 86-1348; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-61.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added "officers of a local municipal or township political party as specified in subsection (h) of Section 7-8, other than a statewide political party, that is established only within a municipality or township and the" preceding "managing committee" in the third paragraph.

CASE NOTES**ANALYSIS**

Constitutionality
 Applicability
 Judicial Vacancies
 Legislative Intent
 Nominating Petition
 —Objections to Nomination
 —Recourse after Denial
 —Replacement
 —Timeliness
 —Withdrawal
 Resolution
 —Date of Selection

Constitutionality

Date of acknowledgment by notary public was insufficient to satisfy the requirement that a resolution includes the date of the nominee's selection by the political party. *Zerante v. Bloom Tp. Electoral Bd.*, 287 Ill. App. 3d 976, 223 Ill. Dec. 274, 679 N.E.2d 459 (1 Dist. 1997).

Applicability

This section applies to all vacancies in nomination except judicial vacancies. *Bonaguro v. County Officers Electoral Bd.*, 158 Ill. 2d 391, 199 Ill. Dec. 659, 634 N.E.2d 712 (1994).

Judicial Vacancies

This section and 10 ILCS 5/7-61 describe only political districts for legislative and executive positions and do not refer to judicial committees for judicial vacancies in nomination. *Bonaguro v. County Officers Electoral Bd.*, 158 Ill. 2d 391, 199 Ill. Dec. 659, 634 N.E.2d 712 (1994).

Under this article of the Election Code, judicial nomination by party convention and filling a judicial vacancy in nomination by party committee are prohibited; therefore, there is no method available to fill judicial vacancies in nomination. *Bonaguro v. County Officers Electoral Bd.*, 158 Ill. 2d 391, 199 Ill. Dec. 659, 634 N.E.2d 712 (1994).

Legislative Intent

The legislature intended to provide for the filling of a vacancy in any office caused by death or declination of the nominee and also for the filling of the nomination if for any reason it should become vacant. *Progressive Party v. Flynn*, 401 Ill. 573, 82 N.E.2d 476 (1948).

Nominating Petition**—Objections to Nomination**

Failure to object to the method the Republican Party used to nominate its candidate for resident circuit court judge prior to the general election precluded the Democratic candidate from challenging the validity of such nomination after the election under the doctrine of laches. *Thurston v. State Bd. of Elections*, 76 Ill. 2d 385, 30 Ill. Dec. 304, 392 N.E.2d 1349 (1979).

—Recourse after Denial

Plaintiff, whose nominating petition for the office of county auditor was denied, could not attempt to circumvent the clear and unambiguous language and time limits set forth in this section by filing successive nominating petitions for the same party which had been previously denied; if he did not agree with the Electoral Board's first decision denying his petition, he should have sought judicial review of that order. *Maske v. Kane County Officers*

Electoral Bd., 234 Ill. App. 3d 508, 175 Ill. Dec. 582, 600 N.E.2d 513 (2 Dist.), cert. denied, 147 Ill. 2d 628, 180 Ill. Dec. 151, 606 N.E.2d 1228 (1992).

—Replacement

The only provision made for the situation of there being no candidate through either death or declination is the provision giving authority to the managing committee of a major political party to nominate a new person. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

—Timeliness

The trial court did not err in affirming the Electoral Board's decision to deny a plaintiff's nominating petition on the basis that it was not timely filed since the scheme for filling vacancies in nomination requires that such petition be filed within 60 days after the general primary. *Maske v. Kane County Officers Electoral Bd.*, 234 Ill. App. 3d 508, 175 Ill. Dec. 582, 600 N.E.2d 513 (2 Dist.), cert. denied, 147 Ill. 2d 628, 180 Ill. Dec. 151, 606 N.E.2d 1228 (1992).

10 ILCS 5/10-7 provides for the filling of vacancies in the case of minority party candidates, and this section provides a means for filling vacancies or withdrawals in the case of candidates of majority parties who are nominated under this Code. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

—Withdrawal

Although it appeared that a candidate disregarded the moral obligation to be the candidate at the election after he had been nominated by the party, and although it appeared that he withdrew from that nomination in consideration of being paid by someone, this did not affect the validity of his withdrawal, provided it was not the result of a conspiracy by his opponent. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

This section seems to recognize that the major parties, having party organizations, provide means by which they can rapidly and efficiently fill a vacancy in case of death or withdrawal of a candidate, while the minority parties, whose candidates are placed upon the ticket by petition, nominating conventions, or otherwise, do not have the fixed organization that this section has seen fit to recognize, and therefore there is provided a different method for filling vacancies (see 10 ILCS 5/10-7). *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

This section provides that a candidate may withdraw his candidacy, but does not provide that a candidate who has withdrawn his name may be compelled to take an office. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

Resolution**—Date of Selection**

The provision of this section which states that a resolution shall contain the date of selection is mandatory. *Zerante v. Bloom Tp. Electoral Bd.*, 287 Ill. App. 3d 976, 223 Ill. Dec. 274, 679 N.E.2d 459 (1 Dist. 1997).

The failure of the resolutions to specify the date upon which the petitioner was selected to fill the vacancy in nomination prevented a determination as to whether the resolutions were transmitted to the certifying authority in a timely fashion and therefore the papers were legally insufficient. *Zerante v. Bloom Tp. Electoral Bd.*, 287 Ill. App. 3d 976, 223 Ill. Dec. 274, 679 N.E.2d 459 (1 Dist. 1997).

OPINIONS OF ATTORNEY GENERAL**ANALYSIS**

Filling Vacancies
 Retroactivity

Filling Vacancies

Vacancies in nomination created by the failure of a political party to slate candidates for nomination at a primary election may be filled only until such time as the appropriate canvassing board certifies the candidates nominated at such election. 1984 Op. Atty. Gen. 66.

Retroactivity

Attorney General opinion No. 84-018 (1984 Op. Atty. Gen. 66).

Retroactivity (Cont'd)

issued September 13, 1984, which stated that vacancies in nomination created by the failure of a political party to slate candidates for nomination at a primary election could be filled only until such time as the appropriate canvassing board certifies the candidates nominated at the primary, overruled opinion No. S-511, issued September 14, 1972 (1972 Ill. Atty. Gen. Op. 222), in which Attorney General Scott advised that such vacancies could be filled at any time prior to certification by the State Board of Elections pursuant to section 7-60 of The Election Code (10 ILCS 5/7-60); notwithstanding the fact that opinion No. 84-018 concludes that the law provides for a substantially shorter period of time within which certain vacancies in nomination may be filled, the construction of the law contained therein does not, at this juncture, affect nominations which were made in accordance with the earlier interpretation. 1984 Op. Atty. Gen. 70.

10 ILCS 5/7-62 [Board of election commissioners]

Sec. 7-62. In cities having a board of election commissioners, the duties herein imposed upon the county, city, incorporated town or village clerk, as the case may be, shall be discharged by the board of election commissioners in the same manner, as near as may be, and to the same extent and with like effect that the similar duties imposed by this Article are discharged by the county, city, incorporated town or village clerk, as the case may be; and the ballots for the nomination of all candidates to be voted for in such city shall be printed by the board of election commissioners and the returns of the primary held in such city shall be made to such board of election commissioners.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-62.

10 ILCS 5/7-63 [Contesting election results]

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

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

counties or in the county in which any defendant resides.

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

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

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

Any defendant may, within 5 days after service of process upon him or her, file a counterclaim and shall give security for all costs relating to such counterclaim.

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

If, in the opinion of the court, in which the petition is filed, the grounds for contest alleged are insufficient in law the petition shall be dismissed. If the grounds alleged are sufficient in law, the court shall proceed in a summary manner and may hear evidence, examine the returns, recount the ballots and make such orders and enter such judgment as justice may require. In the case of a contest relating to nomination for the office of Representative in the General Assembly where the contestant received votes equal in number to at least 95% of the number of votes cast for any apparently successful candidate for nomination for that office by the same political party, the court may order a recount for the entire district and may order the cost of such recount to be borne by the respective counties. The court shall

ascertain and declare by a judgment to be entered of record, the result of such election in the territorial area for which the contest is made. The judgment of the court shall be appealable as in other civil cases. A certified copy of the judgment shall forthwith be made by the clerk of the court and transmitted to the board canvassing the returns for such office, and in case of contest, if for nomination for an office, tabulated statements of returns for which are filed with the State Board of Elections, also in the office of the county clerk in the proper county. The proper canvassing board, or boards, as the case may be, shall correct the returns or the tabulated statement of returns in accordance with the judgment. (Source: P.A. 84-1308.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-63.

CASE NOTES**ANALYSIS**

Constitutionality
 —Judicial Election
 Applicability
 Authority of Electoral Board
 Burden of Proof
 Construction
 Legislative Intent
 —Construction
 —Election Contests
 —Injunctive Relief
 —Ward Committeemen
 Petition Amendments
 —Timeliness
 Precinct Committeeman
 —Petition Held Sufficient
 Precinct Resident
 —Wrongly Counted Ballot
 Primary Election Contest
 —In General
 —Dismissal Upheld
 —Missing Ballots
 —Standing
 —Timeliness

Constitutionality**—Judicial Election**

The appellate court's decision, which essentially allowed both candidates to fill a single judicial vacancy, was unconstitutional for the following reasons: (1) it increased the number of judges in Cook County; (2) it usurped Supreme Court's power to appoint persons to fill judicial vacancies, if viewed as an appointment; (3) it failed to place the proper constitutional limitations concerning judges on candidate, if viewed as an appointment; and (4) it was made with no legislative appropriation of state funds. *McDunn v. Williams*, 156 Ill. 2d 288, 189 Ill. Dec. 417, 620 N.E.2d 385 (1993).

Applicability

The time of filing of a contest to a party ward committee post is governed by this section. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

Authority of Electoral Board

Where the Electoral Board's interpretation of the law, as to certain objections, was not so unreasonable as to make the Board's decision fraudulent, the appellate court had no power to review it even though the Board's interpretation of the law may have been incorrect. *Hatch v. Holzman*, 55 Ill. App. 2d 168, 204 N.E.2d 157 (1 Dist. 1964).

The legislative intent is that the decisions of the Electoral Board are final, and unless clearly fraudulent cannot be reviewed; relief from unjust and unfair decisions is confined to exceptional and extraordinary cases and where there was nothing in the record which showed that the decision of the Board was clearly fraudulent, it could not be reviewed. *Coles v. Holzman*, 55 Ill. App. 2d 93, 204 N.E.2d 162 (1 Dist. 1964).

Burden of Proof

The party who files a petition to contest an election has the burden of proving the allegation that votes were cast illegally. *Baker v. Hinrichs*, 359 Ill. 138, 194 N.E. 284 (1934).

Construction

Where the trial court declared the 1990 general election to fill judicial vacancy void, the Election Code specifically provided that the trial court could place candidate from the void election on the 1992 general election ballot to run for judicial vacancy, even though she had won the 1990 primary election to run for that vacancy. *McDunn v. Williams*, 156 Ill. 2d 288, 189 Ill. Dec. 417, 620 N.E.2d 385 (1993).

A proceeding to contest an election is purely statutory and the statute must be strictly followed. *McCurdy v. Board of Educ.*, 359 Ill. 188, 194 N.E. 287 (1934).

Legislative Intent**—Construction**

The appellate court has the authority to read this section in such a way as to add the words "or elected" after the word "nominated" to effectuate the intent of the legislature; as amended, the section would then read as follows: "Any candidate whose name appears upon the primary ballot of any political party may contest the election of the candidate or candidates nominated or elected for the office for which he [or she] was a candidate by his [or her] political party." *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

—Election Contests

The declaration in 10 ILCS 5/7-1 that elections held at a primary shall be made only in the manner set forth in this Code evidences a clear intent to provide in those sections for every aspect of an election, including the contest of the election, and the legislature intended this section to provide for primary contests whether from a nominated office or an elected office. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

—Injunctive Relief

The General Assembly has detailed the procedures to be followed and the rights to be afforded in election contest proceedings; clearly absent from this section, however, is any provision for the granting of injunctive relief. *Torres v. Board of Elec.*, 142 Ill. App. 3d 955, 97 Ill. Dec. 103, 492 N.E.2d 539 (1 Dist. 1986).

—Ward Committeemen

There is a clear legislative intent in this section to provide for every aspect of the election of ward committeeman, including the filing and management of election contests. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

Petition Amendments**—Timeliness**

Amendments to a primary contest petition may be permitted after the time for filing an election contest petition has lapsed. *Young v. Washington*, 127 Ill. App. 3d 1094, 83 Ill. Dec. 259, 470 N.E.2d 14 (1 Dist. 1984).

Where a trial court had made the preliminary inquiry required under this section and dismissed the petition and where the statutory time for filing a primary election contest had lapsed, the trial court was without jurisdiction to permit the filing of additional amended pleadings. *Young v. Washington*, 127 Ill. App. 3d 1094, 83 Ill. Dec. 259, 470 N.E.2d 14 (1 Dist. 1984).

The parties to an election may seek to amend a timely filed petition for an election contest to incorporate the findings of a discovery recount in time to avoid an adverse ruling from a motion to dismiss based, for instance, on allegations of lack of specificity. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

Precinct Committeeman**—Petition Held Sufficient**

A petition to contest the election of a precinct committeeman was sufficient to state a cause of action pursuant to 10 ILCS 5/23-20, under which it was filed, and a contest of election did not need to be made under 10 ILCS 5/7-1 et seq. to the exclusion of other articles of this Code, particularly 10 ILCS 5/23-1.1a et seq. *Whitsell v. Rutherford*, 118 Ill. App. 2d 401, 255 N.E.2d 34 (5 Dist. 1969).

Precinct Resident**—Wrongly Counted Ballot**

Where ballots were counted in the wrong precinct, but were cast by voters who resided in the representative district and were entitled to vote for one of the candidates involved in the contest, and where there was no allegation or evidence that the ballots were fraudulently cast, otherwise qualified voters could not be deprived of their right to have their votes counted simply because of error on the part of election officials. *Pullen v. Mulligan*, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

Primary Election Contest**—In General**

An election contest must be filed at the proper time and brought by a person possessing the qualifications specified by this section. *Jordan v. Kusper*, 164 Ill. App. 3d 990, 115 Ill. Dec. 907, 518 N.E.2d 432 (1 Dist. 1987).

—Dismissal Upheld

Where an individual was not a candidate in the primary election nor did he file an election contest within ten days after completion of the canvass of the election returns, the trial court properly dismissed the cause of action because neither the standing nor time requirements of this section were met. *Jordan v. Kusper*, 164 Ill. App. 3d 990, 115 Ill. Dec. 907, 518 N.E.2d 432 (1 Dist. 1987).

—Missing Ballots

In primary election to fill judicial vacancy, where ballots from eight precincts could not be located, pursuant to this section the trial court counted the ballots that were located, accepting them as original evidence, and then determined that the returns from those eight precincts were prima facie evidence of the votes cast for those precincts; where the original ballots cannot be deemed trustworthy, or are missing, the official results are the best evidence. *McDunn v. Williams*, 156 Ill. 2d 288, 189 Ill. Dec. 417, 620 N.E.2d 385 (1993).

—Standing

This section limits those who may contest a primary election to any "candidate whose name appears on the ballot," thus excluding write-in candidates and electors. *Young v. Washington*, 127 Ill. App. 3d 1094, 83 Ill. Dec. 259, 470 N.E.2d 14 (1 Dist. 1984).

This section was intended by the legislature to include write-in candidates in that it does not restrict the initiation of an election contest to those candidates whose names were printed on the ballot. *Jordan v. Kusper*, 164 Ill. App. 3d 990, 115 Ill. Dec. 907, 518 N.E.2d 432 (1 Dist. 1987).

—Timeliness

Election contests are statutory in nature and, therefore jurisdiction and procedure are strictly governed by the specific statutory provisions; under this general rule, failure to timely file an election contest is fatal and divests the court from proceeding with the contest. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

Where both the county canvassing board and the State Board of Elections canvassed the returns of a primary election and neither canvass was any more a canvass than the other, an election contest petition filed within 10 days after the final canvass by the State Board was timely. *Pullen v. Mulligan*, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

Where a political party's designated candidate chose not to run in the primary election and did not receive any votes, and where the record indicated that the State Board of Elections acted in a timely and efficient manner in certifying another candidate as the winner of the primary election, the political party and its candidate were not entitled to seek declaratory and injunctive relief. *Jordan v.*

Kusper, 164 Ill. App. 3d 990, 115 Ill. Dec. 907, 518 N.E.2d 432 (1 Dist. 1987).

10 ILCS 5/7-64 [Independent candidates]

Sec. 7-64. Nothing in this article contained shall be construed to prevent the nomination of independent candidates by petition, as is now or may hereafter be provided by this Act or any other law.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-64.

10 ILCS 5/7-65 [Severability]

Sec. 7-65. The invalidity of any portion of this Article 7 [10 ILCS 5/7-1 et seq.] shall not affect the validity of any other portion hereof, which can be given effect without such invalid part.

(Source: Laws 1943, p. 253.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7-65.

10 ILCS 5/7-66 Precinct tabulation optical scan technology voting equipment

Sec. 7-66. *Precinct tabulation optical scan technology voting equipment.* If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code [10 ILCS 5/24B-1 et seq.], and the provisions of the Article are in conflict with the provisions of this Article 7 [10 ILCS 5/7-1 et seq.], the provisions of Article 24B [10 ILCS 5/24B-1 et seq.] shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B [10 ILCS 5/24B-1 et seq.], the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B [10 ILCS 5/24B-1 et seq.] or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, § 5.)

Effective Date.

Section 99 of P.A. 89-394 made this section effective January 1, 1997.

ARTICLE 7A.**JUDGES' DECLARATION OF INTENT TO SEEK RETENTION IN OFFICE****10 ILCS 5/7A-1 [Declaration of candidacy]**

Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has been elected to that office and who seeks to be retained in that office under subsection

(d) of Section 12 of Article VI of the Constitution shall file a declaration of candidacy to succeed himself in the office of the Secretary of State on or before the first Monday in December before the general election preceding the expiration of his term of office. Within 3 business days thereafter, the Secretary of State shall certify to the State Board of Elections the names of all incumbent judges who were eligible to stand for retention at the next general election but failed to timely file a declaration of candidacy to succeed themselves in office or, having timely filed such a declaration, withdrew it. The State Board of Elections may rely upon the certification from the Secretary of State (a) to determine when vacancies in judicial office exist and (b) to determine the judicial positions for which elections will be held. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of three-fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his election.
(Source: P.A. 86-1348.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 7A-1.

ARTICLE 8.**NOMINATIONS OF MEMBERS OF THE
GENERAL ASSEMBLY****10 ILCS 5/8-1 [Manner of nomination]**

Sec. 8-1. The nomination of all candidates for members of the General Assembly by all political parties as defined in Section 8-2 [10 ILCS 5/8-2] of this article shall be made in the manner provided in this article 8 [10 ILCS 5/8-1 et seq.] and not otherwise.

The name of no person, nominated by a party required hereunder to make nominations of candidates for members of the General Assembly shall be placed upon the official ballot to be voted at the general election as a candidate unless such person shall have been nominated for such office under the provisions of this article 8 [10 ILCS 5/8-1 et seq.].
(Source: P.A. 82-750.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-1.

CASE NOTES**ANALYSIS**

In General

Construction with Other Laws
Intervention by Federal Court

In General

The provisions regarding the selection of a representative committee for filling vacancies are mandatory, rather than directory. *Carnell v. Madison County Officers Electoral Bd.*, 299 Ill. App. 3d 419, 233 Ill. Dec. 698, 701 N.E.2d 548 (5 Dist. 1998).

Construction with Other Laws

The term "election" as used in the Illinois Constitution applies to a primary for the nomination of candidates as well as to the election of such candidates to office, and the right to choose candidates for public offices, whose names are to be placed on the official ballot, is as valuable as the right to vote for them after they are chosen and is of precisely the same nature. *People v. Fox*, 294 Ill. 263, 128 N.E. 505 (1920).

Intervention by Federal Court

A federal court will intervene in a matter of state election laws applied to a local state election where forbidden discrimination is alleged. *Smith v. Cherry*, 489 F.2d 1098 (7th Cir. 1973), cert. denied, 417 U.S. 910, 94 S. Ct. 2607, 41 L. Ed. 2d 214 (1974).

10 ILCS 5/8-2 [Political party defined]

Sec. 8-2. The term "political party" as used in this article shall mean a political party which, at the next preceding election for governor, polled at least five per cent of the entire vote cast in the State; Provided, that no political organization or group shall be qualified as a political party hereunder, or given a place on a ballot, which organization or group is associated, directly or indirectly, with Communist, Fascist, Nazi or other un-American principles and engages in activities or propaganda designed to teach subservience to the political principles and ideals of foreign nations or the overthrow by violence of the established constitutional form of government of the United States and the State of Illinois.
(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-2.

CASE NOTES**ANALYSIS**

Changing Political Parties
Established Parties

Changing Political Parties

Restrictions upon party switching by political candidates and establishment of the periods of time involved are, within constitutional limitations, matters for legislative determination. *Sperling v. County Officers Electoral Bd.*, 57 Ill. 2d 81, 309 N.E.2d 589 (1974).

Established Parties

An individual or group of less than five percent has a right to place a name upon the primary ballot by petition with the requisite number of signatures, and if such group or political party in the ensuing election polls more than five percent of the vote in such election, then it becomes an "established political party" for the subdivision in which the election was held and is entitled to the identical rights to which political parties are entitled with a like percentage of votes. *Progressive Party v. Flynn*, 400 Ill. 102, 79 N.E.2d 516 (1948).

10 ILCS 5/8-3 [Definitions]

Sec. 8-3. The following words and phrases in this article shall, unless the same be inconsistent with the context, be construed as follows:

(1) The terms "legislative office", "legislative officer" or "legislator" shall mean a State Senator or Representative in the General Assembly.

(2) The term "legislative district" shall mean the territorial area from which a State Senator is to be elected.

(3) The term "representative district" shall mean the territorial area from which a Representative in the General Assembly is to be elected.

(Source: P.A. 82-750.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-3.

10 ILCS 5/8-4 [When primary to be held]

Sec. 8-4. A primary shall be held on the third Tuesday in March of each even-numbered year for the nomination of candidates for legislative offices. (Source: P.A. 82-750.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-4.

10 ILCS 5/8-5 [Legislative and representative committees; composition]

Sec. 8-5. There shall be constituted one legislative committee for each political party in each legislative district and one representative committee for each political party in each representative district. Legislative and representative committees shall be composed as follows:

In legislative or representative districts within or including a portion of any county containing 2,000,000 or more inhabitants, the legislative or representative committee of a political party shall consist of the committeemen of such party representing each township or ward of such county any portion of which township or ward is included within such legislative or representative district and the chairman of each county central committee of such party of any county containing less than 2,000,000 inhabitants any portion of which county is included within such legislative or representative district.

In the remainder of the State, the legislative or representative committee of a political party shall consist of the chairman of each county central committee of such party, any portion of which county is included within such legislative or representative district; but if a legislative or representative district comprises only one county, or part of a county, its legislative or representative committee shall consist of the chairman of the county central committee and 2 members of the county central committee who reside in the legislative or representative district, as the case may be, elected by the county central committee.

Within 180 days after the primary of the even-numbered year immediately following the decennial redistricting required by Section 3 of Article IV of the Illinois Constitution of 1970, the ward commit-

teemen, township committeemen or chairmen of county central committees within each of the redistricted legislative and representative districts shall meet and proceed to organize by electing from among their own number a chairman and, either from among their own number or otherwise, such other officers as they may deem necessary or expedient. The ward committeemen, township committeemen or chairmen of county central committees shall determine the time and place (which shall be in the limits of such district) of such meeting. Immediately upon completion of organization, the chairman shall forward to the State Board of Elections the names and addresses of the chairman and secretary of the committee. A vacancy shall occur when a member dies, resigns or ceases to reside in the county, township or ward which he represented.

Within 180 days after the primary of each other even-numbered year, each legislative committee and representative committee shall meet and proceed to organize by electing from among its own number a chairman, and either from its own number or otherwise, such other officers as each committee may deem necessary or expedient. Immediately upon completion of organization, the chairman shall forward to the State Board of Elections, the names and addresses of the chairman and secretary of the committee. The outgoing chairman of such committee shall notify the members of the time and place (which shall be in the limits of such district) of such meeting. A vacancy shall occur when a member dies, resigns, or ceases to reside in the county, township or ward, which he represented.

If any change is made in the boundaries of any precinct, township or ward, the committeeman previously elected therefrom shall continue to serve, as if no boundary change had occurred, for the purpose of acting as a member of a legislative or representative committee until his successor is elected or appointed.

(Source: P.A. 84-352.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-5.

CASE NOTES

Vacancy

Whether expressly required by statute or not, the failure to provide notice to third member of representative committee clearly affected the voters within the district represented by him; irrespective of the fact the percentage of voters constituted a small minority of those within the district, they and the chairman were plainly disenfranchised when third member of representative committee failed to receive any notice of the meeting to organize the committee and fill a nomination was going to take place. *Graham v. State Officers Electoral Bd.*, 269 Ill. App. 3d 609, 207 Ill. Dec. 270, 646 N.E.2d 1357 (4 Dist. 1995).

10 ILCS 5/8-6 [Committee members; voting]

Sec. 8-6. In legislative or representative districts wholly contained within counties having 2,000,000 or more inhabitants each member of each legislative

or representative committee shall in its organization and proceedings be entitled to one vote for each ballot voted in that portion of his township or ward in the legislative or representative district by the primary electors of his party at the last primary at which members of the General Assembly were nominated. If a portion of the legislative or representative district is within a county containing 2,000,000 or more inhabitants then each legislative or representative committee member shall be entitled to vote as follows: (a) in the portion of the district lying within a county of 2,000,000 or more inhabitants, each committeeman shall be entitled to one vote for each ballot voted in that portion of his township or ward in the legislative or representative district by primary electors of his party at the last primary at which township or ward committeemen were elected; (b) in the portion of the district lying outside a county of 2,000,000 or more inhabitants, each chairman of a county central committee shall be entitled to one vote for each ballot voted in that portion of his county in the legislative or representative district by the primary electors of his party at the last primary at which members of the General Assembly were nominated. In the remainder of the State, each member shall be entitled to cast one vote for each ballot voted in that portion of his county in the legislative or representative district by the primary electors of his party at the last primary at which members of the General Assembly were nominated. However, in counties under 2,000,000 population, if the legislative or representative district comprises only one county, or part of a county, each legislative or representative committee member shall be entitled to cast one vote.
(Source: P.A. 84-1308.)

Note.
This section was Ill.Rev.Stat., Ch. 46, para. 8-6.

CASE NOTES

Vacancy

Whether expressly required by statute or not, the failure to provide notice to third member of representative committee clearly affected the voters within the district represented by him; irrespective of the fact the percentage of voters constituted a small minority of those within the district, they and the chairman were plainly disenfranchised when third member of representative committee failed to receive any notice of the meeting to organize the committee and fill a nomination was going to take place. *Graham v. State Officers Electoral Bd.*, 269 Ill. App. 3d 609, 207 Ill. Dec. 270, 646 N.E.2d 1357 (4 Dist. 1995).

10 ILCS 5/8-7 [Existing political party committees]

Sec. 8-7. The various political party committees now in existence are hereby recognized and shall exercise the powers and perform the duties herein prescribed until committeemen are chosen, in accordance with the provisions of this article.
(Source: Laws 1943, vol. 2, p. 1.)

Note.
This section was Ill.Rev.Stat., Ch. 46, para. 8-7.

10 ILCS 5/8-8 Form of petition for nomination

Sec. 8-8. *Form of petition for nomination.* The name of no candidate for nomination shall be printed upon the primary ballot unless a petition for nomination shall have been filed in his behalf as provided for in this Section. Each such petition shall include as a part thereof the oath required by Section 7-10.1 of this Act [10 ILCS 5/7-10.1] and a statement of candidacy by the candidate filing or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates, is qualified for the office specified and has filed a statement of economic interests as required by the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.], shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn by such candidate before some officer authorized to take acknowledgment of deeds in this State and may be in substantially the following form:

State of Illinois)
) ss.
County of)

I,, being first duly sworn, say that I reside at street in the city (or village of) ... in the county of State of Illinois; that I am a qualified voter therein and am a qualified primary voter of party; that I am a candidate for nomination to the office of to be voted upon at the primary election to be held on (insert date); that I am legally qualified to hold such office and that I have filed a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for such office.

Signed
Subscribed and sworn to (or affirmed) before me by, who is to me personally known, on (insert date).

Signed (Official Character)
(Seal if officer has one.)

All petitions for nomination for the office of State Senator shall be signed by 1% or 600, whichever is greater, of the qualified primary electors of the candidate's party in his legislative district, except that for the first primary following a redistricting of legislative districts, such petitions shall be signed by at least 600 qualified primary electors of the candidate's party in his legislative district.
All petitions for nomination for the office of Representative in the General Assembly shall be signed

by at least 1% or 300, whichever is greater, of the qualified primary electors of the candidate's party in his or her representative district, except that for the first primary following a redistricting of representative districts such petitions shall be signed by at least 300 qualified primary electors of the candidate's party in his or her representative district.

Opposite the signature of each qualified primary elector who signs a petition for nomination for the office of State Representative or State Senator such elector's residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county and city, village or town.

For the purposes of this Section, the number of primary electors shall be determined by taking the total vote cast, in the applicable district, for the candidate for such political party who received the highest number of votes, state-wide, at the last general election in the State at which electors for President of the United States were elected.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

In the affidavit at the bottom of each sheet, the petition circulator, who shall be a person 18 years of age or older who is a citizen of the United States, shall state his or her street address or rural route number, as the case may be, as well as his or her county, city, village or town, and state; and shall certify that the signatures on that sheet of the petition were signed in his or her presence; and shall certify that the signatures are genuine; and shall certify that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petition qualified primary voters for which the nomination is sought.

In the affidavit at the bottom of each petition sheet, the petition circulator shall either (1) indicate the dates on which he or she circulated that sheet, or (2) indicate the first and last dates on which the sheet was circulated, or (3) certify that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition. No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 8-9 [10 ILCS 5/8-9] for the filing of such petition.

All petition sheets which are filed with the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that:

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition. (Source: P.A. 86-867; 86-875; 86-1028; 86-1348; 87-1052, § 3; 91-57, § 5; 91-357, § 10; 92-129, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-8.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added "who shall have been a registered voter at all times he or she circulated the petition" in the seventh paragraph.

The 1999 amendment by P.A. 91-57, effective June 30, 1999, added the section heading; substituted "(insert date)" for date blanks in the petition and statement of candidacy forms; and substituted "county, and city, village or town" for "city, village or town" in the fourth and seventh paragraphs.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

The 2001 amendment by P.A.92-129, effective July 20, 2001, incorporated the amendments by P.A. 91-57, § 5 and P.A. 91-357, § 10; in the first sentence of the sixth paragraph following the form substituted "be a person 18 years of age or older who is a citizen of the United States" for "have been a registered voter at all times he or she circulated the petition", inserted the language beginning "and state; and shall" to the end of the paragraph, and made gender-neutralizing changes.

CASE NOTES

ANALYSIS

Applicability

- Petition Circulators
- Petition
- Validity
- Prior Law
- Single Petition

Applicability

—Petition Circulators

The applicability of 10 ILCS 5/3-1.2 is specifically limited to only those signing a nominating petition and dictates qualifications which are different from those specified in this section for petition circulators; the Electoral Board improperly expanded the statutory language contained in section 3-1.2 and erred in applying that section to the circulator of the petition sheets which effectively cancelled the signatures of each of the voters who signed the challenged petitions and nullified their right to have the candidate of their choice appear on the ballot. *Bass v. Hamblet*, 266 Ill. App. 3d 1110, 204 Ill. Dec. 55, 641 N.E.2d 14 (1 Dist. 1994).

Petition

—Validity

"Petition circulators" petition sheets were not invalid because the addresses in their circulator's affidavits did not match the addresses where they were registered to vote. *Whelan v. County Officers' Electoral Bd.*, 256 Ill. App. 3d 555, 196 Ill. Dec. 297, 629 N.E.2d 842 (2 Dist. 1994).

Prior Law

—Single Petition

There was nothing in the former primary election law that indicated that it was the intention of the legislature that two petitions should be filed in any case. *People ex rel. Kelly v. Czarnecki*, 254 Ill. 72, 98 N.E. 252 (1912).

10 ILCS 5/8-8.1 [Candidates name on petition]

Sec. 8-8.1. In the designation of the name of a candidate on a petition for nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman.
(Source: P.A. 81-135.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-8.1.

10 ILCS 5/8-9 [Filing petition]

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

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

(2) The State Board of Elections shall, upon receipt of each petition, endorse thereon the day and hour on which it was filed. Petitions filed by mail and received after midnight on the first day for filing and in the first mail delivery or pickup of that day, shall be deemed as filed as of 8:00 a.m. of that day or as of the normal opening hour of such day as the case may be, and all petitions received thereafter shall be deemed as filed in the order of actual receipt. Where 2 or more petitions are received simultaneously, the State Board of Elections shall break ties and determine the order of filing, by means of a lottery as provided in Section 7-12 of this Code [10 ILCS 5/7-12].

(3) Any person for whom a petition for nomination has been filed, may cause his name to be withdrawn by a request in writing, signed by him, duly acknowledged before an officer qualified to take acknowledgments of deeds, and filed in the principal or permanent branch office of the State Board of Elections not later than the date of certification of candidates for the general primary ballot, and no names so withdrawn shall be certified by the State Board of Elections to the county clerk, or printed on the primary ballot. If petitions for nomination have been filed for the same person with respect to more than one political party, his name shall not be certified nor printed on the primary ballot of any party. If petitions for nomination have been filed for the same person for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one

of such offices within the 5 business days following the last day for petition filing. If he fails to withdraw as a candidate for all but one of such offices within such time, his name shall not be certified, nor printed on the primary ballot, for any office. For the purpose of the foregoing provisions, an office in a political party is not incompatible with any other office.

(4) If multiple sets of nomination papers are filed for a candidate to the same office, the State Board of Elections shall within 2 business days notify the candidate of his or her multiple petition filings and that the candidate has 3 business days after receipt of the notice to notify the State Board of Elections that he or she may cancel prior sets of petitions. If the candidate notifies the State Board of Elections the last set of petitions filed shall be the only petitions to be considered valid by the State Board of Elections. If the candidate fails to notify the State Board then only the first set of petitions filed shall be valid and all subsequent petitions shall be void.
(Source: P.A. 86-875; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-9.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added subsection (4).

CASE NOTES

ANALYSIS

Incompatible Offices
—Aldermanic Election
Legislative Intent
Mootness
—Public Interest Exception
Time of Filing

Incompatible Offices

—Aldermanic Election

Subsection (3) of this section, prohibiting filing for incompatible offices, was inapplicable to an individual's candidacy in a nonpartisan aldermanic election. *Velazquez v. Soliz*, 141 Ill. App. 3d 1024, 96 Ill. Dec. 141, 490 N.E.2d 1346 (1 Dist. 1986).

Legislative Intent

The legislature, in passing paragraph 6 of section 7-12 of the Election Code (10 ILCS 5/7-12(c)) and subsection (3) of this section, was endeavoring to provide a fair and impartial means of determining the order in which nominating petitions were to be considered filed so that ballot placement could be settled on a nondiscriminatory basis. *Huff v. State Bd.*, 57 Ill. 2d 74, 309 N.E.2d 585 (1974).

Mootness

—Public Interest Exception

Public interest exception to the mootness doctrine did not allow appellate court to reach the merits of an order requiring the State Board of Elections to certify petitioner as a candidate where questions presented were unlikely to recur. *Butler v. State Bd. of Elections*, 188 Ill. App. 3d 1098, 136 Ill. Dec. 641, 545 N.E.2d 165 (1 Dist. 1989), appeal denied, 139 Ill. Dec. 510, 548 N.E.2d 1066 (Ill. 1990).

Time of Filing

Under former law, if a petitioner filed his petition before the hour

Time of Filing (Cont'd)

announced by the clerk for the reception of such petitions, but on the day that he had a legal right to file it, no public law was violated by filing the petition before the time designated by the clerk for the opening of his office; hence such a transaction was not so tainted with fraud that his petition should have been thrown out altogether. *People ex rel. Kelly v. Czarnecki*, 254 Ill. 72, 98 N.E. 252 (1912).

10 ILCS 5/8-9.1 [Objections]

Sec. 8-9.1. The provisions of Sections 10-8 through 10-10.1 [10 ILCS 5/10-8 through 10 ILCS 5/10-10.1] relating to objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall also apply to and govern objections to petitions for nomination filed under this Article.

(Source: Laws 1967, p. 597.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-9.1.

10 ILCS 5/8-10 [Candidates; certification]

Sec. 8-10. Not less than 61 days prior to the date of the primary, the State Board of Elections shall certify to the county clerk for each county, the names of all candidates for legislative offices, as specified in the petitions for nominations on file in its office, which are to be voted for in such county, stating in such certificates the political affiliation of each candidate for nomination, as specified in the petitions. The State Board of Elections shall, in its certificate to the county clerk, certify to the county clerk the names of the candidates in the order in which the names shall appear upon the primary ballot, the names to appear in the order in which petitions have been filed.

Not less than 55 days prior to the date of the primary, the county clerk shall certify to the board of election commissioners if there be any such board in his county, the names of all candidates so certified to him by the State Board of Elections in the districts wholly or partly within the jurisdiction of said board and in the order in which such names are certified to him.

(Source: P.A. 82-750.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-10.

CASE NOTES**Prior Law****—List of Candidates**

Under former law, it was the duty of the county clerk to furnish the Electoral Board with the list of candidates, arranged in the order in which their petitions were filed in his office, upon request being made therefor. *People ex rel. Kelly v. Czarnecki*, 254 Ill. 72, 98 N.E. 252 (1912).

10 ILCS 5/8-11 [Printing primary ballots]

Sec. 8-11. The county clerk of each county or the board of election commissioners, as the case may be, shall prepare and cause to be printed the primary

ballot of each political party for each precinct in his respective county, and the names of all candidates provided in this Article 8 [10 ILCS 5/8-1 et seq.], which are certified to the office of the county clerk by the electoral board, shall be placed on the same ballot as candidates for other offices for nominations to be voted for at the same primary election, properly arranged, however, under the name of each office.

(Source: P.A. 82-750.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-11.

10 ILCS 5/8-12 [Position of names on ballots]

Sec. 8-12. The State Board of Elections shall, in its certificate to the county clerk, certify to the county clerk the position which the names of candidates for legislative offices shall occupy upon the primary ballot with reference to the position of candidates for other offices; provided that, where the candidates on the primary ballot are listed in two or more columns, legislative offices shall be the first offices listed in the second column.

(Source: P.A. 82-750.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-12.

CASE NOTES**Order of Names**

An attempt to grant priority in listing on the election ballot by reason of incumbency and seniority violated the Fourteenth Amendment to the United States Constitution. *Netsch v. Lewis*, 344 F. Supp. 1280 (N.D. Ill. 1972).

The Fourteenth Amendment requires all candidates, newcomers and incumbents alike, to be treated equally; the attempt to favor personal acquaintances and party regulars by awarding them top positions on the ballot is not constitutionally allowed. *Mann v. Powell*, 333 F. Supp. 1261 (N.D. Ill. 1969).

The order of listing candidates' names on the ballot can affect the outcome of an election, and candidates have a right to equal protection in the allocation of ballot positions. *Mann v. Powell*, 333 F. Supp. 1261 (N.D. Ill. 1969).

10 ILCS 5/8-15 [Primary elections; applicable laws]

Sec. 8-15. Except as in this article otherwise expressly provided, all of the provisions of Article 7 of this Act [10 ILCS 5/7-1 et seq.] and acts hereafter passed amendatory thereof, shall, so far as the same may be applicable, apply to and govern primary elections and contests thereof held under the provisions of this Article 8 [10 ILCS 5/8-1 et seq.]. The returns of such primary shall be made to the county clerk or board of election commissioners, as the case may be, and shall be canvassed and certified as other returns made to the county clerk or board of election commissioners as the case may be.

Tabulated statements of the returns of the primary for the nomination of candidates for legislative offices shall be made to the State Board of Elections,

canvassed by the Board, proclamation of the result thereof made, and certificates of nomination issued, as in the case of other tabulated statements of returns made to the State Board of Elections, and the election of any person nominated may be contested by filing with the clerk of the circuit court a petition in writing and filing notice in writing with the proper canvassing boards as required by Article 7 [10 ILCS 5/7-1 et seq.] hereof.
(Source: P.A. 82-750.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-15.

CASE NOTES

ANALYSIS

**Changing Political Parties
Election Contests**
—Burden of Proof
—Strict Construction

Changing Political Parties

The state has a legitimate interest in curtailing "raiding" by members of opposing political parties and preserving the integrity of the electoral process, and reasonable conditions tailored to that objective may be imposed upon the right to change political parties. *Sperling v. County Officers Electoral Bd.*, 57 Ill. 2d 81, 309 N.E.2d 589 (1974).

An absolute prohibition of change of political parties for a two year period was invalid as applied to voters generally or as applied to voters who sign primary petitions. *Sperling v. County Officers Electoral Bd.*, 57 Ill. 2d 81, 309 N.E.2d 589 (1974).

Election Contests

—Burden of Proof

The party who files a petition to contest an election has the burden of proving the allegation that votes were cast illegally. *Baker v. Hinrichs*, 359 Ill. 138, 194 N.E. 284 (1934).

—Strict Construction

A proceeding to contest an election is purely statutory and the statute must be strictly followed. *McCurdy v. Board of Educ.*, 359 Ill. 188, 194 N.E. 287 (1934).

10 ILCS 5/8-16 [Independent candidates]

Sec. 8-16. Nothing in this article contained shall be construed to prevent the nomination of independent candidates by petition, as is now or may hereafter be provided by this act.
(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-16.

10 ILCS 5/8-17 [Death of a candidate]

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

In the event that a candidate of a party who has been nominated under the provisions of this Article

shall die before election (whether death occurs prior to, or on, or after, the date of the primary) or decline the nomination or should the nomination for any other reason become vacant, the legislative or representative committee of such party for such district shall nominate a candidate of such party to fill such vacancy. However, if there was no candidate for the nomination of the party in the primary, no candidate of that party for that office may be listed on the ballot at the general election, unless the legislative or representative committee of the party nominates a candidate to fill the vacancy in nomination within 60 days after the date of the general primary election. Vacancies in nomination occurring under this Article shall be filled by the appropriate legislative or representative committee in accordance with the provisions of Section 7-61 of this Code [10 ILCS 5/7-61]. In proceedings to fill the vacancy in nomination, the voting strength of the members of the legislative or representative committee shall be as provided in Section 8-6 [10 ILCS 5/8-6].
(Source: P.A. 84-757; 84-790; 84-928; 84-1026.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-17.

CASE NOTES

Legislative Intent

The legislature intended to provide for the filling of nominations by established political parties where a vacancy exists. *Progressive Party v. Flynn*, 401 Ill. 573, 82 N.E.2d 476 (1948).

The legislature intended to provide for the filling of a vacancy in any office caused by death or declination of the nominee and also for the filling of the nomination if for any reason it should become vacant. *Progressive Party v. Flynn*, 401 Ill. 573, 82 N.E.2d 476 (1948).

10 ILCS 5/8-17.1 [State senator; vacancy in office]

Sec. 8-17.1. Whenever a vacancy in the office of State Senator is to be filled by election pursuant to Article IV, Section 2(d) of the Constitution and Section 25-6 of this Code [10 ILCS 5/25-6], nominations shall be made and any vacancy in nomination shall be filled pursuant to this Section:

(1) If the vacancy in office occurs before the first date provided in Section 8-9 [10 ILCS 5/8-9] for filing nomination papers for the primary in the next even-numbered year following the commencement of the term, the nominations for the election for filling such vacancy shall be made as otherwise provided in Article 8 [10 ILCS 5/8-1 et seq.].

(2) If the vacancy in office occurs during the time provided in Section 8-9 [10 ILCS 5/8-9] for filing nomination papers for the office of State Senator for the primary in the next even-numbered year following commencement of the term of office in which such vacancy occurs, the time for filing nomination papers for such office for the primary shall be not more than 91 days and not less than 85 days prior to the date of the primary election.

(3) If the vacancy in office occurs after the last day provided in Section 8-9 [10 ILCS 5/8-9] for filing nomination papers for the office of State Senator, a vacancy in nomination shall be deemed to have occurred and the legislative committee of each established political party shall nominate, by resolution, a candidate to fill such vacancy in nomination for the election to such office at such general election. In the proceedings to fill the vacancy in nomination the voting strength of the members of the legislative committee shall be as provided in Section 8-6 [10 ILCS 5/8-6]. The name of the candidate so nominated shall not appear on the ballot at the general primary election. Such vacancy in nomination shall be filled prior to the date of certification of candidates for the general election.

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

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

(b) the date on which the vacancy occurred;

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

The resolution to fill the vacancy shall be accompanied by a Statement of Candidacy, as prescribed in Section 7-10 [10 ILCS 5/7-10], completed by the selected nominee and a receipt indicating that such nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.].

The provisions of Sections 10-8 through 10-10.1 [10 ILCS 5/10-8 through 10 ILCS 5/10-10.1] relating to objections to nomination papers, hearings on objections and judicial review, shall also apply to and govern objections to nomination papers and resolutions for filling vacancies in nomination filed pursuant to this Section.

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

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 8-17.1.

ARTICLE 9.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

10 ILCS 5/9-1 [Definition of terms]

Sec. 9-1. As used in this Article, unless the context otherwise requires, the terms defined in Sections 9-1.1 through 9-1.13 [10 ILCS 5/9-1.1 through 10 ILCS 5/9-1.13], have the respective meanings as defined in those Sections.

(Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.

CASE NOTES

ANALYSIS

Applicability
—Disbursal of Funds
Campaign Committee Reports
—Public Examination

Applicability

—Disbursal of Funds

There is no portion of the Campaign Disclosure Act (see now this Article) which purports to regulate the disbursal of funds while a campaign committee is a continuing, viable organization; rather, the Act is a disclosure statute, with sanctions for failure to account accurately for funds designated by the statute as contributions and expenditures, and for noncompliance with organizational, advertising and accounting provisions. *Troy v. State Bd. of Elections*, 84 Ill. App. 3d 740, 40 Ill. Dec. 556, 406 N.E.2d 562 (1 Dist. 1980).

No provision in this Article gives the Board of Elections the authority to question the propriety of disbursals whether for political or non-political accounts; the Act is designed to mandate and regulate the extent and explicitness of campaign disclosure but not to allow inquiry into the seemliness or legality of personal vis-a-vis political disbursals. *Troy v. State Bd. of Elections*, 84 Ill. App. 3d 740, 40 Ill. Dec. 556, 406 N.E.2d 562 (1 Dist. 1980).

Campaign Committee Reports

—Public Examination

All candidates and their campaign committees are required to report their loans and campaign contributions; copies of such reports are then available to the public. In *re Neistein*, 132 Ill. 2d 104, 138 Ill. Dec. 229, 547 N.E.2d 198 (1989), cert. denied, 495 U.S. 905, 110 S. Ct. 1924, 109 L. Ed. 2d 288 (1990).

LEGAL PERIODICALS

McFadden, Integrity, Accountability, and Efficiency: Using Disclosure to Fight the Appearance of Nepotism in School Board Contracting, 94 Nw. U.L. Rev. 657 (Winter, 2000).

For article, "Joint Campaigning by State and Federal Candidates: A Practical Legal Guide," see 72 Ill. B.J. 354 (1984).

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

10 ILCS 5/9-1.1 [Board defined]

Sec. 9-1.1. "Board" means the State Board of Elections.

(Source: P.A. 78-1183.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.1.

10 ILCS 5/9-1.3 [Candidate defined]

Sec. 9-1.3. "Candidate" means any person who seeks nomination for election, election to or retention in public office, or any person who seeks election as ward or township committeeman in counties of 3,000,000 or more population, whether or not such person is elected. A person seeks nomination for election, election or retention if he (1) takes the action necessary under the laws of this State to attempt to qualify for nomination for election, election to or retention in public office or election as ward or township committeeman in counties of 3,000,000 or more population, or (2) receives contri-

butions or makes expenditures, or gives consent for any other person to receive contributions or make expenditures with a view to bringing about his nomination for election or election to or retention in public office, or his or her election as ward or township committeeman in counties of 3,000,000 or more population.

(Source: P.A. 83-259; 89-405, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.3.

Illinois Administrative Code.

See 26 Illinois Administrative Code, § 100.10.

Effect of Amendments.

The 1995 amendment by P.A. 89-405, effective November 8, 1995, in the first sentence, inserted "or any person who seeks election as ward or township committeeman in counties of 3,000,000 or more population"; and in the second sentence, deleted a comma following "public office", inserted "or election as ward or township committeeman in counties of 3,000,000 or more population", substituted "public" for "such" preceding "office" and added "or his or her election as ward or township committeeman in counties of 3,000,000 or more population" at the end.

CASE NOTES

Seeking Nomination

—No Candidacy Found

County merit commission's determination that a deputy sheriff had become a candidate for public office was contrary to the manifest weight of the evidence where the deputy had no intention of announcing his candidacy prematurely and any information that was disseminated to the public in regard to his intention to become a candidate in the future was initiated by sheriff. *Shearer v. Hulick*, 150 Ill. App. 3d 1098, 104 Ill. Dec. 369, 502 N.E.2d 866 (3 Dist. 1986).

10 ILCS 5/9-1.4 [Contribution defined]

Sec. 9-1.4. "Contribution" means—

(1) a gift, subscription, donation, dues, loan, advance, or deposit of money or anything of value, knowingly received in connection with the nomination for election, or election, of any person to public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy;

(2) the purchase of tickets for fund-raising events, including but not limited to dinners, luncheons, cocktail parties, and rallies made in connection with the nomination for election, or election, of any person to public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy;

(3) a transfer of funds between political committees; and

(4) the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer, except that any individual services provided voluntarily and without promise or expectation of compensation from any source shall not be deemed a contribution; but

(5) does not include—

(a) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period;

(b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

(Source: P.A. 80-1166; 89-405, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.4.

Illinois Administrative Code.

See 26 Illinois Administrative Code, § 100.10.

Effect of Amendments.

The 1995 amendment by P.A. 89-405, effective November 8, 1995, inserted "in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population" in subsections (1) and (2).

CASE NOTES

Solicitation of Funds

—Propriety

A plaintiff's allegations of impropriety in the solicitation of legal defense funds which were based upon a newspaper article which reported that a candidate's attorneys were investigating the legality of formation of such a fund failed to support a cause of action under this Article. *Troy v. State Bd. of Elections*, 84 Ill. App. 3d 740, 40 Ill. Dec. 556, 406 N.E.2d 562 (1 Dist. 1980).

10 ILCS 5/9-1.5 [Expenditure defined]

Sec. 9-1.5. "Expenditure" means—

(1) a payment, distribution, purchase, loan, advance, deposit, or gift of money or anything of value, in connection with the nomination for election, or election, of any person to public office, in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population, or in connection with any question of public policy. However, expenditure does not include—

(a) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period;

(b) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

(2) a transfer of funds between political committees.

(Source: P.A. 80-1165; 89-405, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.5.

Effect of Amendments.

The 1995 amendment by P.A. 89-405, effective November 8, 1995, in subsection (1), in the introductory language, inserted "in connection with the election of any person as ward or township committeeman in counties of 3,000,000 or more population".

10 ILCS 5/9-1.6 [Person and whoever defined]

Sec. 9-1.6. "Person" or "whoever" means an individual, trust, partnership, committee, association, corporation, or any other organization or group of persons.

(Source: P.A. 78-1183.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.6.

Illinois Administrative Code.

See 26 Illinois Administrative Code, § 100.10.

10 ILCS 5/9-1.7 [Local political committee defined]

Sec. 9-1.7. "Local political committee" means the candidate himself or any individual, trust, partnership, committee, association, corporation, or 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 [5 ILCS 420/1-101 et seq.] to file statements of economic interests 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 [5 ILCS 420/1-101 et seq.] 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.

(Source: P.A. 78-1183; 89-405, § 10; 90-737, § 220; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.7.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1995 amendment by P.A. 89-405, effective November 8, 1995, in subsection (a) added at the end "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"; and in subsection (c) added "or a candidate or candidates for the office of ward or township committeeman in counties of 3,000,000 or more population" at the end.

The 1998 amendment by P.A. 90-737, effective January 1, 1999, substituted "\$3,000" for "\$1,000" in subsections (a), (b), and (c).

The 1999 amendment by P.A. 91-357, effective July 29, 1999, made stylistic changes.

OPINIONS OF ATTORNEY GENERAL

Filing Fees

A county clerk shall charge the filing fee for filing statements applicable for individuals filing reports made by political committees under the Election Code. 1977 Op. Atty. Gen. 118.

10 ILCS 5/9-1.8 [State political committee defined]

Sec. 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 [5 ILCS 420/1-101 et seq.] to file statements of economic interests 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 [5 ILCS 420/1-101 et seq.] to file statements of economic interest with the Secretary of State.

(Source: P.A. 80-1495; 90-737, § 220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.8.

Effect of Amendments.

The 1998 amendment by P.A. 90-737, effective January 1, 1999, in subsection (a) substituted "\$3,000" for "\$1,000"; and in subsection (c) substituted "\$3,000" for "\$1,000" (\$3,000 in the case of

question of public policy to be submitted to the electors of an area encompassing more than one county”.

OPINIONS OF ATTORNEY GENERAL

Filing Fees

A county clerk shall charge the filing fee for filing statements applicable for individuals filing reports made by political committees under the Election Code. 1977 Op. Atty. Gen. 118.

10 ILCS 5/9-1.9 [Political committee defined]

Sec. 9-1.9. “Political committee” includes State central and county central committees of any political party, and also includes local political committees and state political committees, but does not include any candidate who does not accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding \$3,000, nor does it include, with the exception of State central and county central committees of any political party, any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which does not accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of or in opposition to a candidate or candidates or to any question of public policy, and such candidates and persons shall not be required to comply with any filing provisions in this Article. (Source: P.A. 80-767; 90-737, § 220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.9.

Effect of Amendments.

The 1998 amendment by P.A. 90-737, effective January 1, 1999, twice substituted “\$3,000” for “\$1,000” and deleted “to be submitted to the electors of an area encompassing no more than one county (or \$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)” following “public policy”.

CASE NOTES

Purpose

This Article is designed to preserve the integrity of the electoral process by requiring full public disclosure of the sources and amounts of campaign contributions and expenditures, and the regulation of practices incident to political campaigns. Walker v. State Board of Elections, 72 Ill. App. 3d 877, 29 Ill. Dec. 244, 391 N.E.2d 507 (1 Dist. 1979).

10 ILCS 5/9-1.10 [Public office defined]

Sec. 9-1.10. “Public office” means any elective office for which candidates are required to file statements of economic interests under the “Illinois Governmental Ethics Act”, approved August 26, 1967, as amended [5 ILCS 420/1-101 et seq.]. (Source: P.A. 78-1183.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.10.

10 ILCS 5/9-1.10b Severability

Sec. 9-1.10b. *Severability.* The provisions of this amendatory Act of 1995 are severable under Section 1.31 of the Statute on Statutes [5 ILCS 70/1.31]. (Source: P.A. 89-405, § 10.)

Effective Date.

Section 99 of P.A. 89-405 made this section effective upon becoming law. The Act was approved November 8, 1995.

10 ILCS 5/9-1.11 [Public official defined]

Sec. 9-1.11. “Public official” means any person who is elected or appointed to public office. (Source: P.A. 78-1183.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.11.

10 ILCS 5/9-1.12 [Anything of value defined]

Sec. 9-1.12. Anything of value includes all things, services, or goods, regardless of whether they must be valued in monetary terms according to ascertainable market value. Anything of value which does not have an ascertainable market value must be reported by describing the thing, services, or goods contributed and by using the contributor’s certified market value required under Section 9-6 [10 ILCS 5/9-6]. (Source: P.A. 78-1183; 90-737, § 220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.12.

Effect of Amendments.

The 1998 amendment by P.A. 90-737, effective January 1, 1999, in the second sentence substituted “must be reported” for “may be reported”, and added “and by using the contributor’s certified market value required under Section 9-6” at the end.

10 ILCS 5/9-1.13 [Transfer of funds defined]

Sec. 9-1.13. “Transfer of funds” means any conveyance of money or the purchase of tickets made in connection with the nomination for election, election or retention of any person to or in public office or in connection with any question of public policy from one political committee to another political committee. (Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-1.13.

10 ILCS 5/9-2 [Political committees; designating officers]

Sec. 9-2. Every political committee shall designate a chairman and a treasurer. The same person may serve as both chairman and treasurer of any political committee. A candidate who administers his own campaign contributions and expenditures shall be deemed a political committee for purposes of this Article and shall designate himself as chairman, treasurer, or both chairman and treasurer of such political committee. The treasurer of a political committee shall be responsible for keeping the records and filing the statements and reports required by this Article.

No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents. (Source: P.A. 80-756.)

Note. This section was Ill.Rev.Stat., Ch. 46, para. 9-2.

10 ILCS 5/9-3 [Statement of organization; filing]

Sec. 9-3. Every state political committee and every local political committee shall file with the State Board of Elections, and every local political committee shall file with the county clerk, a 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 political committee that acts as both a state political committee and a local political committee shall file a copy of each statement of organization with the State Board of Elections and the county clerk.

- The statement of organization shall include -
(a) the name and address of the political committee (the name of the political committee must include the name of any sponsoring entity);
(b) the scope, area of activity, party affiliation, candidate affiliation and his county of residence, and purposes of the political committee;
(c) the name, address, and position of each custodian of the committee's books and accounts;
(d) the name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any;
(e) (Blank);
(f) a statement of what specific disposition of residual fund will be made in the event of the dissolution or termination of the committee;
(g) a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee;
(h) the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization.

For purposes of this Section, a "sponsoring entity" is (i) any person, political committee, organization, corporation, or association that contributes at least 33% of the total funding of the political committee or (ii) any person or other entity that is registered or is required to register under the Lobbyist Registration Act and contributes at least 33% of the total funding of the political committee. (Source: P.A. 86-873; 90-495, § 5; 90-737, § 220.)

Note. This section was Ill.Rev.Stat., Ch. 46, para. 9-3.

Illinois Administrative Code. See 26 Illinois Administrative Code, § 100.10.

Effect of Amendments. The 1997 amendment by P.A. 90-495, effective January 1, 1998, in the first paragraph, in the first sentence, substituted "10 business" for "30" and added at the end "except any political committee created within 30 days before an election shall file a statement of organization within 5 business days"; and deleted subsection (e) which read "a statement whether the committee is a continuing one". The 1998 amendment by P.A. 90-737, effective January 1, 1999, added the parenthetical phrase to the end of subdivision (a) in the second paragraph; and added the last paragraph.

CASE NOTES

ANALYSIS

Constitutionality
Applicability
-Campaign Committees

Constitutionality The filing requirements of this Article applied only prospectively, not retroactively; therefore, the Article was not ex post facto legislation. Walker v. State Board of Elections, 72 Ill. App. 3d 877, 29 Ill. Dec. 244, 391 N.E.2d 507 (1 Dist. 1979).

Applicability -Campaign Committees Disclosure not only applies to those persons who seek nominations for, or election to, public office, but to a broad range of campaign activity; therefore, this Article requires the filing of all campaign reports by state political committees in existence after its effective date. Walker v. State Board of Elections, 72 Ill. App. 3d 877, 29 Ill. Dec. 244, 391 N.E.2d 507 (1 Dist. 1979).

OPINIONS OF ATTORNEY GENERAL

Filing Fees A county clerk shall charge the filing fee for filing statements applicable for individuals filing reports made by political committees under the Election Code. 1977 Op. Atty. Gen. 118.

10 ILCS 5/9-4 [Statement of organization; contents]

Sec. 9-4. The statement of organization required by this Article to be filed in accordance with Section 9-3 [10 ILCS 5/9-3] shall be verified, dated, and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made, and shall contain substantially the following:

STATEMENT OF ORGANIZATION

- (a) name and address of the political committee:
(b) scope, area of activity, party affiliation, candidate affiliation and his county of residence, and purposes of the political committee:
(c) name, address, and position of each custodian of the committee's books and accounts:

.....

 (d) name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any:

.....

 (e) a statement of what specific disposition of residual funds will be made in the event of the dissolution or termination of the committee:

.....

 (f) a listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee:

.....

 (g) the amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization:

VERIFICATION:

"I declare that this statement of organization (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of organization as required by Article 9 of The Election Code. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed \$500 or imprisonment in a penal institution other than the penitentiary not to exceed 6 months, or both fine and imprisonment."

.....
 (date of filing) (signature of person making the statement)

(Source: P.A. 86-873; 90-495, § 5.)

Note.
 This section was Ill.Rev.Stat., Ch. 46, para. 9-4.

Effect of Amendments.
 The 1997 amendment by P.A. 90-495, effective January 1, 1998, deleted subsection (e) which read "a statement whether the committee is a continuing one"; and redesignated former subsections (f) through (h) as present subsections (e) through (g).

10 ILCS 5/9-5 [Change in information]

Sec. 9-5. Any change in information previously submitted in a statement of organization except for information submitted under Section 9-3 (h) [10 ILCS 5/9-3] shall be reported, as required of statements of organization by Section 9-3 of this Article [10 ILCS 5/9-3], within 10 days following such change.

Any political committee which, after having filed a statement of organization, dissolves as a political committee or determines that it will no longer re-

ceive any campaign contributions nor make any campaign expenditures shall notify the Board, or the Board and the county clerk, as required of statements of organization by Section 9-3 of this Article [10 ILCS 5/9-3], of that fact and file with the Board, or the Board and the county clerk, as required of statements of organization by Section 9-3 of this Article [10 ILCS 5/9-3], a final report with respect to its contributions and expenditures, including the final disposition of its funds and assets.

In the event that a political committee dissolves, all contributions in its possession, after payment of the committee's outstanding liabilities, including staff salaries, shall be refunded to the contributors in amounts not exceeding their individual contributions, or transferred to other political or charitable organizations consistent with the positions of the committee or the candidates it represented. In no case shall these funds be used for the personal aggrandizement of any committee member or campaign worker.

(Source: P.A. 86-873; 90-495, § 5.)

Note.
 This section was Ill.Rev.Stat., Ch. 46, para. 9-5.

Effect of Amendments.
 The 1997 amendment by P.A. 90-495, effective January 1, 1998, in the second paragraph, added at the end "and assets".

10 ILCS 5/9-6 Accounting for contributions

Sec. 9-6. *Accounting for contributions.* (a) Every person who receives a contribution in excess of \$20 for a political committee shall, on demand of the treasurer, and in any event within 5 days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which it was received.

(b) Within 5 business days of contributing goods or services of more than \$50 value to a political committee, the contributor shall certify the value of the contribution to the political committee on forms prescribed by the State Board of Elections. The forms shall include the name and address of the contributor, a description and market value of the goods or services, and the date on which the contribution was made.

(c) All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(Source: P.A. 78-1183; 90-737, § 220.)

Note.
 This section was Ill.Rev.Stat., Ch. 46, para. 9-6.

Effect of Amendments.
 The 1998 amendment by P.A. 90-737, effective January 1, 1999, added the section catchline; added the subsection (a) and (c) designations; and added subsection (b).

10 ILCS 5/9-7 [Treasurer; required accounts]

Sec. 9-7. The treasurer of a political committee shall keep a detailed and exact account of—

(a) the total of all contributions made to or for the committee;

(b) the full name and mailing address of every person making a contribution in excess of \$20 and the date and amount thereof;

(c) the total of all expenditures made by or on behalf of the committee;

(d) the full name and mailing address of every person to whom any expenditure in excess of \$20 is made, and the date and amount thereof;

(e) proof of payment, stating the particulars, for every expenditure in excess of \$20 made by or on behalf of the committee.

The treasurer shall preserve all records and accounts required by this section for a period of 2 years.

(Source: P.A. 79-293.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-7.

10 ILCS 5/9-7.5 Nonprofit organization registration and disclosure

Sec. 9-7.5. *Nonprofit organization registration and disclosure.* (a) Each nonprofit organization, except for a labor union (i) registered under the Lobbyist Registration Act or for which lobbying is undertaken by persons registered under that Act, (ii) that has not established a political committee, and (iii) that accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$5,000 (I) on behalf of or in opposition to public officials, candidates for public office, or a question of public policy and (II) for the purpose of influencing legislative, executive, or administrative action as defined in the Lobbyist Registration Act shall register with the State Board of Elections. The Board by rule shall prescribe the registration procedure and form. The registration form shall require the following information:

(1) The registrant's name, address, and purpose.

(2) The name, address, and position of each custodian of the registrant's financial books, accounts, and records.

(3) The name, address, and position of each of the registrant's principal officers.

(b) Each nonprofit organization required to register under subsection (a) shall file contribution and expenditure reports with the Board. The Board by rule shall prescribe the form, which shall require the following information:

(1) The organization's name, address, and purpose.

(2) The amount of funds on hand at the beginning of the reporting period.

(3) The full name and address of each person who has made one or more contributions to or for the organization within the reporting period in an aggregate amount or value in excess of \$150, together with the amount and date of the contributions, and if a contributor is an individual who contributed

more than \$500, the occupation and employer of the contributor or, if the occupation and employer of the contributor are unknown, a statement that the organization has made a good faith effort to ascertain this information.

(4) The total sum of individual contributions made to or for the organization during the reporting period and not reported in item (3).

(5) The name and address of each organization and political committee from which the reporting organization received, or to which that organization made, any transfer of funds in an aggregate amount or value in excess of \$150, together with the amounts and dates of the transfers.

(6) The total sum of transfers made to or from the organization during the reporting period and not reported in item (5).

(7) Each loan to or from any person within the reporting period by or to the organization in an aggregate amount or value in excess of \$150, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of the loans, and if a lender or endorser is an individual who loaned or endorsed a loan of more than \$500, the occupation and employer of the individual or, if the occupation and employer of the individual are unknown, a statement that the organization has made a good faith effort to ascertain this information.

(8) The total amount of proceeds received by the organization from (i) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fundraising event, (ii) mass collections made at those events, and (iii) sales of items such as buttons, badges, flags, emblems, hats, banners, literature, and similar materials.

(9) Each contribution, rebate, refund, or other receipt in excess of \$150 received by the organization not otherwise listed under items (3) through (8), and if a contributor is an individual who contributed more than \$500, the occupation and employer of the contributor or, if the occupation and employer of the contributor are unknown, a statement that the organization has made a good faith effort to ascertain this information.

(10) The total sum of all receipts by or for the organization during the reporting period.

(11) The full name and mailing address of each person to whom expenditures have been made by the organization within the reporting period in an aggregate amount or value in excess of \$150, the amount, date, and purpose of each expenditure, and the question of public policy on behalf of which the expenditure was made.

(12) The full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$150 has been made and which is not otherwise reported, including the amount, date, and purpose of the expenditure.

(13) The total sum of expenditures made by the organization during the reporting period.

(14) The full name and mailing address of each person to whom the organization owes debts or obligations in excess of \$150 and the amount of the debts or obligations.

The State Board by rule shall define a "good faith effort".

(c) The reports required under subsection (b) shall be filed at the same times and for the same reporting periods as reports of campaign contributions and semi-annual reports of campaign contributions and expenditures required by this Article of political committees. The reports required under subsection (b) shall be available for public inspection and copying in the same manner as reports filed by political committees. The Board may charge a fee that covers the costs of copying and distribution, if any.

(d) An organization required to file reports under subsection (b) shall include a statement on all literature and advertisements soliciting funds stating the following:

"A copy of our report filed with the State Board of Elections is (or will be) available for purchase from the State Board of Elections, Springfield, Illinois".
(Source: P.A. 90-737, § 220.)

Effective Date.

Section 999 of P.A. 90-737 makes this section effective January 1, 1999.

10 ILCS 5/9-8 [Contributions not authorized by candidate]

Sec. 9-8. Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published and following all commercials broadcast, in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(Source: P.A. 78-1183.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-8.

10 ILCS 5/9-8.10 Use of political committee and other reporting organization funds

Sec. 9-8.10. *Use of political committee and other reporting organization funds.* (a) A political committee, or organization subject to Section 9-7.5 [10 ILCS 5/9-7.5], shall not make expenditures:

(1) In violation of any law of the United States or of this State.

(2) Clearly in excess of the fair market value of the services, materials, facilities, or other things of value received in exchange.

(3) For satisfaction or repayment of any debts other than loans made to the committee or to the

public official or candidate on behalf of the committee or repayment of goods and services purchased by the committee under a credit agreement. Nothing in this Section authorizes the use of campaign funds to repay personal loans. The repayments shall be made by check written to the person who made the loan or credit agreement. The terms and conditions of any loan or credit agreement to a committee shall be set forth in a written agreement, including but not limited to the method and amount of repayment, that shall be executed by the chairman or treasurer of the committee at the time of the loan or credit agreement. The loan or agreement shall also set forth the rate of interest for the loan, if any, which may not substantially exceed the prevailing market interest rate at the time the agreement is executed.

(4) For the satisfaction or repayment of any debts or for the payment of any expenses relating to a personal residence. Campaign funds may not be used as collateral for home mortgages.

(5) For clothing or personal laundry expenses, except clothing items rented by the public official or candidate for his or her own use exclusively for a specific campaign-related event, provided that committees may purchase costumes, novelty items, or other accessories worn primarily to advertise the candidacy.

(6) For the travel expenses of any person unless the travel is necessary for fulfillment of political, governmental, or public policy duties, activities, or purposes.

(7) For membership or club dues charged by organizations, clubs, or facilities that are primarily engaged in providing health, exercise, or recreational services; provided, however, that funds received under this Article may be used to rent the clubs or facilities for a specific campaign-related event.

(8) In payment for anything of value or for reimbursement of any expenditure for which any person has been reimbursed by the State or any person. For purposes of this item (8), a per diem allowance is not a reimbursement.

(9) For the purchase of or installment payment for a motor vehicle unless the political committee can demonstrate that purchase of a motor vehicle is more cost-effective than leasing a motor vehicle as permitted under this item (9). A political committee may lease or purchase and insure, maintain, and repair a motor vehicle if the vehicle will be used primarily for campaign purposes or for the performance of governmental duties. A committee shall not make expenditures for use of the vehicle for non-campaign or non-governmental purposes. Persons using vehicles not purchased or leased by a political committee may be reimbursed for actual mileage for the use of the vehicle for campaign purposes or for the performance of governmental duties. The mileage reimbursements shall be made at a rate not to exceed the standard mileage rate method for computation of business expenses under the Internal Revenue Code.

(10) Directly for an individual's tuition or other educational expenses, except for governmental or political purposes directly related to a candidate's or public official's duties and responsibilities.

(11) For payments to a public official or candidate or his or her family member unless for compensation for services actually rendered by that person. The provisions of this item (11) do not apply to expenditures by a political committee in an aggregate amount not exceeding the amount of funds reported to and certified by the State Board or county clerk as available as of June 30, 1998, in the semi-annual report of contributions and expenditures filed by the political committee for the period concluding June 30, 1998.

(b) The Board shall have the authority to investigate, upon receipt of a verified complaint, violations of the provisions of this Section. The Board may levy a fine on any person who knowingly makes expenditures in violation of this Section and on any person who knowingly makes a malicious and false accusation of a violation of this Section. The Board may act under this subsection only upon the affirmative vote of at least 5 of its members. The fine shall not exceed \$500 for each expenditure of \$500 or less and shall not exceed the amount of the expenditure plus \$500 for each expenditure greater than \$500. The Board shall also have the authority to render rulings and issue opinions relating to compliance with this Section.

(Source: P.A. 90-737, § 220.)

Effective Date.

Section 999 of P.A. 90-737 makes this section effective January 1, 1999.

10 ILCS 5/9-8.15 Contributions on State property

Sec. 9-8.15. *Contributions on State property.* Contributions shall not be knowingly offered or accepted on a face-to-face basis by public officials or employees or by candidates on State property except as provided in this Section.

Contributions may be solicited, offered, or accepted on State property on a face-to-face basis by public officials or employees or by candidates at a fundraising event for which the State property is leased or rented.

Anyone who knowingly offers or accepts contributions on State property in violation of this Section is guilty of a business offense subject to a fine of \$5,000, except that for contributions offered or accepted for State officers and candidates and political committees formed for statewide office, the fine shall not exceed \$10,000. For the purpose of this Section, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

(Source: P.A. 90-737, § 220.)

Effective Date.

Section 999 of P.A. 90-737 makes this section effective January 1, 1999.

10 ILCS 5/9-9 [Notice on literature soliciting funds]

Sec. 9-9. Any State political committee shall include on all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the State Board of Elections is (or will be) available for purchase from the State Board of Elections, Springfield, Illinois."

Any local political committee shall include on all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the county clerk is (or will be) available for purchase from the county clerk, (county clerk's address), Illinois."

Any political committee that acts as both a state political committee and a local political committee shall include on all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the State Board of Elections and the county clerk is (or will be) available for purchase from the State Board of Elections, Springfield, Illinois, and from the county clerk, (county clerk's address), Illinois."

(Source: P.A. 83-259.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-9.

RESEARCH REFERENCES

Validity and construction of state statute prohibiting anonymous political advertising. 4 ALR4th 741.

10 ILCS 5/9-9.5 Disclosure on political literature

Sec. 9-9.5. *Disclosure on political literature.* Any pamphlet, circular, handbill, advertisement, or other political literature that supports or opposes any public official, candidate for public office, or question of public policy, or that would have the effect of supporting or opposing any public official, candidate for public office, or question of public policy, shall contain the name of the individual or organization that authorized, caused to be authorized, paid for, caused to be paid for, or distributed the pamphlet, circular, handbill, advertisement, or other political literature. If the individual or organization includes an address, it must be an actual personal or business address of the individual or business address of the organization.

This Section does not apply to items, the size of which is not sufficient to contain the required disclosure.

(Source: P.A. 90-737, § 220.)

Effective Date.

Section 999 of P.A. 90-737 makes this section effective January 1, 1999.

10 ILCS 5/9-10 Financial reports

Sec. 9-10. *Financial reports.* (a) The treasurer of every state political committee and the treasurer of

every local political committee shall file with the Board, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the Board. The treasurer of every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the State Board of Elections and the county clerk. Entities subject to Section 9-7.5 shall file reports required by that Section at times provided in this Section and are subject to the penalties provided in this Section.

(b) Reports of campaign contributions shall be filed no later than the 15th day next preceding each election including a primary election in connection with which the political committee has accepted or is accepting contributions or has made or is making expenditures. Such reports shall be complete as of the 30th day next preceding each election including a primary election. The Board shall assess a civil penalty not to exceed \$5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed \$10,000. The fine, however, shall not exceed \$500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer. However, a continuing political committee that neither accepts contributions nor makes expenditures on behalf of or in opposition to any candidate or public question on the ballot at an election shall not be required to file the reports heretofore prescribed but may file in lieu thereof a Statement of Nonparticipation in the Election with the Board or the Board and the county clerk.

(b-5) Notwithstanding the provisions of subsection (b), any contribution of \$500 or more received in the interim between the last date of the period covered by the last report filed under subsection (b) prior to the election and the date of the election shall be reported within 2 business days after its receipt. The State Board shall allow filings under this subsection (b-5) to be made by facsimile transmission. For the purpose of this subsection, a contribution is considered received on the date the public official, candidate, or political committee (or equivalent person in the case of a reporting entity other than a political committee) actually receives it or, in the case of goods or services, 2 days after the date the public official, candidate, committee, or other reporting entity receives the certification required under subsection (b) of Section 9-6. Failure to report each contribution is a separate violation of this subsection. The Board shall impose fines for violations of this subsection as follows:

(1) if the political committee's or other reporting entity's total receipts, total expenditures, and balance remaining at the end of the last reporting period were each \$5,000 or less, then \$100 per business day for the first violation, \$200 per business day for the second violation, and \$300 per business day for the third and subsequent violations.

(2) if the political committee's or other reporting entity's total receipts, total expenditures, and balance remaining at the end of the last reporting period were each more than \$5,000, then \$200 per business day for the first violation, \$400 per business day for the second violation, and \$600 per business day for the third and subsequent violations.

(c) In addition to such reports the treasurer of every political committee shall file semi-annual reports of campaign contributions and expenditures no later than July 31st, covering the period from January 1st through June 30th immediately preceding, and no later than January 31st, covering the period from July 1st through December 31st of the preceding calendar year. Reports of contributions and expenditures must be filed to cover the prescribed time periods even though no contributions or expenditures may have been received or made during the period. The Board shall assess a civil penalty not to exceed \$5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed \$10,000. The fine, however, shall not exceed \$500 for a first filing violation for filing less than 10 days after the deadline. There shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. For the purpose of this subsection, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

(d) A copy of each report or statement filed under this Article shall be preserved by the person filing it for a period of two years from the date of filing. (Source: P.A. 86-873; 90-737, § 220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-10.

Illinois Administrative Code.

See 26 Illinois Administrative Code, §§ 100.110, 125.420.

Effect of Amendments.

The 1998 amendment by P.A. 90-737, effective January 1, 1999, added the section catchline; added the subsection (a) through (d) designations; and added all of subsection (b-5); in subsection (a) added the third sentence; in subsection (b) substituted the third and fourth sentences for the exception phrase which read: ", except that any contribution of \$500 or more received in the interim between the last date of the period covered by the last report filed prior to the election and the date of the election shall be reported within 2 business days after its receipt"; and in subsection (c) added the last three sentences.

CASE NOTES

Applicability

This section and 10 ILCS 5/9-11 and 10 ILCS 5/9-13 could not

Applicability (Cont'd)

constitutionally be applied to the Socialist Workers Party because evidence showed a pattern of violence and harassment towards them; therefore, the state was permanently enjoined and restrained from enforcing certain provisions of these sections against that party. 1980 Ill. Socialist Workers Campaign v. Illinois Bd. of Elections, 531 F. Supp. 915 (N.D. Ill. 1981).

10 ILCS 5/9-11 [Information disclosed]

Sec. 9-11. Each report of campaign contributions under Section 9-10 [10 ILCS 5/9-10] shall disclose-

(1) the name and address of the political committee;

(2) (Blank);

(3) the amount of funds on hand at the beginning of the reporting period;

(4) the full name and mailing address of each person who has made one or more contributions to or for such committee within the reporting period in an aggregate amount or value in excess of \$150, together with the amount and date of such contributions and if a contributor is an individual who contributed more than \$500, the occupation and employer of the contributor or, if the occupation and employer of the contributor are unknown, a statement that the committee has made a good faith effort to ascertain this information;

(5) the total sum of individual contributions made to or for such committee during the reporting period and not reported under item (4);

(6) the name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds, in any aggregate amount or value in excess of \$150, together with the amounts and dates of all transfers;

(7) the total sum of transfers made to or from such committee during the reporting period and not reported under item (6);

(8) each loan to or from any person within the reporting period by or to such committee in an aggregate amount or value in excess of \$150, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans, and if a lender or endorser is an individual who loaned or endorsed a loan of more than \$500, the occupation and employer of that individual, or if the occupation and employer of the individual are unknown, a statement that the committee has made a good faith effort to ascertain this information;

(9) the total amount of proceeds received by such committee from (a) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (b) mass collections made at such events; and (c) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(10) each contribution, rebate, refund, or other receipt in excess of \$150 received by such committee not otherwise listed under items (4) through (9), and if a contributor is an individual who contributed

more than \$500, the occupation and employer of the contributor or, if the occupation and employer of the contributor are unknown, a statement that the committee has made a good faith effort to ascertain this information;

(11) the total sum of all receipts by or for such committee or candidate during the reporting period.

The Board shall by rule define a "good faith effort".

The reports of campaign contributions filed under this Article shall be cumulative during the reporting period to which they relate.

(Source: P.A. 86-873; 90-495, § 5; 90-737, § 220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-11.

Illinois Administrative Code.

See 26 Illinois Administrative Code, § 100.160.

Effect of Amendments.

The 1997 amendment by P.A. 90-495, effective January 1, 1998, deleted item (2) which read "the scope, area of activity, party affiliation, candidate affiliation, and purposes of the political committee"; and in the second paragraph deleted from the end "but where there has been no change in an item reported in a previous report during such year, only the amount need to be carried forward".

The 1998 amendment by P.A. 90-737, effective January 1, 1999, in the first paragraph, item (4) added the phrase beginning ", and if a contributor" and ending "this information"; in item (8) added the phrase beginning ", and if a lender" and ending "this information"; in item (10) added the phrase beginning ", and if a contributor" and ending "this information"; and added the second paragraph.

CASE NOTES**Applicability**

This section and 10 ILCS 5/9-10 and 10 ILCS 5/9-13 could not constitutionally be applied to the Socialist Workers Party because evidence showed a pattern of violence and harassment towards them; therefore, the state was permanently enjoined and restrained from enforcing certain provisions of these sections against that party. 1980 Ill. Socialist Workers Campaign v. Illinois Bd. of Elections, 531 F. Supp. 915 (N.D. Ill. 1981).

10 ILCS 5/9-12 [Form of report]

Sec. 9-12. Each report of campaign contributions required by Section 9-10 of this Article [10 ILCS 5/9-10] to be filed with the Board or the Board and the county clerk shall be verified, dated, and signed by either the treasurer of the political committee making the report or the candidate on whose behalf the report is made, and shall contain substantially the following:

REPORT OF CAMPAIGN CONTRIBUTIONS

(1) name and address of the political committee:
.....

(2) the date of the beginning of the reporting period, and the amount of funds on hand at the beginning of the reporting period:

(3) the full name and mailing address of each person who has made one or more contributions to or for the committee within the reporting period in an

aggregate amount or value in excess of \$150, together with the amount and date of such contributions, and if a contributor is an individual who contributed more than \$500, the occupation and employer of each contributor or, if the occupation and employer of the contributor are unknown, a statement that the committee has made a good faith effort to ascertain this information:

Table with 6 columns: name, address, amount, date, occupation, employer. Includes dotted lines for data entry.

(4) the total sum of individual contributions made to or for the committee during the reporting period and not reported under item (3) —

(5) the name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds, in an aggregate amount or value in excess of \$150, together with the amounts and dates of all transfers:

Table with 4 columns: name, address, amount, date. Includes dotted lines for data entry.

(6) the total sum of transfers made to or from such committee during the reporting period and not under item (5):

(7) each loan to or from any person within the reporting period by or to the committee in an aggregate amount or value in excess of \$150, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans, and if a lender or endorser is an individual who loaned or endorsed a loan of more than \$500, the occupation and employer of each person making the loan, or if the occupation and employer of the individual are unknown, a statement that the committee has made a good faith effort to ascertain this information:

- (8) the total amount of proceeds received by the committee from (a) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (b) mass collections made at such events; and (c) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials: (a) (b) (c)

(9) each contribution, rebate, refund, or other receipt in excess of \$150 received by the committee not otherwise listed under items (3) through (8), and if the contributor is an individual who contributed more than \$500, the occupation is and employer of

each contributor or, if the occupation and employer of the contributor are unknown, a statement that the committee has made a good faith effort to ascertain this information:

Table with 6 columns: name, address, amount, date, occupation, employer. Includes dotted lines for data entry.

(10) the total sum of all receipts by or for the committee during the reporting period:

VERIFICATION:

"I declare that this report of campaign contributions (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete report as required by Article 9 of The Election Code [10 ILCS 5/9-1 et seq.]. I understand that willfully filing a false or incomplete statement is a business offense subject to a fine of up to \$5,000."

(date of filing) (signature of person making the report)

(Source: P.A. 86-873; 90-495, § 5; 90-737, § 220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-12.

Effect of Amendments.

The 1997 amendment by P.A. 90-495, effective January 1, 1998, deleted subsection (2) which read "scope, area of activity, party affiliation, candidate affiliation, and purposes of the political committee"; redesignated former subsections (3) through (11) as present subsections (2) through (10); in subsection (4) substituted "(3)" for "(4)"; in subsection (6) substituted "(5)" for "(6)"; and in subsection (9) substituted "(3) through (8)" for "(4) through (9)".

The 1998 amendment by P.A. 90-737, effective January 1, 1999, rewrote the section.

10 ILCS 5/9-13 [Semi-annual report; information disclosed]

Sec. 9-13. Each semi-annual report of campaign contributions and expenditures under Section 9-10 [10 ILCS 5/9-10] shall disclose-

- (1) the name and address of the political committee; (2) (Blank); (3) the amount of funds on hand at the beginning of the reporting period; (4) the full name and mailing address of each person who has made one or more contributions to or for such committee within the reporting period in an aggregate amount or value in excess of \$150, together with the amount and date of such contributions, and if the contributor is an individual who contributed more than \$500, the occupation and employer of the contributor or, if the occupation and employer of the contributor are unknown, a statement that the committee has made a good faith effort to ascertain this information; (5) the total sum of individual contributions made to or for such committee during the reporting period and not reported under item (4);

(4) the total sum of individual contributions made to or for the committee during the reporting period and not reported under item (3):

(5) the name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds, in an aggregate amount or value in excess of \$150, together with the amounts and dates of all transfers:

name	address	amount	date
.....
.....
.....

(6) the total sum of transfers made to or from such committee during the reporting period and not reported under item (5):

(7) each loan to or from any person within the reporting period by or to the committee in an aggregate amount or value in excess of \$150, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans, and if a lender or endorser is an individual who loaned or endorsed a loan of more than \$500, the occupation and employer of each person making the loan, or if the occupation and employer of the individual are unknown, a statement that the committee has made a good faith effort to ascertain this information:

name	address	amount	date	endorsers	occupation	employer
.....
.....
.....

(8) the total amount of proceeds received by the committee from (a) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (b) mass collections made at such events; and (c) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials:

- (a)
- (b)
- (c)

(9) each contribution, rebate, refund, or other receipt in excess of \$150 received by the committee not otherwise listed under items (3) through (8), and if a contributor is an individual who contributed more than \$500, the occupation and employer of each contributor or, if the occupation and employer of the contributor are unknown, a statement that the committee has made a good faith effort to ascertain this information:

name	address	amount	date	endorsers	occupation	employer
.....
.....
.....

(10) the total sum of all receipts by or for the committee during the reporting period:

(11) the full name and mailing address of each person to whom expenditures have been made by the committee within the reporting period in an aggregate amount or value in excess of \$150, the amount, date, and purpose of each such expenditure, and the question of public policy or the name and address of, and office sought by, each candidate on whose behalf the expenditure was made:

name	address	amount	date	purpose	beneficiary
.....
.....
.....

(12) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$150 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure:

name	address	amount	date	purpose
.....
.....
.....

(13) the total sum of expenditures made by the committee during the reporting period;

(14) the full name and mailing address of each person to whom the committee owes debts or obligations in excess of \$150, and the amount of such debts or obligations:

VERIFICATION:

"I declare that this semi-annual report of campaign contributions and expenditures (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete report as required by Article 9 of The Election Code [10 ILCS 5/9-1 et seq.]. I understand that willfully filing a false or incomplete report is a business offense subject to a fine of up to \$5,000."

(date of filing) (signature of person making the report)

(Source: P.A. 86-873; 90-495, § 5; 90-737, § 220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-14.

Effect of Amendments.

The 1997 amendment by P.A. 90-495, effective January 1, 1998, deleted subsection (2) which read "scope, area of activity, party affiliation, candidate affiliation, and purposes of the political committee"; redesignated former subsections (3) through (15) as present subsections (2) through (14); in subsection (4) substituted "(3)" for "(4)"; in subsection (6) substituted "(5)" for "(6)"; and in subsection (9) substituted "(3) through (8)" for "(4) through (9)".

The 1998 amendment by P.A. 90-737, effective January 1, 1999,

in items (3) and (9) added the phrase at the end beginning “, and if a contributor is an individual who” and added columns headed “occupation” and “employer” with accompanying leader lines; in item (7) added the phrase at the end beginning “, and if a lender or endorser is an individual who” and added columns headed “occupation” and “employer” with accompanying leader lines; and in the verification, substituted “that willfully filing a false or incomplete report is a business offense subject to a fine of up to \$5,000” for “that the penalty for willfully filing a false or incomplete report shall be a fine not to exceed \$500 or imprisonment in a penal institution other than the penitentiary not to exceed 6 months, or both fine and imprisonment”.

10 ILCS 5/9-15 [Duties of the board]

Sec. 9-15. It shall be the duty of the Board —

(1) to develop prescribed forms for notice to political committees of their obligations under this Article and for identification of persons examining statements or reports filed under this Article, and to supply such forms, and the forms for filing statements of organization, reports of campaign contributions, and annual reports of campaign contributions and expenditures to the appropriate persons and election authorities;

(2) to prepare, publish, and furnish to the appropriate persons and election authorities a manual of instructions setting forth recommended uniform methods of bookkeeping and reporting under this Article;

(3) to prescribe suitable rules and regulations to carry out the provisions of this Article. Such rules and regulations shall be published and made available to the public at reasonable cost. The Board may determine which of its prescribed rules and regulations shall be binding on the county clerks in carrying out their duties under this Article;

(4) to send by first class mail, after the general primary election in even numbered years, to the chairman of each regularly constituted State central committee, county central committee and, in counties with a population of more than 3,000,000, to the committeemen of each township and ward organization of each political party notice of their obligations under this Article, along with a form for filing the statement of organization.
(Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-15.

10 ILCS 5/9-16 [Board and county clerk; duties]

Sec. 9-16. It shall be the duty of the board and of each county clerk —

(1) to make the reports and statements filed with them available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or at cost by duplicating machine, as requested by any person, at the expense of such person;

(2) to preserve such reports and statements for a period of 2 years from the date of receipt;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this Article;

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(5) to prepare and publish such reports as the board or county clerk may deem appropriate;

(6) to report apparent violations of law to the appropriate law enforcement authorities; and

(7) to provide to each candidate at the time he files his nomination papers a notice of obligations under this Article. Said notice shall state that the manual of instructions and forms for the statements required to be filed under this Article are available from the Board or the county clerk upon request. Said notice shall be given each candidate by the Board or county clerk and the candidate shall receipt therefor. However, if a candidate files his nomination papers by mail or if an agent of the candidate files nomination papers on behalf of the candidate, the Board or the county clerk shall within 2 business days of the day and hour endorsed on the petition send such notice to the candidate by first class mail. Such notice shall briefly outline who is required to file under the campaign disclosure law and the penalties for failure to file.

Thereafter, at least 30 days before each filing date for reports of campaign contributions and for semi-annual reports of campaign contributions and expenditures, the Board shall send by first class mail to each political committee that has filed a statement of organization with the Board or the Board and the county clerk, a notice of obligations under this Article, and appropriate forms for filing the report. The notice shall contain a statement that the manual of instructions is available from the Board or the county clerk upon request.

The board or the appropriate clerk shall preserve the receipts for said packets and notices for a period of 2 years from the date of receipt.
(Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-16.

10 ILCS 5/9-17 [Statements and reports; public access]

Sec. 9-17. All statements and reports filed under this Article with the board or county clerk shall be available for examination and copying by the public at all reasonable times.

Any person who alters or falsifies information on a copy of a statement or report obtained from the State Board of Elections or the county clerk pursuant to Article 9 of this Code and publishes, circulates or distributes such altered or falsified information with the intent to misrepresent contributions received or expenditures made by a candidate or

political committee shall be guilty of a Class B misdemeanor.

Any person who shall sell or utilize information copied from statements and reports filed with the State Board of Elections or the county clerk pursuant to Article 9 of this Code for the purpose of soliciting contributions or for the purpose of business solicitation shall be guilty of a Class B misdemeanor.

(Source: P.A. 81-310; 90-495, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-17.

Effect of Amendments.

The 1997 amendment by P.A. 90-495, effective August 18, 1997, in the first paragraph, deleted the former second and third sentences requiring form from examiner; and deleted the former second paragraph regarding notification of Board of county clerk of examination.

10 ILCS 5/9-18 [Investigations and hearings]

Sec. 9-18. The Board may hold investigations, inquiries, and hearings concerning any matter covered by this Article, subject to such rules and regulations as the Board may establish. In the process of holding such investigations, inquiries, and hearings, the Board may administer oaths and affirmations, certify to all official acts, issue subpoenas to be authorized by a vote of 5 members of the Board, compel the attendance and testimony of witnesses, and the production of papers, books, accounts, and documents. Hearings conducted by the Board shall be open to the public.

(Source: P.A. 81-1117.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-18.

LEGAL PERIODICALS

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

10 ILCS 5/9-19 [Investigators, examiners and hearing officers]

Sec. 9-19. The Board may hire such investigators, examiners, and hearing officers as may be necessary to carry out its functions under this Article, and may by regulation delegate any of its duties or functions under Sections 9-18 and 9-21 of this Article [10 ILCS 5/9-18 and 10 ILCS 5/9-21] to such persons, except that final judgments and orders shall be issued only by the Board. Reports of violations under Section 9-23 [10 ILCS 5/9-23] shall be made only by the Board.

(Source: P.A. 78-1183.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-19.

10 ILCS 5/9-20 [Verified complaint; filing]

Sec. 9-20. Any person who believes a violation of this Article has occurred may file a verified complaint with the Board. Such verified complaint shall be directed to a candidate or the chairman or treasurer of a political committee, and shall be subject to the following requirements:

(1) The complaint shall be in writing.

(2) The complaint shall state the name of the candidate or chairman or treasurer of a political committee against whom the complaint is directed.

(3) The complaint shall state the statutory provisions which are alleged to have been violated.

(4) The complaint shall state the time, place, and nature of the alleged offense.

The complaint shall be verified, dated, and signed by the person filing the complaint in substantially the following manner:

VERIFICATION:

"I declare that this complaint (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true and correct complaint as required by Article 9 of The Election Code. I understand that the penalty for willfully filing a false complaint shall be a fine not to exceed \$500 or imprisonment in a penal institution other than the penitentiary not to exceed 6 months, or both fine and imprisonment."

.....
(date of filing)

.....
(signature of person filing the complaint)

(Source: P.A. 78-1183.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-20.

CASE NOTES

ANALYSIS

Standing
—Corporate Entity
Verified Complaint

Standing

—Corporate Entity

The object of this Code, the nature of the duties imposed by it, and the benefits resulting from its protections are directed to the registered voters of Illinois. A liquor licensee, as a corporate entity, has no protected statutory interest under this Code, and it cannot fulfill the fundamental requirements of standing. *Ole, Ole, Inc. v. Kozubowski*, 187 Ill. App. 3d 277, 134 Ill. Dec. 895, 543 N.E.2d 178 (1 Dist. 1989).

Verified Complaint

Letter alleging violations of campaign disclosure requirements from the executive director of a political party to the general counsel for the Board of Elections was not a valid complaint. *People v. West*, 294 Ill. App. 3d 939, 229 Ill. Dec. 241, 691 N.E.2d 177 (5 Dist. 1998), appeal denied, 179 Ill. 2d 614, 235 Ill. Dec. 575, 705 N.E.2d 448 (1998).

10 ILCS 5/9-21 [Preliminary and public hearings]

Sec. 9-21. Upon receipt of such complaint, the Board shall hold a closed preliminary hearing to

determine whether or not the complaint appears to have been filed on justifiable grounds. Such closed preliminary hearing shall be conducted as soon as practicable after affording reasonable notice, a copy of the complaint, and an opportunity to testify at such hearing to both the person making the complaint and the person against whom the complaint is directed. If the Board determines that the complaint has not been filed on justifiable grounds, it shall dismiss the complaint without further hearing.

Whenever in the judgment of the Board, after affording due notice and an opportunity for a public hearing, any person has engaged or is about to engage in an act or practice which constitutes or will constitute a violation of any provision of this Article or any regulation or order issued thereunder, the Board shall issue an order directing such person to take such action as the Board determines may be necessary in the public interest to correct the violation. In addition, if the act or practice engaged in consists of the failure to file any required report within the time prescribed by this Article, the Board, as part of its order, shall further provide that if, within the 12-month period following the issuance of the order, such person fails to file within the time prescribed by this Article any subsequent report as may be required, such person may be subject to a civil penalty pursuant to Section 9-23 [10 ILCS 5/9-23]. The Board shall render its final judgment within 60 days of the date the complaint is filed; except that during the 60 days preceding the date of the election in reference to which the complaint is filed, the Board shall render its final judgment within 7 days of the date the complaint is filed, and during the 7 days preceding such election, the Board shall render such judgment before the date of such election, if possible.

At any time prior to the issuance of the Board's final judgment, the parties may dispose of the complaint by a written stipulation, agreed settlement or consent order. Any such stipulation, settlement or order shall, however, be submitted in writing to the Board and shall become effective only if approved by the Board. If the act or practice complained of consists of the failure to file any required report within the time prescribed by this Article, such stipulation, settlement or order may provide that if, within the 12-month period following the approval of such stipulation, agreement or order, the person complained of fails to file within the time prescribed by this Article any subsequent reports as may be required, such person may be subject to a civil penalty pursuant to Section 9-23 [10 ILCS 5/9-23].

Any person filing a complaint pursuant to Section 9-20 [10 ILCS 5/9-20] may, upon written notice to the other parties and to the Board, voluntarily withdraw the complaint at any time prior to the issuance of the Board's final determination.

(Source: P.A. 83-1362; 90-495, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-21.

Illinois Administrative Code.

See 26 Illinois Administrative Code, § 125.420.

Effect of Amendments.

The 1997 amendment by P.A. 90-495, effective January 1, 1998, in the second paragraph, deleted the former third sentence regarding complaint directed to or about elected public official during year official is not a candidate seeking nomination and in the fourth sentence deleted from the beginning "If the complaint is directed to a candidate seeking nomination for, election to or retention in public office or to the chairman or treasurer of his political committee" and substituted "60" for "21".

CASE NOTES

ANALYSIS

Closed Preliminary Hearing

—Justifiable Grounds

Dismissal

Public Hearing

Closed Preliminary Hearing

—Justifiable Grounds

Justifiable grounds means some preliminary showing that a complaint was based on reasonable grounds and that the violations alleged were within the ambit of the Board of Elections' cognizance under this Code; thus, to sustain his burden under this Code, a plaintiff was required to make allegations with some degree of substance that acts were performed which constituted violations of this Code. *Troy v. State Bd. of Elections*, 84 Ill. App. 3d 740, 40 Ill. Dec. 556, 406 N.E.2d 562 (1 Dist. 1980).

Dismissal

Because five votes are necessary for any action of the Board of Elections to become effective, the board may not dismiss a complaint after a closed preliminary hearing unless at least five members vote to do so. *Illinois Republican Party v. Illinois State Bd. of Elections*, 188 Ill. 2d 70, 241 Ill. Dec. 776, 720 N.E.2d 231 (1999).

A five-vote majority of the Board of Elections is not required to dismiss a complaint. *People v. West*, 294 Ill. App. 3d 939, 229 Ill. Dec. 241, 691 N.E.2d 177 (5 Dist. 1998), appeal denied, 179 Ill. 2d 614, 235 Ill. Dec. 575, 705 N.E.2d 448 (1998).

Public Hearing

A majority vote of at least five members of the Board of Elections is not required to proceed with a public hearing on a complaint; rather, every complaint not dismissed by a majority vote of at least five members of the board must proceed to a public hearing. *Illinois Republican Party v. Illinois State Bd. of Elections*, 188 Ill. 2d 70, 241 Ill. Dec. 776, 720 N.E.2d 231 (1999).

OPINIONS OF ATTORNEY GENERAL

ANALYSIS

Closed Preliminary Hearing

Telephone Conference Call

Closed Preliminary Hearing

The Open Meetings Act (5 ILCS 120/1 et seq.) does not prohibit the holding of a closed preliminary hearing pursuant to this section. 1982 Op. Atty. Gen. 124.

Telephone Conference Call

The Open Meetings Act (5 ILCS 120/1 et seq.) does not prohibit the State Board of Elections from conducting its official business by means of an interconnecting telephone conference call held pursuant to its adopted regulations in which the call is broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board, open to the media representatives and the public in general. 1982 Op. Atty. Gen. 124.

10 ILCS 5/9-22 [Judicial review of complaint]

Sec. 9-22. Any party to a Board hearing, any person who files a complaint on which a hearing was

denied or not acted upon within the time specified in Section 9-21 of this Act [10 ILCS 5/9-21], and any party adversely affected by a judgment of the Board may obtain judicial review, which shall be governed by the provisions of the Administrative Review Law, as amended, and all amendments and modifications thereof and the rules adopted pursuant thereto, except that—

(1) such judicial review shall be afforded directly in the Appellate Court for the District in which the cause of action arose and not in the Circuit Court,

(2) such judicial review shall be obtained by filing a petition for review within 7 days after entry of the order of other action complained of,

(3) the time limit for filing such petition for review may be waived with the consent of all parties involved, and

(4) if such petition for review is appealing an order of the Board, the effect of such order of the Board shall not be stayed unless the Appellate Court so orders upon the motion of the petitioner and upon prior notice to the Board.

(Source: P.A. 82-783.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-22.

10 ILCS 5/9-23 [Penalty]

Sec. 9-23. Whenever the Board, pursuant to Section 9-21 [10 ILCS 5/9-21], has issued an order, or has approved a written stipulation, agreed settlement or consent order, directing a person determined by the Board to be in violation of any provision of this Article or any regulation adopted thereunder, to cease or correct such violation or otherwise comply with this Article and such person fails or refuses to comply with such order, stipulation, settlement or consent order within the time specified by the Board, the Board, after affording notice and an opportunity for a public hearing, may impose a civil penalty on such person in an amount not to exceed \$5,000; except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed \$10,000. For the purpose of this Section, "statewide office" and "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

Civil penalties imposed on any such person by the Board shall be enforceable in the Circuit Court. The Board shall petition the Court for an order to enforce collection of the penalty and, if the Court finds it has jurisdiction over the person against whom the penalty was imposed, the Court shall issue the appropriate order. Any civil penalties collected by the Court shall be forwarded to the State Treasurer.

In addition to or in lieu of the imposition of a civil penalty, the board may report such violation and the failure or refusal to comply with the order of the Board to the Attorney General and the appropriate State's Attorney.

The name of a person who has not paid a civil penalty imposed against him or her under this Section shall not appear upon any ballot for any office in any election while the penalty is unpaid.

(Source: P.A. 83-540; 90-737, § 220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-23.

Effect of Amendments.

The 1998 amendment by P.A. 90-737, effective January 1, 1999, in the first sentence of the first paragraph substituted "\$5,000", the exception phrase, and the last sentence for "\$1,000"; and added the last paragraph.

CASE NOTES

Removal from Office

There is no provision in this Act for removal from office for any violation of its requirements. *Henderson v. Miller*, 228 Ill. App. 3d 260, 170 Ill. Dec. 134, 592 N.E.2d 570 (1 Dist. 1992).

10 ILCS 5/9-24 [Order to compel compliance]

Sec. 9-24. The Board may also petition the Circuit Court to issue an order of the Court compelling compliance with an order issued by the Board, or to restrain or prohibit a person who is engaging or has engaged in acts or practices which constitute a violation of any provision of this Article from engaging in such acts or practices. If the Court finds that it has jurisdiction over the person of the alleged violator and that a violation has occurred or is occurring by reasons of the acts or practices of such person, the Court shall issue the appropriate order. (Source: P.A. 78-1183.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-24.

CASE NOTES

Removal from Office

This Act does not provide for removal from office as a penalty for violation of its provisions. *Henderson v. Miller*, 228 Ill. App. 3d 260, 170 Ill. Dec. 134, 592 N.E.2d 570 (1 Dist. 1992).

10 ILCS 5/9-25 [Anonymous contributions]

Sec. 9-25. No person shall make an anonymous contribution or a contribution in the name of another person, and no person shall knowingly accept any anonymous contribution or contribution made by one person in the name of another person. Anonymous contributions shall escheat to the State of Illinois. Any political committee that receives such a contribution shall forward it immediately to the State Treasurer.

(Source: P.A. 78-1183.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-25.

CASE NOTES

ANALYSIS

Anonymous Contribution
—Defined

—Distinguished
Contributions in the Name of Another
—Remedy
Escheat
Fraud
—Not Shown
—Shown

Anonymous Contribution

—Defined
Anonymous contributions are contributions received where the contributor is unknown or unnamed, or the source of origin cannot be identified. People ex rel. Illinois State Board of Elections v. DeGrazia, 105 Ill. App. 3d 509, 61 Ill. Dec. 390, 434 N.E.2d 543 (1 Dist. 1982).

—Distinguished
Anonymous contributions and contributions in the name of another person are not synonymous, as this section plainly refers to two separate types of prohibited contributions, providing different sanctions for each type of contribution. People ex rel. Illinois State Board of Elections v. DeGrazia, 105 Ill. App. 3d 509, 61 Ill. Dec. 390, 434 N.E.2d 543 (1 Dist. 1982).

Where contributions were identified as from a specific person, those contributions, as a matter of law, could not be characterized as anonymous. People ex rel. Illinois State Board of Elections v. DeGrazia, 105 Ill. App. 3d 509, 61 Ill. Dec. 390, 434 N.E.2d 543 (1 Dist. 1982).

Contributions in the Name of Another

—Remedy
This section does not provide a statutory remedy to the Board of Elections for contributions made by one person in the name of another person. People ex rel. Illinois State Board of Elections v. DeGrazia, 105 Ill. App. 3d 509, 61 Ill. Dec. 390, 434 N.E.2d 543 (1 Dist. 1982).

Escheat
As used in this section, escheat is penal in nature. People ex rel. Illinois State Board of Elections v. DeGrazia, 105 Ill. App. 3d 509, 61 Ill. Dec. 390, 434 N.E.2d 543 (1 Dist. 1982).

Escheat, as used in this section, means the reversion or forfeiture of property to the state upon the happening of some event. People ex rel. Illinois State Board of Elections v. DeGrazia, 105 Ill. App. 3d 509, 61 Ill. Dec. 390, 434 N.E.2d 543 (1 Dist. 1982).

Fraud

—Not Shown
Where a trade association for the currency exchange industry, filing its Board of Elections reports as an ad hoc group, relied on an opinion by the Illinois Attorney General which discussed the manner in which park district commissioners who expended district funds to campaign for the passage of bonding referenda should file their reports, the trial judge did not abuse his discretion in failing to find prima facie fraud merely because the reports were not filed in the name of the trade association. In re Special September 1978 Grand Jury, 640 F.2d 49 (7th Cir. 1980).

—Shown
A reasonable inference could be drawn from the entire record that a trade association intentionally failed to report a secret fund used to reimburse its members for political contributions, which constituted prima facie evidence of fraud. In re Special September 1978 Grand Jury, 640 F.2d 49 (7th Cir. 1980).

OPINIONS OF ATTORNEY GENERAL

ANALYSIS

Contributions in the Name of Another
—Corporations
Contributor

Contributions in the Name of Another

—Corporations
This section does not prohibit a subsidiary corporation from

making a political contribution in its name and from its own funds even though directed to do so by its parent corporation. 1998 Op. Atty. Gen. (98-004).

Contributor

Whether a contribution might further the interests of the contributor or some other person or cause is irrelevant to compliance with this section. 1998 Op. Atty. Gen. (98-004).

10 ILCS 5/9-25.1 Election interference

Sec. 9-25.1. *Election interference.* (a) As used in this Section, "public funds" means any funds appropriated by the Illinois General Assembly or by any political subdivision of the State of Illinois.

(b) No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated for political or campaign purposes to any candidate or political organization. This Section shall not prohibit the use of public funds for dissemination of factual information relative to any proposition appearing on an election ballot, or for dissemination of information and arguments published and distributed under law in connection with a proposition to amend the Constitution of the State of Illinois.

(c) The first time any person violates any provision of this Section, that person shall be guilty of a Class B misdemeanor. Upon the second or any subsequent violation of any provision of this Section, the person violating any provision of this Section shall be guilty of a Class A misdemeanor.
(Source: P.A. 80-962; 87-1052, § 5-30.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 102.

This section was derived from former 10 ILCS 35/2, 10 ILCS 35/3 and 10 ILCS 35/4. The historical citations to the former sections have been retained.

P.A. 87-1052, § 5-30 added the section catchline; added the subsections (a)-(c) designations; in subsections (a) and (c) substituted "Section" for "Act"; in subsection (b) substituted "Section" for "provision" in the second sentence; and in subsection (b) near the end of the second sentence substituted "under" for "pursuant to".

CASE NOTES

ANALYSIS

Exceptions
—Public Relations Consultant
Standing

Exceptions

—Public Relations Consultant
School districts' hiring of a public relations consultant did not constitute a violation of former 10 ILCS 35/3 where the consultant was hired only to promote the school board's idea to build a new school rather than to promote the candidates themselves. Ryan v. Warren Tp. High Sch. Dist., 155 Ill. App. 3d 203, 109 Ill. Dec. 843, 510 N.E.2d 911 (2 Dist. 1987).

Standing

Under former 10 ILCS 35/3 Plaintiff lacked standing to sue to enjoin alleged misuse of college facilities and equipment because the prohibitions in 735 ILCS 5/11-301 and 735 ILCS 5/11-303 are directed only toward expenditures of public funds. Jenner v. Wissore, 164 Ill. App. 3d 259, 115 Ill. Dec. 534, 517 N.E.2d 1220 (5 Dist. 1988).

10 ILCS 5/9-26 [Violations; criminal penalties]

Sec. 9-26. Willful failure to file or willful filing of false or incomplete information required by this Article shall constitute a business offense subject to a fine of up to \$5,000.

Willful filing of a false complaint under this Article shall constitute a Class B misdemeanor.

A prosecution for any offense designated by this Article shall be commenced no later than 18 months after the commission of the offense.

The appropriate State's Attorney or the Attorney General shall bring such actions in the name of the people of the State of Illinois.

(Source: P.A. 78-1183; 90-737, § 220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-26.

Illinois Administrative Code.

See 26 Illinois Administrative Code, § 125.420.

Effect of Amendments.

The 1998 amendment by P.A. 90-737, effective January 1, 1999, in the first paragraph substituted "business offense subject to a fine of up to \$5,000" for "Class B misdemeanor".

10 ILCS 5/9-27 [Venue]

Sec. 9-27. As to any civil or criminal proceedings instituted under this Article, venue shall lie in the county where the political committee was organized or in the county where the defendant resides.

(Source: P.A. 78-1183.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 9-27.

10 ILCS 5/9-27.5 Fundraising in or within 50 miles of Springfield

Sec. 9-27.5. *Fundraising in or within 50 miles of Springfield.* Except as provided in this Section, any executive branch constitutional officer, any candidate for an executive branch constitutional office, any member of the General Assembly, any candidate for the General Assembly, any political caucus of the General Assembly, or any political committee on behalf of any of the foregoing may not hold a fundraising function in or within 50 miles of Springfield on any day the legislature is in session (i) during the period beginning 90 days before the later of the dates scheduled by either house of the General Assembly for the adjournment of the spring session and ending on the later of the actual adjournment dates of either house of the spring session and (ii) during fall veto session. For purposes of this Section, the legislature is not considered to be in session on a day that is solely a perfunctory session day or on a day when only a committee is meeting.

This Section does not apply to members and political committees of members of the General Assembly whose districts are located, in whole or in

part, in or within 50 miles of Springfield and candidates and political committees of candidates for the General Assembly from districts located, in whole or in part, in or within 50 miles of Springfield, provided that the fundraising function takes place within the member's or candidate's district.

(Source: P.A. 90-737, § 220.)

Effective Date.

Section 999 of P.A. 90-737 makes this section effective January 1, 1999.

10 ILCS 5/9-28 Electronic filing and availability

Sec. 9-28. *Electronic filing and availability.* The Board shall by rule provide for the electronic filing of expenditure and contribution reports as follows:

Beginning July 1, 1999, or as soon thereafter as the Board has provided adequate software to the political committee, electronic filing is required for all political committees that during the reporting period (i) had at any time a balance or an accumulation of contributions of \$25,000 or more, (ii) made aggregate expenditures of \$25,000 or more, or (iii) received loans of an aggregate of \$25,000 or more.

Beginning July 1, 2003, electronic filing is required for all political committees that during the reporting period (1) had at any time a balance or an accumulation of contributions of \$10,000 or more, (ii) made aggregate expenditures of \$10,000 or more, or (iii) received loans of an aggregate of \$10,000 or more.

The Board may provide by rule for the optional electronic filing of expenditure and contribution reports for all other political committees. The Board shall promptly make all reports filed under this Article by all political committees publicly available by means of a searchable database that is accessible through the World Wide Web.

The Board shall provide all software necessary to comply with this Section to candidates, public officials, political committees, and election authorities.

The Board shall implement a plan to provide computer access and assistance to candidates, public officials, political committees, and election authorities with respect to electronic filings required under this Article.

For the purposes of this Section, "political committees" includes entities required to report to the Board under Section 9-7.5 [10 ILCS 5/9-7.5].

(Source: P.A. 90-495, § 5; 90-737, § 220.)

Illinois Administrative Code.

See 26 Illinois Administrative Code, § 100.150.

Effective Date.

Section 99 of P.A. 90-495 made this section effective upon becoming law. The Act was approved August 18, 1997.

Effect of Amendments.

The 1998 amendment by P.A. 90-737, effective January 1, 1999, rewrote the section.

ARTICLE 10.

MAKING OF NOMINATIONS IN CERTAIN
OTHER CASES10 ILCS 5/10-1 Application of Article to
minor political parties

Sec. 10-1. *Application of Article to minor political parties.* (a) Political parties as defined in this Article and individual voters to the number and in the manner specified in this Article may nominate candidates for public offices whose names shall be placed on the ballot to be furnished, as provided in this Article. No nominations may be made under this Article 10, however, by any established political party which, at the general election next preceding, polled more than 5% of the entire vote cast in the State, district, or unit of local government for which the nomination is made. Those nominations provided for in Section 45-5 of the Township Code [60 ILCS 1/45-5] shall be made as prescribed in Sections 45-10 through 45-45 of that Code [60 ILCS 1/45-10 through 60 ILCS 1/45-45] for nominations by established political parties, but minor political parties and individual voters are governed by this Article. Any convention, caucus, or meeting of qualified voters of any established political party as defined in this Article may, however, make one nomination for each office therein to be filled at any election for officers of a municipality with a population of less than 5,000 by causing a certificate of nomination to be filed with the municipal clerk no earlier than 78 and no later than 71 days before the election at which the nominated candidates are to be on the ballot. The municipal caucuses shall be conducted on the Monday immediately preceding the first day for filing caucus certificates of nomination in each year in which municipal officers are to be elected, except that, when that Monday is a holiday or the eve of a holiday, the caucuses shall be held on the next business day following the holiday. Every certificate of nomination shall state the facts required in Section 10-5 of this Article [10 ILCS 5/10-5] and shall be signed by the presiding officer and by the secretary of the convention, caucus, or meeting, who shall add to their signatures their places of residence. The certificates shall be sworn to by them to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

(b) Publication of the time and place of holding the caucus shall be given by the municipal clerk. For municipalities of over 500 population, notice of the caucus shall be published in a newspaper published in the municipality. If there is no such newspaper, then the notice shall be published in a newspaper published in the county and having general circulation in the municipality. For municipalities of 500 population or less, notice of the caucus shall be given by the municipal clerk by posting the notice in 3 of

the most public places in the municipality. The publication or posting shall be given at least 10 days before the caucus.

(c) As provided in Sections 3.1-25-20 through 3.1-25-60 of the Illinois Municipal Code [65 ILCS 5/3.1-25-20 through ILCS 5/3.1-25-60], a village may adopt a system of nonpartisan primary and general elections for the election of village officers.

(d) Any city, village, or incorporated town with a population of 5,000 or less may, by ordinance, determine that established political parties shall nominate candidates for municipal office in the city, village, or incorporated town by primary in accordance with Article 7 [10 ILCS 5/7-1 et seq.].

(e) Only those voters who reside within the territory for which the nomination is made shall be permitted to vote or take part in the proceedings of any convention, caucus, or meeting of individual voters or of any political party held under this Section. No voter shall vote or take part in the proceedings of more than one convention, caucus, or meeting to make a nomination for the same office. (Source: P.A. 84-861; 87-1119, § 6; 88-670, § 3-5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-1.

Illinois Jurisprudence. See Illinois Jur, Municip L § 6:41.

Effect of Amendments.

The 1992 amendment, effective May 13, 1993, designated the first through the fifth paragraphs as subsections (a) through (e), respectively; in subsection (c) substituted "3.1-25-20" for "3-5-3a" and substituted "3.1-25-60" for "3-5-3i," and made stylistic changes throughout the section.

The 1994 amendment by P.A. 88-670, effective December 2, 1994, in subsection (a), in the third sentence substituted "45-5 of the Township Code" for "6A-1 of the Township Law of 1874", inserted "Sections 45-10 through 45-45 of" and substituted "Code" for "Section".

CASE NOTES

ANALYSIS

Applicability

- Established Political Party
- Judicial Elections
- New Political Party
- Nominations
- Certificates of Nomination
- Sufficiency
- Nominations
- Prior Law
- Right of Public
- Party Officers
- Prior Law
- Filing of Certificates
- Public Officers

Applicability**—Established Political Party**

The clearly expressed intent of this section is that an established political party may not nominate candidates for office by petition. *Foster v. Municipal Officers Electoral Bd.*, 113 Ill. App. 3d 721, 69 Ill. Dec. 555, 447 N.E.2d 990 (1 Dist. 1983).

An individual or group of less than five percent has a right to place a name upon the primary ballot by petition with the requisite number of signatures, and if such group or political party in the

Applicability (Cont'd)**—Established Political Party (Cont'd)**

ensuing election polls more than five percent of the vote in such election, then it becomes an "established political party" for the subdivision in which the election was held and is entitled to the identical rights to which political parties are entitled with a like percentage of votes. *Progressive Party v. Flynn*, 400 Ill. 102, 79 N.E.2d 516 (1948).

—Judicial Elections

The failure of a new political party to include judicial candidates on its slate did not invalidate the entire slate under this section because the judges at issue were elected not from the county as a unit of local government, but rather from the county judicial district. *Reed v. Kusper*, 154 Ill. 2d 77, 180 Ill. Dec. 685, 607 N.E.2d 1198 (1992), cert. denied, 509 U.S. 906, 113 S. Ct. 3000, 125 L. Ed. 2d 693 (1993).

—New Political Party

This section clearly required that the petition for the formation of the newly formed political party contain a complete list of candidates for all offices to be filled within the political subdivision of county. *Reed v. Kusper*, 154 Ill. 2d 77, 180 Ill. Dec. 685, 607 N.E.2d 1198 (1992), cert. denied, 509 U.S. 906, 113 S. Ct. 3000, 125 L. Ed. 2d 693 (1993).

—Nominations

The provisions of the Election Code governing the making of nominations by political parties (10 ILCS 5/7-1 et seq.) apply to nominations for the established political parties, and 10 ILCS 5/10-1 et seq. applies to nominations for minority parties. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

Certificates of Nomination**—Sufficiency**

Even though nomination papers, filed by candidates for local offices, were certified by a temporary replacement for the Republican Party committeeman, they were sufficient at law. *Moon v. Rolson*, 189 Ill. App. 3d 262, 136 Ill. Dec. 723, 545 N.E.2d 247 (1 Dist. 1989).

Nominations**—Prior Law**

The power to nominate candidates for office was not conferred by the former Primary Act of 1910 (see now 10 ILCS 5/10-1 et seq.) upon members or representatives of members of political parties; it simply recognized the right already existing in them and prescribed the manner in which that right should be exercised. *People ex rel. Brundage v. Brady*, 302 Ill. 576, 135 N.E. 87 (1922).

—Right of Public

The right to nominate candidates for public office is vested in the legal voters of the state, and the General Assembly cannot deprive them of this right. *People ex rel. Brundage v. Brady*, 302 Ill. 576, 135 N.E. 87 (1922).

Party Officers

Party officers were not public officers under the former Primary Act of 1910 (see now 10 ILCS 5/10-1 et seq.), and quo warranto was not a proper proceeding by which to try title to such an office. *People ex rel. Brundage v. Brady*, 302 Ill. 576, 135 N.E. 87 (1922).

Prior Law**—Filing of Certificates**

Former section 10-6 of the Election Code (see now this section), which required that certificates of nomination for township offices be filed 35 days prior to election, was applicable only in townships, villages, and towns with a population of less than 5,000. *People ex rel. Ferry v. Palmer*, 1 Ill. 2d 384, 115 N.E.2d 609 (1953).

Public Officers

Under the former Primary Act of 1910 (see now 10 ILCS 5/10-1 et seq.), committeemen and officers of political parties were not public officers. *People ex rel. Brundage v. Brady*, 302 Ill. 576, 135 N.E. 87 (1922).

The fact that the General Assembly may by law confer certain

powers on individuals and require of them the performance of certain duties does not necessarily make individuals public officers. *People ex rel. Brundage v. Brady*, 302 Ill. 576, 135 N.E. 87 (1922).

LEGAL PERIODICALS

For note, "Constitutional Law and Election," discussing *Anderson v. Schneider*, 67 Ill.2d 165, 365 N.E.2d 900 (1977), see 66 Ill. B.J. 419 (1978).

10 ILCS 5/10-2 [Political parties]

Sec. 10-2. The term "political party", as hereinafter used in this Article 10 [10 ILCS 5/10-1 et seq.], shall mean any "established political party", as hereinafter defined and shall also mean any political group which shall hereafter undertake to form an established political party in the manner provided for in this Article 10 [10 ILCS 5/10-1 et seq.]: Provided, that no political organization or group shall be qualified as a political party hereunder, or given a place on a ballot, which organization or group is associated, directly or indirectly, with Communist, Fascist, Nazi or other un-American principles and engages in activities or propaganda designed to teach subservience to the political principles and ideals of foreign nations or the overthrow by violence of the established constitutional form of government of the United States and the State of Illinois.

A political party which, at the last general election for State and county officers, polled for its candidate for Governor more than 5% of the entire vote cast for Governor, is hereby declared to be an "established political party" as to the State and as to any district or political subdivision thereof.

A political party which, at the last election in any congressional district, legislative district, county, township, municipality or other political subdivision or district in the State, polled more than 5% of the entire vote cast within such territorial area or political subdivision, as the case may be, has voted as a unit for the election of officers to serve the respective territorial area of such district or political subdivision, is hereby declared to be an "established political party" within the meaning of this Article as to such district or political subdivision.

Any group of persons hereafter desiring to form a new political party throughout the State, or in any congressional, legislative or judicial district, or in any other district or in any political subdivision (other than a municipality) not entirely within a single county, shall file with the State Board of Elections a petition, as hereinafter provided; and any such group of persons hereafter desiring to form a new political party within any county shall file such petition with the county clerk; and any such group of persons hereafter desiring to form a new political party within any municipality or township or within any district of a unit of local government other than a county shall file such petition with the local election official or Board of Election Commis-

sioners of such municipality, township or other unit of local government, as the case may be. Any such petition for the formation of a new political party throughout the State, or in any such district or political subdivision, as the case may be, shall declare as concisely as may be the intention of the signers thereof to form such new political party in the State, or in such district or political subdivision; shall state in not more than 5 words the name of such new political party; shall at the time of filing contain a complete list of candidates of such party for all offices to be filled in the State, or such district or political subdivision as the case may be, at the next ensuing election then to be held; and, if such new political party shall be formed for the entire State, shall be signed by 1% of the number of voters who voted at the next preceding Statewide general election or 25,000 qualified voters, whichever is less. If such new political party shall be formed for any district or political subdivision less than the entire State, such petition shall be signed by qualified voters equaling in number not less than 5% of the number of voters who voted at the next preceding regular election in such district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area. However, whenever the minimum signature requirement for a district or political subdivision new political party petition shall exceed the minimum number of signatures for State-wide new political party petitions at the next preceding State-wide general election, such State-wide petition signature requirement shall be the minimum for such district or political subdivision new political party petition.

For the first election following a redistricting of congressional districts, a petition to form a new political party in a congressional district shall be signed by at least 5,000 qualified voters of the congressional district. For the first election following a redistricting of legislative districts, a petition to form a new political party in a legislative district shall be signed by at least 3,000 qualified voters of the legislative district. For the first election following a redistricting of representative districts, a petition to form a new political party in a representative district shall be signed by at least 1,500 qualified voters of the representative district.

For the first election following redistricting of county board districts, or of municipal wards or districts, or for the first election following the initial establishment of such districts or wards in a county or municipality, a petition to form a new political party in a county board district or in a municipal ward or district shall be signed by qualified voters of the district or ward equal to not less than 5% of the total number of votes cast at the preceding general or municipal election, as the case may be, for the county or municipal office voted on throughout the county or municipality for which the greatest total number of votes were cast for all candidates, divided

by the number of districts or wards, but in any event not less than 25 qualified voters of the district or ward.

In the case of a petition to form a new political party within a political subdivision in which officers are to be elected from districts and at-large, such petition shall consist of separate components for each district from which an officer is to be elected. Each component shall be circulated only within a district of the political subdivision and signed only by qualified electors who are residents of such district. Each sheet of such petition must contain a complete list of the names of the candidates of the party for all offices to be filled in the political subdivision at large, but the sheets comprising each component shall also contain the names of those candidates to be elected from the particular district. Each component of the petition for each district from which an officer is to be elected must be signed by qualified voters of the district equalling in number not less than 5% of the number of voters who voted at the next preceding regular election in such district at which an officer was elected to serve the district. The entire petition, including all components, must be signed by a total of qualified voters of the entire political subdivision equalling in number not less than 5% of the number of voters who voted at the next preceding regular election in such political subdivision at which an officer was elected to serve the political subdivision at large.

The filing of such petition shall constitute the political group a new political party, for the purpose only of placing upon the ballot at such next ensuing election such list or an adjusted list in accordance with Section 10-11 [10 ILCS 5/10-11], of party candidates for offices to be voted for throughout the State, or for offices to be voted for in such district or political subdivision less than the State, as the case may be, under the name of and as the candidates of such new political party.

If, at such ensuing election, the new political party's candidate for Governor shall receive more than 5% of the entire votes cast for Governor, then such new political party shall become an "established political party" as to the State and as to every district or political subdivision thereof. If, at such ensuing election, the other candidates of the new political party, or any other candidate or candidates of the new political party shall receive more than 5% of all the votes cast for the office or offices for which they were candidates at such election, in the State, or in any district or political subdivision, as the case may be, then and in that event, such new political party shall become an "established political party" within the State or within such district or political subdivision less than the State, as the case may be, in which such candidate or candidates received more than 5% of the votes cast for the office or offices for which they were candidates. It shall thereafter nominate its candidates for public offices to be filled in the State, or such district or political subdivision,

as the case may be, under the provisions of the laws regulating the nomination of candidates of established political parties at primary elections and political party conventions, as now or hereafter in force.

A political party which continues to receive for its candidate for Governor more than 5% of the entire vote cast for Governor, shall remain an "established political party" as to the State and as to every district or political subdivision thereof. But if the political party's candidate for Governor fails to receive more than 5% of the entire vote cast for Governor, or if the political party does not nominate a candidate for Governor, the political party shall remain an "established political party" within the State or within such district or political subdivision less than the State, as the case may be, only so long as, and only in those districts or political subdivisions in which, the candidates of that political party, or any candidate or candidates of that political party, continue to receive more than 5% of all the votes cast for the office or offices for which they were candidates at succeeding general or consolidated elections within the State or within any district or political subdivision, as the case may be.

Any such petition shall be filed at the same time and shall be subject to the same requirements and to the same provisions in respect to objections thereto and to any hearing or hearings upon such objections that are hereinafter in this Article 10 [10 ILCS 5/10-1 et seq.] contained in regard to the nomination of any other candidate or candidates by petition. If any such new political party shall become an "established political party" in the manner herein provided, the candidate or candidates of such new political party nominated by the petition hereinabove referred to for such initial election, shall have power to select any such party committeeman or committeemen as shall be necessary for the creation of a provisional party organization and provisional managing committee or committees for such party within the State, or in any district or political subdivision in which the new political party has become established; and the party committeeman or committeemen so selected shall constitute a provisional party organization for the new political party and shall have and exercise the powers conferred by law upon any party committeeman or committeemen to manage and control the affairs of such new political party until the next ensuing primary election at which the new political party shall be entitled to nominate and elect any party committeeman or committeemen in the State, or in such district or political subdivision under any parts of this Act relating to the organization of political parties.

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election, is ineligible for nomination as a candidate of a new political party for election in that general election.

(Source: P.A. 86-875.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-2.

CASE NOTES

ANALYSIS

Constitutionality
 Applicability
 Ballots
 —Barring a Party
 —Improper Party Designation
 —Removal of Candidates
 Constitutional Challenges
 Established Political Party
 —Formation
 —Label Designation
 Legislative Authority
 New Party
 —In General
 —Invalid Certificate of Nomination
 —Petitions for Nomination
 Powers of City Clerk

Constitutionality

The ballot access requirements imposed are entirely procedural and merely assure that candidates meet a minimum threshold of voter support in order to maintain the integrity and regularity of the electoral process but they do not pose a substantive handicap that systematically excluded defendant's party candidates from office. *Libertarian Party v. Rednour*, 108 F.3d 768 (7th Cir. 1997), cert. denied, 522 U.S. 858, 118 S. Ct. 158, 139 L. Ed. 2d 103 (1997).

It is neither irrational nor unfair to require a candidate from a new party to obtain a greater percentage of petition signatures to appear on the general election ballot than a candidate from an established party for the primary election ballot; the two petitioning requirements contain different percentages because they are used at two different times for two different purposes. *Libertarian Party v. Rednour*, 108 F.3d 768 (7th Cir. 1997), cert. denied, 522 U.S. 858, 118 S. Ct. 158, 139 L. Ed. 2d 103 (1997).

State's interest in preventing ballot clutter, avoiding voter confusion and requiring a party to demonstrate a significant modicum of public support before it has access to the ballot was sufficiently weighty to justify the limitations placed on defendants by this section. *Libertarian Party v. Rednour*, 108 F.3d 768 (7th Cir. 1997), cert. denied, 522 U.S. 858, 118 S. Ct. 158, 139 L. Ed. 2d 103 (1997).

The signature requirement in this section is not unconstitutional. *Black v. Cook County Officers Electoral Bd.*, 750 F. Supp. 901 (N.D. Ill. 1990).

A requirement that persons seeking to run as independent candidates for state and county offices were required to file with the state 323 days before a general election was constitutionally permissible. *Stevenson v. State Bd. of Elections*, 794 F.2d 1176 (7th Cir. 1986).

The portion of 10 ILCS 5/10-3 which required that the 25,000 signatures on a nominating petition for an independent candidate include 200 signatures from each of at least 50 of the state's 102 counties applied a rigid, arbitrary formula to sparsely settled counties and populous counties alike, contrary to the constitutional theme of equality among citizens in the exercise of their political rights, and violated the equal protection clause of the United States Constitution. *Moore v. Ogilvie*, 394 U.S. 814, 89 S. Ct. 1493, 23 L. Ed. 2d 1 (1969).

This section was void for uncertainty as to the meaning of Communist principles. *Feinglass v. Reinecke*, 48 F. Supp. 438 (N.D. Ill. 1942).

If the term Communist was to be taken to mean simply a belief in a system in which goods and the instruments of production were held in common by the people, then the statute was clearly unconstitutional, since a party could not be excluded from a place on the ballot because it advocated economic ideas which may have happened to be unpopular at the time. *Feinglass v. Reinecke*, 48 F. Supp. 438 (N.D. Ill. 1942).

Applicability

A provision which prevented a political party from being disquali-

Applicability (Cont'd)

fied from participating in a primary election by reason of its failure to name candidates in a preceding judicial election did not apply and was not intended to apply to a political party entitled to nominate after it became such as a result of the provisions of this section. *Progressive Party v. Flynn*, 400 Ill. 102, 79 N.E.2d 516 (1948).

Ballots**—Barring a Party**

Where there was no showing made to the officials of the state charged with receiving petitions for nomination that the Communist Party was engaged in the activities listed in this section, the action of those officers in refusing to endorse the petition and deposit it was purely arbitrary. *Feinglass v. Reinecke*, 48 F. Supp. 438 (N.D. Ill. 1942).

By the terms of this section, to bar a party from the ballot, it must be shown not only that it is associated with Communist, Nazi or Fascist or other un-American principles, but also that it engages in certain activities or propaganda, to wit, "activities or propaganda, designed to teach subservience to the political principles and ideals of foreign nations or the overthrow by violence of the established constitutional form of government of the United States and the State of Illinois." *Feinglass v. Reinecke*, 48 F. Supp. 438 (N.D. Ill. 1942).

—Improper Party Designation

Where persons were not properly nominated as candidates of an established party but their nominating petitions were signed by sufficient voters to entitle them to be placed on the ballot as individuals, their improper party designation could be stricken and they could be placed on the ballot as individuals without any party designation. *Vasquez v. Municipal Officers Electoral Bd.*, 115 Ill. App. 3d 1014, 71 Ill. Dec. 500, 450 N.E.2d 1379 (3 Dist. 1983).

—Removal of Candidates

This section confers no authority on a township electoral board to remove from a ballot all of the qualified candidates because one is unqualified; therefore, action by board ordering that the names of all candidates not be printed on the ballot because one candidate was unqualified violated due process. *Anderson v. Schneider*, 67 Ill. 2d 165, 8 Ill. Dec. 514, 365 N.E.2d 900 (1977).

Constitutional Challenges

Where a plaintiff challenged the constitutionality of this section, alleging that its requirements were arbitrary, unreasonable, and unconstitutional, since the complaint failed to allege facts which would warrant holding that the decision of the Electoral Board was arbitrary or capricious, that decision would not be disturbed; it was therefore the duty of a federal district court to hold that the complaint failed to allege a substantial federal question, and the court would not take the steps necessary to convene a three-judge district court. *People ex rel. Sankstone v. Jarecki*, 116 F. Supp. 422 (N.D. Ill.), appeal dismissed, 346 U.S. 861, 74 S. Ct. 107, 98 L. Ed. 373 (1953).

Established Political Party**—Formation**

Even though a party was not organized as an established party, it was not precluded from being an established party within the meaning of this section; the party could become established if its candidates received more than five percent of the electorate's vote, and thereafter nominated its candidates by either the primary of caucus proceedings described in 10 ILCS 5/7-1 et seq. *Vasquez v. Municipal Officers Electoral Bd.*, 115 Ill. App. 3d 1014, 71 Ill. Dec. 500, 450 N.E.2d 1379 (3 Dist. 1983).

—Label Designation

Where the "Action IV Party" was the same party which was designated "Action III Party" in 1981 and in prior years under the Action Party label, the Action Party did not become a new party in terms of label designation solely by adding a number which merely designated the number of times the party had been on the ballot. *Vasquez v. Municipal Officers Electoral Bd.*, 115 Ill. App. 3d 1014, 71 Ill. Dec. 500, 450 N.E.2d 1379 (3 Dist. 1983).

Legislative Authority

The Illinois legislature possesses a very wide latitude in determining the method and means by which a new political party may be permitted to have the names of its candidates printed on the ballots, but this does not mean that it could arbitrarily make such requirements as would deprive a legal voter of his right to vote or of his right to participate in all other related matters, such as the nomination of candidates with the added right of supporting them by his ballot. *Blackman v. Stone*, 101 F.2d 500 (7th Cir. 1939).

New Party**—In General**

Persons wishing to create a new political party and submit a slate of candidates are governed by this section. *People ex rel. Vigilant Party v. Village of Dolton*, 118 Ill. App. 2d 392, 254 N.E.2d 832 (1 Dist. 1969).

—Invalid Certificate of Nomination

Where the plaintiffs' original filing pursuant to this section was declared invalid by the Municipal Officers Election Board, no political party was in existence at the time of their subsequent attempted filing, and no vacancies existed either, the plaintiffs could not have availed themselves of 10 ILCS 5/10-11, and the new filing could not have constituted certificates of nomination. *People ex rel. Vigilant Party v. Village of Dolton*, 118 Ill. App. 2d 392, 254 N.E.2d 832 (1 Dist. 1969).

Where plaintiffs' petition to form a new political party was held insufficient and inoperative by the Electoral Board, there was no new political party or any certifiable nominees thereof and no vacancies to fill, and their subsequent petition could not be considered to be a certificate of nomination to fill a vacancy. *People ex rel. Voters for Progress Party v. Wilk*, 118 Ill. App. 2d 386, 254 N.E.2d 834 (1 Dist. 1969).

—Petitions for Nomination

Under this provision, nominating petitions for aldermanic candidates for a new party must be signed by not less than 5% of the qualified voters who voted for that aldermanic position at the last preceding regular election in such ward. *Foster v. Municipal Officers Electoral Bd.*, 113 Ill. App. 3d 721, 69 Ill. Dec. 555, 447 N.E.2d 990 (1 Dist. 1983).

Powers of City Clerk

In determining for himself that an election held on April 21, 1931, rather than that held on April 19, 1932, was the last preceding similar general election which furnished a basis for determining how many signatures should be signed to a petition to organize a new political party and nominate its candidates for office, a city clerk undertook to exercise judicial powers which he did not possess. *People ex rel. Deaton v. Gifford*, 353 Ill. 107, 186 N.E. 530 (1933).

OPINIONS OF ATTORNEY GENERAL**ANALYSIS****Established Political Party**

—Not Found Measure

Established Political Party

—Not Found

The Illinois Solidarity Party is not an established political party. 1991 Op. Atty. Gen. (91-022).

Measure

The only method of measurement which accurately meets the terms of this section is a determination of whether the total vote received by the full slate of candidates nominated by a party for those offices exceeds the specified percentage of the cumulative votes cast for all of the offices to be filled. 1991 Op. Atty. Gen. (91-022).

LEGAL PERIODICALS

For note, "The First Amendment Freedom of Association, in light of *Norman v. Reed*, 112 S.Ct. 698 (1992)," see 80 Ill. B.J. 416 (1992).

For article, "Federal Protections of Individual Rights in Local Elections," see 13 J. Marshall L. Rev. 503 (1980).

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

For note, "Constitutional Law and Election," discussing *Anderson v. Schneider*, 67 Ill.2d 165, 365 N.E.2d 900 (1977), see 66 Ill. B.J. 419 (1978).

10 ILCS 5/10-3 [Independent candidates; nomination]

Sec. 10-3. Nomination of independent candidates (not candidates of any political party), for any office to be filled by the voters of the State at large may also be made by nomination papers signed in the aggregate for each candidate by 1% of the number of voters who voted in the next preceding Statewide general election or 25,000 qualified voters of the State, whichever is less. Nominations of independent candidates for public office within any district or political subdivision less than the State, may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district, or political subdivision, equaling not less than 5%, nor more than 8% (or 50 more than the minimum, whichever is greater) of the number of persons, who voted at the next preceding regular election in such district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area, except that independent candidates for the General Assembly shall require not less than 10%, nor more than 16% of the number of persons who voted at the next preceding general election in such district or political subdivision in which such district or political subdivision voted as a unit for the election of officers to serve its respective territorial area. However, whenever the minimum signature requirement for an independent candidate petition for a district or political subdivision office shall exceed the minimum number of signatures for an independent candidate petition for an office to be filled by the voters of the State at large at the next preceding State-wide general election, such State-wide petition signature requirement shall be the minimum for an independent candidate petition for such district or political subdivision office. For the first election following a redistricting of congressional districts, nomination papers for an independent candidate for congressman shall be signed by at least 5,000 qualified voters of the congressional district. For the first election following a redistricting of legislative districts, nomination papers for an independent candidate for State Senator in the General Assembly shall be signed by at least 3,000 qualified voters of the legislative district. For the first election following a redistricting of representative districts, nomination papers for an independent candidate for State Representative in the General Assembly shall be signed by at least 1,500 qualified voters of the representative district. For the first election following redistricting of county board dis-

tricts, or of municipal wards or districts, or for the first election following the initial establishment of such districts or wards in a county or municipality, nomination papers for an independent candidate for county board member, or for alderman or trustee of such municipality, shall be signed by qualified voters of the district or ward equal to not less than 5% nor more than 8% (or 50 more than the minimum, whichever is greater) of the total number of votes cast at the preceding general or general municipal election, as the case may be, for the county or municipal office voted on throughout such county or municipality for which the greatest total number of votes were cast for all candidates, divided by the number of districts or wards, but in any event not less than 25 qualified voters of the district or ward. Each voter signing a nomination paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for such office to be filled, and no more: Provided that the name of any candidate whose name may appear in any other place upon the ballot shall not be so added by petition for the same office.

The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that;

(1) the person striking the signature shall initial the petition at the place where the signature is struck; and

(2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition.

(3) the persons striking signatures from the petition shall each sign an additional certificate specifying the number of certification pages listing stricken signatures which are attached to the petition and the page numbers indicated on such certifications. The certificate shall be filed as a part of the petition, shall be numbered, and shall be attached immediately following the last page of voters' signatures and before the certifications of stricken signatures.

(4) all of the foregoing requirements shall be necessary to effect a valid striking of any signature. The provisions of this Section authorizing the striking of signatures shall not impose any criminal liability on any person so authorized for signatures which may be fraudulent.

In the case of the offices of Governor and Lieutenant Governor a joint petition including one candidate for each of those offices must be filed.

Every petition for nomination of an independent candidate for any office for which candidates of established political parties are nominated at the general primary shall be filed within the time designated in Section 7-12 of this Act [10 ILCS 5/7-12] in regard to nomination at the general primary of any other candidate for such office.

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary

election, and who is defeated for his or her nomination at the primary election, is ineligible to be placed on the ballot as an independent candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus, is ineligible to be listed on the ballot at that general or consolidated election as an independent candidate. (Source: P.A. 86-867; 86-875; 86-1028; 86-1348.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-3.

CASE NOTES

ANALYSIS

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Constitutionality

The fact that filing deadlines for independent candidates are the same as those for established party candidates and different from those for newly formed parties does not render this section unconstitutional under the First and Fourteenth Amendments to the United States Constitution. *Stevenson v. State Bd. of Elections*, 638 F. Supp. 547 (N.D. Ill.), *aff'd*, 794 F.2d 1176 (7th Cir. 1986).

The former provisions of this Code which required new political parties and independent candidates to obtain the signatures of 25,000 qualified voters in order to appear on the ballot in statewide elections and which set the minimum number of signatures required for offices of political subdivisions of the state at 5% of the number of persons who voted at the previous election for offices of the particular subdivision violated the equal protection clause of the United States Constitution as applied to the city of Chicago, since the application of this standard produced the result that a new party or an independent candidate needed substantially more signatures to gain access to the ballot than a similarly-situated party or candidate for statewide office. *Illinois State Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 99 S. Ct. 983, 59 L. Ed. 2d 230 (1979).

The portion of this section which provides that in the first election following a redistricting of congressional districts, petitions for independent candidates for nomination for Congress must contain 5,000 signatures, reflects a reasonable limitation serving a compelling state interest, and is sufficiently narrow to satisfy due process. *Stout v. Black*, 8 Ill. App. 3d 167, 289 N.E.2d 456 (2 Dist. 1972).

This section was found to be constitutional. *Jackson v. Ogilvie*, 325 F. Supp. 864 (N.D. Ill.), *aff'd*, 403 U.S. 925, 91 S. Ct. 2247, 29 L. Ed. 2d 705 (1971).

The portion of this section which required that the 25,000 signatures on a nominating petition for an independent candidate include 200 signatures from each of at least 50 of the state's 102 counties applied a rigid, arbitrary formula to sparsely settled counties and populous counties alike, contrary to the constitutional theme of equality among citizens in the exercise of their political rights, and violated the equal protection clause of the United States Constitution. *Moore v. Ogilvie*, 394 U.S. 814, 89 S. Ct. 1493, 23 L. Ed. 2d 1 (1969).

Nominating Petitions

The use of nominating petitions by independents to obtain a place on the ballot is an integral part of the elective system. *Moore v.*

Ogilvie, 394 U.S. 814, 89 S. Ct. 1493, 23 L. Ed. 2d 1 (1969).

Percentage Requirement

While the 5% requirement set out in this section is higher than the percentage required in a majority of other states, it was a reasonable limitation that served a compelling state interest, and therefore, the state could limit the availability of the ballot to only those candidates who evidenced the support of 5% of the electorate. *Jackson v. Ogilvie*, 325 F. Supp. 864 (N.D. Ill.), *aff'd*, 403 U.S. 925, 91 S. Ct. 2247, 29 L. Ed. 2d 705 (1971).

Qualified Voter

A "qualified voter" refers to a person who has met all the statutory qualifications to vote, including registration when registration is required in the election for the particular office for which the nomination is made. *Stout v. Black*, 8 Ill. App. 3d 167, 289 N.E.2d 456 (2 Dist. 1972).

Signature Requirement

—Noncompliance

Where candidates failed to comply with the minimum statutory signature requirement under this statute, because they relied on an erroneous information sheet distributed by the city clerk in determining the number of signatures that were necessary to place their names on the ballot, and where the candidates demonstrated at least a minimum appeal to the voters, the interests of justice were best served by allowing the names of all three candidates to appear on the ballot. *Merz v. Volberding*, 94 Ill. App. 3d 1111, 50 Ill. Dec. 520, 419 N.E.2d 628 (1 Dist. 1981).

—Purpose

The state has the right to require candidates to make a preliminary showing of substantial support in order to qualify for a place on the ballot, because it is both wasteful and confusing to encumber the ballot with the names of frivolous candidates. *Johnson v. Cook County Officers Electoral Bd.*, 680 F. Supp. 1229 (N.D. Ill. 1988).

The primary purpose of this section's signature requirement is to reduce the electoral process to manageable proportions by confining ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters. *Merz v. Volberding*, 94 Ill. App. 3d 1111, 50 Ill. Dec. 520, 419 N.E.2d 628 (1 Dist. 1981).

—Valid

Requiring the candidates for the suburban-district commissioner seats to obtain 25,000 nominating signatures from the suburbs did not unduly burden the candidates' right to run for those seats under a party name because the 25,000 signature rule required the support of only slightly more than 2% of suburban voters; therefore, just as the state could not cite the party's failure in the suburbs as reason for disqualifying its candidates in an urban county, neither could the party cite its success in the city district as a sufficient condition for running candidates in the suburbs. *Norman v. Reed*, 502 U.S. 279, 112 S. Ct. 698, 116 L. Ed. 2d 711 (1992).

Signers of Nominating Petition

The signers of nominating petitions for an office to be voted upon in an election in which registration is a prerequisite to voting must be registered. *Stout v. Black*, 8 Ill. App. 3d 167, 289 N.E.2d 456 (2 Dist. 1972).

10 ILCS 5/10-3.1 [Nonpartisan candidates; petitions]

Sec. 10-3.1. Petitions for nomination of nonpartisan candidates for offices to be filled at an election provided in Article 2A of this Code [10 ILCS 5/2A-1 et seq.] shall be in conformity with any requirements as to contents and number of signatures specified in the statute creating the political subdivision or providing the applicable form of government thereof. Petitions for nomination of nonpartisan candidates for municipal offices where the statute creating the municipality or providing the form of government

thereof, or the ordinance so providing, pursuant to Article VII of the Constitution, requires election to such office on a nonpartisan basis and does not permit political party nominations (including without limitation Articles 4 and 5 of the Municipal Code [65 ILCS 5/4-1-1 et seq. and 65 ILCS 5/5-1-1 et seq.]) shall be in conformity with any requirements as to contents and number of signatures specified in such statute or ordinance.

The provisions of this Article 10 [10 ILCS 5/10-1 et seq.] relating to independent candidate petition requirements shall apply to nonpartisan petitions to the extent they are not inconsistent with the requirements of such other statutes or ordinances.

If signature requirements for petitions for nomination of nonpartisan candidates are not specified in the statute creating the political subdivision or the signature requirements cannot be determined under Article 10 [10 ILCS 5/10-1 et seq.], the signature requirements for the nonpartisan candidates shall be at least 0.5% of the total number of registered voters of the political subdivision for which the nomination is made or a minimum of 25, whichever is greater.

(Source: P.A. 83-999; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-3.1.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added the last paragraph of the section.

CASE NOTES

Municipal Officers

—Manner of Selection

The power of a home rule municipality to choose the manner of selection of its officers includes the ability to decide by referendum whether the election of officers should be on a partisan or nonpartisan basis. *Boytor v. City of Aurora*, 81 Ill. 2d 308, 43 Ill. Dec. 1, 410 N.E.2d 1 (1980).

10 ILCS 5/10-4 Form of petition for nomination

Sec. 10-4. *Form of petition for nomination.* All petitions for nomination under this Article 10 for candidates for public office in this State, shall in addition to other requirements provided by law, be as follows: Such petitions shall consist of sheets of uniform size and each sheet shall contain, above the space for signature, an appropriate heading, giving the information as to name of candidate or candidates in whose behalf such petition is signed; the office; the party; place of residence; and such other information or wording as required to make same valid, and the heading of each sheet shall be the same. Such petition shall be signed by the qualified voters in their own proper persons only, and opposite the signature of each signer his residence address shall be written or printed. The residence address required to be written or printed opposite each

qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state. However, the county or city, village or town, and state of residence of such electors may be printed on the petition forms where all of the such electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with. At the bottom of each sheet of such petition shall be added a circulator's statement, signed by a person 18 years of age or older who is a citizen of the United States; stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; certifying that the signatures on that sheet of the petition were signed in his or her presence; certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition; and certifying that to the best of his knowledge and belief the persons so signing were at the time of signing the petition duly registered voters under Articles 4, 5 or 6 of the Code [10 ILCS 5/4-1 et seq., 10 ILCS 5/5-1 et seq., and 10 ILCS 5/6-1 et seq.] of the political subdivision or district for which the candidate or candidates shall be nominated, and certifying that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer authorized to administer oaths in this State. No petition sheet shall be circulated more than 90 days preceding the last day provided in Section 10-6 [10 ILCS 5/10-6] for the filing of such petition. Such sheets, before being presented to the electoral board or filed with the proper officer of the electoral district or division of the state or municipality, as the case may be, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets. A petition, when presented or filed, shall not be withdrawn, altered, or added to, and no signature shall be revoked except by revocation in writing presented or filed with the officers or officer with whom the petition is required to be presented or filed, and before the presentment or filing of such

petition. Whoever forges any name of a signer upon any petition shall be deemed guilty of a forgery, and on conviction thereof, shall be punished accordingly. The word "petition" or "petition for nomination", as used herein, shall mean what is sometimes known as nomination papers, in distinction to what is known as a certificate of nomination. The words "political division for which the candidate is nominated", or its equivalent, shall mean the largest political division in which all qualified voters may vote upon such candidate or candidates, as the state in the case of state officers; the township in the case of township officers et cetera. Provided, further, that no person shall circulate or certify petitions for candidates of more than one political party, or for an independent candidate or candidates in addition to one political party, to be voted upon at the next primary or general election, or for such candidates and parties with respect to the same political subdivision at the next consolidated election. (Source: P.A. 86-867; 87-1052, § 3; 88-89, § 3-5; 91-57, § 5; 92-129, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-4.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added "who has been a registered voter at all times he or she circulated the petition" preceding "for which the candidate or candidates shall be nominated" in the seventh sentence.

The 1993 amendment by P.A. 88-89, effective July 14, 1993, inserted in the seventh sentence and added at the end of the ninth sentence "or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election".

The 1999 amendment by P.A. 91-57, effective June 30, 1999, added the section heading; and substituted "county, and city, village or town, and state" for "city village or town" two times.

The 2001 amendment by P.A. 92-129, effective July 20, 2001, in the seventh sentence of the first paragraph inserted "circulator's", substituted "person 18 years of age or older who is a citizen of the United States" for "registered voter of the political division, who has been a registered voter at all times he or she circulated the petition, for which the candidate or candidates shall be nominated", deleted "of the voter" following "or rural route number", and substituted "county, city" for "voter's county, and city" preceding "village or town"; and deleted "or more than 45 days preceding the last day for filing of the petition in the case of political party and independent candidates for single or multi-county regional superintendents of schools in the 1994 general primary election" after "petition" at the end of the seventh and ninth sentences.

CASE NOTES

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Constitutionality

Although federal court decisions have found the statute unconstitutional to the extent that it requires petition circulators to be registered voters, this is not a basis for invalidating the entire statute. *Schober v. Young*, 322 Ill. App. 3d 996, 256 Ill. Dec. 220, 751 N.E.2d 610 (4 Dist. 2001).

The requirement that a nomination petition circulator for candidates running for public office in Illinois must add a statement, signed by a registered voter certifying that the signatures on that sheet of the petition were signed in his presence was unconstitutional. *Tbbin for Governor v. Illinois State Bd. of Elections*, 105 F. Supp. 2d 882 (N.D. Ill. 2000).

The requirement that a petition circulator must be a registered voter in the political district in which the petition is being circulated violates the First Amendment of the United States Constitution. *Young v. Illinois State Bd. of Elections*, 116 F. Supp. 2d 977 (N.D. Ill. 2000), aff'd, 234 F.3d 1275 (7th Cir. 2000).

This section is not unconstitutional in providing that persons having voted in a preceding primary election are precluded from signing an independent's nominating petition for an office for which candidates were selected at the primary. *Stout v. Black*, 8 Ill. App. 3d 167, 289 N.E.2d 456 (2 Dist. 1972).

This section was found to be constitutional. *Jackson v. Ogilvie*, 325 F. Supp. 864 (N.D. Ill.), aff'd, 403 U.S. 925, 91 S. Ct. 2247, 29 L. Ed. 2d 705 (1971).

The dual-circulation prohibition is constitutional as applied to a candidate's circulation of petitions both on his own behalf and for another candidate. *Schober v. Young*, 322 Ill. App. 3d 996, 256 Ill. Dec. 220, 751 N.E.2d 610 (4 Dist. 2001).

Applicability

This section applies to persons who did not run for office in the primary but simply circulated petitions on behalf of a candidate of a different party, or an independent candidate, and who later decided to run themselves. *Citizens ex rel. Moore Party v. Board of Election Comm'rs*, 845 F.2d 144 (7th Cir. 1988), cert. denied, 488 U.S. 1029, 109 S. Ct. 836, 102 L. Ed. 2d 968 (1989).

This section affected a person in his quest to be a candidate, not in his role as a speaker, since it does not regulate speech, and there is no fundamental right to be a candidate. *Citizens ex rel. Moore Party v. Board of Election Comm'rs*, 845 F.2d 144 (7th Cir. 1988), cert. denied, 488 U.S. 1029, 109 S. Ct. 836, 102 L. Ed. 2d 968 (1989).

Candidate's Address

—Mistyped

The legislature did not intend to deny voters and candidates important substantive rights due to minor paperwork defects; thus, one mistyped digit in a candidate's address in his nomination papers was not sufficient to have his name removed from the ballot. *Ryan v. Landek*, 159 Ill. App. 3d 10, 111 Ill. Dec. 97, 512 N.E.2d 1 (1 1987).

Circulator's Affidavits

—Mandatory Requirements

The statutory requirements of a circulator's affidavit of a petition for nomination are mandatory and not directory. *Schumann v. Kumarich*, 102 Ill. App. 3d 454, 58 Ill. Dec. 157, 430 N.E.2d 99 (1 Dist. 1981); *Ballentine v. Bardwell*, 132 Ill. App. 3d 1033, 88 Ill. Dec. 185, 478 N.E.2d 500 (1 Dist. 1985); *Jones v. Dodendorf*, 190 Ill. App. 3d 557, 137 Ill. Dec. 468, 546 N.E.2d 92 (2 Dist. 1989).

Circulator's Affidavits (Cont'd)**—Noncompliance**

Where a circulator's affidavits failed to provide the residence address of circulator, and an attestation that voters signing petition were registered voters, the information did not comply with the requirements of this section. *Schumann v. Kumarich*, 102 Ill. App. 3d 454, 58 Ill. Dec. 157, 430 N.E.2d 99 (1 Dist. 1981).

Evidence supported the trial court's finding that three persons paid to circulate a candidate's petitions for nomination did not comply with this section by failing to appear before a notary public and acknowledge that they circulated petitions and that signatures were signed in their presence and were genuine; therefore the petitions circulated by those individuals were invalid. *Williams v. Butler*, 35 Ill. App. 3d 532, 341 N.E.2d 394 (4 Dist. 1976).

—Political Division

Circulator's affidavits which stated that the circulators were registered voters of a "political division for which the candidate is seeking election" were sufficient and did not violate the terms of this section. *Ryan v. Landek*, 159 Ill. App. 3d 10, 111 Ill. Dec. 97, 512 N.E.2d 1 (1 Dist. 1987).

—Purpose

The statutory requirement that a circulator of a petition certify that he did circulate the petition and that the signatures were placed thereon in his presence and that they were genuine and that by his sworn statement he would subject himself to possible perjury prosecution, is a meaningful and realistic requirement designed to eliminate fraudulent signatures or perhaps a signing of large numbers of names to petitions by a few people. *Williams v. Butler*, 35 Ill. App. 3d 532, 341 N.E.2d 394 (4 Dist. 1976).

Compliance

Despite signatures on unnumbered pages and the absence of pages from nomination petition, where it was filed with more than the number of signatures required and petitioners never challenged most of those signatures, the nomination petition substantially complied with the requirements of this section. *King v. Justice Party*, 284 Ill. App. 3d 886, 220 Ill. Dec. 83, 672 N.E.2d 900 (1 Dist. 1996).

Technical compliance with every single provision of the Code is unnecessary to sustain a ballot, however, where the statute, as in this section, mandates the performance of certain acts or things and provides a penalty for noncompliance, strict compliance is deemed mandatory, and noncompliance with such provisions will invalidate the ballot. *Wollan v. Jacoby*, 274 Ill. App. 3d 388, 210 Ill. Dec. 841, 653 N.E.2d 1303 (1 Dist. 1995), appeal denied, 164 Ill. 2d 585, 214 Ill. Dec. 333, 660 N.E.2d 1282 (1995).

Constitutional Challenges**—Standard**

Constitutional challenges to specific provisions of a state's election laws cannot be resolved by any "litmus-paper" test that will separate valid from invalid restrictions; instead, a court must resolve such a challenge by an analytic process that parallels its work in ordinary litigation, by considering the character and magnitude of the asserted injury to the protected rights, identifying and evaluating the interests put forth by the state as its justifications, and by determining the legitimacy and strength of each of those interests and the extent to which those interests make it necessary to burden the plaintiff's rights. *Johnson v. Cook County Officers Electoral Bd.*, 680 F. Supp. 1229 (N.D. Ill. 1988).

A state election regulation will pass constitutional muster if it is nondiscriminatory and reasonably related to the state's important interest in protecting the integrity and reliability of the electoral process itself. *Johnson v. Cook County Officers Electoral Bd.*, 680 F. Supp. 1229 (N.D. Ill. 1988).

Construction

This section is a less restrictive alternative to a permissible "sore loser statute," one that would keep out of the general election everyone who entered a primary and did not win; one could lose a primary by withdrawing in the face of defeat as well as by sticking in to the bitter end, and where a candidate withdrew, this statute simply required him to show extra support by attracting a new group of circulators, a group large enough to replace his services as

a circulator in addition to the services of his other circulators. *Citizens ex rel. Moore Party v. Board of Election Comm'rs*, 845 F.2d 144 (7th Cir. 1988), cert. denied, 488 U.S. 1029, 109 S. Ct. 836, 102 L. Ed. 2d 968 (1989).

Page Numbering

The page numbering provision of this section is mandatory and not directory. *Wollan v. Jacoby*, 274 Ill. App. 3d 388, 210 Ill. Dec. 841, 653 N.E.2d 1303 (1 Dist. 1995), appeal denied, 164 Ill. 2d 585, 214 Ill. Dec. 333, 660 N.E.2d 1282 (1995).

A registered voter in a county, who observed that the pages in a candidate's package were unnumbered, lacked standing to intervene in the candidate's suit to issue an injunction directing the county Board of Election Commissioners to place his name on the ballot. *Moy v. Cowen*, 958 F.2d 168 (7th Cir. 1992).

Failure to number the pages of petitions for nomination invalidated them; argument that the numbering requirement was merely technical was without merit. *Jones v. Dodendorf*, 190 Ill. App. 3d 557, 137 Ill. Dec. 468, 546 N.E.2d 92 (2 Dist. 1989).

Page numbering requirement, aside from aiding in identification of specific pages, prevents tampering, by preserving not only the integrity of the petitions submitted, but also the election process in general. *Jones v. Dodendorf*, 190 Ill. App. 3d 557, 137 Ill. Dec. 468, 546 N.E.2d 92 (2 Dist. 1989).

Petition Forms**—Distribution**

Although the distribution of nominating petition forms by a community college was an affirmative act of a public body the failure of the form to include specific spaces for the necessary information omitted by candidates for the board of trustees of the community college could at most be seen as a ministerial error and not a governmental action of the board of trustees sufficient to warrant estoppel against the board. *Schumann v. Kumarich*, 102 Ill. App. 3d 454, 58 Ill. Dec. 157, 430 N.E.2d 99 (1 Dist. 1981).

Responsibility of the board of trustees of a community college to provide candidates for board with nominating petition forms did not absolve the candidates of the duty to provide the information required by this section to ensure a place on a ballot. *Schumann v. Kumarich*, 102 Ill. App. 3d 454, 58 Ill. Dec. 157, 430 N.E.2d 99 (1 Dist. 1981).

Petitions for Nomination**—Address of Candidate**

Where a candidate first circulated petitions for nomination under her former married name, and where she re-registered to vote in her maiden surname before the petitions were filed, candidate was a registered voter within the context of this section and should not have been prevented from having her name placed on the ballot, absent any intent to defraud the electoral board. *Marszalek v. Kelenson*, 212 Ill. App. 3d 836, 156 Ill. Dec. 897, 571 N.E.2d 877 (1 Dist. 1991).

—Dual Circulation

This section does not contain any express terms which prohibit a circulator from circulating nominating petitions for two or more independent candidates; therefore this section cannot be interpreted to prohibit dual circulation for two independent candidates. *McGuire v. Nogaj*, 146 Ill. App. 3d 280, 99 Ill. Dec. 945, 496 N.E.2d 1037 (1 Dist. 1986).

Due process was not violated when the Board of Election Commissioners circumvented its own regulation and allowed dual circulation of nominating petitions. *McGuire v. Nogaj*, 146 Ill. App. 3d 280, 99 Ill. Dec. 945, 496 N.E.2d 1037 (1 Dist. 1986).

—Fraud

Where a number of petition sheets were found to be false, the Board's refusal to undertake a particularized examination of individual signatures was not unreasonable and did not violate plaintiffs' First Amendment rights. *Johnson v. Cook County Officers Electoral Bd.*, 680 F. Supp. 1229 (N.D. Ill. 1988).

Where the Electoral Board invalidated all of a candidate's petition sheets after it found a pattern of fraud and false-swearing in some of them, this was not a change in agency policy in violation of the due process clause of the United States Constitution because it was an open question as to whether state election laws actually

Petitions for Nomination (Cont'd)

—Fraud (Cont'd)

required the Board to invalidate the sheets, and logic and common sense suggested the possibility that a Board charged with avoiding election fraud might adopt such an approach. *Johnson v. Cook County Officers Electoral Bd.*, 680 F. Supp. 1229 (N.D. Ill. 1988).

—Freedom of Speech

Where a candidate circulated signature petitions for one party, then withdraw and attempted to do the same for another party during the same election season, preventing him from doing so did not violate his First Amendment rights because this section regulates conduct, and it is both viewpoint-neutral and content-neutral; it did not affect the candidate's speech because he could go wherever he wanted and say anything he liked and he could even circulate all the petitions he wanted and collect all the signatures he liked, even though the signatures would not count toward the number needed to get him a place on the ballot. *Citizens ex rel. Moore Party v. Board of Election Comm'rs*, 845 F.2d 144 (7th Cir. 1988), cert. denied, 488 U.S. 1029, 109 S. Ct. 836, 102 L. Ed. 2d 968 (1989).

This section does not violate the First Amendment to the United States Constitution because it does not regulate speech; first, it attaches a consequence to running in a primary election and leaves unfettered those who did not, and second, it regulates conduct, the collection of signatures. *Citizens ex rel. Moore Party v. Board of Election Comm'rs*, 845 F.2d 144 (7th Cir. 1988), cert. denied, 488 U.S. 1029, 109 S. Ct. 836, 102 L. Ed. 2d 968 (1989).

—Invalid

Respondents' noncompliance with the mandatory provision of this section regarding page numbers and a statement as to when the petition was circulated invalidated the nominating petitions and required respondents' removal from the ballot. *Hagen v. Stone*, 277 Ill. App. 3d 388, 213 Ill. Dec. 932, 660 N.E.2d 189 (1 Dist. 1995).

Where a nominating petition circulator permitted individuals to sign their own names and the names of family members who were not present, and where someone other than the affiant actually presented the petition to signers, the entire petition sheets were invalidated rather than merely individual signatures. *Huskey v. Municipal Officers Electoral Bd.*, 156 Ill. App. 3d 201, 108 Ill. Dec. 859, 509 N.E.2d 555 (1 Dist. 1987).

—Multiple Filing Prohibited

This section prohibits candidates from filing multiple sets of nomination papers for a single office. *Stephens v. Education Officers Electoral Bd.*, 236 Ill. App. 3d 159, 177 Ill. Dec. 572, 603 N.E.2d 642 (1 Dist. 1992).

Signature Requirement

—Noncompliance

State Board of Election Commissioner's finding that a candidate lacked the minimum number of valid signatures necessary to be placed on the ballot was not improper. *Greene v. Board of Election Comm'rs*, 112 Ill. App. 3d 862, 68 Ill. Dec. 484, 445 N.E.2d 1337 (1 Dist. 1983).

—Residence

A person who signs a nominating petition must be registered to vote at the residence address set forth on the nominating petition. *Greene v. Board of Election Comm'rs*, 112 Ill. App. 3d 862, 68 Ill. Dec. 484, 445 N.E.2d 1337 (1 Dist. 1983).

Signers of Nominating Petitions

The signers of nominating petitions for an office to be voted upon in an election in which registration is a prerequisite to voting must be registered. *Stout v. Black*, 8 Ill. App. 3d 167, 289 N.E.2d 456 (2 Dist. 1972).

In order for a signatory to be disqualified, he must vote in a specific political primary and thereafter sign an independent nominating petition. *Jackson v. Ogilvie*, 325 F. Supp. 864 (N.D. Ill.), aff'd, 403 U.S. 925, 91 S. Ct. 2247, 29 L. Ed. 2d 705 (1971).

LEGAL PERIODICALS

For article, "State and Local Government: 1986-87 Illinois Law Survey," see 19 *Loy. U. Chi. L.J.* 691 (1987-88).

10 ILCS 5/10-5 [Candidate information]

Sec. 10-5. All petitions for nomination shall, besides containing the names of candidates, specify as to each:

1. The office or offices to which such candidate or candidates shall be nominated.

2. The new political party, if any, represented, expressed in not more than 5 words. However, such party shall not bear the same name as, nor include the name of any established political party as defined in this Article. This prohibition does not preclude any established political party from making nominations in those cases in which it is authorized to do so.

3. The place of residence of any such candidate or candidates with the street and number thereof, if any. In the case of electors for President and Vice-President of the United States, the names of candidates for President and Vice-President may be added to the party name or appellation.

Such certificate of nomination or nomination papers in addition shall include as a part thereof, the oath required by Section 7-10.1 of this Act [10 ILCS 5/7-10.1] and must include a statement of candidacy for each of the candidates named therein, except candidates for electors for President and Vice-President of the United States. Each such statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is qualified for the office specified and has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.] shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgments of deeds in this State, and may be in substantially the following form:

State of Illinois)
) SS.
County of)

I,, being first duly sworn, say that I reside at street, in the city (or village) of in the county of State of Illinois; and that I am a qualified voter therein; that I am a candidate for election to the office of to be voted upon at the election to be held on the day of,; and that I am legally qualified to hold such office and that I have filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, and I hereby request that my name be printed upon the official ballot for election to such office.

Signed
Subscribed and sworn to (or affirmed) before me by who is to me personally known, this day of,

Signed
(Official Character)

(Seal, if officer has one.)

In addition, a new political party petition shall have attached thereto a certificate stating the names and addresses of the party officers authorized to fill vacancies in nomination pursuant to Section 10-11 [10 ILCS 5/10-11].

Nomination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.] in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed. If the nomination papers of any candidate and the statement of economic interest of that candidate are not required to be filed with the same officer, the candidate must file with the officer with whom the nomination papers are filed a receipt from the officer with whom the statement of economic interests is filed showing the date on which such statement was filed. Such receipt shall be so filed not later than the last day on which nomination papers may be filed.

(Source: P.A. 84-551.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-5.

CASE NOTES

ANALYSIS

Circulator's Affidavits

- In General
- Improper Denial of Ballot Placement
- Legislative Intent
- New Political Party
- Directory Language
- Party Names
- Corporate City Name
- Established Party Abbreviation
- Established Party Name
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- Petitions for Nomination
- No Certificate of Names and Addresses
- Statement of Candidacy
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- Statement of Economic Interest
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- Filing
- Filing Requirements
- Office Designation
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Circulator's Affidavits

—In General

This section requires that a circulator, not the signers, of petitions for nomination certify under oath that the required statements are true; since the nominating petition itself is not an affidavit, certificate, or sworn oral declaration, the requirement of a circulator's affidavit is one of the primary safeguards against

fraudulent petitions for nomination. *Havens v. Miller*, 102 Ill. App. 3d 558, 57 Ill. Dec. 929, 429 N.E.2d 1292 (1 Dist. 1981).

Improper Denial of Ballot Placement

Where the village clerk notified plaintiff candidates that their names would not appear on the ballot because, after conferring with the village attorney, he had reached the decision that they were not in compliance with 10 ILCS 5/10-1 et seq., plaintiffs were improperly denied placement upon the ballot by the action of the village clerk. *Reynolds v. Conti*, 132 Ill. App. 2d 505, 270 N.E.2d 505 (1 Dist. 1971).

Legislative Intent

The intent of this section is that the name of the party, the names of the candidates, their residences, the offices they seek, their oaths, statements of candidacy, and statements of economic interest are all conditions precedent to access to the ballot; however, attachment of a certificate of the names and addresses of the persons authorized to fill vacancies is not a condition precedent to access to the ballot. *Peoples Indep. Party v. Petroff*, 191 Ill. App. 3d 706, 138 Ill. Dec. 915, 548 N.E.2d 145 (5 Dist. 1989).

New Political Party

—Directory Language

The provision in this section, stating that a new political party petition shall have the names and addresses of party officers attached, is directory, not mandatory. *Peoples Indep. Party v. Petroff*, 191 Ill. App. 3d 706, 138 Ill. Dec. 915, 548 N.E.2d 145 (5 Dist. 1989).

Party Names

—Corporate City Name

Use of the corporate name of a city in the name of a new political party did not violate this section, since the city's name was not that of an established political party. *Ryan v. Landek*, 159 Ill. App. 3d 10, 111 Ill. Dec. 97, 512 N.E.2d 1 (1 1987).

—Established Party Abbreviation

This section prohibited the Representation for Every Person (REP) Party from using REP as a part of its political party name because REP was a commonly accepted abbreviation for the Republican Party, an established party. *Doty v. Representation for Every Person Party*, 97 Ill. App. 3d 316, 52 Ill. Dec. 947, 422 N.E.2d 1156 (1 Dist. 1981).

The plain and ordinary meaning of the language of this section, which prohibits use of a party name that includes the name of an established political party, also prohibits including such name in any abbreviated form. *Doty v. Representation for Every Person Party*, 97 Ill. App. 3d 316, 52 Ill. Dec. 947, 422 N.E.2d 1156 (1 Dist. 1981).

—Established Party Name

To prevent misrepresentation and electoral confusion, the state may prohibit candidates running for office in one subdivision from adopting the name of a party established in another if they are not in any way affiliated with the party, particularly where the party and its self-described candidates coexist in the same geographical area, but the state could avoid these ills merely by requiring the candidates to get formal permission to use the name from the established party they seek to represent; therefore, the provision that prohibits "use of the name of an established party," so as to bar candidates running in one political subdivision from ever using the name of a political party established only in another, sweeps broader than necessary to advance electoral order and accordingly violates the right of political association of the First Amendment to the United States Constitution. *Norman v. Reed*, 502 U.S. 279, 112 S. Ct. 698, 116 L. Ed. 2d 711 (1992).

Where candidates may have in fact violated this section's prohibition against including the name of an established political party within the name of a new political party, they were nevertheless allowed to appear on the ballot as individuals without any party designation. *Ballentine v. Bardwell*, 132 Ill. App. 3d 1033, 88 Ill. Dec. 185, 478 N.E.2d 500 (1 Dist. 1985).

Where the name Independent Party of Countryside, although similar, was not the same as the name Countryside Independent Party, there was no violation of this section. *Foster v. Municipal*

Party Names (Cont'd)**—Established Party Name (Cont'd)**

Officers Electoral Bd., 119 Ill. App. 3d 721, 69 Ill. Dec. 555, 447 N.E.2d 990 (1 Dist. 1983).

—Municipality

It is a common practice to allow the use of the name of a municipality in the name of a new party; however, use of the name of a municipality should not be permitted if its use would cause any confusion or mistaken impressions in the minds of voters that the city has endorsed the new party. *Ryan v. Landek*, 159 Ill. App. 3d 10, 111 Ill. Dec. 97, 512 N.E.2d 1 (1 Dist. 1987).

Petitions for Nomination**—No Certificate of Names and Addresses**

A political party's failure to attach to its nominating petitions a certificate stating the names and addresses of the party officers authorized to nominate or fill vacancies did not preclude that party's candidates from being placed on the ballot. *Peoples Indep. Party v. Petroff*, 191 Ill. App. 3d 706, 138 Ill. Dec. 915, 548 N.E.2d 145 (5 Dist. 1989).

Statement of Candidacy**—Compliance**

City clerk had the authority to withhold candidates' names from the ballot where the candidate failed to file a statement of candidacy with their nominating papers. *North v. Hinkle*, 295 Ill. App. 3d 84, 229 Ill. Dec. 579, 692 N.E.2d 352 (2 Dist. 1998).

While the statement of candidacy requirement of this section is mandatory in the sense that it may not be disregarded, it is not mandatory in the sense that substantial rather than strict compliance mandates the removal of a candidate's names from the ballot. *Ballentine v. Bardwell*, 132 Ill. App. 3d 1033, 88 Ill. Dec. 185, 478 N.E.2d 500 (1 Dist. 1985).

—Subscribe and Swear

The word "shall" in reference to the clause requiring candidates to subscribe and swear to their statements of candidacy was held, because it activated the perjury provisions of the code, to be a mandatory, rather than a directory provision; therefore, a candidate for alderman who failed to subscribe to his statement of candidacy was precluded from having his name appear on the ballot. *Serwinski v. Board of Election Comm'rs*, 156 Ill. App. 3d 257, 108 Ill. Dec. 813, 509 N.E.2d 509 (1 Dist. 1987).

Statement of Economic Interest**—Accuracy**

The determination not to allow a candidate on the ballot constituted an improper sanction for a failure to adequately indicate which office was being sought. *Requena v. Cook County Officers Electoral Bd.*, 295 Ill. App. 3d 728, 230 Ill. Dec. 51, 692 N.E.2d 1217 (1 Dist. 1998), appeal denied, 178 Ill. 2d 595, 232 Ill. Dec. 852, 699 N.E.2d 1037 (1998).

Removal from the ballot of a candidate for elective office is not a permissible sanction for the candidate's filing, in relation to his candidacy, of a statement of economic interests which is not true, correct and complete due to inadvertence on the candidate's part. *Welch v. Johnson*, 147 Ill. 2d 40, 167 Ill. Dec. 989, 588 N.E.2d 1119 (1992).

County electoral board was not authorized to inquire into the truth and accuracy of a statement of economic interests which had been filed. *Troutman v. Keys*, 156 Ill. App. 3d 247, 108 Ill. Dec. 757, 509 N.E.2d 453 (1 Dist. 1987).

—Failure to File

Plaintiff's failure to comply with the requirement of filing a statement of economic interests rendered his nomination papers invalid. *Bolger v. Electoral Bd.*, 210 Ill. App. 3d 958, 155 Ill. Dec. 447, 569 N.E.2d 628 (2 Dist. 1991).

—False

This section provides no authority for the court to order removal of a candidate's name from the ballot for filing a false statement of economic interests. *Crudup v. Sims*, 292 Ill. App. 3d 1075, 226 Ill. Dec. 931, 686 N.E.2d 714 (1 Dist. 1997).

—Filing

Where a statement of economic interest was filed separately from other nomination papers, and with a different governmental agency, and where the statement made no reference to those papers nor that candidate was filing in reference to an election, the inclusion of the words "3rd Ward" on the statement did not describe the office of alderman of the 3rd Ward, as required not only by the Governmental Ethics Act in 5 ILCS 420/4A-104 but also by this section. *Jones v. Municipal Officers Electoral Bd.*, 112 Ill. App. 3d 926, 68 Ill. Dec. 522, 446 N.E.2d 256 (1 Dist. 1983).

—Filing Requirements

Since a statement of economic interest filed by petitioner in relation to his employment by the Board of Education could not be used to satisfy the filing requirements of this section with respect to his candidacy for alderman, the trial court properly affirmed the decision of the electoral board striking petitioner's name from the ballot. *Miceli v. Lavelle*, 114 Ill. App. 3d 311, 70 Ill. Dec. 111, 448 N.E.2d 989 (1 Dist. 1983).

—Office Designation

A candidate for circuit court judge failed to adequately indicate which office she was seeking when she listed "Circuit Court of Cook County". *Requena v. Cook County Officers Electoral Bd.*, 295 Ill. App. 3d 728, 230 Ill. Dec. 51, 692 N.E.2d 1217 (1 Dist. 1998), appeal denied, 178 Ill. 2d 595, 232 Ill. Dec. 852, 699 N.E.2d 1037 (1998).

Inclusion of the office sought on statement of economic interests is a mandatory requirement of this section. *Jones v. Municipal Officers Electoral Bd.*, 112 Ill. App. 3d 926, 68 Ill. Dec. 522, 446 N.E.2d 256 (1 Dist. 1983).

—Purpose

The legislature in enacting this section intended that certain information be available to the public prior to an election with respect to actual or potential conflicts of interest that a candidate might have. *Miceli v. Lavelle*, 114 Ill. App. 3d 311, 70 Ill. Dec. 111, 448 N.E.2d 989 (1 Dist. 1983).

—Thirty Day Deferral

The 30 day deferral provision for filing statements of economic interest pursuant to the Governmental Ethics Act in 5 ILCS 420/4A-105 was not applicable to statements filed pursuant to this section. *Miceli v. Lavelle*, 114 Ill. App. 3d 311, 70 Ill. Dec. 111, 448 N.E.2d 989 (1 Dist. 1983).

LEGAL PERIODICALS

For note, "The First Amendment Freedom of Association, in light of *Norman v. Reed*, 112 S.Ct. 698 (1992)," see 80 Ill. B.J. 416 (1992).

10 ILCS 5/10-5.1 [Nomination certificate; candidates' name]

Sec. 10-5.1. In the designation of the name of a candidate on a certificate of nomination or nomination papers the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman. (Source: P.A. 81-135.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-5.1.

CASE NOTES**Use of Title****—Sanctions**

Removal of a candidate's name from the ballot, rather than the

Use of Title (Cont'd)**—Sanctions (Cont'd)**

mere deletion of his title from the ballot, was an appropriate sanction for violation of this section where the candidate included title "Reverend" on his nomination papers. *Jones v. Municipal Officers Electoral Bd.*, 112 Ill. App. 3d 926, 68 Ill. Dec. 522, 446 N.E.2d 256 (1 Dist. 1983).

10 ILCS 5/10-6 Time and manner of filing

Sec. 10-6. *Time and manner of filing.* Except as provided in Section 10-3 [10 ILCS 5/10-3], certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by electors of the entire State, or any district not entirely within a county, or for congressional, state legislative or judicial offices, shall be presented to the principal office of the State Board of Elections not more than 141 nor less than 134 days previous to the day of election for which the candidates are nominated. The State Board of Elections shall endorse the certificates of nomination or nomination papers, as the case may be, and the date and hour of presentment to it. Except as otherwise provided in this section, all other certificates for the nomination of candidates shall be filed with the county clerk of the respective counties not more than 141 but at least 134 days previous to the day of such election. Certificates of nomination and nomination papers for the nomination of candidates for the offices of political subdivisions to be filled at regular elections other than the general election shall be filed with the local election official of such subdivision:

- (1) (Blank);
- (2) not more than 78 nor less than 71 days prior to the consolidated election; or
- (3) not more than 78 nor less than 71 days prior to the general primary in the case of municipal offices to be filled at the general primary election; or
- (4) not more than 78 nor less than 71 days before the consolidated primary in the case of municipal offices to be elected on a nonpartisan basis pursuant to law (including without limitation, those municipal offices subject to Articles 4 and 5 of the Municipal Code [65 ILCS 5/4-1-1 et seq. or 65 ILCS 5/5-1-1 et seq.]); or
- (5) not more than 78 nor less than 71 days before the municipal primary in even numbered years for such nonpartisan municipal offices where annual elections are provided; or
- (6) in the case of petitions for the office of multi-township assessor, such petitions shall be filed with the election authority not more than 78 nor less than 71 days before the consolidated election.

However, where a political subdivision's boundaries are co-extensive with or are entirely within the jurisdiction of a municipal board of election commissioners, the certificates of nomination and nomination papers for candidates for such political subdivision offices shall be filed in the office of such Board. (Source: P.A. 84-861; 90-358, § 5; 91-317, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-6.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, deleted subsection (1) which read "not more than 78 or less than 71 days prior to the nonpartisan election; or".

The 1999 amendment by P.A. 91-317, effective July 29, 1999, added the section heading; and substituted "141 days" for "99 days" and "134 days" for "92 days" in the first and third sentences.

CASE NOTES**ANALYSIS****Constitutionality
Filing****Constitutionality**

This section was found to be constitutional. *Jackson v. Ogilvie*, 325 F. Supp. 864 (N.D. Ill.), aff'd, 403 U.S. 925, 91 S. Ct. 2247, 29 L. Ed. 2d 705 (1971).

Filing

Objections are only properly filed with the election entity with whom the original nomination papers were filed. *Bush v. City of Champaign Electoral Bd.*, 271 Ill. App. 3d 991, 208 Ill. Dec. 509, 649 N.E.2d 565 (4 Dist. 1995).

Candidates' failure to file their statements of candidacy simultaneously with their nomination papers did not require that their names be removed from the ballot. *Bailentine v. Bardwell*, 132 Ill. App. 3d 1033, 88 Ill. Dec. 185, 478 N.E.2d 500 (1 Dist. 1985).

A former version of this section which required that certificates of nomination for township offices be filed 35 days prior to election was applicable only in townships, villages, and towns with a population of less than 5,000. *People ex rel. Ferry v. Palmer*, 1 Ill. 2d 384, 115 N.E.2d 609 (1953).

The former version of this statute stated that nominating papers were to be filed with the clerk of court, which direction was construed to mean with the clerk at his official office and during usual business hours, and to allow the clerk to accept nomination papers at any other time was contrary to the former election statute and gave unintended arbitrary power to the clerk. *Daniels v. Caverner*, 404 Ill. 372, 88 N.E.2d 823 (1949).

**10 ILCS 5/10-6.1 [Statements and reports;
notice of required filing]**

Sec. 10-6.1. The board or clerk with whom a certificate of nomination or nomination papers are filed shall notify the person for whom such papers are filed of the obligation to file statements of organization, reports of campaign contributions, and annual reports of campaign contributions and expenditures under Article 9 of this Act [10 ILCS 5/9-1 et seq.]. Such notice shall be given in the manner prescribed by paragraph (7) of Section 9-16 of this Code [10 ILCS 5/9-16(7)]. (Source: P.A. 81-1189.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-6.1.

**10 ILCS 5/10-6.2 [Nomination petitions;
place of filing]**

Sec. 10-6.2. The State Board of Elections, the election authority or the local election official with whom petitions for nomination are filed pursuant to this Article 10 [10 ILCS 5/10-1 et seq.] shall specify the place where filings shall be made and upon receipt shall endorse thereon the day and the hour

at which each petition was filed. Except as provided by Article 9 of The School Code [105 ILCS 5/9-1 et seq.], all petitions filed by persons waiting in line as of 8:00 a.m. on the first day for filing, or as of the normal opening hour of the office involved on such day, shall be deemed filed as of 8:00 a.m. or the normal opening hour, as the case may be. Petitions filed by mail and received after midnight of the first day for filing and in the first mail delivery or pickup of that day shall be deemed filed as of 8:00 a.m. of that day or as of the normal opening hour of such day, as the case may be. All petitions received thereafter shall be deemed filed in the order of actual receipt. Where 2 or more petitions are received simultaneously, the State Board of Elections, the election authority or the local election official with whom such petitions are filed 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. Such lottery shall be conducted within 9 days following the last day for petition filing and shall be open to the public. Seven days written notice of the time and place of conducting such random selection shall be given, by the State Board of Elections, the election authority, or local election official, to the Chairman of each political party, and to each organization of citizens within the election jurisdiction which was entitled, under this Code, at the next preceding election, to have pollwatchers present on the day of election. The State Board of Elections, the election authority or local election official shall post in a conspicuous, open and public place, at the entrance of the office, notice of the time and place of such lottery. The State Board of Elections shall adopt rules and regulations governing the procedures for the conduct of such lottery. All candidates shall be certified in the order in which their petitions have been filed and in the manner prescribed by Section 10-14 and 10-15 of this Article [10 ILCS 5/10-14 and 10 ILCS 5/10-15]. Where candidates have filed simultaneously, they shall be certified in the order determined by lot and prior to candidates who filed for the same office or offices at a later time. Certificates of nomination filed within the period prescribed in Section 10-6(2) [10 ILCS 5/10-6] for candidates nominated by caucus for township or municipal offices shall be subject to the ballot placement lottery for established political parties prescribed in Section 7-60 of this Code [10 ILCS 5/7-60].

If multiple sets of nomination papers are filed for a candidate to the same office, the State Board of Elections, appropriate election authority or local election official where the petitions are filed shall within 2 business days notify the candidate of his or her multiple petition filings and that the candidate has 3 business days after receipt of the notice to notify the State Board of Elections, appropriate election authority or local election official that he or she may cancel prior sets of petitions. If the candidate notifies the State Board of Elections, appropri-

ate election authority or local election official, the last set of petitions filed shall be the only petitions to be considered valid by the State Board of Elections, election authority or local election official. If the candidate fails to notify the State Board of Elections, appropriate election authority or local election official then only the first set of petitions filed shall be valid and all subsequent petitions shall be void.

(Source: P.A. 86-867; 86-874; 86-1028; 87-1052, § 3; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-6.2.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added the last paragraph.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, inserted "Section" twice in the last sentence of the first paragraph.

10 ILCS 5/10-7 [Withdrawal of name from nomination]

Sec. 10-7. Any person whose name has been presented as a candidate may cause his name to be withdrawn from any such nomination by his request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgment of deeds, and presented to the principal office or permanent branch office of the Board, the election authority, or the local election official, as the case may be, not later than the date for certification of candidates for the ballot. No name so withdrawn shall be printed upon the ballots under the party appellation or title from which the candidate has withdrawn his name. If the name of the same person has been presented as a candidate for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices within the 5 business days following the last day for petition filing. If he fails to withdraw as a candidate for all but one of such offices within such time, his name shall not be certified, nor printed on the ballot, for any office. However, nothing in this section shall be construed as precluding a judge who is seeking retention in office from also being a candidate for another judicial office. Except as otherwise herein provided, in case the certificate of nomination or petition as provided for in this Article shall contain or exhibit the name of any candidate for any office upon more than one of said certificates or petitions (for the same office), then and in that case the Board or election authority or local election official, as the case may be, shall immediately notify said candidate of said fact and that his name appears unlawfully upon more than one of said certificates or petitions and that within 3 days from the receipt of said notification, said candidate must elect as to which of said political party appellations or groups he desires

his name to appear and remain under upon said ballot, and if said candidate refuses, fails or neglects to make such election, then and in that case the Board or election authority or local election official, as the case may be, shall permit the name of said candidate to appear or be printed or placed upon said ballot only under the political party appellation or group appearing on the certificate of nomination or petition, as the case may be, first filed, and shall strike or cause to be stricken the name of said candidate from all certificates of nomination and petitions filed after the first such certificate of nomination or petition.

Whenever the name of a candidate for an office is withdrawn from a new political party petition, it shall constitute a vacancy in nomination for that office which may be filled in accordance with Section 10-11 of this Article [10 ILCS 5/10-11]; provided, that if the names of all candidates for all offices on a new political party petition are withdrawn or such petition is declared invalid by an electoral board or upon judicial review, no vacancies in nomination for those offices shall exist and the filing of any notice or resolution purporting to fill vacancies in nomination shall have no legal effect.

Whenever the name of an independent candidate for an office is withdrawn or an independent candidate's petition is declared invalid by an electoral board or upon judicial review, no vacancy in nomination for that office shall exist and the filing of any notice or resolution purporting to fill a vacancy in nomination shall have no legal effect.

All certificates of nomination and nomination papers when presented or filed shall be open, under proper regulation, to public inspection, and the State Board of Elections and the several election authorities and local election officials having charge of nomination papers shall preserve the same in their respective offices not less than 6 months. (Source: P.A. 86-875.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-7.

CASE NOTES

ANALYSIS

Dual Candidacy

—Aldermanic Elections

Incompatibility

—Not Shown

Multiple Filing

Vacancies

Withdrawal

Dual Candidacy

—Aldermanic Elections

This section's prohibition against an individual's dual candidacy for incompatible offices was not applicable to a nonpartisan aldermanic election. *Velazquez v. Soliz*, 141 Ill. App. 3d 1024, 96 Ill. Dec. 141, 490 N.E.2d 1346 (1 Dist. 1986).

Incompatibility

—Not Shown

Two positions on the board of trustees of a community college

district were not "incompatible" offices within the meaning of this section. *Stephens v. Education Officers Electoral Bd.*, 236 Ill. App. 3d 159, 177 Ill. Dec. 572, 603 N.E.2d 642 (1 Dist. 1992).

Multiple Filing

Since the two offices of trustee were not incompatible, a candidate's filing of a second set of nomination papers for a position as trustee constituted an attempt to add to the nomination papers previously filed, in violation of § 10-4 of the Election Code (10 ILCS 5/10-4). *Stephens v. Education Officers Electoral Bd.*, 236 Ill. App. 3d 159, 177 Ill. Dec. 572, 603 N.E.2d 642 (1 Dist. 1992).

Vacancies

This section provides for the filling of vacancies in the case of minority party candidates, and 10 ILCS 5/7-61 provides a means for filling vacancies or withdrawals in the case of candidates of majority parties who are nominated under 10 ILCS 5/7-1 et seq. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

Withdrawal

Voluntary withdrawal cannot serve to validate nomination papers which were void when filed. *Stephens v. Education Officers Electoral Bd.*, 236 Ill. App. 3d 159, 177 Ill. Dec. 572, 603 N.E.2d 642 (1 Dist. 1992).

Although it appeared that a candidate disregarded the moral obligation to be the candidate at the election after he had been nominated by the party, and although it appeared that he withdrew from that nomination in consideration of being paid by someone, this did not affect the validity of his withdrawal, provided it was not the result of a conspiracy by his opponent. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

This section provides that after the five day period allowed for the withdrawal of candidates has expired, any purported withdrawal filed after that time shall be null and void. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

10 ILCS 5/10-8 [Objections to nomination certificates]

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

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

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

Any legal voter of the political subdivision or district in which the candidate or public question is to be voted on, or any legal voter in the State in the case of a proposed amendment to Article IV of the Constitution or an advisory public question to be submitted to the voters of the entire State, having objections to any certificate of nomination or nomination papers or petitions filed, shall file an objector's petition together with a copy thereof in the principal office or the permanent branch office of the

State Board of Elections, or in the office of the election authority or local election official with whom the certificate of nomination, nomination papers or petitions are on file. In the case of nomination papers or certificates of nomination, the State Board of Elections, election authority or local election official shall note the day and hour upon which such objector's petition is filed, and shall, not later than 12:00 noon on the second business day after receipt of the petition, transmit by registered mail or receipted personal delivery the certificate of nomination or nomination papers and the original objector's petition to the chairman of the proper electoral board designated in Section 10-9 [10 ILCS 5/10-9] hereof, or his authorized agent, and shall transmit a copy by registered mail or receipted personal delivery of the objector's petition, to the candidate whose certificate of nomination or nomination papers are objected to, addressed to the place of residence designated in said certificate of nomination or nomination papers. In the case of objections to a petition for a proposed amendment to Article IV of the Constitution or for an advisory public question to be submitted to the voters of the entire State, the State Board of Elections shall note the day and hour upon which such objector's petition is filed and shall transmit a copy of the objector's petition by registered mail or receipted personal delivery to the person designated on a certificate attached to the petition as the principal proponent of such proposed amendment or public question, or as the proponents' attorney, for the purpose of receiving notice of objections. In the case of objections to a petition for a public question, to be submitted to the voters of a political subdivision, or district thereof, the election authority or local election official with whom such petition is filed shall note the day and hour upon which such objector's petition was filed, and shall, not later than 12:00 noon on the second business day after receipt of the petition, transmit by registered mail or receipted personal delivery the petition for the public question and the original objector's petition to the chairman of the proper electoral board designated in Section 10-9 [10 ILCS 5/10-9] hereof, or his authorized agent, and shall transmit a copy by registered mail or receipted personal delivery, of the objector's petition to the person designated on a certificate attached to the petition as the principal proponent of the public question, or as the proponent's attorney, for the purposes of receiving notice of objections.

The objector's petition shall give the objector's name and residence address, and shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board.

The provisions of this Section and of Sections 10-9, 10-10 and 10-10.1 [10 ILCS 5/10-9, 10 ILCS 5/10-10 and 10 ILCS 5/10-10.1] shall also apply to and

govern objections to petitions for nomination filed under Article 7 or Article 8 [10 ILCS 5/7-1 et seq. or 10 ILCS 5/8-1 et seq.], except as otherwise provided in Section 7-13 [10 ILCS 5/7-13] for cases to which it is applicable, and also apply to and govern petitions for the submission of public questions under Article 28 [10 ILCS 5/28-1 et seq.].

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-8.

Cross References.

As to the publication requirements for an Amendment to Ill. Const. (1970), Art. IV, see 5 ILCS 20/2.

CASE NOTES

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Constitutionality

Ballot-access provisions of this section and 10 ILCS 5/7-10 did not place an unconstitutional burden on candidates for primary elections because provisions sufficiently guarded against frivolous challenges and a neutral body holds a judicially reviewable hearing to determine whether any objections are well founded. *Krislov v. Rednour*, 946 F. Supp. 563 (N.D. Ill. 1996).

Construction with Other Laws

—Filing of Objection

5 ILCS 70/1, relating to the construction of statutes, does not apply to the 5 day period in which objections to nomination papers must be filed under this section. *Mierswa v. Kusper*, 121 Ill. App. 3d 430, 77 Ill. Dec. 14, 459 N.E.2d 1110 (1 Dist 1984).

Legislative Intent

—Notice Requirement

In requiring that notice be sent either by registered mail or receipted personal delivery, the legislature intended to increase the likelihood that interested parties would actually receive notice of a hearing. *Shiple v. Stephenson County Electoral Bd.*, 130 Ill. App. 3d 900, 85 Ill. Dec. 945, 474 N.E.2d 905 (2 Dist. 1985).

Libel

Objections filed to a petition to nominate an alderman rendered the person filing them, where the statements made in the objections were relevant, immune from a suit for an alleged libel. *Kimball v. Ryan*, 283 Ill. App. 456 (1 Dist. 1936).

Notice**—Method of Service**

Although some notice to interested parties is mandatory under the statute, the manner and method of service prescribed in this section is merely directory. *Shipley v. Stephenson County Electoral Bd.*, 130 Ill. App. 3d 900, 85 Ill. Dec. 945, 474 N.E.2d 905 (2 Dist. 1985).

—Substantial Compliance

Since the notice provision of this section is directory in nature, where it was substantially complied with, the electoral board had jurisdiction over a hearing on objection. *Shipley v. Stephenson County Electoral Bd.*, 130 Ill. App. 3d 900, 85 Ill. Dec. 945, 474 N.E.2d 905 (2 Dist. 1985).

Objections to Nominating Papers**—Not Waived**

Objectors did not waive their objections when they did not file them, in writing, within five business days after the petition to place a referendum on the ballot was filed. Nothing within the Code article covering the manner of bringing this referendum question (10 ILCS 5/6A-1 et seq.), is inconsistent with the provision of 10 ILCS 5/28-4, that at the hearing on the petition, the court may entertain all objections properly presented on or before the hearing date. *In re Voters*, 234 Ill. App. 3d 294, 176 Ill. Dec. 893, 602 N.E.2d 839 (2 Dist. 1992).

—Untimely Motion to Amend

Where separate petitioners filed objectors' petitions to candidate's nomination papers and one petitioner subsequently withdrew her petition, and appellant filed a motion to amend his petition to include the objection to signatures found in other petition, the County Officers Electoral Board did not abuse its discretion in refusing to permit appellant to amend his petition; the objector's petitions were filed on the final day for filing objections and, accordingly, when petitioner's motion to withdraw her objections was approved by the Board, the time for filing further objections had expired. *Stein v. Cook County Officers Electoral Bd.*, 264 Ill. App. 3d 447, 201 Ill. Dec. 628, 636 N.E.2d 1060 (1 Dist. 1994).

—Waived

Judgment of the circuit court declaring that defendants had forfeited their positions as elected officials of city for failing to file economic interest statements while they were candidates pursuant to the Governmental Ethics Acts in 5 ILCS 420/4A-101(g) was reversed due to the court's lack of subject matter jurisdiction where plaintiffs waived any objection to the defendants' status as candidates by not objecting to the sufficiency of the defendants' nomination papers in the manner prescribed by this section. *People ex rel. Klingelmueller v. Haas*, 111 Ill. App. 3d 88, 66 Ill. Dec. 856, 443 N.E.2d 782 (3 Dist. 1982).

Objections to Nomination Papers**—Power of School Board Secretary**

A school board secretary does not have the power to make determinations as to the timeliness of nominating papers from a mere time-stamp on the face of the papers since a time-stamp does not clearly establish that such papers are not in conformity with the Election Code. *Welch v. Educational Officers Electoral Bd.*, Ill. App. 3d , 255 Ill. Dec. 641, 750 N.E.2d 222, 2001 Ill. App. LEXIS 359 (1 Dist. 2001).

—With Whom Original Papers Filed

Objections are only properly filed with the election entity with whom the original nomination papers were filed. *Bush v. City of Champaign Electoral Bd.*, 271 Ill. App. 3d 991, 208 Ill. Dec. 509, 649 N.E.2d 565 (4 Dist. 1995).

Petitions for Nomination**—Evidence of Noncompliance**

Evidence was held to be sufficient to show that the nomination petitions filed by the plaintiffs failed to comply with the requirements of this section. *Havens v. Miller*, 102 Ill. App. 3d 558, 57 Ill. Dec. 929, 429 N.E.2d 1292 (1 Dist. 1981).

—Statement of Candidacy

City clerk had the authority to withhold candidates' names from the ballot where they failed to file a statement of candidacy with their nominating papers. *North v. Hinkle*, 295 Ill. App. 3d 84, 229 Ill. Dec. 579, 692 N.E.2d 352 (2 Dist. 1998).

Residence**—Address**

The "residence address" requirement of this section is mandatory. *Pochie v. Cook County Officers Electoral Bd.*, 289 Ill. App. 3d 585, 244 Ill. Dec. 697, 682 N.E.2d 258 (1 Dist. 1997).

Standing

Petitioner failed to sustain his burden of proving the affirmative defense of objector's lack of standing to challenge his nomination papers. *Morton v. State Officers Electoral Bd.*, 311 Ill. App. 3d 982, 244 Ill. Dec. 605, 726 N.E.2d 201 (4 Dist. 2000).

An objector must prove his standing as a registered voter as part of his prima facie case. *Dunham v. Naperville Tp. Officers Electoral Bd.*, 265 Ill. App. 3d 719, 203 Ill. Dec. 655, 640 N.E.2d 314 (2 Dist.), appeal denied, 158 Ill. 2d 550, 206 Ill. Dec. 835, 645 N.E.2d 1357 (1994).

The object of this Act, the nature of the duties imposed by it, and the benefits resulting from its protections are directed to the registered voters of Illinois. A liquor licensee, as a corporate entity, has no protected statutory interest under this Act, and it cannot fulfill the fundamental requirements of standing. *Ole, Ole, Inc. v. Kozubowski*, 187 Ill. App. 3d 277, 134 Ill. Dec. 895, 543 N.E.2d 178 (1 Dist. 1989).

Timeliness

The last day defendant could file his nomination papers was January 21, and, where record showed the petition was stamped received on January 30, the objection was untimely. *Thomas v. Powell*, 289 Ill. App. 3d 143, 224 Ill. Dec. 163, 681 N.E.2d 145 (1 Dist. 1997).

Objections to certificates of nomination and nomination papers are, in effect, dissolved by the general election. *Geer v. Kadera*, 173 Ill. 2d 398, 219 Ill. Dec. 525, 671 N.E.2d 692 (1996).

Where plaintiff did not file an objection until the day after the election, the defendant's nomination papers were already deemed valid by operation of this section and the board no longer had statutory authority to entertain plaintiff's objection. *Geer v. Kadera*, 173 Ill. 2d 398, 219 Ill. Dec. 525, 671 N.E.2d 692 (1996).

10 ILCS 5/10-9 [Electoral boards; designation]

Sec. 10-9. The following electoral boards are designated for the purpose of hearing and passing upon the objector's petition described in Section 10-8 [10 ILCS 5/10-8].

1. The State Board of Elections will hear and pass upon objections to the nominations of candidates for State offices, nominations of candidates for congressional, legislative and judicial offices of districts or circuits situated in more than one county, nominations of candidates for the offices of State's attorney or regional superintendent of schools to be elected from more than one county, and petitions for proposed amendments to the Constitution of the State of Illinois as provided for in Section 3 of Article XIV of the Constitution.

2. The county officers electoral board to hear and pass upon objections to the nominations of candidates for county offices, for congressional, legislative and judicial offices of a district or circuit coterminous with or less than a county, for school trustees to be voted for by the electors of the county or by the electors of a township of the county, for the office of

multi-township assessor where candidates for such office are nominated in accordance with this Code, and for all special district offices, shall be composed of the county clerk, or an assistant designated by the county clerk, the State's attorney of the county or an Assistant State's Attorney designated by the State's Attorney, and the clerk of the circuit court, or an assistant designated by the clerk of the circuit court, of the county, of whom the county clerk or his designee shall be the chairman, except that in any county which has established a county board of election commissioners that board shall constitute the county officers electoral board ex-officio.

3. The municipal officers electoral board to hear and pass upon objections to the nominations of candidates for officers of municipalities shall be composed of the mayor or president of the board of trustees of the city, village or incorporated town, and the city, village or incorporated town clerk, and one member of the city council or board of trustees, that member being designated who is eligible to serve on the electoral board and has served the greatest number of years as a member of the city council or board of trustees, of whom the mayor or president of the board of trustees shall be the chairman.

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

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

6. In all cases, however, where the Congressional or Legislative district is wholly within the jurisdiction of a board of election commissioners and in all cases where the school district or special district is wholly within the jurisdiction of a municipal board of election commissioners and in all cases where the municipality or township is wholly or partially within the jurisdiction of a municipal board of election commissioners, the board of election commissioners shall ex-officio constitute the electoral board.

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

In the event that any member of the appropriate board is a candidate for the office with relation to

which the objector's petition is filed, he shall not be eligible to serve on that board and shall not act as a member of the board and his place shall be filled as follows:

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

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

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

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

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

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

Any vacancies on an electoral board not otherwise filled pursuant to this Section shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county wherein the electoral board hearing is being held upon notification to the Chief Judge of such vacancies. 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 by this Section to serve on the electoral board are eligible, the chairman of an electoral board shall be designated by the Chief Judge. (Source: P.A. 87-570.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-9.

CASE NOTES

ANALYSIS

Authority of Electoral Board
 —Legislative Intent
 —Statutory Powers
 City Clerk
 —Authority
 Excusal of Members
 Hearing on Objections

- Change of Venue Jurisdiction
- Candidate's Eligibility
- Circuit Court

Authority of Electoral Board

—Legislative Intent

The legislature did not intend the Electoral Board to entertain constitutional challenges to procedures employed in obtaining signatures for primary nominating petitions. *Wiseman v. Elward*, 5 Ill. App. 3d 249, 283 N.E.2d 282 (1 Dist. 1972).

—Statutory Powers

As an administrative agency created by statute, a county officers electoral board may only exercise the powers conferred upon it by the legislature. *Sullivan v. County Officers Electoral Bd.*, 225 Ill. App. 3d 691, 167 Ill. Dec. 834, 588 N.E.2d 475 (2 Dist. 1992).

City Clerk

—Authority

In determining for himself that an election held on April 21, 1931, rather than one held on April 19, 1932, was the last preceding similar general election which furnished a basis for determining how many signatures should be signed to a petition to organize a new political party and nominate its candidates for office, a city clerk undertook to exercise judicial powers which he did not possess. *People ex rel. Deaton v. Gifford*, 353 Ill. 107, 186 N.E. 530 (1933).

Excusal of Members

This section, made applicable to the submission of referenda by 10 ILCS 5/28-4, should have been used to excuse the members of the Electoral Board and to appoint disinterested members to hear the objections, because petitioner's referendum mounted a direct challenge to each member's position and continued employment. *Anderson v. McHenry Tp.*, 289 Ill. App. 3d 830, 225 Ill. Dec. 56, 682 N.E.2d 1133 (2 Dist. 1997).

Hearing on Objections

—Change of Venue

Where county supervisor of assessments brought an action before the county electoral board to contest a petition for a referendum to make her position elective instead of appointive, supervisor did not have an implied right to a change of venue or substitution of judges despite allegations of partisanship raised by the supervisor in her petition. *Cook v. Pierce*, 122 Ill. App. 3d 1068, 78 Ill. Dec. 438, 462 N.E.2d 557 (5 Dist. 1984).

Jurisdiction

—Candidate's Eligibility

The appropriate administrative agency to consider a candidate's eligibility for the office of state representative was not the city board of election commissioners, but rather the State Board of Elections. *Velazquez v. Soliz*, 141 Ill. App. 3d 1024, 96 Ill. Dec. 141, 490 N.E.2d 1346 (1 Dist. 1986).

—Circuit Court

In a proceeding to challenge the nomination of a candidate and to contest an election, the village clerk who certified the nomination papers and the municipal officers electoral board were indispensable parties and were entitled to be heard in an action which so vitally affected their official functions, and since they were necessary parties and were not named as defendants, any order entered by the trial court would have been subject to direct or collateral attack for want of jurisdiction. *Black v. Termunde*, 14 Ill. App. 3d 937, 303 N.E.2d 803 (1 Dist. 1973).

10 ILCS 5/10-10 [Notice of objection to petition; hearing]

Sec. 10-10. Within 24 hours after the receipt of the certificate of nomination or nomination papers or proposed question of public policy, as the case may be, and the objector's petition, the chairman of the

electoral board other than the State Board of Elections shall send a call by registered or certified mail to each of the members of the electoral board, and to the objector who filed the objector's petition, and either to the candidate whose certificate of nomination or nomination papers are objected to or to the principal proponent or attorney for proponents of a question of public policy, as the case may be, whose petitions are objected to, 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 such officers and persons, which call shall set out the fact that the electoral board is required to meet to hear and pass upon the objections to nominations made for the office, designating it, and shall state the day, hour and place at which the electoral board shall meet for the purpose, which place shall be in the county court house in the county in the case of the County Officers Electoral Board, the Municipal Officers Electoral Board, the Township Officers Electoral Board or the Education Officers Electoral Board. The Township Officers Electoral Board may meet in the township offices, if they are available, rather than the county courthouse. In those cases where the State Board of Elections is the electoral board designated under Section 10-9 [10 ILCS 5/10-9], the chairman of the State Board of Elections shall, within 24 hours after the receipt of the certificate of nomination or nomination papers or petitions for a proposed amendment to Article IV of the Constitution or proposed statewide question of public policy, send a call by registered or certified mail to the objector who files the objector's petition, and either to the candidate whose certificate of nomination or nomination papers are objected to or to the principal proponent or attorney for proponents of the proposed Constitutional amendment or statewide question of public policy and shall state the day, hour and place at which the electoral board shall meet for the purpose, which place may be in the Capitol Building or in the principal or permanent branch office of the State Board. The day of the meeting shall not be less than 3 nor more than 5 days after the receipt of the certificate of nomination or nomination papers and the objector's petition by the chairman of the electoral board.

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

Service of such subpoenas shall be made by any sheriff or other person in the same manner as in cases in such court and the fees of such sheriff shall be the same as is provided by law, and shall be paid

by the objector or candidate who causes the issuance of the subpoena. In case any person so served shall knowingly neglect or refuse to obey any such subpoena, or to testify, the electoral board shall at once file a petition in the circuit court of the county in which such hearing is to be heard, or has been attempted to be heard, setting forth the facts, of such knowing refusal or neglect, and accompanying the petition with a copy of the citation and the answer, if one has been filed, together with a copy of the subpoena and the return of service thereon, and shall apply for an order of court requiring such person to attend and testify, and forthwith produce books and papers, before the electoral board. Any circuit court of the state, excluding the judge who is sitting on the electoral board, upon such showing shall order such person to appear and testify, and to forthwith produce such books and papers, before the electoral board at a place to be fixed by the court. If such person shall knowingly fail or refuse to obey such order of the court without lawful excuse, the court shall punish him or her by fine and imprisonment, as the nature of the case may require and may be lawful in cases of contempt of court.

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

In the event of a State Electoral Board hearing on objections to a petition for an amendment to Article IV of the Constitution pursuant to Section 3 of Article XIV of the Constitution, or to a petition for a question of public policy to be submitted to the voters of the entire State, the certificates of the county clerks and boards of election commissioners showing the results of the random sample of signatures on the petition shall be prima facie valid and accurate, and shall be presumed to establish the number of valid and invalid signatures on the petition sheets reviewed in the random sample, as prescribed in Section 28-11 and 28-12 of this Code [10 ILCS 5/28-11 and 10 ILCS 5/28-12]. Either party, however, may introduce evidence at such hearing to dispute the findings as to particular signatures. In addition to the foregoing, in the absence of competent evidence presented at such hearing by a party substantially challenging the results of a random sample, or showing a different result obtained by an additional sample, this certificate of a county clerk or board of election commissioners shall be presumed to establish the ratio of valid to invalid signatures within the particular election jurisdiction.

The electoral board shall take up the question as to whether or not the certificate of nomination or nomination papers or petitions are in proper form, and whether or not they were filed within the time and under the conditions required by law, and whether or not they are the genuine certificate of

nomination or nomination papers or petitions which they purport to be, and whether or not in the case of the certificate of nomination in question it represents accurately the decision of the caucus or convention issuing it, and in general shall decide whether or not the certificate of nomination or nominating papers or petitions on file are valid or whether the objections thereto should be sustained and the decision of a majority of the electoral board shall be final subject to judicial review as provided in Section 10-10.1 [10 ILCS 5/10-10.1]. The electoral board must state its findings in writing and must state in writing which objections, if any, it has sustained.

Upon the expiration of the period within which a proceeding for judicial review must be commenced under Section 10-10.1 [10 ILCS 5/10-10.1], the electoral board shall, unless a proceeding for judicial review has been commenced within such period, transmit, by registered or certified mail, a certified copy of its ruling, together with the original certificate of nomination or nomination papers or petitions and the original objector's petition, to the officer or board with whom the certificate of nomination or nomination papers or petitions, as objected to, were on file, and such officer or board shall abide by and comply with the ruling so made to all intents and purposes.

(Source: P.A. 85-293; 86-1348; 91-285, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-10.

Effect of Amendments.

The 1999 amendment by P.A. 91-285, effective January 1, 2000, inserted the second sentence in the first paragraph.

CASE NOTES

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Amended Decision

—Time for Review

Where an electoral board issued a decision denying an objector's objections to certification of a candidate, and four days later issued

Amended Decision (Cont'd)**—Time for Review (Cont'd)**

an amended decision clarifying its original decision, the ten day limit on filing petitions for review began on the day of the original decision, not the amended one. *Kozel v. State Bd. of Elections*, 126 Ill. 2d 58, 127 Ill. Dec. 714, 533 N.E.2d 796 (1988).

Authority of Electoral Board**—Grounds for Invalidation**

The Board invalidated the plaintiff's nomination papers on a ground never raised in the objection, and in so doing, exceeded its statutory authority. *Delay v. Board of Election Comm'rs*, 312 Ill. App. 3d 206, 244 Ill. Dec. 780, 726 N.E.2d 755 (1 Dist. 2000).

—Subpoenas

The Electoral Board did not commit reversible error in denying plaintiff's subpoena requests; however, the Electoral Board does not have unlimited discretion to deny the issuance of subpoenas. *Wiseman v. Elward*, 5 Ill. App. 3d 249, 283 N.E.2d 282 (1 Dist. 1972).

Hearing on Objections**—Appearance**

A candidate's participation in a proceeding contesting the validity of his nomination papers effectively waived his special and limited appearance where, although he repeatedly stated that he was making a special and limited appearance, he testified under oath as an adverse witness, cross-examined other witnesses and exhaustively argued the merits of his case before the board. *Greene v. Board of Election Comm'rs*, 112 Ill. App. 3d 862, 68 Ill. Dec. 484, 445 N.E.2d 1337 (1 Dist. 1983).

—Delayed

Where the Electoral Board convened one day after the time limit set forth in this section, but the plaintiff did not indicate what prejudice occurred by the delay, if any, under such circumstances, the Election Board's failing to convene in the designated time frame was not a fatal flaw. *Maske v. Kane County Officers Electoral Bd.*, 234 Ill. App. 3d 508, 175 Ill. Dec. 582, 600 N.E.2d 513 (2 Dist.), cert. denied, 147 Ill. 2d 628, 180 Ill. Dec. 151, 606 N.E.2d 1228 (1992).

—Timeliness

A candidate's rights may be adversely affected when the Electoral Board schedules its hearing well outside the time limits or fails to convene at all. *Maske v. Kane County Officers Electoral Bd.*, 234 Ill. App. 3d 508, 175 Ill. Dec. 582, 600 N.E.2d 513 (2 Dist.), cert. denied, 147 Ill. 2d 628, 180 Ill. Dec. 151, 606 N.E.2d 1228 (1992).

Although a hearing occurred two days beyond the statutory time limit, a petitioner did not show how he was prejudiced by the delay in the hearing date, and as he failed to raise the issue below, the issue was deemed waived. *Craig v. Electoral Bd.*, 207 Ill. App. 3d 1042, 152 Ill. Dec. 898, 566 N.E.2d 775 (5 Dist. 1991).

Where the chairman of the electoral board received objections to nomination petitions on September 1, and the hearing on those objections was held on September 8, following a Saturday, Sunday and legal holiday on Monday, the hearing was timely, and the board had authority to act. *Havens v. Miller*, 102 Ill. App. 3d 558, 57 Ill. Dec. 929, 429 N.E.2d 1292 (1 Dist. 1981).

Where objections were received by the chairman of the electoral board on a Monday so that the fifth day, or the last day, for the meeting was a Sunday, and a meeting was scheduled for the next Monday but two of the four members of the State Board of Elections were not able to be present on that Monday due to a winter storm, and the meeting was adjourned until Tuesday and where petitioner did not object to this delay, and the hearing was held on Tuesday, there was no merit to petitioner's objection to the jurisdiction of the board. *Williams v. Butler*, 35 Ill. App. 3d 532, 341 N.E.2d 394 (4 Dist. 1976).

Jurisdiction**—Electoral Board**

Since the function of an electoral board is limited to a consideration of objections to a candidate's nomination papers, an electoral board has no authority to certify, or to refuse to certify, candidates.

Kozel v. State Bd. of Elections, 126 Ill. 2d 58, 127 Ill. Dec. 714, 533 N.E.2d 796 (1988).

Electoral board was not given statutory jurisdiction to inquire into the truth and accuracy of a statement of economic interests. *Troutman v. Keys*, 156 Ill. App. 3d 247, 108 Ill. Dec. 757, 509 N.E.2d 453 (1 Dist. 1987).

Notice of Hearings**—In General**

An election board is not required to attempt to give actual notice of a hearing regarding an objection to a nominating petition to all individuals that have signed the petition. *Tbbin for Governor v. Illinois State Bd. of Elections*, 105 F. Supp. 2d 882 (N.D. Ill. 2000).

—Compliance

Strict compliance with this section's notice provisions was made impossible for the defendant by the plaintiffs' own failure to name a principal proponent with the submission of their petitions. *Johnson v. Theis*, 282 Ill. App. 3d 966, 218 Ill. Dec. 447, 669 N.E.2d 590 (2 Dist. 1996), appeal denied, 168 Ill. 2d 593, 219 Ill. Dec. 565, 671 N.E.2d 732 (1996).

—Location

The Electoral Board's failure to include the location of the initial hearing on the notices mailed to the circulators did not nullify the Electoral Board's action in sustaining the objections to the plaintiffs' petitions and because the Electoral Board had jurisdiction over the objections to the petitions, no action for mandamus would lie. *Johnson v. Theis*, 282 Ill. App. 3d 966, 218 Ill. Dec. 447, 669 N.E.2d 590 (2 Dist. 1996), appeal denied, 168 Ill. 2d 593, 219 Ill. Dec. 565, 671 N.E.2d 732 (1996).

—Method of Service

Where a defendant received notice of a hearing by registered or certified mail, the failure to send him an identical copy of the notice by the redundant method of sheriff's service was not a fatal flaw. *Havens v. Miller*, 102 Ill. App. 3d 558, 57 Ill. Dec. 929, 429 N.E.2d 1292 (1 Dist. 1981).

Objections**—Candidate's Eligibility**

All objections to a candidate's eligibility to run for office must be resolved by the procedures set out in the Election Code (see this section). *People ex rel. Klingelmueller v. Haas*, 111 Ill. App. 3d 88, 66 Ill. Dec. 856, 443 N.E.2d 782 (3 Dist. 1982).

Rules of Procedure

The statute does not require that rules of procedure of the Electoral Board be written or published. *Carnell v. Madison County Officers Electoral Bd.*, 299 Ill. App. 3d 419, 233 Ill. Dec. 698, 701 N.E.2d 548 (5 Dist. 1998).

Subpoenas**—Issuance Not Error**

Where subpoenas were issued by the circuit court rather than by the electoral board's chairman, and where no allegation was made that witnesses served with said subpoenas were not present at the hearing, there was no error in the issuance of the subpoena. *Craig v. Electoral Bd.*, 207 Ill. App. 3d 1042, 152 Ill. Dec. 898, 566 N.E.2d 775 (5 Dist. 1991).

10 ILCS 5/10-10.1 [Electoral board decisions; judicial review]

Sec. 10-10.1. Except as otherwise provided in this Section, a candidate or objector aggrieved by the decision of an electoral board may secure judicial review of such decision in the circuit court of the county in which the hearing of the electoral board was held. The party seeking judicial review must file a petition with the clerk of the court within 10 days after the decision of the electoral board. The petition shall contain a brief statement of the reasons why

the decision of the board should be reversed. The petitioner shall serve a copy of the petition upon the electoral board and other parties to the proceeding by registered or certified mail and shall file proof of service with the clerk of the court. No answer to the petition need be filed, but any answer must be filed within 10 days after the filing of the petition.

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

An objector or proponent aggrieved by the decision of an electoral board regarding a petition filed pursuant to Section 18-120 of the Property Tax Code [35 ILCS 200/18-120] may secure a review of such decision by the State Board of Elections. The party seeking such review must file a petition therefor with the State Board of Elections within 10 days after the decision of the electoral board. Any such objector or proponent may apply for and obtain judicial review of a decision of the State Board of Elections entered under this amendatory Act of 1985, in accordance with the provisions of the Administrative Review Law, as amended [735 ILCS 5/3-101 et seq.].

(Source: P.A. 84-751; 88-670, § 3-5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-10.1.

Effect of Amendments.

The 1994 amendment by P.A. 88-670, effective December 2, 1994, in the third paragraph, in the first sentence, substituted "18-120 of the Property Tax Code" for "162a of the 'Revenue Act of 1939', filed May 17, 1939, as amended".

CASE NOTES

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Abstention by Federal Court

The three-part test for determining whether a federal court should abstain from hearing a particular case is: (1) is there an ongoing state judicial proceeding; (2) do the proceedings implicate important state interests; and (3) is there an adequate opportunity in the state proceedings to raise constitutional issues. *Johnson v. Cook County Officers Electoral Bd.*, 680 F. Supp. 1229 (N.D. Ill. 1988).

Adequate State Remedy

In an action challenging the constitutionality of section 10 ILCS 5/7-10, since this section provides for state court judicial review of decisions of the Electoral Board and provides an adequate remedy at law, and since there were several actions involving virtually the same parties and the same legal and factual issues pending in state courts initiated pursuant to this section, a temporary restraining order issued by a federal district court would not have been proper. *Ament v. Kusper*, 370 F. Supp. 65 (N.D. Ill. 1974).

Complaint

—Failure to Name Party

In an action objecting to the nominating documents for local elections, the circuit court did not err in refusing to dismiss petitioner's petition for failure to name the county clerk as a party. *Allord v. Municipal Officers Electoral Bd.*, 288 Ill. App. 3d 897, 224 Ill. Dec. 564, 682 N.E.2d 125 (1 Dist. 1997).

—Timeliness

Timely filing of an administrative review complaint is jurisdictional and cannot be waived. *Merwin v. State Bd. of Elections*, 229 Ill. App. 3d 236, 170 Ill. Dec. 820, 593 N.E.2d 709 (1 Dist. 1992).

Decision of Electoral Board

—Legislative Intent

The legislative intent is that the decisions of the Electoral Board are final and, unless "clearly fraudulent," cannot be reviewed; relief from unjust and unfair decisions is confined to exceptional and extraordinary cases and where there was nothing in the record which showed that the decision of the Board was clearly fraudulent, that decision could not be reviewed. *Coles v. Holzman*, 55 Ill. App. 2d 93, 204 N.E.2d 162 (1 Dist. 1964).

—Mandamus

Mandamus will lie to expunge a void order or decision entered by an electoral board. *Caldwell v. Nolan*, 167 Ill. App. 3d 1057, 118 Ill. Dec. 720, 522 N.E.2d 175 (1 Dist. 1988).

—Rehearing

Once an electoral board has issued a written decision on an objection to a statement of candidacy, the board lacks jurisdiction to permit a rehearing of that decision or entertain any motions to alter or modify that decision; rather an aggrieved party's remedy lies in the judicial review procedure specifically authorized by the Election Code. *Caldwell v. Nolan*, 167 Ill. App. 3d 1057, 118 Ill. Dec. 720, 522 N.E.2d 175 (1 Dist. 1988).

—Review

The decision of a majority of the Electoral Board as to the validity of all nomination papers and any objections filed thereto is final and, unless clearly fraudulent, will not be reviewed. *People ex rel. Talerico v. Lata*, 96 Ill. App. 2d 34, 238 N.E.2d 217 (1 Dist. 1968).

Without a showing that the Electoral Board's action was clearly fraudulent, its order denying names a place on the ballot would not be upset. *People ex rel. Talerico v. Lata*, 96 Ill. App. 2d 34, 238 N.E.2d 217 (1 Dist. 1968).

Where the Electoral Board's interpretation of the law, as to certain objections, was not so unreasonable as to make the Board's decision fraudulent, the appellate court had no power to review it even though the Board's interpretation of the law may have been incorrect. *Hatch v. Holzman*, 55 Ill. App. 2d 168, 204 N.E.2d 157 (1 Dist. 1964).

Illustrative Cases

Petitioner did not comply with the four requirements of this section; therefore, the circuit court was prevented from exercising jurisdiction. *Allord v. Municipal Officers Electoral Bd.*, 288 Ill. App. 3d 897, 224 Ill. Dec. 564, 682 N.E.2d 125 (1 Dist. 1997).

Injunctions

A court of equity will not use its injunctive powers to interfere in any manner with the freedom of elections, for the reason that elections involve political and not civil rights. *People ex rel. Schlaman v. Electoral Bd.*, 4 Ill. 2d 504, 122 N.E.2d 532 (1954).

Judicial Review

—Appeals

The Administrative Review Law does not dictate procedural requirements that must be followed in order to appeal a decision rendered by the Electoral Board, and does not require that petitioners be allowed to amend their petition for judicial review. *Bill v. Education Officers Electoral Bd.*, 299 Ill. App. 3d 548, 233 Ill. Dec. 619, 701 N.E.2d 262 (1 Dist. 1998), appeal denied, 182 Ill. 2d 547, 236 Ill. Dec. 668, 707 N.E.2d 1238 (1999).

Judicial review of an Electoral Board's findings does not end with the judgment of the circuit court following its review of the record of the hearing before that Electoral Board; a contrary construction of this section is an unconstitutional limitation upon the exclusive authority of the Supreme Court to make rules governing appeals and contrary to the plain language of Rule 301, Supreme Court Rules. *Gilbert v. Municipal Officers Electoral Bd.*, 97 Ill. App. 3d 847, 53 Ill. Dec. 283, 423 N.E.2d 952 (2 Dist. 1981).

Although there was no substantial question presented in an appeal of an election certification case, and the appeal was disposed of without oral argument, where an opinion could have precedential value, especially when a decision of an Electoral Board was contested close to the primary elections, a written opinion was issued. *Petterson v. Scoville*, 83 Ill. App. 3d 746, 39 Ill. Dec. 204, 404 N.E.2d 795 (5 Dist. 1980).

—Deferential Approach

The court is required to take a deferential approach to the factual findings made on disputed issues and review of the electoral board's decision on such questions of fact does not extend to a de novo assessment of the evidence. *Dillavou v. County Officers Electoral Bd.*, 260 Ill. App. 3d 127, 198 Ill. Dec. 516, 632 N.E.2d 1127 (4 Dist.), appeal denied, 157 Ill. 2d 498, 205 Ill. Dec. 159, 642 N.E.2d 1276 (1994).

—Final Order

The legislature intended that a decision of a circuit court in reviewing an order of an electoral board be final; therefore, the appellate court had no jurisdiction to hear an appeal. *Lawrence v. Board of Election Comm'rs*, 45 Ill. App. 3d 776, 4 Ill. Dec. 421, 360 N.E.2d 168 (5 Dist. 1977).

—Hearing Timing

The plain language of the statute indicates that the legislature intended the judicial review to be an expedited proceeding; however, the statute does not provide that the 30 day requirement is jurisdictional or that the hearing must be concluded within 30 days of the filing of the petition. *Sakonyi v. Lindsey*, 261 Ill. App. 3d 821, 199 Ill. Dec. 605, 634 N.E.2d 444 (5 Dist. 1994).

—Multiple Board Decisions

Where petitioner's filing of a single complaint related to four separate objections to the nominating petitions for a school board election, the court had jurisdiction to hear the single petition for review; petitioner did not have to file four separate complaints. *Hagen v. Stone*, 277 Ill. App. 3d 388, 213 Ill. Dec. 932, 660 N.E.2d 189 (1 Dist. 1995).

—Purpose

Judicial review of decisions of an electoral board is not intended to provide a de novo hearing but merely to provide a remedy against arbitrary or unsupported decisions. *Williams v. Butler*, 35 Ill. App. 3d 532, 341 N.E.2d 394 (4 Dist. 1976).

—Standard for Reversal

On appeal, a decision of the electoral board will not be reversed or set aside unless it is against the manifest weight of the evidence. *Jones v. Dodendorf*, 190 Ill. App. 3d 557, 137 Ill. Dec. 468, 546 N.E.2d 92 (2 Dist. 1989); *Bryant v. Cook County Electoral Bd.*, 195 Ill. App. 3d 556, 142 Ill. Dec. 675, 553 N.E.2d 25 (1 Dist. 1990).

Jurisdiction

—Appellate Court

Because appellate court jurisdiction to hear appeals from final

judgments of the circuit court is granted by Ill. Const. (1970), Art. VI, § 11, it is of no consequence that an applicable statute does not provide for appellate review. *Havens v. Miller*, 102 Ill. App. 3d 558, 57 Ill. Dec. 929, 429 N.E.2d 1292 (1 Dist. 1981).

The appellate court has no jurisdiction to hear an appeal from circuit court on review of an order of electoral board. *Lawrence v. Board of Election Comm'rs*, 45 Ill. App. 3d 776, 4 Ill. Dec. 421, 360 N.E.2d 168 (5 Dist. 1977).

—Circuit Court

Where the plaintiff filed his petition for judicial review with the clerk of the court within ten days after the Board issued its decision, stated the reasons why the Board's decision should be reversed, served copies of the petition upon the Board and all other parties to the proceeding via certified mail within ten days of the filing of the petition, and filed a proof of service with the clerk of the court, the plaintiff complied with each of the requirements of this section and the trial court erred in dismissing the cause for lack of subject matter jurisdiction. *Delay v. Board of Election Comm'rs*, 312 Ill. App. 3d 200, 244 Ill. Dec. 682, 726 N.E.2d 657 (1 Dist. 2000).

The plaintiffs' failure to name and serve the individual members of the Electoral Board deprived the circuit court of subject matter jurisdiction over the proceedings. *Bill v. Education Officers Electoral Bd.*, 299 Ill. App. 3d 548, 233 Ill. Dec. 619, 701 N.E.2d 262 (1 Dist. 1998), appeal denied, 182 Ill. 2d 547, 236 Ill. Dec. 668, 707 N.E.2d 1238 (1999).

There exist four distinct requirements that must be complied with in order to properly confer jurisdiction upon the circuit court: (1) a challenging petition must be filed with the clerk of the court within 10 days after the Electoral Board issues its decision, (2) the petition must state briefly the reasons why the board's decision should be reversed, (3) the petitioner must serve copies of the petition upon the electoral board and other parties to the proceeding by registered or certified mail, and (4) the petitioner must file proof of service with the clerk of the court. *Bill v. Education Officers Electoral Bd.*, 299 Ill. App. 3d 548, 233 Ill. Dec. 619, 701 N.E.2d 262 (1 Dist. 1998), appeal denied, 182 Ill. 2d 547, 236 Ill. Dec. 668, 707 N.E.2d 1238 (1999).

The granting of judicial review under this section was never intended to vest the circuit courts with jurisdiction to conduct a de novo hearing into the validity of a candidate's nomination papers; the electoral board is vested with original jurisdiction to hear such disputes. *Geer v. Kadera*, 173 Ill. 2d 398, 219 Ill. Dec. 525, 671 N.E.2d 692 (1996).

A circuit court has the power to review a decision of an electoral board but has no original jurisdiction in such matters. *People ex rel. Klingmueller v. Haas*, 111 Ill. App. 3d 88, 66 Ill. Dec. 856, 443 N.E.2d 782 (3 Dist. 1982).

Judgment of circuit court declaring that defendants had forfeited their positions as elected officials of city for failing to file economic interest statements while they were candidates pursuant to the Governmental Ethics Acts (5 ILCS 420/4A-101(g)) was reversed, because plaintiffs waived any objection to the defendants' status as candidates by not objecting to the sufficiency of the defendants' nomination papers in the manner prescribed by 10 ILCS 5/10-8, thus denying the circuit court of subject matter jurisdiction. *People ex rel. Klingmueller v. Haas*, 111 Ill. App. 3d 88, 66 Ill. Dec. 856, 443 N.E.2d 782 (3 Dist. 1982).

In a proceeding to challenge the nomination of a candidate and to contest an election, the village clerk who certified the nomination papers and the Municipal Officers Electoral Board were indispensable parties and were entitled to be heard in an action which so vitally affected their official functions, and since they were necessary parties and were not named as defendants, any order entered by the trial court would have been subject to direct or collateral attack for want of jurisdiction. *Black v. Termunde*, 14 Ill. App. 3d 937, 303 N.E.2d 803 (1 Dist. 1973).

The question of whether a person elected to office possesses the necessary qualifications can only be determined by information in the nature of quo warranto; the jurisdiction of the court in a contest of an election is limited to the question of who was elected. *Dilcher v. Schorik*, 207 Ill. 528, 69 N.E. 807 (1904).

Necessary Party

The individual members of the Electoral Board were necessary parties for review of its decision that petitioner's nominating papers were insufficient because each of the board's members

Necessary Party (Cont'd)

signed the written decision from which the plaintiff sought review. *Russ v. Hoffman*, 288 Ill. App. 3d 281, 224 Ill. Dec. 204, 681 N.E.2d 519 (1 Dist. 1997).

Since it was the editorial board that made the decision from which petitioner sought judicial review, it was a necessary party to the action. *Russ v. Hoffman*, 288 Ill. App. 3d 281, 224 Ill. Dec. 204, 681 N.E.2d 519 (1 Dist. 1997).

Nomination Papers

A person cannot be removed from office vis-a-vis a statutory election contest merely because of a deficiency in his or her nomination papers. *Geer v. Kadera*, 173 Ill. 2d 398, 219 Ill. Dec. 525, 671 N.E.2d 692 (1996).

Petition for Review**—Time of Filing**

Where the official office hours of the clerk of the circuit court of county ended at 4:30 p.m. on each business day, the petitioners did not timely file their petition for judicial review by presenting it to a deputy clerk prior to 4:30 p.m.; as a result, the petition was not filed until the next day, when it was file stamped and the petition was properly dismissed as not timely filed. *McReynolds v. Hartley*, 251 Ill. App. 3d 1038, 191 Ill. Dec. 323, 623 N.E.2d 913 (3 Dist. 1993).

Requirements for Jurisdiction

This section includes four explicit requirements that must be met before the circuit court may obtain jurisdiction over the case: (1) a challenging petition must be filed with the clerk of the court within ten days after the electoral board issues its decision; (2) the petition shall state briefly the reasons why the board's decision should be reversed; (3) the petitioner shall serve copies of the petition upon the electoral board and other parties to the proceeding by registered or certified mail; and (4) the petitioner shall file proof of service with the clerk of the court. *Allord v. Municipal Officers Electoral Bd.*, 288 Ill. App. 3d 897, 224 Ill. Dec. 564, 682 N.E.2d 125 (1 Dist. 1997).

Scope of Review

Where the court was limited in its jurisdictional authority by the review procedures set forth in this section and the plaintiffs failed to strictly pursue those procedures, the trial court had no jurisdiction to review the Electoral Board's decision on the merits. *Johnson v. Theis*, 282 Ill. App. 3d 966, 218 Ill. Dec. 447, 669 N.E.2d 590 (2 Dist. 1996), appeal denied, 168 Ill. 2d 593, 219 Ill. Dec. 565, 671 N.E.2d 732 (1996).

Review of Electoral Board decisions should not exceed the record made before that Board. *Wiseman v. Elward*, 5 Ill. App. 3d 249, 283 N.E.2d 282 (1 Dist. 1972).

10 ILCS 5/10-11 [Vacancy in nomination of a candidate]

Sec. 10-11. Any vacancy in the nomination of a new political party candidate occurring prior to the date of certification of candidates for the ballot by the certifying board or officer must be filled prior to the date of certification. The resolution to fill such vacancy shall be sent by U.S. mail or personal delivery to the certifying officer or board within 3 days of the action by which the vacancy was filled; provided, if such resolution is sent by mail and the U.S. postmark on the envelope containing such resolution is dated prior to the expiration of such 3 day limit, the notice or resolution shall be deemed filed within such 3 day limit. Failure to so transmit the notice or resolution within the time specified in this Section shall authorize the certifying officer or board to certify the original candidate. Vacancies shall be filled by the new political party officers.

Any vacancy in nomination occurring after certification but prior to 15 days before a regular election shall be filled by the new political party officers within 8 days after the event creating the vacancy in the manner heretofore prescribed.

The resolution to fill a vacancy in nomination shall be duly acknowledged before an officer qualified to take acknowledgements of deeds and shall include, upon its face, the following information:

(a) the name of the original nominee and the office vacated;

(b) the date on which the vacancy occurred;

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

The resolution to fill a vacancy in nomination shall be accompanied by a Statement of Candidacy, as prescribed in Section 10-5 [10 ILCS 5/10-5], completed by the selected nominee and a receipt indicating that such nominee has filed a statement of economic interests as required by the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.].

The provisions of Sections 10-8 through 10-10.1 [10 ILCS 5/10-8 through 10 ILCS 5/10-10.1] relating to objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall apply to and govern objections to resolutions for filling a vacancy in nomination.

Any vacancy in nomination occurring 15 days or less before a regular election shall not be filled. In this event the certification of the original candidate shall stand and his name shall appear on the official ballot to be voted at the election.

A vacancy in nomination occurs when a candidate who has been nominated under the provisions of Section 10-2 [10 ILCS 5/10-2] dies before the election, or declines the nomination; provided that nomination may become vacant for other reasons.

However, the provisions of this Section shall not apply to any vacancy in nomination for a municipal office for which the Municipal Code [65 ILCS 5/1-1-1 et seq.], as now or hereafter amended, provides a different method for filling such vacancy, and the applicable provision of the Municipal Code [65 ILCS 5/1-1-1 et seq.] shall govern in such cases.

Any vacancy in a nomination by caucus of an established political party for a township or municipal office shall be filled in accordance with Section 7-61 of this Code [10 ILCS 5/7-61].

For purposes of this Section, the words "certify" and "certification" shall refer to the act of officially declaring the names of candidates entitled to be printed upon the official ballot at an election and directing election authorities to place the names of such candidates upon the official ballot. "Certifying officers or board" shall refer to the local election official, election authority or the State Board of Elections, as the case may be, with whom nomination papers, certificates of nomination papers and resolutions to fill vacancies in nomination are filed and whose duty it is to "certify" candidates.

(Source: P.A. 84-757.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-11.

CASE NOTES**ANALYSIS**

New Party
—Invalid
Vacancies

New Party

—Invalid

Where the plaintiffs' original filing pursuant to 10 ILCS 5/10-2 was declared invalid by the Municipal Officers Election Board, no political party was in existence at the time of their subsequent attempted filing, and no vacancies existed either; thus, the plaintiffs could not have availed themselves of this section, and the new filing could not have constituted certificates of nomination. *People ex rel. Vigilant Party v. Village of Dolton*, 118 Ill. App. 2d 392, 254 N.E.2d 832 (1 Dist. 1969).

Vacancies

Vacancies are created when a candidate, duly nominated, dies or declines the nomination or when a certificate of nomination is held insufficient or inoperative by the Electoral Board. *People ex rel. Voters for Progress Party v. Wilk*, 118 Ill. App. 2d 386, 254 N.E.2d 834 (1 Dist. 1969).

**10 ILCS 5/10-11.1 [Office of state senator;
vacancy]**

Sec. 10-11.1. Whenever a vacancy in the office of State Senator is to be filled by election pursuant to Article IV, Section 2(d) of the Constitution and Section 25-6 of this Code [10 ILCS 5/25-6], nominations shall be made pursuant to this Section:

(1) If the vacancy in office occurs before the first date provided in Section 10-3 [10 ILCS 5/10-3] for filing nomination papers for the general election in the next even-numbered year following the commencement of the term, the nomination of independent candidates for such office shall be made as otherwise provided in this Article.

(2) If the vacancy occurs in office after the first day for filing nomination papers for independent candidates as provided in Section 10-3 [10 ILCS 5/10-3] but before the first day provided in Section 10-6 [10 ILCS 5/10-6] for filing nomination papers for the general election in the next even-numbered year following the commencement of the term, independent candidates for such office shall file their nomination papers during the filing period set forth in Section 10-6 [10 ILCS 5/10-6] for new political party candidates.

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

(4) If the vacancy in office occurs during the time provided in Section 10-6 [10 ILCS 5/10-6] for filing nomination papers for new political party candi-

dates for the next ensuing general election, the time for independent and new political party candidates to file nomination papers for such office shall be not more than 78 days nor less than 71 days prior to the date of the general election.

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

The provisions of Sections 10-8 and 10-10.1 [10 ILCS 5/10-8 and 10 ILCS 5/10-10.1] relating to objections to nomination papers, hearings on objections and judicial review, shall also apply to and govern objections to nomination papers filed pursuant to this Section.

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

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-11.1.

**10 ILCS 5/10-11.2 [Elective county office;
vacancy]**

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

(1) If the vacancy in office occurs before the first date provided in Section 10-3 [10 ILCS 5/10-3] for filing nomination papers for the general election in the next even-numbered year following the commencement of the term, the nomination of independent candidates for such office shall be made as otherwise provided in this Article.

(2) If the vacancy in office occurs after the first day for filing nomination papers for independent candidates as provided in Section 10-3 [10 ILCS 5/10-3] but before the first day provided in Section 10-6 [10 ILCS 5/10-6] for filing nomination papers for new political party candidates for the general election in the next even-numbered year following the commencement of the term, independent candidates for such office shall file their nomination papers during the filing period set forth in Section 10-6 [10 ILCS 5/10-6] for new political party candidates.

(3) If the vacancy in office occurs prior to the first date provided in Section 10-6 [10 ILCS 5/10-6] for filing nomination papers for new political party candidates for the next ensuing general election, new political party candidates for such office shall file their nomination papers during the filing period as set forth in Section 10-6 [10 ILCS 5/10-6] for new political party candidates.

(4) If the vacancy in office occurs during the time provided in Section 10-6 [10 ILCS 5/10-6] for filing nomination papers for new political party candi-

dates for the next ensuing general election the time for independent and new political party candidates to file nomination papers for such office shall be not more than 78 days nor less than 71 days prior to the date of the general election.

The provisions of Sections 10-8 through 10-10.1 [10 ILCS 5/10-8 through 10 ILCS 5/10-10.1] relating to objections to nomination papers, hearings on objections and judicial review, shall also apply to and govern objections to nomination papers filed pursuant to this Section.

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

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-11.2.

10 ILCS 5/10-14 [Candidate certification before general election]

Sec. 10-14. Not less than 61 days before the date of the general election the State Board of Elections shall certify to the county clerk of each county the name of each candidate whose nomination papers, certificate of nomination or resolution to fill a vacancy in nomination has been filed with the State Board of Elections and direct the county clerk to place upon the official ballot for the general election the names of such candidates in the same manner and in the same order as shown upon the certification. The name of no candidate for an office to be filled by the electors of the entire state shall be placed upon the official ballot unless his name is duly certified to the county clerk upon a certificate signed by the members of the State Board of Elections. The names of group candidates on petitions shall be certified to the several county clerks in the order in which such names appear on such petitions filed with the State Board of Elections.

Not less than 55 days before the date of the general election, each county clerk shall certify the names of each of the candidates for county offices whose nomination papers, certificates of nomination or resolutions to fill a vacancy in nomination have been filed with such clerk and declare that the names of such candidates for the respective offices shall be placed upon the official ballot for the general election in the same manner and in the same order as shown upon the certification. Each county clerk shall place a copy of the certification on file in his or her office and at the same time issue to the State Board of Elections a copy of such certification. In addition, each county clerk in whose county there is a board of election commissioners shall, not less than 55 days before the election, certify to the board of election commissioners the name of the person or persons nominated for such office as shown by the certificate of the State Board of Elections, together with the names of all other candidates as shown by the certification of county officers on file in the

clerk's office, and in the order so certified. The county clerk or board of election commissioners shall print the names of the nominees on the ballot for each office in the order in which they are certified to or filed with the county clerk; provided, that in printing the name of nominees for any office, if any of such nominees have also been nominated by one or more political parties pursuant to this Act, the location of the name of such candidate on the ballot for nominations made under this Article shall be precisely in the same order in which it appears on the certification of the State Board of Elections to the county clerk.

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

Each certification shall indicate, where applicable, the following:

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

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

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

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

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

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-14.

10 ILCS 5/10-15 [Consolidated and nonpartisan elections; certification]

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

The local election officials shall certify such candidates for each office in the order in which such candidates' certificates of nomination or nominating petitions were filed in his office. However, subject to appeal, the names of candidates whose petitions have been held invalid by the appropriate electoral board provided in Section 10-9 of this Act [10 ILCS

5/10-9) shall not be so certified. The certification shall be modified as necessary to comply with the requirements of any other statute or any ordinance adopted pursuant to Article VII of the Constitution prescribing specific provisions for nonpartisan elections, including without limitation Articles 4 and 5 of "The Municipal Code" [65 ILCS 5/4-1-1 et seq. and 65 ILCS 5/5-1-1 et. seq.] or Article 9 of The School Code [105 ILCS 5/9-1 et seq.].

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

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

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

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

(4) 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; and

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

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

The local election official shall issue an amended certification whenever it is discovered that the original certification is in error.
(Source: P.A. 86-874.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 10-15.

Cross References.

As to certification of candidates under the School Code, see 105 ILCS 5/9-11.1.

CASE NOTES

ANALYSIS

Petitions for Nomination
—Statement of Candidacy
Timeliness of Nominating Papers

Petitions for Nomination

—Statement of Candidacy

City clerk had the authority to withhold candidates' names from the ballot where they failed to file a statement of candidacy with their nominating papers. *North v. Hinkle*, 295 Ill. App. 3d 84, 229 Ill. Dec. 579, 692 N.E.2d 352 (2 Dist. 1998).

Timeliness of Nominating Papers

A school board secretary does not have the power to make determinations as to the timeliness of nominating papers from a

mere time-stamp on the face of the papers since a time-stamp does not clearly establish that such papers are not in conformity with the Election Code. *Welch v. Educational Officers Electoral Bd.*, Ill. App. 3d , 255 Ill. Dec. 641, 750 N.E.2d 222, 2001 Ill. App. LEXIS 359 (1 Dist. 2001).

ARTICLE 11.

ESTABLISHMENT OF ELECTION PRECINCTS

10 ILCS 5/11-1 [Counties; municipalities; reassignment]

Sec. 11-1. In counties not under township organization, the election precincts shall remain as now established until changed by the Board of County Commissioners, but said County Board may, from time to time, change the boundaries of election precincts and establish new ones. In counties under township organization, each town shall constitute at least one election precinct. Insofar as is practicable, each precinct shall be situated within a single congressional, legislative and representative district and within a single municipal ward. In order to situate each precinct within a single district or ward, the County Board shall change the boundaries of election precincts after each decennial census as soon as is practicable following the completion of congressional and legislative redistricting.

At any consolidated primary or consolidated election at which municipal officers are to be elected, and at any emergency referendum at which a public question relating to a municipality is to be voted on, notwithstanding any other provision of this Code, the election authority shall establish a polling place within such municipality upon the request of the municipal council or board of trustees at least 60 days before the election and provided that the municipality provides a suitable polling place. To accomplish this purpose, the election authority may establish an election precinct constituting a single municipality of under 500 population for all elections, notwithstanding the minimum precinct size otherwise specified herein.

Notwithstanding the above, when there are not more than 50 registered voters in a precinct who are entitled to vote in a local government or school district election, the election authority having jurisdiction over the precinct is authorized to reassign such voters to one or more polling places in adjacent precincts, within or without the election authority's jurisdiction, for that election. For the purposes of such local government or school district election only, the votes of the reassigned voters shall be tallied and canvassed as votes from the precinct of the polling place to which such voters have been reassigned. The election authority having jurisdiction over the precinct shall approve all administrative and polling place procedures. Such procedures shall take into account voter convenience, and ensure that the integrity of the election process is

maintained and that the secrecy of the ballot is not violated.

Except in the event of a fire, flood or total loss of heat in a place fixed or established by any election authority pursuant to this Section as a polling place for an election, no election authority shall change the location of a polling place so established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12 [10 ILCS 5/12-1 et seq.] unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for such notice to be received by the registered voters in the precinct at least one day prior to the date of the election.

The provisions of this Section apply to all precincts, including those where voting machines or electronic voting systems are used.

If, as a result of the redistricting of legislative, representative, or congressional districts following a decennial census, there exists a census block with only one voter that is the only census block in a precinct that is in a legislative, representative, or congressional district, then the county board, at any meeting of the county board, may change the precinct boundaries so that the census block is within a precinct that has more than one voter in the legislative, representative, or congressional district. (Source: P.A. 86-867; 88-525, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-1.

Effect of Amendments.

The 1993 amendment by P.A. 88-525, effective December 1, 1993, added the last paragraph.

CASE NOTES

ANALYSIS

Construction with Other Laws

Precinct Population

—Consolidation of Precincts

Construction with Other Laws

10 ILCS 5/11-2 entirely controls and limits the grant of authority in this section. *Town of Naples v. County of Scott*, 111 Ill. App. 3d 186, 66 Ill. Dec. 873, 443 N.E.2d 799 (4 Dist. 1982).

Precinct Population

—Consolidation of Precincts

Where a precinct having over 600 voters was divided so that there were just over 300 voters in each district rather than the goal of 500 voters per district, the failure to reach the goal of 500 voters did not authorize consolidation with other districts to attain that goal. *Town of Naples v. County of Scott*, 111 Ill. App. 3d 186, 66 Ill. Dec. 873, 443 N.E.2d 799 (4 Dist. 1982).

Compliance with the required population ranges per precinct does not require consolidation of precincts since the number of voters per precinct is merely a goal, not a requirement to be attained by dividing precincts. *Town of Naples v. County of Scott*, 111 Ill. App. 3d 186, 66 Ill. Dec. 873, 443 N.E.2d 799 (4 Dist. 1982).

OPINIONS OF ATTORNEY GENERAL

Consolidation

A county board of a county not under township organization is

authorized to consolidate two or more precincts even though some precincts may be eliminated, provided the consolidation complies with the population requirements of section 11-2 of this Code (10 ILCS 5/11-2). 1979 Op. Atty. Gen. 60.

10 ILCS 5/11-2 [Division of election precincts]

Sec. 11-2. The County Board in each county, except in counties having a population of 3,000,000 inhabitants or over, shall, at its regular meeting in June, divide its election precincts which contain more than 800 voters, into election districts so that each district shall contain, as near as may be practicable, 500 voters, and not more in any case than 800. Whenever the County Board ascertains that any election precinct contains more than 600 registered voters, it may divide such precinct, at its regular meeting in June, into election precincts so that each precinct shall contain, as nearly as may be practicable, 500 voters. Insofar as is practicable, each precinct shall be situated within a single congressional, legislative and representative district and in not more than one County Board district and one municipal ward. In order to situate each precinct within a single district or ward, the County Board shall change the boundaries of election precincts after each decennial census as soon as is practicable following the completion of congressional and legislative redistricting. In determining whether a division of precincts should be made, the county board may anticipate increased voter registration in any precinct in which there is in progress new construction of dwelling units which will be occupied by voters more than 30 days before the next election. Each district shall be composed of contiguous territory in as compact form as can be for the convenience of the electors voting therein. The several county boards in establishing districts shall describe them by metes and bounds and number them. And so often thereafter as it shall appear by the number of votes cast at the general election held in November of any year, that any election district or undivided election precinct contains more than 800 voters, the County Board of the county in which the district or precinct may be, shall at its regular meeting in June, or an adjourned meeting in July next, after such November election, redivide or readjust such election district or election precinct, so that no district or election precinct shall contain more than the number of votes above specified. If for any reason the County Board fails in any year to redivide or readjust the election districts or election precinct, then the districts or precincts as then existing shall continue until the next regular June meeting of the County Board; at which regular June meeting or an adjourned meeting in July the County Board shall redivide or readjust the election districts or election precincts in manner as herein required. When at any meeting of the County Board any redivision, readjustment or change in name or number of election districts or election precincts is made

by the County Board, the County Clerk shall immediately notify the State Board of Elections of such redivision, readjustment or change. The County Board in every case shall fix and establish the places for holding elections in its respective county and all elections shall be held at the places so fixed. The polling places shall in all cases be upon the ground floor in the front room, the entrance to which is in a highway or public street which is at least 40 feet wide, and is as near the center of the voting population of the precinct as is practicable, and for the convenience of the greatest number of electors to vote thereat; provided, however, where the County Board is unable to secure a suitable polling place within the boundaries of a precinct, it may select a polling place at the most conveniently located suitable place outside the precinct; but in no case shall an election be held in any room used or occupied as a saloon, dramshop, bowling alley or as a place of resort for idlers and disreputable persons, billiard hall or in any room connected therewith by doors or hallways. No person shall be permitted to vote at any election except at the polling place for the precinct in which he resides, except as otherwise provided in this Section or Article 19 of this Act [10 ILCS 5/19-1 et seq.]. In counties having a population of 3,000,000 inhabitants or over the County Board shall divide its election precincts and shall fix and establish places for holding elections as hereinbefore provided during the month of January instead of at its regular meeting in June or at an adjourned meeting in July.

However, in the event that additional divisions of election precincts are indicated after a division made by the County Board in the month of January, such additional divisions may be made by the County Board in counties having a population of 3,000,000 inhabitants or over, at the regular meeting in June or at adjourned meeting in July. The county board of such county may divide or readjust precincts at any meeting of the county board when the voter registration in a precinct has increased beyond 800 and an election is scheduled before the next regular January or June meeting of the county board.

When in any city, village or incorporated town territory has been annexed thereto or disconnected therefrom, which annexation or disconnection becomes effective after election precincts or election districts have been established as above provided in this Section, the clerk of the municipality shall inform the county clerk thereof as provided in Section 4-21, 5-28.1, or 6-31.1 [10 ILCS 5/4-21, 10 ILCS 5/5-28.1, or 10 ILCS 5/6-31.1], whichever is applicable. In the event that a regular meeting of the County Board is to be held after such notification and before any election, the County Board shall, at its next regular meeting establish new election precinct lines in affected territory. In the event that no regular meeting of the County Board is to be held before such election the county clerk shall, within 5

days after being so informed, call a special meeting of the county board on a day fixed by him not more than 20 days thereafter for the purpose of establishing election precincts or election districts in the affected territory for the ensuing elections.

At any consolidated primary or consolidated election at which municipal officers are to be elected, and at any emergency referendum at which a public question relating to a municipality is to be voted on, notwithstanding any other provision of this Code, the election authority shall establish a polling place within such municipality, upon the request of the municipal council or board of trustees at least 60 days before the election and provided that the municipality provides a suitable polling place. To accomplish this purpose, the election authority may establish an election precinct constituting a single municipality of under 500 population for all elections, notwithstanding the minimum precinct size otherwise specified herein.

Notwithstanding the above, when there are no more than 50 registered voters in a precinct who are entitled to vote in a local government or school district election, the election authority having jurisdiction over the precinct is authorized to reassign such voters to one or more polling places in adjacent precincts, within or without the election authority's jurisdiction, for that election. For the purposes of such local government or school district election only, the votes of the reassigned voters shall be tallied and canvassed as votes from the precinct of the polling place to which such voters have been reassigned. The election authority having jurisdiction over the precinct shall approve all administrative and polling place procedures. Such procedures shall take into account voter convenience, and ensure that the integrity of the election process is maintained and that the secrecy of the ballot is not violated.

Except in the event of a fire, flood or total loss of heat in a place fixed or established by any county board or election authority pursuant to this Section as a polling place for an election, no election authority shall change the location of a polling place so established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12 [10 ILCS 5/12-1 et seq.] unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for such notice to be received by the registered voters in the precinct at least one day prior to the date of the election.

The provisions of this Section apply to all precincts, including those where voting machines or electronic voting systems are used.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-2.

CASE NOTES

ANALYSIS

Construction

—Prior Law

—With Other Laws

Designation of Polling Places

—Bond Issues

—Prior Law

Establishment of New Precincts

Improper Redistricting

—Validity of Election

Incorporation Requirements

—Compliance Shown

Precinct Population

—Consolidation of Precincts

—Substantial Compliance

Special Election

—Held Invalid

Construction

—Prior Law

Since former Ill.Rev.Stat., ch. 46, para. 30 (see now this section) did not contain any provision which expressly directed that failure to follow the mandates of the statute would render an election void, the statute was construed as directory and not as mandatory. *Stroud v. McCallen*, 386 Ill. 103, 53 N.E.2d 422 (1944).

—With Other Laws

This section entirely controls and limits the grant of authority in 10 ILCS 5/11-1. *Town of Naples v. County of Scott*, 111 Ill. App. 3d 186, 66 Ill. Dec. 873, 443 N.E.2d 799 (4 Dist. 1982).

Construing this Act, the former Roads and Bridges Act, and the former Township Organization Act (see now 60 ILCS 1/5-5 et seq.) together, the geographical area designated an election precinct is to be the same for all elections covered by these three acts and attended with the same legal significance; thus, a township is a single election precinct unless and until further election precincts are fixed under the several acts. *People ex rel. Schwartz v. Fagerholm*, 17 Ill. 2d 131, 161 N.E.2d 20 (1959).

Designation of Polling Places

—Bond Issues

Where the polling places designated by the county clerk were those previously established by the County Board for the general election and were the polling places referred to in an ordinance passed by the district and in the notices of the special election published by the district, and where the ordinance disclosed that voting on a bond issue proposition would take place at the same polling places as the voting in the general election on the same day, since this procedure was in accord with section 14 of the Sanitarium Districts Act (70 ILCS 920/14) authorizing bond issue propositions to be submitted at a "general election," and the polling places for the general election had been designated, it was unnecessary to submit the bond issue proposition to a referendum. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

—Prior Law

Under a prior similar provision, as to polling places for town purposes alone, the town itself selected where there was but one; if additional ones were required, the County Board designated the places, and the town provided them, together with like additional ballot boxes. *Williams v. Potter*, 114 Ill. 628, 3 N.E. 729 (1885).

Establishment of New Precincts

A prior similar provision could not be interpreted as giving the County Board the power to change boundaries and to create new precincts any time it chose to do so. *County Board v. Short*, 77 Ill. App. 448 (4 Dist. 1898).

Under a prior similar provision, the County Board had ample authority to make additional precincts for general election purposes whenever it thought the convenience of the voters required it, without regard to their number; the establishment of a precinct would not make it an additional poll for receiving votes at town

meetings unless the county board so designated it. *Williams v. Potter*, 114 Ill. 628, 3 N.E. 729 (1885).

Improper Redistricting

—Validity of Election

Where violations of this section had occurred prior to elections which were held in reliance upon improper redistricting, redistricting provisions would be classified as directory in order to uphold the election results. *Town of Naples v. County of Scott*, 111 Ill. App. 3d 186, 66 Ill. Dec. 873, 443 N.E.2d 799 (4 Dist. 1982).

Incorporation Requirements

—Compliance Shown

Compliance with a special statute regarding incorporation elections was shown by the record. *People ex rel. Village of Worth v. Ihde*, 23 Ill. 2d 63, 177 N.E.2d 313 (1961).

Precinct Population

—Consolidation of Precincts

Where a precinct having over 600 voters was divided so that there were just over 300 voters in each district rather than the goal of 500 voters per district, the failure to reach the goal of 500 voters did not authorize consolidation with other districts to attain that goal. *Town of Naples v. County of Scott*, 111 Ill. App. 3d 186, 66 Ill. Dec. 873, 443 N.E.2d 799 (4 Dist. 1982).

Compliance with the required population ranges per precinct does not require consolidation of precincts since the number of voters per precinct is merely a goal, not a requirement to be attained by dividing precincts. *Town of Naples v. County of Scott*, 111 Ill. App. 3d 186, 66 Ill. Dec. 873, 443 N.E.2d 799 (4 Dist. 1982).

—Substantial Compliance

In the absence of a showing to the contrary, a reviewing court had to assume that a board of supervisors performed its official duty of redividing voting precincts so that the voters resident in each precinct were within substantial compliance with the number specified by former Ill.Rev.Stat., ch. 46, para. 30 (see now this section). *Stroud v. McCallen*, 386 Ill. 103, 53 N.E.2d 422 (1944).

Special Election

—Held Invalid

Where at the annual meeting of a town, a special election was held at the request of the highway commissioner for the borrowing of money for the construction of two township bridges, and the borrowing of money was approved by secret ballot vote, the election was invalid since it was not held in the established precincts within the town and for the further reason that the Board of Election Commissioners did not have charge of the election in that portion of the township lying within a city. *People ex rel. Schwartz v. Fagerholm*, 17 Ill. 2d 131, 161 N.E.2d 20 (1959).

OPINIONS OF ATTORNEY GENERAL

Consolidation

A county board of a county not under township organization is authorized to consolidate two or more precincts even though some precincts may be eliminated, provided the consolidation complies with the population requirements of this section. 1979 Op. Atty. Gen. 60.

10 ILCS 5/11-2.1 [Soldiers' and sailors' homes; polling places]

Sec. 11-2.1. The county board in each county where any State soldiers' and sailors' home, or any national home for disabled volunteer soldiers is located, the inhabitants of which are entitled to vote, shall fix and establish the place or places for holding elections, at some convenient and comfortable place or places easy of access on the grounds and within the enclosures where such State soldiers' and sail-

ors' home, or homes, or national home for disabled volunteer soldiers are located.
(Source: P.A. 84-808.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-2.1.

10 ILCS 5/11-3 [Cities, villages and towns; precinct division]

Sec. 11-3. It shall be the duty of the Board of Commissioners established by Article 6 of this Act, within 2 months after its first organization, to divide the city, village or incorporated town which may adopt or is operating under Article 6 [10 ILCS 5/6-1 et seq.], into election precincts, each of which shall be situated within a single congressional, legislative and representative district insofar as is practicable and in not more than one County Board district and one municipal ward; in order to situate each precinct within a single district or ward, the Board of Election Commissioners shall change the boundaries of election precincts after each decennial census as soon as is practicable following the completion of congressional and legislative redistricting and such precincts shall contain as nearly as practicable 600 qualified voters, and in making such division and establishing such precincts such board shall take as a basis the poll books, or the number of votes cast at the previous presidential election. Within 90 days after each presidential election, such board in a city with fewer than 500,000 inhabitants, village or incorporated town shall revise and rearrange such precincts on the basis of the votes cast at such election, making such precincts to contain, as near as practicable, 600 actual voters; but at any time in all instances where the vote cast at any precinct, at any election, equals 800, there must be a rearrangement so as to reduce the vote to the standard of 600 as near as may be. However, any apartment building in which more than 800 registered voters reside may be made a single precinct even though the vote in such precinct exceeds 800. Within 90 days after each presidential election, a board in a city with more than 500,000 inhabitants shall revise and rearrange such precincts on the basis of the votes cast at such election, making such precincts to contain, as near as practicable, 400 actual voters; but at any time in all instances where the vote cast at any precinct, at any election, equals 600, there must be a rearrangement so as to reduce the vote to the standard of 400 as near as may be. However, any apartment building in which more than 600 registered voters reside may be made a single precinct even though the vote in such precinct exceeds 600.

Immediately after the annexation of territory to the city, village or incorporated town becomes effective the Board of Election Commissioners shall revise and rearrange election precincts therein to include such annexed territory.

Provided, however, that at any election where but one candidate is nominated and is to be voted upon

at any election held in any political subdivision of a city, village or incorporated town, the Board of Election Commissioners shall have the power in such political subdivision to determine the number of voting precincts to be established in such political subdivision at such election, without reference to the number of qualified voters therein. The precincts in each ward, village or incorporated town shall be numbered from one upwards, consecutively, with no omission.

The provisions of this Section apply to all precincts, including those where voting machines or electronic voting systems are used.
(Source: P.A. 84-1308.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-3.

CASE NOTES

ANALYSIS

Construction with Other Laws
Special Election
—Held Invalid

Construction with Other Laws

Construing this Act, the former Roads and Bridges Act, and the Township Organization Act (see now 60 ILCS 1/5-5 et seq.) together, the geographical area designated an election precinct is to be the same for all elections covered by these three acts and attended with the same legal significance; thus, a township is a single election precinct unless and until further election precincts are fixed under the several acts. *People ex rel. Schwartz v. Fagerholm*, 17 Ill. 2d 131, 161 N.E.2d 20 (1959).

Special Election

—Held Invalid

Where at the annual meeting of a town, a special election was held at the request of the highway commissioner for the borrowing of money for the construction of two township bridges, and the borrowing of money was approved by secret ballot vote, the election was invalid since it was not held in the established precincts within the town and for the further reason that the Board of Election Commissioners did not have charge of the election in that portion of the township lying within a city. *People ex rel. Schwartz v. Fagerholm*, 17 Ill. 2d 131, 161 N.E.2d 20 (1959).

10 ILCS 5/11-4 [First registration; place of registry]

Sec. 11-4. It shall be the duty of the Board of Election Commissioners, established under Article 6 of this Act [10 ILCS 5/6-1 et seq.], to appoint the place of registry in each precinct for the first registration under Article 6 of this Act [10 ILCS 5/6-1 et seq.] and the places for registry in subsequent registrations in the manner provided by such Article, and also the polling place in each precinct in such city, village or incorporated town which has adopted or is operating under said Article 6 [10 ILCS 5/6-1 et seq.], and to give public notice thereof, and shall cause the same to be fitted up, warmed, lighted and cleaned, but in each election precinct and in each area for which a registration place is designated such place or places shall be in the most public,

orderly and convenient portions thereof, and no building or part of a building shall be designated or used as a place of registry, or revision of registration, or as a polling place, in which spirituous or intoxicating liquor is sold. Provided, however, where the Board of Election Commissioners is unable to secure a suitable polling place within the boundaries of a precinct, it may select a polling place on a street immediately adjacent to and adjoining the precinct. Said Board of Election Commissioners may demand of the chief of police or the sheriff, to furnish officers of the law to attend during the progress of any registration, revision or election, at any place or places of registration, or any polling place, or places, designated by said commissioners, or to attend at any meeting of said commissioners. Said officers of the law, shall be furnished by said chief of police or sheriff and shall be stationed in the place or places of registration and polling place or places in such manner as said commissioners shall direct, and during said assignment shall be under the direction and control of the election commissioners.

Notwithstanding the above, when there are no more than 50 registered voters in a precinct who are entitled to vote in a local government or school district election, the election authority having jurisdiction over the precinct, is authorized to reassign such voters to one or more polling places in adjacent precincts, within or without the election authority's jurisdiction, for that election. For the purposes of such local government or school district election only, the votes of the reassigned voters shall be tallied and canvassed as votes from the precinct of the polling place to which such voters have been reassigned. The election authority having jurisdiction over the precinct shall approve all administrative and polling place procedures. Such procedures shall take into account voter convenience, and ensure that the integrity of the election process is maintained and that the secrecy of the ballot is not violated.

Except in the event of a fire, flood or total loss of heat in a place fixed or established by the Board of Election Commissioners pursuant to this Section as a polling place for an election, no election authority shall change the location of a polling place so established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12 [10 ILCS 5/12-1 et seq.] unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for such notice to be received by the registered voters in the precinct at least one day prior to the date of the election. (Source: P.A. 86-867.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-4.

10 ILCS 5/11-4.1 [Schools and public buildings]

Sec. 11-4.1. (a) In appointing polling places under this Article, the county board or board of election

commissioners shall, insofar as they are convenient and available, use schools and other public buildings as polling places.

(b) Upon request of the county board or board of election commissioners, the proper agency of government (including school districts and units of local government) shall make a public building under its control available for use as a polling place on an election day and for a reasonably necessary time before and after election day, without charge. If the county board or board of election commissioners chooses a school to be a polling place, then the school district must make the school available for use as a polling place. However, for the day of the election, a school district may choose to (i) keep the school open or (ii) hold a teachers institute on that day.

(c) A government agency which makes a public building under its control available for use as a polling place shall ensure the portion of the building to be used as the polling place is accessible to handicapped and elderly voters. (Source: P.A. 84-1467; 92-465, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-4.1.

Effect of Amendments.

The 2001 amendment by P.A. 92-465, effective August 22, 2001, in subsection (b), at the end of the first sentence deleted "unless such use is impossible", and added the second sentence.

10 ILCS 5/11-4.2 [Polling places; accessibility]

Sec. 11-4.2. (a) Except as otherwise provided in subsection (b) all polling places shall be accessible to handicapped and elderly voters, as determined by rule of the State Board of Elections.

(b) Subsection (a) of this Section shall not apply to a polling place (1) in the case of an emergency, as determined by the State Board of Elections; or (2) if the State Board of Elections (A) determines that all potential polling places have been surveyed and no such accessible place is available, nor is the election authority able to make one accessible; and (B) assures that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request of such voter (pursuant to procedures established by rule of the State Board of Elections) will be provided with an alternative means for casting a ballot on the day of the election or will be assigned to an accessible polling place.

(c) No later than December 31 of each even numbered year, the State Board of Elections shall report to the Federal Election Commission the number of accessible and inaccessible polling places in the State on the date of the next preceding general election, and the reasons for any instance of inaccessibility. (Source: P.A. 84-808.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-4.2.

10 ILCS 5/11-4.3 [Registration and voting aids]

Sec. 11-4.3. All polling places and permanent registration facilities shall have available registration and voting aids for handicapped and elderly individuals including instructions, printed in large type, conspicuously displayed.
(Source: P.A. 84-808.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-4.3.

10 ILCS 5/11-5 [Application to compel precinct division]

Sec. 11-5. If any election district or precinct subject to the jurisdiction of a county board or a board of election commissioners in a city with fewer than 500,000 inhabitants, village or incorporated town casts more than 800 votes each at two consecutive general November elections for State officers, the state's attorney, upon the request of an elector in any such district or precinct, shall apply to the Circuit Court for relief by mandamus to compel the appropriate board to divide such district or precinct as required by law. Any relief so granted shall not apply to any election occurring within 60 days thereafter. If any election precinct subject to the jurisdiction of a board of election commissioners in a city with more than 500,000 inhabitants casts more than 600 votes at each of the two consecutive general November elections for State officers, the state's attorney, upon the request of an elector in any such precinct, shall apply to the Circuit Court for relief by mandamus to compel the appropriate board to divide such precinct as required by law. Any relief so granted shall not apply to any election occurring within 60 days thereafter.

(Source: P.A. 84-323.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-5.

10 ILCS 5/11-5.1 [Military establishments]

Sec. 11-5.1. The county board or board of election commissioners, as the case may be, responsible for the establishment of election precincts, shall include within some precinct any military establishment which is situated within the boundaries of the county or municipality, as the case may be.
(Source: P.A. 76-1830.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-5.1.

10 ILCS 5/11-6 [Provision of precinct boundary maps]

Sec. 11-6. Within 60 days of the effective date of this amendatory Act of 1983, each election authority shall transmit to the principal office of the State

Board of Elections maps showing the current boundaries of all the precincts within its jurisdiction. Whenever election precincts in an election jurisdiction have been redivided or readjusted, the county board or board of election commissioners shall prepare maps showing such election precinct boundaries no later than 45 days before the next scheduled election. The maps, or transparent overlays, shall show the boundaries of all political subdivisions and districts. The county board or board of election commissioners shall immediately forward copies thereof to the chairman of each county central committee in the county, to each township, ward or precinct committeeman and each local election official whose political subdivision is wholly or partly in the county and, upon request, shall furnish copies thereof to each candidate for political or public office in the county and shall transmit copies thereof to the principal office of the State Board of Elections.
(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-6.

10 ILCS 5/11-7 [Clustered voting zone]

Sec. 11-7. For the purpose of the conduct of any consolidated election, consolidated primary election, special municipal primary election or emergency referendum, an election authority may cluster up to four contiguous precincts as provided in this Section, which shall constitute a clustered voting zone. The common polling place for the clustered voting zone shall be located within the territory comprising the clustered precincts. Unless the election authority specifies a larger number, only one election judge shall be appointed for each of the precincts in each clustered voting zone.

The judges so appointed may not all be affiliated with the same political party.

The conduct of an election in a clustered voting zone shall be under the general supervision of all the judges of election designated to serve in the clustered voting zone. The designated judges may perform the duties of election judges for the entire clustered voting zone. However, the requirements of Section 17-14 [10 ILCS 5/17-14] shall apply to voter assistance, the requirements of Section 24-10 [10 ILCS 5/24-10] shall apply to voter instruction, the requirement of Section 24A-10 [10 ILCS 5/24A-10] shall apply to examination of absentee ballots, and any disputes as to entitlement to vote, challenges, counting of ballots or other matters pertaining directly to voting shall be decided by those designated judges appointed for the precinct in which the affected voter resides or the disputed vote is to be counted.

This Section does not apply to any elections in municipalities with more than 1,000,000 inhabitants.

(Source: P.A. 83-685; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 11-7.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, in the first paragraph, in the first sentence, deleted "nonpartisan election" preceding "special municipal".

ARTICLE 12.**NOTICE OF ELECTION****10 ILCS 5/12-1 [Voter assistance; general election]**

Sec. 12-1. At least 60 days prior to each general and consolidated election, the election authority shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of registration and voting aids under the Federal Voting Accessibility for the Elderly and Handicapped Act [42 U.S.C. § 1973ee et seq.], of the availability of assistance in marking the ballot, and procedures for voting by absentee ballot.

At least 30 days before any general election, and at least 20 days before any special congressional election, the county clerk shall publish a notice of the election in 2 or more newspapers published in the county, city, village, incorporated town or town, as the case may be, or if there is no such newspaper, then in any 2 or more newspapers published in the county and having a general circulation throughout the community. The notice may be substantially as follows:

Notice is hereby given that on (give date), at (give the place of holding the election and the name of the precinct or district) in the county of (name county), an election will be held for (give the title of the several offices to be filled), which election will be open at 6:00 a. m. and continued open until 7:00 p.m. of that day.

Dated at on (insert date).

(Source: P.A. 84-808; 90-358, § 5; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 12-1.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Cross References.

As to notice regarding referendum to disconnect township from Valley Regional Port District, see 70 ILCS 1815/3.1.

As to the requirement of county clerks to provide notice of each election for chairman and director of the Fox River Waterway Agency in a manner prescribed in this section, see 615 ILCS 90/5.

For notice regarding implementation of a merit system for sheriffs, see 55 ILCS 5/3-8002.

As to the notice requirement with regard to all registered voters in a precinct of a change in location of the place of holding the election see the following sections: as to counties not under township organization, see 10 ILCS 5/11-1; as to counties having a population of 3,000,000 inhabitants or over, see 10 ILCS 5/11-2.

As to notice for nonpartisan and consolidated elections with regard to the use of electronic, mechanical, or electric voting systems, see 10 ILCS 5/24A-18.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, in the first paragraph substituted "and consolidated election" for

"consolidated and nonpartisan election".

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

CASE NOTES**ANALYSIS**

Applicability
City Bonds
Notice by Publication
—Sufficiency
Notice Held Sufficient
Special Elections

Applicability

In the absence of a provision for notice in the former Municipal Retirement Fund Act, the provisions of this Act relating to special elections are applicable. *People ex rel. Lunn v. Chicago Title & Trust Co.*, 409 Ill. 505, 100 N.E.2d 578 (1951).

City Bonds

The notice in a newspaper of an election on six propositions of issuance of city bonds was sufficient and of a character to render the election within the city legal and valid, and the bonds issued by authority thereof were valid. *Bilek v. City of Chicago*, 396 Ill. 445, 71 N.E.2d 789 (1947).

Notice by Publication**—Sufficiency**

Notice by publication 32 days prior to an election was sufficient to meet the standards of the due process clause, where the published notice given was in compliance with the Liquor Control Act in 235 ILCS 5/9-5 and this section. *Cooper v. Marcin*, 44 Ill. App. 3d 918, 3 Ill. Dec. 533, 358 N.E.2d 1218 (1 Dist. 1976).

Notice Held Sufficient

Notice of a petition for a referendum was held to be sufficient. *People ex rel. Lunn v. Chicago Title & Trust Co.*, 409 Ill. 505, 100 N.E.2d 578 (1951).

Where notices of an election were published by the county clerk in two different newspapers more than twenty days before the election, and where notice of the election was published by the Board of Election Commissioners of a city in another publication, these notices satisfied the requirements of the Election Code with respect to giving legal notice of the election. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

Special Elections

It is essential to the validity of a special election that the mode prescribed for conducting it be complied with in all material respects, and this includes the giving of adequate notice. *Solomon v. North Shore San. Dist.*, 48 Ill. 2d 309, 269 N.E.2d 457 (1971).

The only notice that is jurisdictional and required for a special election is that prescribed by statute; the notice need not contain more than that described by statute as mandatory. *Solomon v. North Shore San. Dist.*, 48 Ill. 2d 309, 269 N.E.2d 457 (1971).

10 ILCS 5/12-3 [City, village or town]

Sec. 12-3. In any city, village or incorporated town operating under Article 6 of this Act [10 ILCS 5/6-1 et seq.], the Board of Election Commissioners shall give timely notice through the press of the time and place of election in each precinct or consolidated area of such city, village or incorporated town.

(Source: Laws 1961, p. 2492.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 12-3.

CASE NOTES

ANALYSIS

Notice Held Sufficient

- In General
- Illustrative Case

Notice Held Sufficient

—In General

Where notices of an election were published by the county clerk in two different newspapers more than twenty days before the election, and where notice of the election was published by the Board of Election Commissioners of a city in another publication, these notices satisfied the requirements of this Act with respect to giving legal notice of the election. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

The record showed beyond doubt that adequate and timely notice under the former City Election Act (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.) was given to the electorate of the reductions of the voting precincts by the Board of Election Commissioners. *People ex rel. Elder v. Quilici*, 309 Ill. App. 466, 33 N.E.2d 492 (1 Dist. 1941).

—Illustrative Case

Notice by publication 32 days prior to the election was sufficient to meet the standards of the due process clause, where the published notice given was in compliance with this section and 10 ILCS 5/12-1. *Cooper v. Marcin*, 44 Ill. App. 3d 918, 3 Ill. Dec. 533, 358 N.E.2d 1218 (1 Dist. 1976).

10 ILCS 5/12-4 [Consolidated and nonpartisan elections]

Sec. 12-4. Not more than 30 nor less than 10 days prior to the date of the consolidated and nonpartisan elections, each election authority shall publish notice of the election of officers of each political subdivision to be conducted in his or its jurisdiction on such election date. The notice of election shall be published once in one or more newspapers published in each political subdivision, and if there is no such newspaper, then published once in a local, community newspaper having general circulation in the subdivision, and also once in a newspaper published in the county wherein the political subdivisions or portions thereof, having such elections are situated.

The notice shall be substantially in the form prescribed in Section 12-1 [10 ILCS 5/12-1], and may include notice of the location of the precincts and polling places within or including part of the political subdivision in which the election is to be conducted.

Not less than 10 days before each such election, the election authority shall publish notice of the precincts and the location of the polling places where the election will be conducted for political subdivisions wholly or partially within its jurisdiction. The election authority shall cause publication in the manner heretofore prescribed for the notice of election.

(Source: P.A. 81-963.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 12-4.

10 ILCS 5/12-5 Notice for public questions

Sec. 12-5. *Notice for public questions.* For all elections held after July 1, 1999, notice of public

questions shall be required only as set forth in this Section or as set forth in Section 17-3 or 19-3 of the School Code [105 ILCS 5/17-3 or 105 ILCS 5/19-3]. Not more than 30 days nor less than 10 days before the date of a regular election at which a public question is to be submitted to the voters of a political or governmental subdivision, and at least 20 days before an emergency referendum, the election authority shall publish notice of the referendum. The notice shall be published once in a local, community newspaper having general circulation in the political or governmental subdivision. The notice shall also be given at least 10 days before the date of the election by posting a copy of the notice at the principal office of the election authority. The local election official shall also post a copy of the notice at the principal office of the political or governmental subdivision, or if there is no principal office at the building in which the governing body of the political or governmental subdivision held its first meeting of the calendar year in which the referendum is being held. The election authority and the political or governmental subdivision may, but are not required to, post the notice electronically on their World Wide Web pages. The notice, which shall appear over the name or title of the election authority, shall be substantially in the following form:

NOTICE IS HEREBY GIVEN that at the election to be held on (insert day of the week), (insert date of election), the following proposition will be submitted to the voters of (name of political or governmental subdivision):

(insert the public question as it will appear on the ballot)

The polls at the election will be open at 6:00 o'clock A.M. and will continue to be open until 7:00 o'clock P.M. of that day.

Dated (date of notice)

(Name or title of the election authority)

The notice shall also include any additional information required by the statute authorizing the public question. The notice shall set forth the precincts and polling places at which the referendum will be conducted only in the case of emergency referenda. (Source: P.A. 81-963; 91-57, § 5; 92-6, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 12-5.

Effect of Amendments.

The 1999 amendment by P.A. 91-57, effective June 30, 1999, rewrote the section to the extent that a detailed comparison would be impracticable.

The 2001 amendment by P.A. 92-6, effective June 7, 2001, inserted "or as set forth in Section 17-3 or 19-3 of the School Code" near the beginning of the section.

10 ILCS 5/12-6 [Posting]

Sec. 12-6. Whenever a requirement in this Code for the publication of any notice of an election cannot be complied with because of the absence of any qualified newspaper of local or general circulation in

accordance with such requirements, notice shall be given by posting the required notice in 5 public places in the political subdivision. Notwithstanding any other publication of notice requirement, notice of municipal elections and referenda in municipalities with a population of less than 500 persons may be given by posting the required notice in 5 public places in the municipality in lieu of publication. (Source: P.A. 81-963.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 12-6.

ARTICLE 13.

JUDGES OF ELECTION (OUTSIDE OF JURISDICTION OF BOARDS OF ELECTION COMMISSIONERS)

10 ILCS 5/13-1 [Counties not under township organization]

Sec. 13-1. In counties not under township organization, the county board of commissioners shall at its meeting in May in each even-numbered year appoint in each election precinct 5 capable and discreet persons meeting the qualifications of Section 13-4 [10 ILCS 13-4] to be judges of election. Where neither voting machines nor electronic, mechanical or electric voting systems are used, the county board may, for any precinct with respect to which the board considers such action necessary or desirable in view of the number of voters, and shall for general elections for any precinct containing more than 600 registered voters, appoint in addition to the 5 judges of election a team of 5 tally judges. In such precincts the judges of election shall preside over the election during the hours the polls are open, and the tally judges, with the assistance of the holdover judges designated pursuant to Section 13-6.2 [10 ILCS 5/13-6.2], shall count the vote after the closing of the polls. However, the County Board of Commissioners may appoint 3 judges of election to serve in lieu of the 5 judges of election otherwise required by this Section to serve in any emergency referendum, or in any odd-year regular election or in any special primary or special election called for the purpose of filling a vacancy in the office of representative in the United States Congress or to nominate candidates for such purpose. The tally judges shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for judges of election.

In addition to such precinct judges, the county board of commissioners shall appoint special panels of 3 judges each, who shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for other judges of election. The number of such panels of judges required shall be

determined by regulations of the State Board of Elections which shall base the required numbers of special panels on the number of registered voters in the jurisdiction or the number of absentee ballots voted at recent elections, or any combination of such factors.

Such appointment shall be confirmed by the court as provided in Section 13-3 of this Article [10 ILCS 5/13-3]. No more than 3 persons of the same political party shall be appointed judges of the same election precinct or election judge panel. The appointment shall be made in the following manner: The county board of commissioners shall select and approve 3 persons as judges of election in each election precinct from a certified list, furnished by the chairman of the County Central Committee of the first leading political party in such precinct; and the county board of commissioners shall also select and approve 2 persons as judges of election in each election precinct from a certified list, furnished by the chairman of the County Central Committee of the second leading political party. However, if only 3 judges of election serve in each election precinct, no more than 2 persons of the same political party shall be judges of election in the same election precinct; and which political party is entitled to 2 judges of election and which political party is entitled to one judge of election shall be determined in the same manner as set forth in the next two preceding sentences with regard to 5 election judges in each precinct. Such certified list shall be filed with the county clerk not less than 10 days before the annual meeting of the county board of commissioners. Such list shall be arranged according to precincts. The chairman of each county central committee shall, insofar as possible, list persons who reside within the precinct in which they are to serve as judges. However, he may, in his sole discretion, submit the names of persons who reside outside the precinct but within the county embracing the precinct in which they are to serve. He must, however, submit the names of at least 2 residents of the precinct for each precinct in which his party is to have 3 judges and must submit the name of at least one resident of the precinct for each precinct in which his party is to have 2 judges. The county board of commissioners shall acknowledge in writing to each county chairman the names of all persons submitted on such certified list and the total number of persons listed thereon. If no such list is filed or such list is incomplete (that is, no names or an insufficient number of names are furnished for certain election precincts), the county board of commissioners shall make or complete such list from the names contained in the supplemental list provided for in Section 13-1.1 [10 ILCS 5/13-1.1]. The election judges shall hold their office for 2 years from their appointment, and until their successors are duly appointed in the manner provided in this Act. The county board of commissioners shall fill all vacancies in the office of judge of election at any time in the manner provided in this Act.

(Source: P.A. 85-958; 87-1052, § 3; 91-352, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-1.

Cross References.

As to the disqualification from a township caucus of a judge of election pursuant to this section, see 60 ILCS 1/45-50.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, substituted "shall at its meeting in May in each even-numbered year" for "shall at its annual meeting in September in each odd-numbered year" in the first sentence.

The 1999 amendment by P.A. 91-352, effective January 1, 2000, substituted "persons" for "electors" in the first sentence of the first paragraph.

CASE NOTES**ANALYSIS****Constitutionality**

Minority Political Party
—Appointment of Judges

Constitutionality

Prior provisions similar to this section and 10 ILCS 5/13-2, which provided for the appointment of judges of election by a County Board, were not unconstitutional as a delegation of legislative power. *People ex rel. Stead v. Board of Supvrs.*, 223 Ill. 187, 79 N.E. 123 (1906).

Minority Political Party**—Appointment of Judges**

Under a similar prior provision, if the board of supervisors was composed of members who belonged to one political party entirely, then the chairman of the county central committee of the political party casting the next highest number of votes in the county at the preceding general election selected the persons to serve as minority judges of election, and the board of supervisors was to appoint the persons so selected. *People ex rel. Alpiner v. Board of Supvrs.*, 304 Ill. 517, 136 N.E. 729 (1922).

LEGAL PERIODICALS

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

10 ILCS 5/13-1.1 [Supplemental list]

Sec. 13-1.1. In addition to the list provided for in Section 13-1 or 13-2 [10 ILCS 5/13-1 or 10 ILCS 5/13-2], the chairman of the county central committee of each of the two leading political parties shall submit to the county board a supplemental list, arranged according to precincts in which they are to serve, of persons available as judges of election, the names and number of all persons listed thereon to be acknowledged in writing to the county chairman submitting such list by the county board. Vacancies among the judges of election shall be filled by selection from this supplemental list of persons qualified under Section 13-4 [10 ILCS 5/13-4]. If the list provided for in Section 13-1 or 13-2 [10 ILCS 5/13-1 or 10 ILCS 5/13-2] for any precinct is exhausted, then selection shall be made from the supplemental list submitted by the chairman of the county central committee of the party. If such supplemental list is exhausted for any precinct, then

selection shall be made from any of the persons on the supplemental list without regard to the precincts in which they are listed to serve. No selection or appointment from the supplemental list shall be made more than 21 days prior to the date of precinct registration for those judges needed as precinct registrars, and more than 28 days prior to the date of an election for those additional persons needed as election judges. In any case where selection cannot be made from the supplemental list without violating Section 13-4 [10 ILCS 5/13-4], selection shall be made from outside the supplemental list of some person qualified under Section 13-4 [10 ILCS 5/13-4].

(Source: P.A. 78-888; 78-889; 78-1297.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-1.1.

10 ILCS 5/13-2 [Counties under township organization]

Sec. 13-2. In counties under the township organization the county board shall at its meeting in May in each even-numbered year except in counties containing a population of 3,000,000 inhabitants or over and except when such judges are appointed by election commissioners, select in each election precinct in the county, 5 capable and discreet persons to be judges of election who shall possess the qualifications required by this Act for such judges. Where neither voting machines nor electronic, mechanical or electric voting systems are used, the county board may, for any precinct with respect to which the board considers such action necessary or desirable in view of the number of voters, and shall for general elections for any precinct containing more than 600 registered voters, appoint in addition to the 5 judges of election a team of 5 tally judges. In such precincts the judges of election shall preside over the election during the hours the polls are open, and the tally judges, with the assistance of the holdover judges designated pursuant to Section 13-6.2 [10 ILCS 5/13-6.2], shall count the vote after the closing of the polls. The tally judges shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for judges of election.

However, the county board may appoint 3 judges of election to serve in lieu of the 5 judges of election otherwise required by this Section to serve in any emergency referendum, or in any odd-year regular election or in any special primary or special election called for the purpose of filling a vacancy in the office of representative in the United States Congress or to nominate candidates for such purpose.

In addition to such precinct judges, the county board shall appoint special panels of 3 judges each, who shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for other judges of election. The number of such panels

of judges required shall be determined by regulations of the State Board of Elections, which shall base the required number of special panels on the number of registered voters in the jurisdiction or the number of absentee ballots voted at recent elections or any combination of such factors.

No more than 3 persons of the same political party shall be appointed judges in the same election district or undivided precinct. The election of the judges of election in the various election precincts shall be made in the following manner: The county board shall select and approve 3 of the election judges in each precinct from a certified list furnished by the chairman of the County Central Committee of the first leading political party in such election precinct and shall also select and approve 2 judges of election in each election precinct from a certified list furnished by the chairman of the County Central Committee of the second leading political party in such election precinct. However, if only 3 judges of election serve in each election precinct, no more than 2 persons of the same political party shall be judges of election in the same election precinct; and which political party is entitled to 2 judges of election and which political party is entitled to one judge of election shall be determined in the same manner as set forth in the next two preceding sentences with regard to 5 election judges in each precinct. The respective County Central Committee chairman shall notify the county board by June 1 of each odd-numbered year immediately preceding the annual meeting of the county board whether or not such certified list will be filed by such chairman. Such list shall be arranged according to precincts. The chairman of each county central committee shall, insofar as possible, list persons who reside within the precinct in which they are to serve as judges. However, he may, in his sole discretion, submit the names of persons who reside outside the precinct but within the county embracing the precinct in which they are to serve. He must, however, submit the names of at least 2 residents of the precinct for each precinct in which his party is to have 3 judges and must submit the name of at least one resident of the precinct for each precinct in which his party is to have 2 judges. Such certified list, if filed, shall be filed with the county clerk not less than 20 days before the annual meeting of the county board. The county board shall acknowledge in writing to each county chairman the names of all persons submitted on such certified list and the total number of persons listed thereon. If no such list is filed or the list is incomplete (that is, no names or an insufficient number of names are furnished for certain election precincts), the county board shall make or complete such list from the names contained in the supplemental list provided for in Section 13-1.1 [10 ILCS 5/13-1.1]. Provided, further, that in any case where a township has been or shall be redistricted, in whole or in part, subsequent to one general election for Governor, and prior to the next,

the judges of election to be selected for all new or altered precincts shall be selected in that one of the methods above detailed, which shall be applicable according to the facts and circumstances of the particular case, but the majority of such judges for each such precinct shall be selected from the first leading political party, and the minority judges from the second leading political party. Provided, further, that in counties having a population of 1,000,000 inhabitants or over the selection of judges of election shall be made in the same manner in all respects as in other counties, except that the provisions relating to tally judges are inapplicable to such counties and except that the county board shall meet during the month of January for the purpose of making such selection and the chairman of each county central committee shall notify the county board by the preceding October 1 whether or not the certified list will be filed. Such judges of election shall hold their office for 2 years from their appointment and until their successors are duly appointed in the manner provided in this Act. The county board shall fill all vacancies in the office of judges of elections at any time in the manner herein provided.

Such selections under this Section shall be confirmed by the circuit court as provided in Section 13-3 of this Article [10 ILCS 5/13-3].

(Source: P.A. 86-1028; 87-1052, § 3; 91-352, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-2.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, substituted "shall at its meeting in May in each even-numbered year" for "shall at its annual meeting in September in each odd-numbered year" in the first sentence of the first paragraph.

The 1999 amendment by P.A. 91-352, effective January 1, 2000, substituted "persons" for "electors" in the first sentence of the first paragraph.

CASE NOTES

ANALYSIS

Constitutionality Appointment of Judges

Constitutionality

Prior provisions similar to 10 ILCS 5/13-1 and this section, which provided for the appointment of judges of election by a County Board, were not unconstitutional as a delegation of legislative power. *People ex rel. Stead v. Board of Supvrs.*, 223 Ill. 187, 79 N.E. 123 (1906).

Appointment of Judges

Where an ordinance of a tuberculosis sanitarium district calling a special election did not specify that, in the territory of the district outside the jurisdiction of the Board of Election Commissioners, the judges and clerks of the election were to be those selected by the County Board, and where before the ordinance was adopted, the County Board had appointed the judges and clerks of election for the general election in the territory of the district under the jurisdiction of the county clerk, and where their appointments had been confirmed by an order and a commission bearing the seal of the county court was issued to each of them, the judges and clerks had been legally selected, and it was not necessary that the ordinance submitting the proposition to a vote of the people rename them. *Natt v. Suburban Cook County Tuberculosis Sanitarium*

Appointment of Judges (Cont'd)

Dist., 407 Ill. 436, 95 N.E.2d 611 (1950).

A prior provision similar to this section was mandatory, and it was the duty of the County Board to appoint as judges of election the persons selected by the members of the Board belonging to the political party having the greatest number of votes upon the Board, and those selected by the members of the County Board belonging to the political party having the second greatest number of votes upon said Board. *People ex rel. Stead v. Board of Supvrs.*, 223 Ill. 187, 79 N.E. 123 (1906).

10 ILCS 5/13-2.1 [Training course; establishment]

Sec. 13-2.1. In each county the County Clerk shall establish a training course for judges of elections not subject to Article 14 of this Act [10 ILCS 5/14-1 et seq.]. The curriculum of such course shall be approved by the County Clerk. A suitable certificate shall be issued by the County Clerk to each student upon his satisfactory completion of the course.

Such course may be established jointly with a course in the county established as provided in Section 14-4.1 of this Act [10 ILCS 5/14-4.1]. (Source: Laws 1961, p. 3399.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-2.1.

10 ILCS 5/13-2.2 [Course structure; when conducted; special courses]

Sec. 13-2.2. Such course shall be devised so as to instruct its students in the duties of an election judge and shall consist of at least 4 hours of instruction and an examination which tests reading skills, ability to work with poll lists, ability to add and knowledge of election laws governing the operation of polling places.

Such course shall be conducted at least once after the day the report of the selection of election judges is filed in the circuit court, but before the day fixed by the court for confirmation of such selection, and once as soon as practicable after the day fixed by the court for such confirmation. Every person reported as selected to be an election judge shall be notified in good time of the place and time each such course is to be conducted. All such persons may attend such course and, upon satisfactory completion thereof, shall be entitled to a certificate of such completion.

Not later than March 1, 1981 the election authorities shall also conduct special training courses for election judges concerning the administration of the nonpartisan and consolidated elections. The State shall reimburse each county and each municipality under the jurisdiction of a board of election commissioners (except in municipalities with a population of more than 500,000) for the payment of a \$10 stipend to each judge of election for attendance at such special training course.

(Source: P.A. 81-1535.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-2.2.

10 ILCS 5/13-3 [Confirmation and appointment; objections; vacancies]

Sec. 13-3. After the judges of election have been selected and approved as hereinbefore provided, a report of such selections shall be made by the county board and filed in the circuit court, and application shall then be made by the county board to the court for their confirmation and appointment, whereupon the court shall enter an order that cause be shown, if any exists, against the confirmation and appointment of such persons so named on or before the opening of the court on a day to be fixed by the court. The county board shall immediately give notice of such order and the names of all such judges so reported to such court for confirmation and their residence and the precinct for which they were selected by causing a notice to be published in one or more newspapers in the county and if no newspaper be published therein then by posting such notice in 5 of the most public places in the county. The notice shall state that a list of judges of election is available for public inspection in the office of the election authority. If no cause to the contrary is shown prior to the day fixed, and if, in each precinct, at least one judge representing each of the two major political parties has been certified by the county clerk as having satisfactorily completed within the preceding 6 months the training course and examination for judges of election, as provided in Section 13-2.1 and 13-2.2 of this Act [10 ILCS 5/13-2.1 and 10 ILCS 5/13-2.2], such appointment shall be confirmed by order entered by that court.

If in any precinct the requisite 2 judges have not been so certified by the county clerk as having satisfactorily completed such course and examination, the county clerk shall immediately notify all judges in that precinct, to whose appointment there is no other objection, that all such judges shall attend the next such course. The county clerk shall then certify to the court that all such judges have been so notified (and such certification need contain no detail other than a mere recital). The appointment of such judges shall then be confirmed by order entered by the court. If any judge so notified and so confirmed fails to attend the next such course, such failure shall subject such judge to possible removal from office at the option of the election authority.

If objections to the appointment of any judge be filed prior to the day fixed by the court for confirmation of judges, the court shall hear such objections and the evidence introduced in support thereof, and shall confirm or refuse to confirm such nominations as the interests of the public may require. No reasons may be given for the refusal to confirm. If any vacancy exists at any time the county board shall, subject to the provisions of Section 13-1.1 [10 ILCS 5/13-1.1], further report and nominate persons to fill such vacancies so existing in the manner aforesaid, and a court in the same way shall consider such nominations and shall confirm or refuse to confirm the same in the manner aforesaid. Upon the

confirmation of such judges, at any time, a commission shall issue to each of such judges, under the seal of such court, and appropriate forms shall be prepared by the county clerk of each county for such purpose and furnished to the county board, and after confirmation and acceptance of such commission, such judges shall thereupon become officers of such court. If a vacancy occurs so late that nomination by the county board and application to and confirmation by the court cannot be had before the election, then the court shall, subject to the provisions of Section 13-1.1 [10 ILCS 5/13-1.1], make an appointment and issue a commission to such officer or officers, and when thus appointed such officer shall be considered an officer of the court and subject to the same rules as if nominated by the county board and confirmed by the court, and any judge, however appointed, and at whatever time, shall be considered an officer of court and be subject to the same control and punishment in case of misbehavior. Not more than 10 business days after the day of election, the county clerk shall compile a list containing the name, address and party affiliation of each judge of election who served on the day of election, and shall preserve such list and make it available for public inspection and copying for a period of not more than one year from the date of receipt of such list. Copies of such list shall be available for purchase at a cost not to exceed the cost of duplication. The board has the right, at any time, in case of misbehavior or neglect of duty, to remove any judge of election and cause such vacancy to be filled in accordance with this Act. Except for judges appointed under subsection (b) of Section 13-4 [10 ILCS 5/13-4], the board shall have the right, at any time, to remove any judge of election for failing to vote the primary ballot of the political party he represents, at a primary election at which he served as such judge, and shall cause such vacancy to be filled in accordance with this Act. The board shall remove any judge of election who, twice during the same term of office, fails to provide for the opening of the polling place at the time prescribed in Section 17-1 or Section 18-2 [10 ILCS 5/17-1 or 10 ILCS 5/18-2], whichever is applicable, unless such delay can be demonstrated by the judge of election to be beyond his or her control. In the event that any judge of election is removed for cause, the board shall specify such cause in writing and make such writing a matter of public record, with a copy to be sent to the appropriate county chairman who made the initial recommendation of the election judge. If any vacancies occur or exist more than 15 days before election the judges appointed to such places must be confirmed by such court. The county board shall not voluntarily remove any judge within 15 days of such election except for flagrant misbehavior, incapacity or dishonesty, and the reason therefor must afterward be reported in writing to such court and made a matter of public record, with a copy to be sent to the appropriate county chairman who made the initial recommenda-

tion of the election judge. Provided further that where a vacancy in the office of judge of election exists 20 days or less prior to any election in counties having a population of 3,000,000 or more inhabitants, or where such vacancy exists 10 days or less prior to any election in counties having less than 3,000,000 inhabitants, the county clerk shall, subject to the provisions of Section 13-1.1 [10 ILCS 5/13-1.1], appoint a person of the same major political party to fill such vacancy and issue a commission thereto. The name of the officer so appointed shall be reported to the court as a matter of record and after acceptance of such commission such person shall be liable in the same manner as officers regularly appointed by the county board and confirmed by the court. The county clerk shall have the power on election day to remove without cause any judge of election appointed by the other judges of election pursuant to Section 13-7 [10 ILCS 5/13-7] and to appoint another judge of election to serve for that election. Such substitute judge of election must be selected, where possible, pursuant to the provisions of Section 13-1.1 [10 ILCS 5/13-1.1] and must be qualified in accordance with Section 13-4 [10 ILCS 5/13-4].

If any precinct has increased in voter registration beyond the maximum of 800 provided in Section 11-2 [10 ILCS 5/11-2], the county clerk may appoint one additional judge of election from each political party for each 200 voters in excess of 800.

(Source: P.A. 86-867; 86-1348; 90-672, § 5; 91-352, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-3.

Effect of Amendments.

The 1998 amendment by P.A. 90-672, effective July 31, 1998, in the first paragraph, divided the former second sentence into the present second and fourth sentences, substituted "a notice" for "the same" in the present second sentence, and inserted the present third sentence.

The 1999 amendment by P.A. 91-352, effective January 1, 2000, added "Except for judges appointed under subsection (b) of Section 13-4" at the beginning of the ninth sentence of the third paragraph.

CASE NOTES

Election Judges

—Officers of Court

Under a prior similar provision, primary election judges were not deemed officers of the county court, and the county court was without jurisdiction to punish a violation of the duties of a judge of a primary election as contempt of court. *Graham v. People*, 135 Ill. 442, 25 N.E. 749 (1890).

10 ILCS 5/13-4 Qualifications

Sec. 13-4. *Qualifications.* (a) All persons elected or chosen judge of election must: (1) be citizens of the United States and entitled to vote at the next election, except as provided in subsection (b); (2) be of good repute and character; (3) be able to speak, read and write the English language; (4) be skilled

in the four fundamental rules of arithmetic; (5) be of good understanding and capable; (6) not be candidates for any office at the election and not be elected committeemen; and (7) reside in the precinct in which they are selected to act, except that in each precinct, not more than one judge of each party may be appointed from outside such precinct. Any judge selected to serve in any precinct in which he is not entitled to vote must reside within and be entitled to vote elsewhere within the county which encompasses the precinct in which such judge is appointed. Such judge must meet the other qualifications of this Section.

(b) An election authority may establish a program to permit a person who is not entitled to vote to be appointed as an election judge if, as of the date of the election at which the person serves as a judge, he or she:

- (1) is a U.S. citizen;
- (2) is a senior in good standing enrolled in a public or private secondary school;
- (3) has a cumulative grade point average equivalent to at least 3.0 on a 4.0 scale;
- (4) has the written approval of the principal of the secondary school he or she attends at the time of appointment;
- (5) has the written approval of his or her parent or legal guardian;
- (6) has satisfactorily completed the training course for judges of election described in Sections 13-2.1 and 13-2.2 [10 ILCS 5/13-2.1 and 10 ILCS 5/13-2.2]; and
- (7) meets all other qualifications for appointment and service as an election judge.

No more than one election judge qualifying under this subsection may serve per political party per precinct. Prior to appointment, a judge qualifying under this subsection must certify in writing to the election authority the political party the judge chooses to affiliate with.

Students appointed as election judges under this subsection shall not be counted as absent from school on the day they serve as judges.
(Source: Laws 1967, p. 834; P.A. 91-352, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-4.

Effect of Amendments.

The 1999 amendment by P.A. 91-352, effective January 1, 2000, added the section heading; added the subsection (a) designation and inserted "except as provided in subsection (b)" in subsection (a)(1); and added subsection (b).

CASE NOTES

Ineligible Judge

—Candidate for Office

Action of a successful candidate for office in handling the ballots, reading the votes thereon and announcing the votes on each ballot, without any judge or pollwatcher participating in reading the ballots or verifying the announcement of the votes on the ballots, was a flagrant violation of this section, which vitiated the election

results. *Engel v. Caputo*, 63 Ill. App. 3d 752, 20 Ill. Dec. 559, 380 N.E.2d 537 (3 Dist. 1978).

10 ILCS 5/13-5 [Notification of appointment]

Sec. 13-5. Immediately on the appointment of such judges, the county clerk shall notify each judge of election of his appointment.
(Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-5.

10 ILCS 5/13-6 [Term of appointment]

Sec. 13-6. The judges so appointed shall be and continue judges of all elections held within their respective precincts or districts, until other judges shall be appointed in like manner.
(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-6.

10 ILCS 5/13-6.1 [Identification]

Sec. 13-6.1. Each judge of election shall be identified as such by a suitable badge or label authorized and issued by the county clerk and bearing the date of the election for which issued. On such badge, the judge shall print his or her name and the ward, township or road district and precinct number in which he or she is serving.
(Source: P.A. 84-971.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-6.1.

10 ILCS 5/13-6.2 [Designation of holdover judges]

Sec. 13-6.2. For each precinct in which there are 2 teams of judges, the county clerk shall designate 2 of the judges of election, one from each political party, as holdover judges. The holdover judges shall be on duty during the entire time from the opening of the polls until the conclusion of the counting of the vote.
(Source: P.A. 76-1224.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-6.2.

10 ILCS 5/13-7 [Replacing a missing judge]

Sec. 13-7. If, at the time of the opening of any election, or at the time the polls are closed in the case of a judge designated to count the votes, any person appointed or constituted a judge of election shall not be present, or will not act or take the oath to act in such capacity the judge or judges present may appoint some other qualified elector having the same qualifications and who is affiliated with the same political party, as the one refusing to take the

oath or refusing to act or serve in his place. If there be no judges of election present, or if they refuse to act, such electors of the precinct as may then be present at the place of election, may fill the places of such judges of election by election from their number. After the polls are open, if any judge becomes ill or if any member of his immediate family becomes ill, such judge may be excused from further attendance, and the remaining judges may appoint some other qualified elector, having the same qualifications who is affiliated with the same political party as the judge excused, to act in his place. The judges so appointed shall have the same power and be subject to the same penalties as the other judges of election.

(Source: P.A. 76-1224.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-7.

10 ILCS 5/13-8 [Oath or affirmation]

Sec. 13-8. Before any vote is taken, the judges of the election shall severally subscribe and take an oath or affirmation, in the following form:

"I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of judge of election, according to the best of my ability, and (in the case of a registered voter, that I am entitled to vote at this election)." (Source: Laws 1967, p. 3838; P.A. 91-352, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-8.

Effect of Amendments.

The 1999 amendment by P.A. 91-352, effective January 1, 2000, inserted "(in the case of a registered voter" in the second paragraph and made related changes.

10 ILCS 5/13-9 [Judges may administer oath]

Sec. 13-9. In case there is no judge present at the opening of the election, or in case such judge is appointed a judge of election, the judges of the election may administer the oath or affirmation to each other; and the person administering such oath or affirmation, shall cause an entry thereof to be made and subscribed by him, and prefixed to each poll book, or if there be no poll book on a separate sheet or form.

(Source: Laws 1963, p. 1135.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-9.

10 ILCS 5/13-10 [Compensation]

Sec. 13-10. The compensation of the judges of all primaries and all elections, except judges supervising absentee ballots as provided in Section 19-12.2 of this Act [10 ILCS 5/19-12.2], in counties of less than

600,000 inhabitants shall be fixed by the respective county boards or boards of election commissioners in all counties and municipalities, but in no case shall such compensation be less than \$35 per day. The compensation of judges of all primaries and all elections not under the jurisdiction of the county clerk, except judges supervising absentee balloting as provided in Section 19-12.2 of this Act [10 ILCS 5/19-12.2], in counties having a population of 2,000,000 or more shall be not less than \$60 per day. The compensation of judges of all primaries and all elections under the jurisdiction of the county clerk, except judges supervising absentee balloting as provided in Section 19-12.2 of this Act [10 ILCS 5/19-12.2], in counties having a population of 2,000,000 or more shall be not less than \$60 per day. The compensation of judges of all primaries and all elections, except judges supervising absentee ballots as provided in Section 19-12.2 of this Act [10 ILCS 5/19-12.2], in counties having a population of at least 600,000 but less than 2,000,000 inhabitants shall be not less than \$45 per day as fixed by the county board of election commissioners of each such county. In addition to their per day compensation and notwithstanding the limitations thereon stated herein, the judges of election, in all counties with a population of less than 600,000, shall be paid \$3 each for each 100 voters or portion thereof, in excess of 200 voters voting for candidates in the election district or precinct wherein the judge is serving, whether a primary or an election is being held. However, no such extra compensation shall be paid to the judges of election in any precinct in which no paper ballots are counted by such judges of election. The 2 judges of election in counties having a population of less than 600,000 who deliver the returns to the county clerk shall each be allowed and paid a sum to be determined by the election authority for such services and an additional sum per mile to be determined by the election authority for every mile necessarily travelled in going to and returning from the office or place to which they deliver the returns. The compensation for mileage shall be consistent with current rates paid for mileage to employees of the county.

However, all judges who have been certified by the County Clerk or Board of Election Commissioners as having satisfactorily completed, within the 2 years preceding the day of election, the training course for judges of election, as provided in Sections 13-2.1, 13-2.2 and 14-4.1 of this Act [10 ILCS 5/13-2.1, 10 ILCS 5/13-2.2 and 10 ILCS 5/14-4.1], shall receive additional compensation of not less than \$10 per day in counties of less than 600,000 inhabitants, the additional compensation of not less than \$10 per day in counties having a population of at least 600,000 but less than 2,000,000 inhabitants as fixed by the county board of election commissioners of each such county, and additional compensation of not less than \$20 per day in counties having a population of 2,000,000 or more for primaries and elections not

under the jurisdiction of the county clerk, and additional compensation of not less than \$20 per day in counties having a population of 2,000,000 or more for primaries and elections under the jurisdiction of the county clerk.

In precincts in which there are tally judges, the compensation of the tally judges shall be $\frac{2}{3}$ of that of the judges of election and each holdover judge shall be paid the compensation of a judge of election plus that of a tally judge.

Beginning on the effective date of this amendatory Act of 1998, the portion of an election judge's daily compensation reimbursed by the State Board of Elections is increased by \$15. The increase provided by this amendatory Act of 1998 must be used to increase each judge's compensation and may not be used by the county to reduce its portion of a judge's compensation.

(Source: P.A. 85-903; 87-1052, § 3; 87-1241, § 1; 90-672, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-10.

Effect of Amendments.

The 1992 amendment by P.A. 87-1052, effective September 11, 1992, and the 1992 amendment by P.A. 87-1241, effective December 23, 1992, made identical changes: they each substituted "\$75" for "\$65" in the first sentence; inserted "not under the jurisdiction of the county clerk", "not less than" preceding "\$60" and "nor more than \$75" in the second sentence; inserted the present third sentence; substituted "\$75" for "\$65" following "\$45 nor more than" in the fourth sentence; inserted "not less than" preceding "\$10" and "nor more than \$25" preceding "per day in counties", substituted "\$25" for "\$20" and inserted "not less than" preceding "\$20", "nor more than \$25" preceding "per day in counties having a population" and the language beginning "for primaries and elections" and continuing to "jurisdiction of the county clerk" in the second paragraph.

The 1998 amendment by P.A. 90-672, effective July 31, 1998, deleted "nor more than \$75" following the dollar amounts throughout this section; and added the last paragraph.

OPINIONS OF ATTORNEY GENERAL

Insurance Coverage

County election judges, jury commissioners, and Board of Review members, paid per diem, are employees covered by the Unemployment Insurance Act (see now 820 ILCS 405/100 et seq.). 1978 Op. Atty. Gen. 99.

10 ILCS 5/13-10a Compensation of judges of special district referenda

Sec. 13-10a. *Compensation of judges of special district referenda.* (a) Unless compensation is otherwise provided by law, if a county or municipality elects to compensate a judge of election who serves a referendum that has been called to create a special district, the judge shall be compensated in the same amount as provided for judges of election in Section 13-10 [10 ILCS 5/13-10].

(b) Where the proposed special district being voted upon in an election is wholly included in, or is coterminous with, a municipality, the cost of compensating the judges of election may be borne by the municipality.

(c) Where the proposed special district being voted upon in an election does not fall entirely within one municipality, the cost of compensating the judges of election may be borne by the county, and where the district includes territory in more than one county, the compensation costs may be apportioned between or among the counties according to the number of precincts within each county that lie in the proposed district.

(d) Where the referendum for a special district is ordered by a court, and the judges of election are appointed by the court, the court, at the request of a municipality or county, shall assess the cost of compensating the election judges and shall submit a bill for payment to the municipality or county.

(e) Where the referendum for a special district is conducted by a county clerk or by a board of election commissioners, the clerk or board, at the request of a municipality or county, shall assess the cost of compensation of election judges, and shall submit a bill for payment to the municipality or county.

(f) No judge of election who is compensated for services as an election judge under any other Section or Act shall be compensated for simultaneous service in a referendum under the provisions of this Section. (Source: P.A. 79-406; 87-1052, § 5-30.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 901.

This section was derived from former 10 ILCS 25/1 through 10 ILCS 25/6. The historical citations to the former sections have been retained.

P.A. 87-1052, § 5-30 added the section catchline; added the subsection designations (a) through (f); in subsection (a) substituted "referendum that" for "referendum which", substituted "the judge" for "such judge" and deleted "of the Election Code", approved May 11, 1943, as amended; in subsection (c) substituted "the compensation" for "such compensation" and substituted "that lie" for "which lie"; in subsection (e) substituted "the municipality" for "such municipality"; and in subsection (f) substituted "an election judge" for "such", inserted "Section or" preceding "Act"; and substituted "this Section" for "this Act".

10 ILCS 5/13-10.1 [Township supervisor; compensation]

Sec. 13-10.1. Whenever a county board requires any township supervisor to oversee the conduct of any election necessitating the personal attendance of such supervisor at two or more polling places, the county board shall compensate such supervisor at the same rate as is paid to a judge of election. (Source: Laws 1957, p. 2248.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-10.1.

10 ILCS 5/13-11 [Certificate of compensation]

Sec. 13-11. It shall be the duty of the county clerk, on the receipt of the election returns of any general or special election, to make out his certificate, stating the compensation to which the judges of each election may be entitled for their services, and lay

the same before the county board at its next session; and the board shall order the compensation aforesaid to be paid out of the county treasury. The State Board of Elections shall reimburse such county in the amount of the increase in compensation provided in Public Acts 81-850 and 81-1149 and by this amendatory Act of 1998.

(Source: P.A. 81-850; 81-1149; 90-672, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-11.

Effect of Amendments.

The 1998 amendment by P.A. 90-672, effective July 31, 1998, inserted "Public Acts 81-850 and 81-1149 and by" and inserted "of 1998" in the last sentence.

CASE NOTES

Tax Money

—Withholding

The county collector was authorized to withhold, from the general taxes due a sanitary district, the portion and share of the compensation of judges and clerks of elections allocated to the sanitary district for serving in the general elections. *People ex rel. San. Dist. v. Schlager*, 391 Ill. 314, 63 N.E.2d 382 (1945).

10 ILCS 5/13-16 [Disorderly persons; arrest]

Sec. 13-16. Any peace officer attending such election may call to his aid a sufficient number of citizens to arrest any disorderly person or suppress any riot or disorder during the election. Whoever conducts himself in a riotous or disorderly manner at any election, and persists in such conduct after being warned to desist, may be arrested without warrant.

(Source: Laws 1965, p. 301.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 13-16.

ARTICLE 14.

**JUDGES (IN MUNICIPALITIES UNDER
BOARDS OF ELECTION
COMMISSIONERS)**

10 ILCS 5/14-1 [Appointment; qualifications]

Sec. 14-1. (a) The board of election commissioners established or existing under Article 6 [10 ILCS 5/6-1 et seq.] shall, at the time and in the manner provided in Section 14-3.1 [10 ILCS 5/14-3.1], select and choose 5 persons, men or women, as judges of election for each precinct in such city, village or incorporated town.

Where neither voting machines nor electronic, mechanical or electric voting systems are used, the board of election commissioners may, for any precinct with respect to which the board considers such action necessary or desirable in view of the number of voters, and shall for general elections for any precinct containing more than 600 registered voters,

appoint in addition to the 5 judges of election a team of 5 tally judges. In such precincts the judges of election shall preside over the election during the hours the polls are open, and the tally judges, with the assistance of the holdover judges designated pursuant to Section 14-5.2 [10 ILCS 5/14-5.2], shall count the vote after the closing of the polls. The tally judges shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for judges of election. The foregoing provisions relating to the appointment of tally judges are inapplicable in counties with a population of 1,000,000 or more.

(b) To qualify as judges the persons must:

- (1) be citizens of the United States;
- (2) be of good repute and character;
- (3) be able to speak, read and write the English language;
- (4) be skilled in the 4 fundamental rules of arithmetic;
- (5) be of good understanding and capable;
- (6) not be candidates for any office at the election and not be elected committeemen;

(7) reside and be entitled to vote in the precinct in which they are selected to serve, except that in each precinct not more than one judge of each party may be appointed from outside such precinct. Any judge so appointed to serve in any precinct in which he is not entitled to vote must be entitled to vote elsewhere within the county which encompasses the precinct in which such judge is appointed and such judge must otherwise meet the qualifications of this Section.

(c) An election authority may establish a program to permit a person who is not entitled to vote to be appointed as an election judge if, as of the date of the election at which the person serves as a judge, he or she:

- (1) is a U.S. citizen;
- (2) is a senior in good standing enrolled in a public or private secondary school;
- (3) has a cumulative grade point average equivalent to at least 3.0 on a 4.0 scale;
- (4) has the written approval of the principal of the secondary school he or she attends at the time of appointment;
- (5) has the written approval of his or her parent or legal guardian;

(6) has satisfactorily completed the training course for judges of election described in Sections 13-2.1, 13-2.2, and 14-4.1 [10 ILCS 5/13-2.1, 10 ILCS 5/13-2.2 and 10 ILCS 5/14-4.1]; and

(7) meets all other qualifications for appointment and service as an election judge.

No more than one election judge qualifying under this subsection may serve per political party per precinct. Prior to appointment, a judge qualifying under this subsection must certify in writing to the election authority the political party the judge chooses to affiliate with.

Students appointed as election judges under this subsection shall not be counted as absent from school on the day they serve as judges.

(d) The board of election commissioners may select 2 additional judges of election, one from each of the major political parties, for each 200 voters in excess of 600 in any precinct having more than 600 voters as authorized by Section 11-3 [10 ILCS 5/11-3]. These additional judges must meet the qualifications prescribed in this Section.
(Source: P.A. 80-779; 91-352, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-1.

Cross References.

As to the interrelationship between this section and the provisions of Article 6 of this Act, see 10 ILCS 5/6-1.

As to the returning to the office of the board of election commissioners of affidavits made before judges of election, see 10 ILCS 5/6-68.

Effect of Amendments.

The 1999 amendment by P.A. 91-352, effective January 1, 2000, inserted the subsection (a), (b), and (d) designations; and substituted "persons" for "electors" in subsection (a) and (b).

CASE NOTES

ANALYSIS

Injunctive Relief

—Denied
Purpose

Injunctive Relief

—Denied

In an action by candidates for the position of State's attorney in the primary election, where the complaint alleged that defendants caused certain election judges to be appointed representing a political party other than those claimed to have been duly certified by the chairman of the party's central committee of the county, and where plaintiffs were denied preliminary injunctive relief in federal district court, the federal court of appeals would not grant injunctive relief since the facts were controverted. *Moore v. Kusper*, 465 F.2d 253 (7th Cir. 1972).

Purpose

The underlying rationale of this Act is that each of the principal political parties in the state should have the privilege of naming, via the chairman certification, approximately one half of the election judges. *Moore v. Kusper*, 465 F.2d 253 (7th Cir. 1972).

LEGAL PERIODICALS

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

10 ILCS 5/14-3.1 [Selection of judges by board]

Sec. 14-3.1. The board of election commissioners shall, during the month of May of each even-numbered year, select for each election precinct within the jurisdiction of the board 5 persons to be judges of election who shall possess the qualifications required by this Act for such judges. The selection shall be made by a county board of election commis-

sioners in the following manner: the county board of election commissioners shall select and approve 3 persons as judges of election in each election precinct from a certified list furnished by the chairman of the county central committee of the first leading political party in that precinct; the county board of election commissioners also shall select and approve 2 persons as judges of election in each election precinct from a certified list furnished by the chairman of the county central committee of the second leading political party in that precinct. The selection by a municipal board of election commissioners shall be made in the following manner: for each precinct, 3 judges shall be selected from one of the 2 leading political parties and the other 2 judges shall be selected from the other leading political party; the parties entitled to 3 and 2 judges, respectively, in the several precincts shall be determined as provided in Section 14-4 [10 ILCS 5/14-4]. However, a Board of Election Commissioners may appoint three judges of election to serve in lieu of the 5 judges of election otherwise required by this Section to serve in any emergency referendum, or in any odd-year regular election or in any special primary or special election called for the purpose of filling a vacancy in the office of representative in the United States Congress or to nominate candidates for such purpose.

If only 3 judges of election serve in each election precinct, no more than 2 persons of the same political party shall be judges of election in the same election precinct, and which political party is entitled to 2 judges of election and which political party is entitled to one judge of election shall be determined as set forth in this Section for a county board of election commissioners' selection of 5 election judges in each precinct or in Section 14-4 [10 ILCS 5/14-4] for a municipal board of election commissioners' selection of election judges in each precinct, whichever is appropriate. In addition to such precinct judges, the board of election commissioners shall appoint special panels of 3 judges each, who shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for other judges of election. The number of such panels of judges required shall be determined by regulation of the State Board of Elections, which shall base the required number of special panels on the number of registered voters in the jurisdiction or the number of absentee ballots voted at recent elections or any combination of such factors. A municipal board of election commissioners shall make the selections of persons qualified under Section 14-1 [10 ILCS 5/14-1] from certified lists furnished by the chairman of the respective county central committees of the 2 leading political parties. Lists furnished by chairmen of county central committees under this Section shall be arranged according to precincts. The chairman of each county central committee shall, insofar as possible, list persons who reside within the precinct in which they are to serve as

judges. However, he may, in his sole discretion, submit the names of persons who reside outside the precinct but within the county embracing the precinct in which they are to serve. He must, however, submit the names of at least 2 residents of the precinct for each precinct in which his party is to have 3 judges and must submit the name of at least one resident of the precinct for each precinct in which his party is to have 2 judges. The board of election commissioners shall no later than March 1 of each even-numbered year notify the chairmen of the respective county central committees of their responsibility to furnish such lists, and each such chairman shall furnish the board of election commissioners with the list for his party on or before May 1 of each even-numbered year. The board of election commissioners shall acknowledge in writing to each county chairman the names of all persons submitted on such certified list and the total number of persons listed thereon. If no such list is furnished or if no names or an insufficient number of names are furnished for certain precincts, the board of election commissioners shall make or complete such list from the names contained in the supplemental list provided for in Section 14-3.2 [10 ILCS 5/14-3.2]. Judges of election shall hold their office for 2 years from their appointment and until their successors are duly appointed in the manner herein provided. The board of election commissioners shall, subject to the provisions of Section 14-3.2 [10 ILCS 5/14-3.2], fill all vacancies in the office of judges of election at any time in the manner herein provided.

Such selections under this Section shall be confirmed by the court as provided in Section 14-5 [10 ILCS 5/14-5].

(Source: P.A. 85-958; 89-471, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-3.1.

Effect of Amendments.

The 1996 amendment by P.A. 89-471, effective June 13, 1996, in the first paragraph, in the first sentence, substituted "May" for "January" and deleted "starting with 1968" preceding "select for each election", added the second sentence, in the third sentence, at the beginning added "The selection by a municipal board of election commissioners shall be made in the following manner" and substituted a semi-colon for a colon preceding "the parties entitled" and in the fourth sentence substituted "a Board" for "the Board"; in the second paragraph, in the first sentence, inserted "this Section for a county board of election commissioners' selection of 5 election judges in each precinct or in" and inserted "for a municipal board of election commissioners' selection of election judges in each precinct, whichever is appropriate", in the fourth sentence substituted "A municipal" for "The", in the fifth sentence substituted "Lists furnished by chairmen of county central committees under this Section" for "Such list" and in the ninth sentence substituted "March 1 of each even-numbered year" for "November 1, 1967 and November 1 of each odd numbered year thereafter" and substituted "May 1 of each even-numbered year" for "December 31, 1967, and December 31, of each odd numbered year thereafter".

CASE NOTES

Election Contest

—Adequacy of Election Judges

Where a complaint failed to state how alleged violations of

merely technical statutory provisions, such as the adequacy of the number of election judges present and the failure to select substitute judges more than five days prior to the election from a certified list, affected the validity of an election, plaintiffs' action was properly dismissed. *Foster v. Chicago Bd. of Elections Comm'rs*, 176 Ill. App. 3d 776, 126 Ill. Dec. 293, 531 N.E.2d 920 (1 Dist. 1988).

10 ILCS 5/14-3.2 [Supplemental list]

Sec. 14-3.2. In addition to the list provided for in Section 14-3.1 [10 ILCS 5/14-3.1], the chairman of the county central committee of each of the 2 leading political parties shall furnish to the board of election commissioners a supplemental list, arranged according to precinct in which they are to serve, of persons available as judges of election, the names and number of all persons listed thereon to be acknowledged in writing to the county chairman submitting such list by the board of election commissioners. The board of election commissioners shall select from this supplemental list persons qualified under Section 14-1 [10 ILCS 5/14-1], to fill vacancies among the judges of election. If the list provided for in Section 14-3.1 [10 ILCS 5/14-3.1] for any precinct is exhausted, then selection shall be made from the supplemental list furnished by the chairman of the county central committee of the party. If such supplemental list is exhausted for any precinct, then selection shall be made from any of the persons on the supplemental list without regard to the precincts in which they are listed to serve. No selection or appointment from the supplemental list shall be made more than 21 days prior to the date of precinct registration for those judges needed as precinct registrars, and more than 28 days prior to the date of an election for those additional persons needed as election judges. In any case where selection cannot be made from the supplemental list without violating Section 14-1 [10 ILCS 5/14-1], selection shall be made from outside the supplemental list of some person qualified under Section 14-1 [10 ILCS 5/14-1].

(Source: P.A. 78-888; 78-889; 78-1297.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-3.2.

10 ILCS 5/14-4 [Party representation among judges]

Sec. 14-4. The leading political party represented by a minority of all the commissioners in the board shall be entitled to 2 of the judges in each precinct with an even number, and 3 of the judges in each precinct with an odd number, and the other leading political party shall be entitled to 3 judges in the even and 2 judges in the odd number precincts; and if only 3 judges of election serve in each precinct, the leading political party represented by the minority of all the commissioners in the board shall be entitled to one of the judges of election in each precinct with an even number, and 2 of the judges of election in each precinct with an odd number, and

the other leading political party shall be entitled to 2 judges of election in the even and one judge of election in the odd number precincts; and it shall be the duty of such commissioners to observe this division in all respects in making such appointments; except that this Section does not apply to appointments by county boards of election commissioners under Section 14-3.1 [10 ILCS 5/14-3.1]. (Source: P.A. 80-779; 89-471, § 5; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-4. P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1996 amendment by P.A. 89-471, effective June 13, 1996, added at the end "except that this Section does not apply to appointments by county boards of election commissioners under Section 14-3.1".

The 1999 amendment by P.A. 91-357, effective July 29, 1999, made a stylistic change.

10 ILCS 5/14-4.1 [Training course]

Sec. 14-4.1. The Board of Election Commissioners shall establish a training course for judges of election. The curriculum of such course shall be approved by the Board. A suitable certificate shall be issued by the Board to each student upon his satisfactory completion of the course.

Such course may be established jointly with a course in the county established as provided in Section 13-2.1 of this Act [10 ILCS 5/13-2.1].

Such course shall be conducted in the manner provided by Section 13-2.2 of this Act [10 ILCS 5/13-2.2].

(Source: Laws 1961, p. 3399.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-4.1.

10 ILCS 5/14-5 [Confirmation and appointment; objection; vacancies]

Sec. 14-5. After the judges are selected and have agreed to serve as provided in Sections 14-1 to 14-4 [10 ILCS 5/14-1 to 10 ILCS 5/14-4], inclusive, then a report of such selections shall be made and filed in the court, and application shall then be made by the board to the circuit court for their confirmation and appointment, whereupon the court shall enter an order that cause be shown, if any exists, against the confirmation and appointment of such persons so named, on or before the opening of the court on a day to be fixed by the court. And the board of commissioners shall immediately give notice of such order and the names of all such judges so reported to such court for confirmation, and their residence and the precinct for which they were selected, by causing a notice to be published in one or more newspapers in such city, village or incorporated town, and if no newspaper be published in such city, village or

incorporated town, then by posting such notice in 3 of the most public places in such city, village or town. The notice shall state that a list of judges of election is available for public inspection in the office of the election authority. If no cause to the contrary is shown prior to the day fixed, and if, in each precinct, at least one judge representing each of the two major political parties has been certified by the board of commissioners as having satisfactorily completed within the preceding 6 months the training course and examination for judges of election, as provided in Section 14-4.1 of this Act [10 ILCS 5/14-4.1] such appointments shall be confirmed by order entered by that court.

If in any precinct the requisite 2 judges have not been so certified by the board of commissioners as having satisfactorily completed such course and examination, the board of commissioners shall immediately notify all judges in that precinct, to whose appointment there is no other objection, that all such judges shall attend the next such course. The board of commissioners shall then certify to the court that all such judges have been so notified (and such certification need contain no detail other than a mere recital). The appointment of such judges shall then be confirmed by order entered by the court. If any judge so notified and so confirmed fails to attend the next such course, such failure shall subject such judge to possible removal from office at the option of the election authority.

If objections to the appointment of any such judge is filed prior to the day fixed by the court for confirmation of judges, the court shall hear such objections and the evidence introduced in support thereof, and shall confirm or refuse to confirm such nominations, as the interests of the public may require. No reasons may be given for the refusal to confirm. If any vacancies exist by reason of the action of such board or otherwise, at any time, the board of commissioners shall, subject to the provisions of Section 14-3.2 [10 ILCS 5/14-3.2], further report and nominate persons to fill such vacancies so existing in the manner aforesaid, and a court in the same way shall consider such nominations and shall confirm or refuse to confirm the same in the manner aforesaid. Upon the confirmation of such judges, at any time, a commission shall issue to each of such judges, under the seal of such court, and appropriate forms shall be prepared by the board of commissioners for such purpose. After such confirmation and acceptance of such commission, such judges shall thereupon become officers of such court. If a vacancy occurs so late that application to and confirmation by the court cannot be had before the election, then the board of commissioners shall, subject to the provisions of Section 14-3.2 [10 ILCS 5/14-3.2], make an appointment and issue a commission to such officer or officers, and when thus appointed such officer shall be considered an officer of the court and subject to the same rules and punishment, in case of misbehavior, as if confirmed by the court, and any

judge, however appointed, and at whatever time, shall be considered an officer of court, and be subject to the same control and punishment in case of misbehavior. Not more than 10 business days after the day of election, the board of election commissioners shall compile a list containing the name, address and party affiliation of each judge of election who served on the day of election, and shall preserve such list and make it available for public inspection and copying for a period of not more than one year from the date of receipt of such list. Copies of such list shall be available for purchase at a cost not to exceed the cost of duplication. The board of commissioners has the right at any time, in case of misbehavior or neglect of duty, to remove any judge of election, and shall cause such vacancy to be filled in accordance with this Act. Except for judges appointed under subsection (c) of Section 14-1 [10 ILCS 5/14-1], the board has the right, at any time, to remove any judge of election for failing to vote the primary ballot of the political party he represents at a primary election at which he served as such judge, and shall cause such vacancy to be filled in accordance with this Act. The board shall remove any judge of election who, twice during the same term of office, fails to provide for the opening of the polling place at the time prescribed in Section 17-1 or Section 18-2 [10 ILCS 5/17-1 or 10 ILCS 5/18-2], whichever is applicable, unless such delay can be demonstrated by the judge of election to be beyond his or her control. In the event that any judge of election is removed for cause, the board shall specify such cause in writing and make such writing a matter of public record, with a copy to be sent to the appropriate county chairman who made the initial recommendation of the election judges. The judges of election must be appointed and confirmed at least 35 days prior to the next election.

If any vacancy shall occur or exist, more than 5 days before election the judges appointed to such places must be confirmed by such court. Such commissioners shall not voluntarily remove any judge within 5 days of such election, except for flagrant misbehavior, incapacity or dishonesty, and the reasons therefor must afterwards be reported in writing to such court and made a matter of public record, with a copy to be sent to the appropriate county chairman who made the initial recommendation of the election judge. If such removal be wilful and without cause, the commissioners shall be punished for contempt of court and subject to removal. The board of election commissioners shall have the power on election day to remove without cause any judge of election appointed by the other judges of election pursuant to Section 14-6 [10 ILCS 5/14-6] and to appoint another judge of election to serve for that election. Such substitute judge of election must be selected, where possible, pursuant to the provisions of Section 14-3.2 [10 ILCS 5/14-3.2] and must be qualified in accordance with Section 14-1 [10 ILCS 5/14-1].

(Source: P.A. 86-867; 86-1348; 90-672, § 5; 91-352, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-5.

Effect of Amendments.

The 1998 amendment by P.A. 90-672, effective July 31, 1998, in the first paragraph, divided the former second sentence into the present second and fourth sentences, substituted "a notice" for "the same" in the present second sentence, and inserted the present third sentence.

The 1999 amendment by P.A. 91-352, effective January 1, 2000, added "Except for judges appointed under subsection (c) of Section 14-1" at the beginning of the tenth sentence of the third paragraph.

CASE NOTES

ANALYSIS

Burden of Proof
 Contempt Proceedings
 —Held Not Criminal
 —Standard of Proof
 Election Contest
 —Adequacy of Election Judges
 Federal Jurisdiction
 —Individual Injury Required
 Misconduct
 —Change of Venue
 —Fraud
 —Presumptions
 —Punishment
 —Shown
 Objections
 —Trial
 Vote Tampering
 —Evidence
 —Punishment

Burden of Proof

In a criminal contempt proceeding against election officials, the officials were presumed to be innocent, and the burden was upon the state to prove them guilty of the charge. *People ex rel. Rusch v. Ferro*, 313 Ill. App. 202, 39 N.E.2d 707 (2 Dist. 1942).

Contempt Proceedings

—Held Not Criminal

A contempt proceeding against judges and clerks of an election was not a criminal case and did not confer upon the state Supreme Court the jurisdiction to review the appellate court's judgment upon a writ of error. *People ex rel. Rusch v. Kotwas*, 363 Ill. 336, 2 N.E.2d 314 (1936).

—Standard of Proof

A contempt proceeding under this section is a proceeding for civil contempt, and respondents must be shown guilty by at least a preponderance of the evidence. *People ex rel. Rusch v. Fusco*, 397 Ill. 468, 74 N.E.2d 531 (1947).

Election Contest

—Adequacy of Election Judges

Where a complaint failed to state how alleged violations of merely technical statutory provisions, such as the adequacy of the number of election judges present and the failure to select substitute judges more than five days prior to the election from a certified list, affected the validity of an election, plaintiffs' action was properly dismissed. *Foster v. Chicago Bd. of Elections Comm'rs*, 176 Ill. App. 3d 776, 126 Ill. Dec. 293, 531 N.E.2d 920 (1 Dist. 1988).

Federal Jurisdiction

—Individual Injury Required

Where a complaint by candidates for the office of State's attorney alleged the requisite constitutional rights, but did not allege an individual injury to plaintiffs as to how the plaintiffs were injured by the substitution of judges, nor did it allege that the substituted judges would act in such a manner as to deprive plaintiffs or members of the franchised public of their right to vote and to have

Federal Jurisdiction (Cont'd)**—Individual Injury Required (Cont'd)**

their vote counted equally, nor that the substituted judges failed to meet the qualifications required by this Act or that they were otherwise unfit to act as election judges, in the absence of an allegation that the substituted election judges would subvert the election procedures or in some other manner cause the election to be unfair, there was no deprivation of the constitutional rights asserted by the plaintiffs and without such an allegation, the plaintiffs could not invoke the jurisdiction of the federal courts; injunctive relief for alleged violations of the Illinois election laws was not available in the federal courts in the absence of an allegation to support the existence of some individual injury to the plaintiffs. *Moore v. Kusper*, 465 F.2d 256 (7th Cir. 1972).

Misconduct**—Change of Venue**

Where a trial judge was not a candidate for reelection at an upcoming election, and his alleged disqualification to hear the case of judges and the clerk of election charged with contempt was based upon the theory that his decision may unintentionally have been directed toward obtaining public favor to obtain reelection at another upcoming election to be held several months thereafter, the disqualification of the trial judge was not extended to elections in which he was not a candidate for renomination or reelection, and the trial court properly denied a petition for change of venue. *People ex rel. Marski v. Belvedere*, 333 Ill. App. 104, 76 N.E.2d 790 (1 Dist. 1948).

—Fraud

In an action against election officials for contempt for permitting illegal activities at the polls, where there were no witnesses to back up the charge, the officials were all persons of good repute who had no interest in the result of the election, and watchers, police and representatives of the political parties were constantly in the same room with them, unless it appeared that these persons had the exclusive opportunity to commit the fraud, the fact that fraud did occur was not proof of their guilt when the opportunity to commit fraud was open to others. *People ex rel. Rusch v. Fusco*, 397 Ill. 468, 74 N.E.2d 531 (1947).

—Presumptions

Where there was no evidence connecting one judge and the clerk of election with forged applications or the casting of ballots on such applications done by two other judges, no presumption could arise against them from the registration records, applications of voters, and other material received in evidence but not incorporated in the transcript of the proceedings, and they were not guilty of misconduct and misbehavior. *People ex rel. Marski v. Belvedere*, 333 Ill. App. 104, 76 N.E.2d 790 (1 Dist. 1948).

—Punishment

Punishment of one year's imprisonment in the county jail was not excessive where the offenders accepted the trust of conducting the election at their poll according to law and deliberately betrayed that trust by making a false return of the vote, in open contempt of the court whose officers they were declared to be, not only depriving the voters of their share in the government but using it against their wishes. *People ex rel. Rusch v. Madel*, 337 Ill. 169, 168 N.E. 882 (1929).

—Shown

Judges of election in charge of the precinct registration files or binders were required to compare the signature on each application to vote with the signature on the registration record as a means of identifying the voter; they were presumed to know the law, and by their admitted failure to make this comparison, coupled with evidence relating to forged applications and the casting of ballots on such applications, they were guilty of misconduct and misbehavior as charged against them. *People ex rel. Marski v. Belvedere*, 333 Ill. App. 104, 76 N.E.2d 790 (1 Dist. 1948).

Where defendants denied that any outsider participated in counting the ballots for the municipal court judges, and also claimed that they counted the votes for the special proposition, the glaring discrepancies in the votes for municipal court judges and in the special proposition were convincing evidence that toward the

end of a long and tiring day, the judges were derelict with reference to counting the ballots cast, supporting later contempt proceedings. *People ex rel. Rusch v. Williams*, 292 Ill. App. 228, 11 N.E.2d 37 (1 Dist. 1937).

Objections**—Trial**

A statute which provided that the proceeding for election fraud was to be tried in open court on oral testimony, in a summary way, without formal pleadings, did not authorize the trial court to conduct the proceeding in an arbitrary way. *People ex rel. Rusch v. Ferro*, 313 Ill. App. 202, 39 N.E.2d 707 (2 Dist. 1942).

Vote Tampering**—Evidence**

The court must, in passing upon the charges of vote tampering, consider the tally sheets, ballots, or any other documentary or oral evidence from which the court may determine the innocence or guilt of the parties accused. *People ex rel. Rusch v. Williams*, 292 Ill. App. 228, 11 N.E.2d 37 (1 Dist. 1937).

—Punishment

A one year sentence for vote tampering was excessive; a moderate fine, such as \$50, was sufficient punishment. *People ex rel. Rusch v. Williams*, 292 Ill. App. 228, 11 N.E.2d 37 (1 Dist. 1937).

10 ILCS 5/14-5.1 [Identification]

Sec. 14-5.1. Each judge of election shall be identified as such by a suitable badge or label authorized and issued by the board of election commissioners and bearing the date of the election for which issued. On such badge, the judge shall print his or her name and the ward or township and precinct number in which he or she is serving.

(Source: P.A. 84-971.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-5.1.

10 ILCS 5/14-5.2 [Holdover judges]

Sec. 14-5.2. For each precinct in which there are 2 teams of judges, the board of election commissioners shall designate 2 of the judges of election, one from each political party, as holdover judges. The holdover judges shall be on duty during the entire time from the opening of the polls until the conclusion of the counting of the vote.

(Source: P.A. 76-1224.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-5.2.

10 ILCS 5/14-6 [Replacing missing judge]

Sec. 14-6. If, in any municipality operating under Article 6 of this Act [10 ILCS 5/6-1 et seq.], any judge shall not be present after the expiration of 15 minutes from the time to open the polls, or within 15 minutes from the time of closing the polls in the case of a judge appointed to count the vote or if any judge becomes ill or if any member of his immediate family becomes ill such judge may be excused from further attendance, and the judge or judges present shall fill the place of such absent judge, always selecting a person of the same political party as the party

absent. One of the judges shall administer to such substitute the oath as required of the judge originally appointed, and blank forms shall be sent out by the commissioners for such purpose, which oath shall be preserved and returned to the commissioners, and such appointee shall be considered an officer of the circuit court, and subject to the same punishment and penalties as any other judge. Whenever such regular judge shall be present such substitute shall cease to act. No judge shall knowingly absent himself from the polls on election day, without good cause. No judge shall knowingly detain any register or poll book or cause it not to be produced at the polling place at the opening of the polls, or for not more than 15 minutes thereafter. (Source: P.A. 80-704.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-6.

CASE NOTES**Substitution of Judges**

Where a complaint by candidates for the office of State's attorney alleged the requisite constitutional rights, but did not allege an individual injury to plaintiffs as to how the plaintiffs were injured by the substitution of judges, nor did it allege that the substituted judges would act in such a manner as to deprive plaintiffs or members of the franchised public of their right to vote and to have their vote counted equally, nor that the substituted judges failed to meet the qualifications required by this Act or that they were otherwise unfit to act as election judges, in the absence of an allegation that the substituted election judges would subvert the election procedures or in some other manner cause the election to be unfair, there was no deprivation of the constitutional rights asserted by the plaintiffs and without such an allegation, the plaintiffs could not invoke the jurisdiction of the federal courts. *Moore v. Kusper*, 465 F.2d 256 (7th Cir. 1972).

10 ILCS 5/14-7 [Notification of appointment; oath]

Sec. 14-7. Immediately after the confirmation of such judges by the circuit court, the Board of Election Commissioners shall notify each judge of election of his appointment and shall immediately mail to the judge of election his commission.

Previous to any vote being taken, judges of election shall severally subscribe and take an oath or affirmation in the following form:

"I,, residing at in the city (village or town) of in the State of Illinois, do solemnly swear (or affirm) (in the case of a registered voter, that I am a legal voter in the ward of the city (village or town), of in the State of Illinois); that I will support the laws and constitution of the United States, and of the State of Illinois, and that I will faithfully and honestly discharge the duties of the office of judge of election for the precinct of the ward of the city (village or town) of, in the county of, in the State of Illinois, according to the best of my ability." (Source: P.A. 80-704; 91-352, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-7.

Effect of Amendments.

The 1999 amendment by P.A. 91-352, effective January 1, 2000, inserted "(in the case of a registered voter" near the beginning of the third paragraph and made related changes.

10 ILCS 5/14-8 [Selection prior to next election]

Sec. 14-8. At least 60 days prior to the next election occurring immediately after the expiration of the term of office of the judges, the election commissioners shall cause judges of election again to be selected, who shall be selected, appointed and commissioned in the same way, according to the same forms and subject to the same qualifications and limitations as required for the selection and appointment of such officers in the first instance hereunder.

(Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-8.

10 ILCS 5/14-9 [Compensation]

Sec. 14-9. In all municipalities operating under Article VI of this Act [10 ILCS 5/6-1 et seq.], judges of election shall receive the compensation specified in section 13-10 [10 ILCS 5/13-10] in accordance with the population of the county as in said section specified.

When any judge of election, deputy registrar, judge of registration or officer of registration does not perform all the services required by this Act, then the board of election commissioners shall audit his time and allow his pro rata compensation.

(Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 14-9.

ARTICLE 15.**BALLOT BOXES AND POLL BOOKS****10 ILCS 5/15-1 [County board; provision of ballot boxes]**

Sec. 15-1. (a) Except in municipalities operating under Article 6 of this Act [10 ILCS 5/6-1 et seq.], the county board shall provide a sufficient number of ballot boxes, with secure locks and keys, at the expense of the county, for the several precincts and districts. There shall be an opening in the top of each box not larger than is sufficient to admit a single closed ballot to be inserted therein at one time, through which each ballot voted shall be put into the box.

(b) The county board may provide ballot boxes not of a permanent type, not of wooden or metal construction, not requiring locks or keys, nor having doors or windows, if (1) such ballot boxes are so constructed as to be completely sealed and empty

units upon delivery to the polling place, (2) they can be prepared for the inserting and depositing of ballots by the removal of a perforated section in the top of each such ballot box, which removal creates an open slot not larger than is sufficient to admit a single closed ballot to be inserted therein at one time and through which each ballot voted shall be put into the boxes, and (3) such ballot boxes contain a perforated door or flap on one side which can be unsealed and opened for removal of the ballots when voting has been completed. No ballot box authorized by this paragraph shall be used on more than one election day.

(Source: P.A. 77-6.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 15-1.

10 ILCS 5/15-2 [Judges to keep boxes]

Sec. 15-2. The said ballot boxes shall be delivered to and kept by the judges of election, and by them kept and delivered over to their successors.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 15-2.

10 ILCS 5/15-3 [Provision of election blanks and poll books]

Sec. 15-3. The county clerk shall provide, at the expense of the county, proper blanks, poll books and other necessary election blanks for each precinct and district in his county, and cause a suitable number thereof to be delivered to the judges of election, at least ten (10) days before any election is to be held. The provision for poll books in this section shall not apply where Articles 4, 5 or 6 [10 ILCS 5/4-1 et seq., 10 ILCS 5/5-1 et seq. or 10 ILCS 5/6-1 et seq.] make provision for the use of an official poll record in lieu of poll books.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 15-3.

10 ILCS 5/15-4 [Municipalities; provision of election supplies]

Sec. 15-4. (a) In municipalities operating under Article 6 of this Act [10 ILCS 5/6-1 et seq.] the Board of Election Commissioners shall provide all necessary ballot boxes and all registration record cards, forms of affidavits, forms of notices, certificates of registered voters, tally sheets, blanks and stationery of every description, with printed headings and certificates, necessary and proper for the registry of voters and the conduct of such elections and for every incidental purpose, connected therewith.

(b) The Board of Election Commissioners may provide ballot boxes not of a permanent type, not of

wooden or metal construction, not requiring locks or keys, nor having doors or windows, if (1) such ballot boxes are so constructed as to be completely sealed and empty units upon delivery to the polling place, (2) they can be prepared for the inserting and depositing of ballots by the removal of a perforated section in the top of each such ballot box, which removal creates an open slot not larger than is sufficient to admit a single closed ballot to be inserted therein at one time and through which each ballot voted shall be put into the boxes, and (3) such ballot boxes contain a perforated door or flap on one side which can be unsealed and opened for removal of the ballots when voting has been completed. No ballot box authorized by this paragraph shall be used on more than one election day.

(Source: P.A. 77-6.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 15-4.

10 ILCS 5/15-6 Precinct tabulation optical scan technology voting equipment

Sec. 15-6. *Precinct tabulation optical scan technology voting equipment.* If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code [10 ILCS 5/24B-1 et seq.], and the provisions of the Article are in conflict with the provisions of this Article 15 [10 ILCS 5/15-1 et seq.], the provisions of Article 24B [10 ILCS 5/24B-1 et seq.] shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B [10 ILCS 5/24B-1 et seq.], the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B [10 ILCS 5/24B-1 et seq.] or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, § 5.)

Effective Date.

Section 99 of P.A. 89-394 made this section effective January 1, 1997.

ARTICLE 16.

BALLOTS

10 ILCS 5/16-1 [Ballots to be printed at public expense]

Sec. 16-1. In all elections hereafter to be held in this state for public officers, the voting shall be by ballots printed and distributed at public expense as provided in this article and no other ballots shall be used.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 16-1.

Cross References.

As to form of ballot, see 10 ILCS 5/17-5.

As to the requirement that the names of candidates be on ballots, see 10 ILCS 5/17-6.

CASE NOTES**Printing Costs****—County Responsible**

A county was liable for the expense of printing and delivering ballots. *People ex rel. Atwell Printing & Binding Co. v. Board of Comm'rs*, 345 Ill. 172, 177 N.E. 705 (1931).

10 ILCS 5/16-3 [Composition of ballot]

Sec. 16-3. The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, except as is provided in Sections 16-6.1 and 21-1.01 of this Act [10 ILCS 5/16-6.1 and 10 ILCS 5/21-1.01] and except as otherwise provided in this Act with respect to the odd year regular elections and the emergency referenda; all nominations of any political party being placed under the party appellation or title of such party as designated in the certificates of nomination or petitions. The names of all independent candidates shall be printed upon the ballot in a column or columns under the heading "independent" arranged under the names or titles of the respective offices for which such independent candidates shall have been nominated and so far as practicable, the name or names of any independent candidate or candidates for any office shall be printed upon the ballot opposite the name or names of any candidate or candidates for the same office contained in any party column or columns upon said ballot. The ballot shall contain no other names, except that in cases of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party designation and words calculated to aid the voter in his choice of candidates may be added, such as "Vote for one," "Vote for three." When an electronic voting system is used which utilizes a ballot label booklet, the candidates and questions shall appear on the pages of such booklet in the order provided by this Code; and, in any case where candidates for an office appear on a page which does not contain the name of any candidate for another office, and where less than 50% of the page is utilized, the name of no candidate shall be printed on the lowest 25% of such page. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The ballots shall be of plain white paper,

through which the printing or writing cannot be read. However, ballots for use at the nonpartisan and consolidated elections may be printed on different color paper, except blue paper, whenever necessary or desirable to facilitate distinguishing between ballots for different political subdivisions. In the case of nonpartisan elections for officers of a political subdivision, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution providing the form of government therefor requires otherwise, the column listing such nonpartisan candidates shall be printed with no appellation or circle at its head. The party appellation or title, or the word "independent" at the head of any column provided for independent candidates, shall be printed in letters not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed, provided, however, that no such circle shall be printed at the head of any column or columns provided for such independent candidates. The names of candidates shall be printed in letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall be not less than one-fourth of an inch in length. However, the names of the candidates for Governor and Lieutenant Governor on the same ticket shall be printed within a bracket and a single square shall be printed in front of the bracket. The list of candidates of the several parties and any such list of independent candidates shall be placed in separate columns on the ballot in such order as the election authorities charged with the printing of the ballots shall decide; provided, that the names of the candidates of the several political parties, certified by the State Board of Elections to the several county clerks shall be printed by the county clerk of the proper county on the official ballot in the order certified by the State Board of Elections. Any county clerk refusing, neglecting or failing to print on the official ballot the names of candidates of the several political parties in the order certified by the State Board of Elections, and any county clerk who prints or causes to be printed upon the official ballot the name of a candidate, for an office to be filled by the Electors of the entire State, whose name has not been duly certified to him upon a certificate signed by the State Board of Elections shall be guilty of a Class C misdemeanor.

When an electronic voting system is used which utilizes a ballot card, on the inside flap of each ballot card envelope there shall be printed a form for write-in voting which shall be substantially as follows:

WRITE-IN VOTES

(See card of instructions for specific information.)

Duplicate form below by hand for additional write-in votes.)

Title of Office
() _____
Name of Candidate

When an electronic voting system is used which uses a ballot sheet, the instructions to voters on the ballot sheet shall refer the voter to the card of instructions for specific information on write-in voting. Below each office appearing on such ballot sheet there shall be a provision for the casting of a write-in vote.

When such electronic system is used, there shall be printed on the back of each ballot card, each ballot card envelope, and the first page of the ballot label when a ballot label is used, the words "Official Ballot," followed by the number of the precinct or other precinct identification, which may be stamped, in lieu thereof and, as applicable, the number and name of the township, ward or other election district for which the ballot card, ballot card envelope, and ballot label are prepared, the date of the election and a facsimile of the signature of the election authority who has caused the ballots to be printed. The back of the ballot card shall also include a method of identifying the ballot configuration such as a listing of the political subdivisions and districts for which votes may be cast on that ballot, or a number code identifying the ballot configuration or color coded ballots, except that where there is only one ballot configuration in a precinct, the precinct identification, and any applicable ward identification, shall be sufficient. Ballot card envelopes used in punch card systems shall be of paper through which no writing or punches may be discerned and shall be of sufficient length to enclose all voting positions. However, the election authority may provide ballot card envelopes on which no precinct number or township, ward or other election district designation, or election date are preprinted, if space and a preprinted form are provided below the space provided for the names of write-in candidates where such information may be entered by the judges of election. Whenever an election authority utilizes ballot card envelopes on which the election date and precinct is not preprinted, a judge of election shall mark such information for the particular precinct and election on the envelope in ink before tallying and counting any write-in vote written thereon. If some method of insuring ballot secrecy other than an envelope is used, such information must be provided on the ballot itself.

In the designation of the name of a candidate on the ballot, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname. No other designation such as a title or degree or nickname suggesting or implying possession of a

title, degree or professional status, or similar information may be used in connection with the candidate's surname, except that the title "Mrs." may be used in the case of a married woman.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable.

Nothing in this Section shall prohibit election authorities from using or reusing ballot card envelopes which were printed before the effective date of this amendatory Act of 1985.

(Source: P.A. 84-1308; 92-178, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 16-3.

Effect of Amendments.

The 2001 amendment by P.A. 92-178, effective January 1, 2002, in the ninth and tenth sentences of the first paragraph, deleted "capital" preceding "letters".

CASE NOTES

ANALYSIS

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Appearance of Names on Ballot

The order of listing candidates' names on the ballot can affect the outcome of an election, and candidates have a right to equal

Appearance of Names on Ballot (Cont'd)

protection in the allocation of ballot positions; an attempt to favor personal acquaintances and party regulars by awarding them top positions on the ballot is not constitutionally allowed. *Mann v. Powell*, 333 F. Supp. 1261 (N.D. Ill. 1969).

Habitual placement of Democratic candidates on the top line of ballots by Board of Election Commissioners was not a violation of the equal protection clause of the United States Constitution. *Bohus v. Board of Election Comm'rs*, 447 F.2d 821 (7th Cir. 1971).

The county clerk has a right, in case of the withdrawal of a candidate for a major party, to take his name off of the official ballot, and in case of voting machines, by locking the lever opposite the name of such candidate; by so locking the name of a candidate who has withdrawn from the official ballot, there has been no mutilation of the ballot, rendering such ballots illegal and void. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

Under a prior similar provision, each candidate had the opportunity to have his name appear upon the ballot once, and every voter had the opportunity to vote for him, which secured to both every right guaranteed by the Constitution. *People ex rel. McCormick v. Czarnecki*, 266 Ill. 372, 107 N.E. 625 (1914).

No person may have his name printed on the official ballot unless he has been nominated by a party or by a certain number of voters. *People ex rel. Schnackenberg v. Czarnecki*, 256 Ill. 320, 100 N.E. 283 (1912).

The former Ballot Law (see now this Article) was designed to prevent the name of a candidate from appearing upon the ballot under the name of more than one party or group of petitioners, and provided a method of withdrawal if it appeared on more than one certificate or petition for the same office. *People ex rel. Schnackenberg v. Czarnecki*, 256 Ill. 320, 100 N.E. 283 (1912).

The requirement under the former Ballot Law (see now this Article) that a candidate's name should appear but once on the ballot was not an unconstitutional and arbitrary discrimination between parties, nor between the voters of different parties, in permitting the candidates nominated by one party to appear on the ballot under the party name and in refusing to permit the same candidates nominated by another party to appear on the ballot under the latter party name. *People ex rel. Schnackenberg v. Czarnecki*, 256 Ill. 320, 100 N.E. 283 (1912).

Applicability

Where any statute establishing special or local elections provides the particular form of ballot to be used, 10 ILCS 5/16-3 and 10 ILCS 5/16-7 have no application. *People ex rel. Lauth v. Wilmington Coal Co.*, 402 Ill. 161, 83 N.E.2d 741 (1949); *People v. Birdsong*, 398 Ill. 455, 76 N.E.2d 185 (1947).

Where a statute declared the form of a ballot, a prior similar provision of the Ballot Act did not apply. *Sanders v. Township of Salem*, 385 Ill. 362, 52 N.E.2d 708 (1944).

Back of Ballot**—Publication Not Necessary**

Publishing the back of the ballot to be used in an election to establish an airport authority was not required. *People v. Suttles*, 15 Ill. 2d 521, 155 N.E.2d 607 (1959).

—Requirements

Since the Airport Authority Act (see now 70 ILCS 5/0.01 et seq.) prescribes the form of the face of a ballot, but does not attempt to say how the back of the ballot shall be imprinted or authenticated, the back of the official ballot must comply with this Act, including the use of a facsimile signature. *People v. Suttles*, 15 Ill. 2d 521, 155 N.E.2d 607 (1959).

Construction

The requirements of this section as to the form of ballots are directory only, and a failure to comply strictly with them does not necessarily render a ballot void. *Hester v. Kamykowski*, 13 Ill. 2d 481, 150 N.E.2d 196 (1958).

Construction with Other Laws

10 ILCS 5/16-3, 10 ILCS 5/16-5 and 10 ILCS 5/24-11, read together, not only authorize but require the county clerk, as a ministerial act, to see that the proper name is on the ballot; if a candidate is dead, the ballot should be corrected, and if he has withdrawn, he is no longer a candidate, and his name should not be

upon the official ballot. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

Defective Ballots**—Effect**

An election will not be defeated by a failure to comply strictly with the statutory requirements as to the form of a ballot, provided that the irregularity has not hindered or prevented anyone from exercising his right of suffrage and has not affected the merits of the election. *Hester v. Kamykowski*, 13 Ill. 2d 481, 150 N.E.2d 196 (1958).

—Information Required

If it was evident what the voter was voting for or against, from a proposition as stated in the ballot used, and the only deviation from former Ill.Rev.Stat., ch. 46, para. 305 (see now this section) was that the voter was given more information that the section required, the election would be held valid. *Knappenberger v. Hughes*, 377 Ill. 126, 35 N.E.2d 317 (1941).

—Minor Deviations

Under former Ill.Rev.Stat., ch. 46, para. 305 (see now this section), not every deviation from the form of ballot prescribed by the section rendered an election void. *Knappenberger v. Hughes*, 377 Ill. 126, 35 N.E.2d 317 (1941).

—Mistake

Mere inadvertence, mistake, or ignorance in failing to observe each requirement of a statute does not necessarily void a ballot or an election as long as the voter's intention may be clearly ascertained, no voter is disenfranchised, fraud is not present, and secrecy of the ballots is not impaired; however, if the failure to comply with the statutory provisions affects the secrecy of the ballot, disenfranchises any voter, or results in the perpetration of a fraud, the ballot may be pronounced void. *Hester v. Kamykowski*, 13 Ill. 2d 481, 150 N.E.2d 196 (1958).

—Not Shown

In the absence of the introduction of any official ballots used in a special election, and in view of the objectors' failure to establish that the exhibits introduced were exact duplicate originals of the official ballots, adequate proof of the allegedly improper form of ballot actually used in the election was lacking, and under the circumstances, the printing samples were insufficient to prove the form of the ballot used in the election. *People ex rel. Lauth v. Wilmington Coal Co.*, 402 Ill. 161, 83 N.E.2d 741 (1949).

—Shown

Failure of the ballots used in an election to contain the facsimile signature of the clerk, as well as other irregularities which were directory and not mandatory in nature and therefore of insufficient force to invalidate the election, were not alone sufficient to void the election; however, the accumulated weight of the violations and errors constituted too great a burden to be borne by the concept of free and fair elections, and the trial court's vitiation of the election was proper. *Pinkston v. Holland*, 133 Ill. App. 2d 865, 272 N.E.2d 247 (5 Dist. 1971).

Where the combination of irregularities, including the use of paper which permitted the writing to be seen through the ballot, indicated an infringement of the secrecy of the ballot and the possibility of disfranchisement or fraud, the ballots were fatally defective in form and the election was properly held invalid. *Hester v. Kamykowski*, 13 Ill. 2d 481, 150 N.E.2d 196 (1958).

Designation of Precincts**—Adequacy**

Ballots in local option election adequately designated the precincts affected by the election where the ballots in three precincts which explicitly referred to the precincts existing "at the last general election" conformed to the statutory requirements, and where the ballot in a fourth precinct simply asked if the sale of liquor was to be prohibited in that precinct also complied with the statute because there was no change in the precinct between elections. *Cooper v. Marcin*, 44 Ill. App. 3d 918, 3 Ill. Dec. 533, 358 N.E.2d 1218 (1 Dist. 1976).

Evidence

—Admissibility of Ballots

Where duplicate ballots are produced by mechanical means, such as a printing press, they are duplicate originals, and any of them may be introduced in evidence without accounting for the nonproduction of the others; sufficient proof was made to show that the ballots and notices offered in evidence were duplicate originals of those posted and used in the elections in question and it was error to deny their admission in evidence. *People ex rel. Thompson v. Chicago, R. I. & Pac. Ry.*, 329 Ill. 467, 160 N.E. 841 (1928).

Form of Ballots

—In General

A prior similar provision requiring all voters to vote by printed ballots furnished by the state which forbid the use of other ballots or pasters was a reasonable expression of the will of the legislature and was not in any manner inconsistent with the United States Constitution. *Blackman v. Stone*, 101 F.2d 500 (7th Cir. 1939).

—Sufficient

Where plaintiffs made no claim that the ballots were not in the exact form prescribed by this Act, or that they were not prepared and supplied by the proper public officer, namely, the secretary of the board of directors of the district, the ballots used in the election were sufficient and the special election was still valid. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

Legislative History

Prior to 1891, there was no "official" ballot in Illinois; until then, the ballots were provided by the individual candidates or the political parties, and, such ballots were not uniform in size, form or color. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

The Australian Ballot Law of 1891 originated the plan of having a uniform "official" ballot at all elections, printed and distributed at public expense by the election authorities; this Article is a continuation of this plan dealing with the preparation and distribution of an official ballot and card of instructions at public expense. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

Mandamus

—Candidate for Judges

The Supreme Court granted an original petition for mandamus to compel the Board of Election Commissioners of a city to print on the official ballots to be used at an election certain names as candidates for judges of the circuit court of the county in a manner consistent with the certificates of the nominating conventions and the secretary of state. *People ex rel. Laux v. Board of Election Comm'rs*, 337 Ill. 477, 169 N.E. 233 (1929).

Manner of Printing

—Paper Quality

Quality of paper used for election ballots substantially complied with this section's requirement that ballots be printed on paper through which the printing or writing could not be read. *Behrman v. Whiteside Sch. Dist.*, 143 Ill. App. 3d 154, 97 Ill. Dec. 362, 492 N.E.2d 1021 (5 Dist. 1986).

—Technical Irregularities

Technical irregularities, including the absence of a precinct designation on a ballot, and unintentional errors in printing which did not interfere with voters' ability to freely exercise their choice, did not justify voiding the affected ballot. *Pullen v. Mulligan*, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

Marking of Ballots

This section provides the form of ballot for offices such as President, Senator, Governor and state and county officers, former section 16-4 of the Election Code (see now 10 ILCS 5/16-6) provided the form of ballot for proposed constitutional amendments or the calling of a constitutional convention, and 10 ILCS 5/16-7 provides the form of ballot for public measures; in none of these sections is there any direction by the legislature as to the manner in which the ballot provided for therein should be marked, except in a part of 10

ILCS 5/16-7 dealing with public measures, and there a cross is directed. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

Printing of Ballots

Under a provision of the former Ballot Law of 1891 (see now this section), it was the duty of the Board of Election Commissioners to have the ballots printed in the city of Chicago and the duty of the county clerk of Cook County to have them printed for Cook County outside of the city; it was the duty of these respective officers to have these ballots printed regardless of whether nominations were or were not made, as even if no nominations had been made, the respective officers were under the duty of furnishing the ballots so that the voters might write in the names of the persons of their choice for these offices. *Stuart v. Carr*, 328 Ill. 626, 160 N.E. 158 (1928).

Prior Ballot Law

—In General

For a case discussing former provisions of the Ballot Law (see now this Article), see *People ex rel. McCormick v. Czarnecki*, 266 Ill. 372, 107 N.E. 625 (1914).

Purpose

The object of the official ballot is not to furnish voters with information as to the persons who are the candidates of their respective parties, or of any party, but to enable them readily to indicate, in the prescribed form, the candidates of their individual choice. *People ex rel. Schnackenberg v. Czarnecki*, 256 Ill. 320, 100 N.E. 283 (1912).

The object of the former Ballot Law (see now this Article) was to afford to every legal voter the equal right with every other legal voter to cast his ballot freely for the candidates of his choice; it gave every candidate the same opportunity to have his name upon the ballot once, in the column of the party of his choice. *People ex rel. Schnackenberg v. Czarnecki*, 256 Ill. 320, 100 N.E. 283 (1912).

Regulations

—Validity

All regulations which tend to secure the integrity, secrecy, and fairness of the ballot interfere to some extent with the convenience of the voter, but they are necessary to the purity of the elections, and so long as they are reasonable and appropriate to the end sought and bear equally on the voters, they are constitutional. *People ex rel. Schnackenberg v. Czarnecki*, 256 Ill. 320, 100 N.E. 283 (1912).

Satisfaction of Constitutional Rights

In a case decided under a prior similar provision, each candidate had the opportunity to have his name appear upon the ballot once, and every voter had the opportunity to vote for him, this secured to both every right guaranteed by the Constitution. *People ex rel. McCormick v. Czarnecki*, 266 Ill. 372, 107 N.E. 625 (1914).

Signature of Judge

—Sufficient

The facsimile signature of the county judge on ballots used at an election to organize an airport authority satisfied the requirements of the Election Code. *People v. Suttles*, 15 Ill. 2d 521, 155 N.E.2d 607 (1959).

Signatures

—Required

No duty rested upon the secretary of a district to prepare and supply the ballots used at a special election; instead, this duty devolved upon the county clerk and the Board of Election Commissioners of the city, and the only facsimile signatures required to be printed upon the ballots were those of the chief clerk of the city Board of Election Commissioners and the county clerk. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

Where the ballot provisions of this Article are applicable, the failure of ballots to bear the facsimile signature of the public officer causing the ballots to be printed makes both the ballots and the election illegal and void. *People ex rel. Lauth v. Wilmington Coal Co.*, 402 Ill. 161, 83 N.E.2d 741 (1949).

Validity of Ballot

A question concerning the validity of a ballot was one which went directly to the validity of the election, and the failure to observe mandatory provisions of the former Ballot Act (see now this Article) rendered an election void. *Sanders v. Township of Salem*, 385 Ill. 362, 52 N.E.2d 708 (1944).

For a case discussing numerous specific objections to the validity of election ballots under the former Australian Ballot Act (see now this Article), see *Mayes v. City of Albion*, 374 Ill. 605, 30 N.E.2d 416 (1940).

Write-In Votes

Ballots to which pasted tickets were attached as write-in votes were properly rejected; write-in votes were required to be written in. *Fletcher v. Wall*, 172 Ill. 426, 50 N.E. 230 (1898).

The ballot furnished by the judges to the voter was to be prepared by him individually after he entered the booth; pasters could not be used to insert a candidate's name on the write-in line of a ballot. *Roberts v. Quest*, 173 Ill. 427, 50 N.E. 1073 (1898).

10 ILCS 5/16-4.1 Ballots; Form; Consolidated Elections

Sec. 16-4.1. *Ballots; Form; Consolidated Elections.* This Section shall apply only to the consolidated primary election, and the consolidated election, except as otherwise expressly provided herein.

The ballot for the nomination or election of officers of each political subdivision shall be considered a separate ballot, and candidates for such offices shall be grouped together. Where paper ballots are used, the names of candidates for nomination or election to more than one political subdivision may be contained on a common ballot, provided that such ballot clearly indicates and separates each political subdivision from which such officers are to be nominated or elected.

At the consolidated election, the ballot for school district offices shall precede the ballot for community college district offices, and thereafter the ballot order of the political subdivision officers to be elected shall be as determined by the election authority. In the case of school districts other than community consolidated school districts, the ballot for non-high school district offices shall precede the ballot for high school district offices.

At the consolidated primary and at the consolidated election, the ballot for nomination or election of municipal officers shall precede the ballot for township officers. At the consolidated election, following the ballot for municipal and township offices shall be the ballots for park district and library district offices, following which shall be the ballots for other political subdivision offices in the order determined by the election authority.

The election authority, in determining the order of ballot placement for offices of political subdivisions whose ballot placement is not specified in this Section, shall give due regard to the clarity of the ballot presentation to the voters, cost and administrative ease, and the requirement to provide separate ballot formats within precincts in which the electors are not entitled to vote for the same offices or propositions. At the request of a political subdivision which extends into more than one election jurisdiction, the

election authority shall endeavor to coordinate placement and color of the ballot for such subdivision with the other election authorities responsible for preparing ballots for such subdivision election. The election authority may conduct a lottery to determine the order of ballot placement of political subdivision ballots where such order is not specified in this Section. Such lottery may be conducted jointly by two or more election authorities. (Source: P.A. 81-1433; 89-700, § 5; 90-358, § 5; 90-655, § 14.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 16-4.1.

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, deleted the third and fourth sentences from the second paragraph regarding party circles.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, in the section catchline added semicolons and deleted "Nonpartisan and" preceding "Consolidated"; in the first paragraph deleted "the nonpartisan election" preceding "the consolidated"; and in the third paragraph, in the first sentence, substituted "consolidated" for "nonpartisan".

The 1998 amendment by P.A. 90-655, effective July 30, 1998, incorporated the amendments made by P.A. 89-700 and P.A. 90-358.

CASE NOTES**History**

The former Primary Act (see now 10 ILCS 5/7-1 et seq.), which related to the nomination of candidates by political parties, but did not concern itself, except incidentally, with the making or distribution of ballots, the nomination of candidates independent of parties, or the conduct of the general election, was not intended to repeal or change the former Ballot Law (see now this Article). *People ex rel. Schnackenberg v. Czarnecki*, 256 Ill. 320, 100 N.E. 283 (1912).

10 ILCS 5/16-5 [Printing of ballots]

Sec. 16-5. For all elections to which this article applies, the county clerks, in their respective counties, shall have charge of the printing of the ballots for all elections, including referenda, and shall furnish them to the judges of election. In municipalities and counties having a board of election commissioners, such board shall have charge of the printing of the ballots and furnish them to the judges of election within the territory under their jurisdiction. Ballots shall be printed and in possession of the respective election authorities at least two days before each election and subject to the inspection of candidates and their agents; if any mistakes be discovered they shall be corrected without delay. The election authority shall cause to be delivered to the judges of election at the polling place of each precinct or district, not less than twelve hours before the time fixed by law for the opening of the polls therein, at least 10% more ballots of the kind to be voted in such precinct or district than the number of voters registered therein for the purposes of such election, such ballots shall be put up in separate sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots enclosed, and receipt therefor

shall be given by the judges of election to whom they are delivered, which receipt shall be preserved by the election authority. The election authority shall provide and retain at its office an ample supply of ballots, in addition to those distributed to the several voting precincts or districts, and if at any time on or before the day of election the ballots furnished to any precinct shall be lost, destroyed or exhausted before the polls are closed, on written application signed by a majority of the judges he or they shall immediately cause to be delivered to such judges at the polling place, such additional supply of ballots as may be required and sufficient to comply with the provisions of this Act.
 (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 16-5.

CASE NOTES

ANALYSIS

Construction with Other Laws
 Defective Ballots
 —Objections
 Duties of Clerk
 Removal of Names from Ballot

Construction with Other Laws
 10 ILCS 5/16-3, 10 ILCS 5/16-5 and 10 ILCS 5/24-11, read together, not only authorize but require the county clerk, as a ministerial act, to see that the proper name is on the ballot; if a candidate is dead, the ballot should be corrected, and if he has withdrawn, he is no longer a candidate and his name should not be upon the official ballot. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

Defective Ballots

—Objections

This section and 10 ILCS 5/24-13 evidence a policy that, in the interest of finality, mistakes should be corrected before rather than after an election. *People ex rel. Goldberg v. Delaney*, 39 Ill. 2d 474, 236 N.E.2d 689 (1968).

Duties of Clerk

It is not the province of the clerk to determine the constitutionality of any act of the legislature or refuse to observe it, nor is it the province of the printer to decide whether a ballot conforms to the Constitution and the statutes. *Fahey v. City of Bloomington*, 268 Ill. 386, 109 N.E. 292 (1915).

The town clerk having ordered ballots pursuant to his authority under the former Ballot Law (see now this Article), but with incorrect language, and the town having used them, even though they were not the kind of ballots the town clerk should have furnished, the town was obligated to pay for them. *Fahey v. City of Bloomington*, 268 Ill. 386, 109 N.E. 292 (1915).

The clerk is a ministerial officer, and in causing the ballots to be printed, he acts in a ministerial capacity and not as a judicial officer. *Fahey v. City of Bloomington*, 268 Ill. 386, 109 N.E. 292 (1915).

Removal of Names from Ballot

The county clerk has a right, in case of the withdrawal of a candidate for a major party, to take his name off of the official ballot, in the case of voting machines, by locking the lever opposite the name of such candidate; by so locking the name of a candidate who has withdrawn from the official ballot, there has been no mutilation of the ballot, rendering such ballots illegal and void. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

10 ILCS 5/16-5.01 [Provision of sufficient ballots]

Sec. 16-5.01. (a) The election authority shall, at least 60 days prior to the date of any general election at which federal officers are elected and 45 days prior to any other regular election, have a sufficient number of ballots printed so that such ballots will be available for mailing 60 days prior to the date of the election to persons who have filed application for a ballot under the provisions of Article 20 of this Act [10 ILCS 5/20-1 et seq.].

(b) If at any general election at which federal offices are elected the election authority is unable to comply with the provisions of subsection (a), the election authority shall mail to each such person, in lieu of the ballot, a Special Write-in Absentee Voter's Blank Ballot. The Special Write-in Absentee Voter's Blank Ballot shall be used only at general elections at which federal officers are elected and shall be prepared by the election authority in substantially the following form:

Special Write-in Absentee Voter's Blank Ballot

(To vote for a person, write the title of the office and his or her name on the lines provided. Place to the left of and opposite the title of office a square and place a cross (X) in the square.)

Title of Office	Name of Candidate
() _____	_____
() _____	_____
() _____	_____
() _____	_____
() _____	_____
() _____	_____

The election authority shall send with the Special Write-in Absentee Voter's Blank Ballot a list of all referenda for which the voter is qualified to vote and all candidates for whom nomination papers have been filed and for whom the voter is qualified to vote. The voter shall be entitled to write in the name of any candidate seeking election and any referenda for which he or she is entitled to vote.

On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", the date of the election and a facsimile of the signature of the election authority who has caused the ballot to be printed.

The provisions of Article 20 [10 ILCS 5/20-1 et seq.], insofar as they may be applicable to the Special Write-in Absentee Voter's Blank Ballot, shall be applicable herein.
 (Source: P.A. 86-875.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 16-5.01.

10 ILCS 5/16-6 [Separate ballots]

Sec. 16-6. Whenever one or more proposals for amendment of the constitution or the calling of a constitutional convention or any combination

thereof is or are to be voted upon by the people, the proposition or propositions for the adoption or rejection of such amendment or amendments or convention shall be submitted upon a ballot separate from the "Official Ballot" containing the names of candidates for State and other offices to be voted at such election. Such separate ballot shall be printed upon paper of a distinctly blue color and shall, as near as may be practicable, be of uniform size and blue color, but any variation in the size of such ballots or in the tincture of blue employed shall not affect or impair the validity thereof. Preceding each proposal to amend the constitution shall be printed the brief explanation of the amendment, prepared by the General Assembly, or in the case of a proposed amendment initiated by petition pursuant to Section 3 of Article XIV of the Constitution of the State of Illinois by the principal proponents of the amendment as approved by the Attorney General, and immediately below the explanation, the proposition shall be printed in substantially the following form:

For the proposed amendment to Article _____ (or Section _____ of Article _____) of the Constitution.	YES	
	NO	

In the case of a proposition for the calling of a constitutional convention, such proposition shall be printed in substantially the following form:

For the calling of a Constitutional Convention.	YES	
	NO	

On the back or outside of the ballot so as to appear when folded, shall be printed the words "CONSTITUTION BALLOT", followed by the designation of the polling place for which the ballot is prepared, the date of the election and a facsimile of the signature of the clerk or other officer who has caused the ballots to be printed. Immediately above the words "CONSTITUTION BALLOT" in the case of a proposition for the calling of a constitutional convention the following legend shall be printed in bold face type:

"NOTICE

THE FAILURE TO VOTE THIS BALLOT IS THE EQUIVALENT OF A NEGATIVE VOTE. (THIS IS NOT TO BE CONSTRUED AS A DIRECTION THAT YOUR VOTE IS REQUIRED TO BE CAST EITHER IN FAVOR OF OR IN OPPOSITION TO THE PROPOSITION HEREIN CONTAINED.)

WHETHER YOU VOTE THIS BALLOT OR NOT YOU MUST RETURN IT TO THE ELECTION JUDGE WHEN YOU LEAVE THE VOTING BOOTH".

Immediately above the words "CONSTITUTION BALLOT" in the case of a proposition to amend the Constitution the following legend shall be printed in bold face type:

"NOTICE

WHETHER YOU VOTE THIS BALLOT OR NOT YOU MUST RETURN IT TO THE ELECTION JUDGE WHEN YOU LEAVE THE VOTING BOOTH."

If a proposition for the calling of a constitutional convention is submitted at the same election as one or more propositions to amend the constitution, the proposition for the calling of a constitutional convention shall be printed at the top of the ballot. In such case, the back or outside of the ballot shall be printed the same as if it were a proposal solely to amend the constitution.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 81-163.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 16-6.

Cross References.

As to appearance of an amendment to the Constitution on ballots, see 5 ILCS 20/2.

As to a proposed amendment and explanation with regard to the Illinois Constitutional Amendment Act being printed upon a separate ballot, see 5 ILCS 20/4.

As to the requirements of this section with regard to the form in which a call for a Constitutional Convention shall appear on a separate ballot, see 5 ILCS 25/1.

CASE NOTES

ANALYSIS

Applicability
Legislative History
Marking of Ballots

Applicability

The method of marking all ballots is governed by 10 ILCS 5/17-11; this section and 10 ILCS 5/16-7 merely deal with the form of ballots for proposed amendments and public measures. Scribner v. Sachs, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

Legislative History

The Australian Ballot Law was enacted in 1891; section 16 thereof provided that a constitutional amendment or other public measure appear on the ballot, and apparently the ballot contemplated was the general ballot. Section 16 was amended in 1899 to require the use of a separate ballot on a proposed amendment or a public measure; the section, however, both before and after the amendment, prescribed the use of a cross. In 1929, section 16 of the Ballot Law was amended by deleting any mention of constitutional amendments but leaving it applicable to public measures in substantially its original form, which included instructions for the use of a cross; at the same time, section 15 1/2 was added covering the form of ballots for constitutional amendments, but directions for marking by cross were omitted. Section 16 was incorporated as section 16-7 of the Election Code (10 ILCS 5/16-7), and section 15 1/2 was incorporated as this section of the Election Code; section 23 of

Legislative History (Cont'd)

the original Ballot Law of 1891 is the antecedent of present section 17-11 of the Election Code (10 ILCS 5/17-11), and has always provided for voting by the use of a cross, both for candidates and on questions submitted to a vote of the people. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

Marking of Ballots

10 ILCS 5/16-3 provides the form of ballot for offices such as President, Senator, Governor and state and county officers, former section 16-4 of the Election Code (see now this section) provided the form of ballot for proposed constitutional amendments or the calling of a constitutional convention, and 10 ILCS 5/16-7 provides the form of ballot for public measures; in none of these sections is there any direction by the legislature as to the manner in which the ballot provided for therein should be marked, except in a part of 10 ILCS 5/16-7 dealing with public measures and there a cross is directed. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

A vote on a proposed constitutional amendment must be indicated by the use of a cross on the ballot. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

10 ILCS 5/16-6.1 [Retention of judges; proposition]

Sec. 16-6.1. In elections held pursuant to the provisions of Section 12 of Article VI of the Constitution relating to retention of judges in office, the form of the proposition to be submitted for each candidate shall be as provided in paragraph (1) or (2), as the election authority may choose.

(1) The names of all persons seeking retention in the same office shall be listed, in the order provided in this Section, with one proposition that reads substantially as follows: "Shall each of the persons listed be retained in office as (insert name of office and court)?". To the right of each candidate's name must be places for the voter to mark "Yes" or "No". If the list of candidates for retention in the same office exceeds one page of the ballot, the proposition must appear on each page upon which the list of candidates continues.

(2) The form of the proposition for each candidate shall be substantially as follows:

Shall (insert name of candidate) be retained in office as (insert name of office and Court)?	YES	
	NO	

The names of all candidates thus submitting their names for retention in office in any particular judicial district or circuit shall appear on the same ballot which shall be separate from all other ballots voted on at the general election.

Propositions on Supreme Court judges, if any are seeking retention, shall appear on the ballot in the first group, for judges of the Appellate Court in the second group immediately under the first, and for circuit judges in the last group. The grouping of candidates for the same office shall be preceded by a heading describing the office and the court. If there are two or more candidates for each office, the names of such candidates in each group shall be listed in the order determined as follows: The name of the

person with the greatest length of time served in the specified office of the specified court shall be listed first in each group. The rest of the names shall be listed in the appropriate order based on the same seniority standard. If two or more candidates for each office have served identical periods of time in the specified office, such candidates shall be listed alphabetically at the appropriate place in the order of names based on seniority in the office as described. Circuit judges shall be credited for the purposes of this section with service as associate judges prior to July 1, 1971 and with service on any court the judges of which were made associate judges on January 1, 1964 by virtue of Paragraph 4, subparagraphs (c) and (d) of the Schedule to Article VI of the former Illinois Constitution.

At the top of the ballot on the same side as the propositions on the candidates are listed shall be printed an explanation to read substantially as follows: "Vote on the proposition with respect to all or any of the judges listed on this ballot. No judge listed is running against any other judge. The sole question is whether each judge shall be retained in his present office".

Such separate ballot shall be printed on paper of sufficient size so that when folded once it shall be large enough to contain the following words, which shall be printed on the back, "Ballot for judicial candidates seeking retention in office". Such ballot shall be handed to the elector at the same time as the ballot containing the names of other candidates for the general election and shall be returned therewith by the elector to the proper officer in the manner designated by this Act. All provisions of this Act relating to ballots shall apply to such separate ballot, except as otherwise specifically provided in this section. Such separate ballot shall be printed upon paper of a green color. No other ballot at the same election shall be green in color.

In precincts in which voting machines are used, the special ballot containing the propositions on the retention of judges may be placed on the voting machines if such voting machines permit the casting of votes on such propositions.

An electronic voting system authorized by Article 24A [10 ILCS 5/24A-1 et seq.] may be used in voting and tabulating the judicial retention ballots. When an electronic voting system is used which utilizes a ballot label booklet and ballot card, there shall be used in the label booklet a separate ballot label page or pages as required for such proposition, which page or pages for such proposition shall be of a green color separate and distinct from the ballot label page or pages used for any other proposition or candidates.

(Source: P.A. 79-201; 92-178, § 5; 92-465, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 16-6.1.

Effect of Amendments.

The 2001 amendment by P.A. 92-178, effective January 1, 2002, at the end of the first paragraph substituted "as provided in

paragraph (1) or (2), as the election authority may choose" for "substantially as follows"; and added paragraphs (1) and (2).

The 2001 amendment by P.A. 92-465, effective January 1, 2002, at the end of the first paragraph substituted "as provided in paragraph (1) or (2), as the election authority may choose" for "substantially as follows"; and added paragraphs (1) and (2).

Although the amendments made to this section by P.A. 92-178 and P.A. 92-465 did not take into account the amendments made by the other, because they are identical, they have been combined into a single version by the publisher.

CASE NOTES

Constitutionality

The provision of this section permitting the use of voting machines for the purpose of balloting upon candidates for retention in judicial office was in conflict with the constitutional provision for a special judicial ballot found in former Article VI, Section II of the Illinois Constitution of 1870 (see now Ill.Const. (1970), Article VI, Section 12); therefore, a county clerk was to prepare, for use in the judicial retention election, separate paper ballots containing, in the form transmitted to him by the Secretary of State, the names of circuit court judges and associate judges of the circuit court outside the city who sought retention in office. *People ex rel. Barrett v. Barrett*, 31 Ill. 2d 360, 201 N.E.2d 849 (1964).

10 ILCS 5/16-7 [Public question]

Sec. 16-7. Whenever a public question is to be submitted to be voted upon and has been initiated and certified in accordance with Article 28 of this Code [10 ILCS 5/28-1 et seq.], the election authorities to whom the question is certified shall print the question on the ballot for the proper election, and shall cause it to be submitted in the proper precincts to those electors entitled by reason of their residency to vote on such question.

The substance of such public measure shall be clearly indicated on a separate ballot, and two spaces shall be left upon the right-hand margin thereof, one for the votes favoring the public measure, to be designated by the word, "Yes", and one for the votes opposing the measure, to be designated by the word, "No", as in the form herein given:

Shall (here print the substance of the public measure).	YES	
	NO	

The elector shall designate his vote by a cross mark, thus: (X). Any such separate ballot shall be printed on paper of sufficient size so that when folded once it shall be large enough to contain the following words, which shall be printed on the back, "Ballot for (name of public measure to be voted on)." Such ballot shall be handed to the elector at the same time as the ballot containing the names of the candidates, and returned therewith by the elector to the proper office in the manner designated by this Act. All provisions of this Act relating to ballots shall apply to such separate ballot, except as herein otherwise provided. Such separate ballot or ballots shall be printed upon paper of a distinctly different

color from any other ballot for candidates used at such election and from those for the question of retention in office of judges and of constitutional amendments and as near as may be practicable, be of uniform size. Any variation in the size of such ballots shall not impair their validity.

In the case of a public question described in subsection (b) of Section 28-6 [10 ILCS 5/28-6(b)], the election authority shall include on the ballot the description of the territory concerning which the question is to be submitted, as set forth in the certification of the public question or, where the question is initiated by petition filed with the authority, as set forth in such petition. If the election authority determines the description cannot be included within the space limitations of the ballot, the election authority shall prepare large printed copies of a notice of the public question, which shall include the description. The notice shall be prominently displayed in the polling place of each precinct in which the question is to be submitted.

In precincts in which voting machines are used, separate ballots shall not be required if such voting machines permit the casting of votes on such proposition.

An electronic voting system authorized by Article 24A [10 ILCS 5/24A-1 et seq.] may be used in voting and tabulating the ballots on a public measure. When an electronic voting system is used, which utilizes a ballot label booklet and ballot card, there shall be used in the ballot label booklet a separate ballot label page or pages as required for such public measures or propositions. The page or pages for such public measures or propositions shall be of a color separate and distinct from the ballot label page or pages used for candidates and from those used for the propositions of retention in office of judges and of constitutional amendments. The ballot card provided for recording the voter's vote or choice on public measures or propositions may be the same card as is used for recording his vote for candidates. More than one public measure or proposition may be placed on the same ballot label page or series of pages and may be voted or recorded on the same column or series of columns on the same ballot card, and all columns on the ballot card may be of the same color.

However, at the nonpartisan, consolidated primary, and consolidated elections, the proposition for a public question relating to a political subdivision shall be placed on the ballot together with the ballot for the nomination or election of officers of such political subdivision to be voted upon at the same election, unless such placement is not feasible. (Source: P.A. 84-1467.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 16-7.

Cross References.

As to the form on the ballot of a question to the electors as to whether a municipality shall impose a tax, see 65 ILCS 5/8-11-1.1.

CASE NOTES

ANALYSIS

In General
 Applicability
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 Propositions
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 Public Measure
 —Sanitarium District Bonds
 Special Elections
 Tax Levy
 —Legal Ballot Required
 Validity of Ballots
 Validity of Tax

In General

Nothing in the Constitution restricts the General Assembly from providing that a certain public measure shall be submitted in a form different from that already prescribed for the submission of such measures by the Election Code. *Routt v. Barrett*, 396 Ill. 322, 71 N.E.2d 660 (1947).

Applicability

The method of marking all ballots is governed by 10 ILCS 5/17-11; this section and 10 ILCS 5/16-6 merely deal with the form of ballots for proposed amendments and public measures. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

Where any statute establishing special or local elections provides the particular form of ballot to be used, 10 ILCS 5/16-3 and this section have no application. *People ex rel. Lauth v. Wilmington Coal Co.*, 402 Ill. 161, 83 N.E.2d 741 (1949).

Where a statute prescribes the particular form of a ballot, the ballot provisions of this Article are inapplicable. *People v. Birdsong*, 398 Ill. 455, 76 N.E.2d 185 (1947).

Where a statute declared the form of ballot, former Ill.Rev.Stat., ch. 46, para. 305 (see now this section) did not apply. *People ex rel. Burkholder v. Peoria & E. Ry.*, 375 Ill. 197, 30 N.E.2d 651 (1940).

Burden of Proof

The burden was upon the objectors to prove that the irregularities complained of actually appeared on the ballots used at the election. *People ex rel. Prindable v. New York Cent. R.R.*, 400 Ill. 507, 81 N.E.2d 201 (1948).

Defective Ballots**—Not Shown**

In the absence of the introduction of any official ballots used in a special election, and in view of the objectors' failure to establish that the exhibits introduced were exact duplicate originals of the official ballots, adequate proof of the allegedly improper form of ballot actually used in the election was lacking, and under the circumstances, the printing samples were insufficient to prove the form of the ballot used in the election. *People ex rel. Lauth v. Wilmington Coal Co.*, 402 Ill. 161, 83 N.E.2d 741 (1949).

Form of Ballot

When the law authorizing the submission of a public measure to a vote provides the form of ballot to be used, which directions are at variance from those contained in this Act, such special law shall be followed rather than the provisions of the Election Code. *Routt v. Barrett*, 396 Ill. 322, 71 N.E.2d 660 (1947).

The form of the ballot must conform to the statutory mandate; if the ballot deviates in a matter of substance from the form prescribed by the applicable statute, the election is void. *People ex rel.*

Rhodes v. Miller, 392 Ill. 445, 64 N.E.2d 869 (1946).

It is a matter of substance whether the ballot requires the voter to vote for or against the proposition or whether the proposition is submitted to a "yes" or "no" vote, and deviation from the statutory form will invalidate the election. *People ex rel. Rhodes v. Miller*, 392 Ill. 445, 64 N.E.2d 869 (1946).

Where there was nothing in the Liquor Control Act (235 ILCS 5/1-1 et seq.) similar to the provisions of section 16 of the Ballot Act (see now this section), requiring that the proposition be stated on the back of the ballot, the ballot used by a township was a legal ballot. *Sanders v. Township of Salem*, 385 Ill. 362, 52 N.E.2d 708 (1944).

Where a statute declared the form of the ballot, former section 16 of the Ballot Law (see now this section) did not apply; the form of the ballot was to conform to the statutory mandate, and a failure to observe such provision of the law was a matter of substance and rendered the election void. *People ex rel. Sandberg v. Grabs*, 373 Ill. 423, 26 N.E.2d 494 (1940).

Incorporation Requirements**—Met**

Compliance with a special statute regarding incorporation elections was shown by the record. *People ex rel. Village of Worth v. Ihde*, 23 Ill. 2d 63, 177 N.E.2d 313 (1961).

Legislative History

The Australian Ballot Law was enacted in 1891; section 16 thereof provided that a constitutional amendment or other public measure appear on the ballot, and apparently the ballot contemplated was the general ballot. Section 16 was amended in 1899 to require the use of a separate ballot on a proposed amendment or a public measure; the section, however, both before and after the amendment, prescribed the use of a cross. In 1929, section 16 of the Ballot Law was amended by deleting any mention of constitutional amendments but leaving it applicable to public measures in substantially its original form, which included instructions for the use of a cross; at the same time, section 15 ½ was added covering the form of ballots for constitutional amendments, but directions for marking by cross were omitted. Section 16 was incorporated as this section, and section 15 ½ was incorporated as section 16-6 of the Election Code (10 ILCS 5/16-6); section 23 of the original Ballot Law of 1891 is the antecedent of present section 17-11 of the Election Code (10 ILCS 5/17-11), and has always provided for voting by the use of a cross, both for candidates and on questions submitted to a vote of the people. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

Marking of Ballots

Section 16-3 of the Election Code (10 ILCS 5/16-3) provides the form of ballot for offices such as President, Senator, Governor and state and county officers, former section 16-4 of the Election Code (see now 10 ILCS 5/16-6) provided the form of ballot for proposed constitutional amendments or the calling of a constitutional convention, and this section provides the form of ballot for public measures; in none of these sections is there any direction by the legislature as to the manner in which the ballot provided for therein should be marked, except in a part of this section dealing with public measures and there a cross is directed. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

The "X" used in directing the manner of voting is merely directory as to the exact form of cross to be used, but an honest attempt to make a mark which resembles a cross must appear on the ballot. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

Noncompliance**—Election Void**

Failure to comply with this section rendered an election void where the section provided that the words "yes" and "no" were to be stated on the ballot and the ballot had the words "for" and "against." *People ex rel. De Rosa v. Chicago & N.W. Ry.*, 391 Ill. 145, 62 N.E.2d 460 (1945).

Propositions**—Endorsement**

Where a proposition for a bond issue involved a new tax rather

Propositions (Cont'd)**—Endorsement (Cont'd)**

than a tax rate increase, the endorsement describing the proposition as a "rate increase" did not serve to obscure the purpose of the ballot so as to mislead voters since the proposition would nevertheless result in an increase in the amount of taxes that taxpayers would pay for school purposes. *Behrman v. Whiteside Sch. Dist.*, 143 Ill. App. 3d 154, 97 Ill. Dec. 362, 492 N.E.2d 1021 (5 Dist. 1986).

Where information as to the substance of propositions was contained on the front of the ballots, and where the propositions were designated by number on the front of the ballots, the endorsement of "Propositions 1, 2 and 3" on the back of ballots constituted substantial compliance with the formal requirements of this section. *Behrman v. Whiteside Sch. Dist.*, 143 Ill. App. 3d 154, 97 Ill. Dec. 362, 492 N.E.2d 1021 (5 Dist. 1986).

—Name

Defects in naming propositions did not render an election void so long as there was substantial compliance with formal requirements of this section. *Behrman v. Whiteside Sch. Dist.*, 143 Ill. App. 3d 154, 97 Ill. Dec. 362, 492 N.E.2d 1021 (5 Dist. 1986).

Public Measure**—Sanitarium District Bonds**

Voting upon a bond issue proposition under the former Sanitarium Districts Act (70 ILCS 920/0.01 et seq.) is voting upon a "public measure" within the contemplation of this section. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

Special Elections

Where a statute provides for a special election but makes no provision for the method of calling and conducting it, the general law for the conduct of elections controls. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

Tax Levy**—Legal Ballot Required**

A legal ballot is one of the essential steps in levying a tax. *People ex rel. Prindable v. New York Cent. R.R.*, 400 Ill. 507, 81 N.E.2d 201 (1948).

Validity of Ballots

The Illinois Liquor Control Act (235 ILCS 5/1-1) provided that a question could be submitted at a regular city election; where a public question was submitted at such an election by a separate ballot, all of the provisions of the former Australian Ballot Act (see now 10 ILCS 5/16-1 et seq.) applied to such separate ballot, and the validity of the contested ballots was to be determined by such law. *Mayes v. City of Albion*, 374 Ill. 605, 30 N.E.2d 416 (1940).

For a case discussing numerous specific objections to the validity of election ballots under the former Australian Ballot Act (see now this Article), see *Mayes v. City of Albion*, 374 Ill. 605, 30 N.E.2d 416 (1940).

Validity of Tax

A validating act contained in former section 407.2 of the School Code (see now 105 ILCS 5/17-3) that was relied upon was wholly inoperative to give validity to taxes levied at additional rates pursuant to former Ill.Rev.Stat., ch. 46, para. 305 (see now this section) prior to its enactment, since the taxes were levied when the taxing bodies were without authority to levy such additional rates, and were therefore unauthorized. *People ex rel. De Rosa v. Chicago & N.W. Ry.*, 391 Ill. 145, 62 N.E.2d 460 (1945).

10 ILCS 5/16-9 [Preparing voter instructions]

Sec. 16-9. The election authorities shall prepare full instructions for the guidance of voters at each election as to obtaining ballots, as to the manner of

marking them and the method of gaining assistance and as to obtaining new ballots in place of those accidentally spoiled; and they shall respectively cause the same to be printed in large, clear type, on separate cards, to be called cards of instruction; and the election authorities shall furnish to the judges of election a sufficient number of such cards of instruction to enable the judges of election to comply with the provisions of this article.

(Source: P.A. 81-1194.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 16-9.

10 ILCS 5/16-10 [Posting instruction cards]

Sec. 16-10. The judges of election shall cause not less than one of such cards to be posted in each voting booth provided for the preparation of ballots, and not less than four of such cards to be posted in and about the polling places upon the day of election. In every county of not more than 500,000 inhabitants, each election authority shall cause to be published, prior to the day of any election, in at least two newspapers, if there be so many published in such county, a list of all the nominations made as in this Act provided and to be voted for at such election, as near as may be, in the form in which they shall appear upon the general ballot.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 16-10.

10 ILCS 5/16-11 Precinct tabulation optical scan technology voting equipment

Sec. 16-11. *Precinct tabulation optical scan technology voting equipment.* If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code [10 ILCS 5/24B-1 et seq.], and the provisions of the Article are in conflict with the provisions of this Article 16 [10 ILCS 5/16-1 et seq.], the provisions of Article 24B [10 ILCS 5/24B-1 et seq.] shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B [10 ILCS 5/24B-1 et seq.], the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B [10 ILCS 5/24B-1 et seq.] or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, § 5.)

Effective Date.

Section 99 of P.A. 89-394 made this section effective January 1, 1997.

ARTICLE 17.

CONDUCT OF ELECTIONS AND MAKING RETURNS

10 ILCS 5/17-1 [Opening and closing hours]

Sec. 17-1. The polls shall be opened at the hour of 6:00 a.m. and continued open until 7:00 p.m. of the same day, at which time the polls shall be closed; but if the judges shall not attend at the hour of six o'clock in the morning, or if it shall be necessary for the electors present to appoint judges to conduct the election, as herein prescribed, the polls may, in that case, be opened at any hour before the time for closing the same shall arrive, as the case may require.

(Source: P.A. 81-850; 81-1149.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-1.

Cross References.

As to the application of this Article to absent voter's ballots, see 10 ILCS 5/19-8.

As to procedures for voting by physically incapacitated electors at nursing home facilities, see 10 ILCS 5/19-12.2.

As to the procedures with regard to absent voter's ballots, see 10 ILCS 5/20-8.

CASE NOTES

ANALYSIS

Construction with Other Laws
Special Elections**Construction with Other Laws**

10 ILCS 5/19-1 et seq. and 10 ILCS 5/20-1 et seq. must, for some purposes, be read in conjunction with and implemented through this Article. *Morandi v. Heiman*, 23 Ill. 2d 365, 178 N.E.2d 314 (1961).

Special Elections

Where a statute provides for a special election but makes no provision for the method of calling and conducting it, the general law for the conduct of elections controls. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

LEGAL PERIODICALS

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

10 ILCS 5/17-2 [Opening and closing; proclamation]

Sec. 17-2. Upon opening the polls one of the judges of election shall make proclamation of the same, and at least 30 minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour.

(Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-2.

10 ILCS 5/17-3 [Examination of ballot boxes]

Sec. 17-3. (a) Before voting begins, the ballot box shall be publicly opened and exhibited, and the judges shall see that no ballot is in such box; after which the box shall be locked and the key delivered to one of the judges, and shall not be again opened until the close of the polls. This paragraph (a) applies whenever permanent type ballot boxes are used, and does not apply when non-permanent type ballot boxes are used in accordance with section 15-1, paragraph (b) [10 ILCS 5/15-1(b)].

(b) When non-permanent type ballot boxes are used in accordance with section 15-1, paragraph (b) [10 ILCS 5/15-1(b)], prior to the commencement of voting and before any ballots are deposited therein, the judges shall examine each sealed ballot box, show it to those present and insure that it is in fact sealed and empty; the sealed slot shall be broken open before those present and the box inspected to insure that it is empty and such ballot box shall not be removed from public view from the time it is so inspected until after the close of the polls. The sealed opening on the side of the box shall not be unsealed or opened until after the close of the polls.

(Source: P.A. 77-6.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-3.

10 ILCS 5/17-4 [Poll list]

Sec. 17-4. Each of 2 judges of the election shall keep a poll list, which shall contain a column headed "number", and another headed "names of voters". The name of each elector voting shall be entered upon each of the poll books by such judges, in regular succession, under the proper headings, and the number of such voter placed opposite his name in the column headed "number". This section shall not apply where Articles 4, 5 or 6 of this Act [10 ILCS 5/4-1 et seq., 10 ILCS 5/5-1 et seq. or 10 ILCS 5/6-1 et seq.] make provision for the use of an official poll record in lieu of poll books.

(Source: Laws 1957, p. 1452.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-4.

10 ILCS 5/17-5 [Manner of voting]

Sec. 17-5. The manner of voting shall be by ballot. The ballot shall be printed or written, or partly printed and partly written, and shall be, except as otherwise provided in Article 8A, in form as prescribed in Article 16 of this Act [10 ILCS 5/16-1 et seq.].

(Source: Laws 1964, 1st S.S., p. 711.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-5.

Article 8A, referred to in this section, has been repealed.

10 ILCS 5/17-6 [Candidates' names and offices sought]

Sec. 17-6. The names of all candidates for which the elector intends to vote shall be written or printed upon the same ballot, and the office to which he or she desires each to be elected shall be designated upon the ballot in the manner prescribed in Article 16 of this Act [10 ILCS 5/16-1 et seq.].

(Source: P.A. 83-333.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-6.

CASE NOTES**Name of Office****—No Candidates**

Voters are entitled to ballots so prepared as to enable them to vote for every office to be filled, regardless of whether a candidate for each office has been named or certified. *Hare v. Canvassing Bd.*, 146 Ill. App. 3d 88, 99 Ill. Dec. 912, 496 N.E.2d 1004 (1 Dist. 1986).

Office of township assessor was required to be printed on general election ballot even though no candidate met the training qualifications for the office. *Hare v. Canvassing Bd.*, 146 Ill. App. 3d 88, 99 Ill. Dec. 912, 496 N.E.2d 1004 (1 Dist. 1986).

10 ILCS 5/17-7 [Judges to have charge of ballots]

Sec. 17-7. The judges of election of their respective election precincts or election districts shall have charge of the ballots and furnish them to the voter as herein set forth.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-7.

10 ILCS 5/17-8 [Provisions of sufficient voting booths]

Sec. 17-8. The county clerk shall provide in each polling place, so designated or provided a sufficient number of booths, which shall be provided with such supplies and conveniences, including shelves, pens, penholders, ink, blotters and pencils, as will enable the voter to prepare his ballot for voting, and in which voters may prepare their ballots screened from all observation as to the manner in which they do so. They shall be within plain view of election officers, and both they and the ballot boxes shall be within plain view of those within the proximity of the voting booths. Each of said booths shall have 3 sides enclosed, one side in front, to be closed with a curtain. Each side of each booth shall be 6 feet 4 inches and the curtain shall extend within 2 feet of the floor, which shall be closed while the voter is preparing his ballot. Each booth shall be at least 32 inches square and shall contain a shelf at least one foot wide, at a convenient height for writing. No person other than the election officers and the challengers allowed by law, and those admitted for the purpose of voting as herein provided, shall be per-

mitted within the proximity of the voting booths, except by authority of the election officers to keep order and enforce the law. The number of such voting booths shall not be less than one to every 75 voters or fraction thereof who voted at the last preceding election in the precinct. The expense of providing booths and other things required in this Act shall be paid in the same manner as other election expenses.

Where electronic voting systems are used, a booth with a self-contained electronic voting device may be used. Each such booth shall have 3 sides enclosed and shall be equipped with a curtain for closing the front of the booth. The curtain must extend to within 2 feet of the floor. Each side shall be of such a height, in no event less than 5 feet, one inch, as to insure the secrecy of the voter. Each booth shall be at least 32 inches square, provided, however, that where a booth is no more than 23 inches wide and the sides of such booth extend from a point below the device to a height of 5 feet, one inch, at the front of the booth, and such booth insures that voters may prepare their ballots in secrecy, such booth may be used.

(Source: P.A. 80-1469; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-8.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in the first paragraph, in the first sentence deleted "and the guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within 6 feet of the ballot box and of such voting booths" from the end, deleted the former second sentence which read "The arrangement shall be such that the voting booths can only be reached by passing within said guard rail", in the third sentence, substituted "within the proximity of the voting booths" for "outside of the guard rail", in the seventh sentence substituted "proximity of the voting booths" for "guard rail", and in the ninth sentence deleted "and guard rails" following "of providing booths".

CASE NOTES**ANALYSIS****Guardrail Provision**

—Not Mandatory
Voting Booths

Guardrail Provision

—Not Mandatory

The guardrail provision of this Act is directory and not mandatory. *People v. Suttles*, 15 Ill. 2d 521, 155 N.E.2d 607 (1959).

Voting Booths

Under the pretense of enforcing legal safeguards which are thrown around the ballot, the will of the People should not be defeated by an honest mistake of election officers, and literal compliance with prescribed forms will not be required if the spirit of the law is not violated; form should be subservient to substance when no legal voter has been deprived of his vote and no injury of any kind has been done to any one. *Weston v. Markgraf*, 328 Ill. 576, 160 N.E. 215 (1928).

10 ILCS 5/17-9 [Ballot application; challenge; service affidavit]

Sec. 17-9. Any person desiring to vote shall give his name and, if required to do so, his residence to

the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election, for cancellation or revocation, his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, an affidavit executed before the judges of election specifying that the voter never received an absentee ballot, or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name. All applicable provisions of articles 4, 5 or 6 shall be complied with and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act [10 ILCS 5/16-6], shall be plainly visible to the voter. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his

ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

State of Illinois,)
) ss.
 County of)
 Precinct Ward

I,, do solemnly swear (or affirm) that I am a citizen of the United States, of the age of 18 years or over, and that within the past 60 days prior to the date of this election at which I am applying to vote, I have been engaged in the (military or naval) service of the United States; and I am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and that I am a legally qualified voter of this precinct and ward except that I have, because of such service, been unable to register as a voter; that I now reside at (insert street and number, if any) in this precinct and ward; that I have maintained a legal residence in this precinct and ward for 30 days and in this State 30 days next preceding this election.

Subscribed and sworn to before me on (insert date).

.....
 Judge of Election.

The affidavit of any such person shall be supported by the affidavit of a resident and qualified voter of any such precinct and ward, which affidavit shall be in substantially the following form:

State of Illinois,)
) ss.
 County of)
 Precinct Ward

I,, do solemnly swear (or affirm), that I am a resident of this precinct and ward and entitled to vote at this election; that I am acquainted with (name of the applicant); that I verily believe him to be an actual bona fide resident of this precinct and ward and that I verily believe that he or she has maintained a legal residence therein 30

days and in this State 30 days next preceding this election.

Subscribed and sworn to before me on (insert date).

Judge of Election.

All affidavits made under the provisions of this Section shall be enclosed in a separate envelope securely sealed, and shall be transmitted with the returns of the elections to the county clerk or to the board of election commissioners, who shall preserve the said affidavits for the period of 6 months, during which period such affidavits shall be deemed public records and shall be freely open to examination as such.

(Source: P.A. 84-551; 89-653, § 5; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-9.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in the first paragraph, in the first sentence substituted "pollwatchers" for "watchers or challengers", in the second sentence substituted "been issued" for "received" and inserted "for cancellation or revocation" in the third sentence added "In the case that the voter's absentee ballot is not present in the polling place" at the beginning, deleted "or" preceding "an affidavit" and substituted "or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name" for a semicolon; in the fourth sentence substituted "within the proximity of the voting booths" for "the space enclosed by the guard rail" and in the tenth sentence substituted "within the proximity of the voting booths" for "in said enclosed space".

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the forms.

CASE NOTES

ANALYSIS

Eligibility of Voters

—Waiver
Indorsement by Judge
Uninitialed Ballots
—Validity

Eligibility of Voters

—Waiver

Unsuccessful candidates did not waive the right to challenge the eligibility of voters after a primary election in an election contest, though they failed to utilize the procedures provided in this Act for challenging voters at the polls. *Jordan v. Officer*, 170 Ill. App. 3d 776, 121 Ill. Dec. 760, 525 N.E.2d 1067 (5 Dist. 1988).

Indorsement by Judge

In an all-paper-ballot election, the requirement that election judges initial the ballot before it is placed in the ballot box is a mandatory provision; however, the provision is directory if voting machines are used and the integrity of the election process is otherwise protected. *Craig v. Peterson*, 39 Ill. 2d 191, 233 N.E.2d 345 (1968).

Because of the compelling importance to the public that elections be honestly conducted, and the substantial contribution of the initialing procedure to that result, no constitutional problem arises and courts are free to enforce the statutory command even though

absentee voters may be disenfranchised without fault on their part (one who votes at the polls has the opportunity to see whether the judge of election has initialed his ballot and request it to be done if it has not); however, application of the same endorsement requirement in a situation such as machine voting, where it contributes nothing to the integrity of the election process, but serves only to disenfranchise innocent and completely qualified absentee voters who are powerless to prevent such result, constitutes an impermissible impairment of such voter's constitutionally guaranteed right to vote and have his vote counted. *Craig v. Peterson*, 39 Ill. 2d 191, 233 N.E.2d 345 (1968).

Where voting machines were used at the polling places for all contested public offices, and the only paper ballots used for contested offices were those used by absentee voters, and where, although paper ballots were used by all electors for the purpose of voting on constitutional amendments and those judges seeking retention in office, separate ballot boxes were provided for the judicial retention and constitutional amendment ballots, and no ballot box was provided for the public office ballots of absentee voters, but instead these ballots were simply removed from their envelopes after the polls closed and counted by the election judges without having been deposited in any box, and no other fraud or irregularity existed, the initialing requirement of this section was merely directory. *Craig v. Peterson*, 39 Ill. 2d 191, 233 N.E.2d 345 (1968).

The initialing provisions receive mandatory application to absentee ballots and thus exclude proof evidencing official omission or mistake. *Morandi v. Heiman*, 23 Ill. 2d 365, 178 N.E.2d 314 (1961).

Provisions requiring that a judge of election must endorse his own initials upon the ballots which he handed out to the voters were clearly mandatory. *Harvey v. Sullivan*, 406 Ill. 472, 94 N.E.2d 424 (1950).

The initialing requirement is mandatory; it applies to the ballots of absent voters, and ballots which do not bear such initials cannot be counted for any candidate. *Barlick v. Kinz*, 375 Ill. 318, 31 N.E.2d 283 (1940).

The familiar rule that mistakes or omissions of the officers in charge of an election will not defeat the plainly expressed will of the voters is inapplicable where the officers have failed to perform mandatory duties of a precautionary character which safeguard the votes of the electors, including the initialing requirement. *Barlick v. Kinz*, 375 Ill. 318, 31 N.E.2d 283 (1940).

A ballot which bore no official endorsement of the initials of a judge of an election could not be counted under former Ill.Rev.Stat., ch. 46, para. 311 (see now this section). *Ralston v. Scott*, 354 Ill. 258, 188 N.E. 480 (1933).

Uninitialed Ballots

—Validity

Where it was stipulated that some ballots from a precinct were initialed by the clerk instead of the judge of the election and that there was a certain number of votes for each candidate, the question of whether the ballots should be counted was left to the court. *Tuthill v. Rendelman*, 387 Ill. 321, 56 N.E.2d 375 (1944).

Pursuant to former Ill.Rev.Stat., ch. 46, paras. 311 and 315 (see now 10 ILCS 5/17-9 and 10 ILCS 5/17-16), in a township election where five ballots bore no initials of a judge of elections, the uninitialed ballots should have been excluded, even though three witnesses testified that they were entitled to vote in the precinct and that, at this election, they marked uninitialed ballots given them by one of the election judges; none of these ballots should have been deposited in the ballot box and they should not have been counted for any candidate. *Lacy v. Rhodes*, 369 Ill. 167, 15 N.E.2d 683 (1938).

10 ILCS 5/17-10 [Affidavit of residency]

Sec. 17-10. (a) Whenever, at any election, in any precinct, any person offering to vote is not personally known to the judges of election to have the qualifications required in this Act, if his vote is challenged by a legal voter at such election, he or she shall make and subscribe an affidavit, in the following form, which shall be retained by the judges of

election, and returned by them affixed to the poll books or with the official poll record:

State of Illinois)
) ss.
County of)

I,, do solemnly swear (or affirm) that I am a citizen of the United States; that I am 18 years of age or over; that I have resided in this State and in this election district 30 days next preceding this election; that I have not voted at this election; that I am a duly qualified voter in every respect; that I now reside at (here give the particular house or place of residence, and, if in a town or city, the street and number), in this election district; *1. that I registered to vote from said address; *2. that I changed my residence to the above address from, both of which are in this election district; *3. that I changed my name from to that which I have signed below; *4. that I have not changed my residence but my address has changed as a result of implementation of a 9-1-1 emergency telephone system.

So help me God, (or "This I do solemnly and sincerely affirm", as the case may be).

.....
Subscribed and sworn to before me on (insert date).

- *1. If registration is not required, draw a line through 1 above.
*2. Fill in the blank ONLY if you have moved within 2 years.
*3. Fill in the blank ONLY if you have changed your name within 2 years.
*4. Fill in the blank ONLY if you have not changed your residence but your address has changed as a result of implementation of a 9-1-1 telephone system.

In addition to such an affidavit, the person so challenged shall provide to the judges of election proof of residence by producing two forms of identification showing the person's current residence address, provided that such identification may include not more than one piece of mail addressed to the person at his current residence address and post-marked not earlier than 30 days prior to the date of the election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now

offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election.

The oath in each case may be administered by either of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths.

(b) Whenever, at any regular or special election, any precinct, district, city, village, incorporated town, town or ward, any person offering to vote has moved therefrom within 30 days prior to said regular or special election, he shall make and subscribe an affidavit, in the following form, which shall be supported by providing to the judges of election proof of residence by producing two forms of identification showing the person's current residence address, provided that such identification may include not more than one piece of mail addressed to the person at his current residence address and post-marked not earlier than 30 days prior to the date of the election, or by one affidavit of a registered voter in the precinct, as provided herein, both of which shall be retained by the judges of election, and returned by them affixed to the poll books or with the official poll record:

State of Illinois)
) ss.
County of)

I,, do solemnly swear (or affirm) that I am a citizen of the United States; that I am 18 years of age; that I have not voted at this election; that prior to 30 days preceding this election I was a duly qualified and registered voter in every respect in this election district; that I have recently moved from (here give the particular house or place of residence, and, if in a town or city, the street and number), in this election district; that I now reside at (here give the particular house or place of residence, and, if in a town or city, the street and number), in another election district in the State.

So help me God, (or "This I do solemnly and sincerely affirm", as the case may be).

.....
Subscribed and sworn to before me on (insert date).

.....
State of Illinois)
) ss.
County of)

..... Precinct Ward
I,, do solemnly swear (or affirm), that I am a resident of this precinct and entitled to vote at this election; that I am acquainted with (name of the applicant); that I verily believe him to have been an actual bona fide resident and regis-

tered voter of this precinct and that he maintained a legal residence therein, 30 days next preceding this election.

.....
Subscribed and sworn to before me on (insert date).

.....
Judge of Election.

The oath may be administered by either of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths.

(Source: P.A. 86-867; 90-664, § 5; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-10.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1998 amendment by P.A. 90-664, effective July 30, 1998, inserted the requirement and footnote designated as "4" in the first form in subsection (a).

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the forms, and made stylistic changes.

10 ILCS 5/17-11 [Marking the ballot]

Sec. 17-11. On receipt of his ballot the voter shall forthwith, and without leaving the inclosed space, retire alone to one of the voting booths so provided and shall prepare his ballot by making in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by writing in the name of the candidate of his choice in a blank space on said ticket, making a cross (X) opposite thereto; and in case of a question submitted to the vote of the people, by making in the appropriate margin or place a cross (X) against the answer he desires to give. A cross (X) in the square in front of the bracket enclosing the names of a team of candidates for Governor and Lieutenant Governor counts as one vote for each of such candidates. Before leaving the voting booth the voter shall fold his ballot in such manner as to conceal the marks thereon. He shall then vote forthwith in the manner herein provided, except that the number corresponding to the number of the voter on the poll books shall not be indorsed on the back of his ballot. He shall mark and deliver his ballot without undue delay, and shall quit said inclosed space as soon as he has voted. No voter shall be allowed to occupy a voting booth already occupied by another, nor remain within said inclosed space more than ten minutes, nor to occupy a voting booth more than five minutes in case all of said voting booths are in use and other voters waiting to occupy the same. No voter not an election officer, shall, after having voted, be allowed to re-enter said inclosed space during said election. No person shall take or remove any ballot from the polling place before the close of the poll. No voter shall vote or offer to vote any ballot except such as he has received from the judges of election in charge of

the ballots. Any voter who shall, by accident or mistake, spoil his ballot, may, on returning said spoiled ballot, receive another in place thereof only after the word "spoiled" has been written in ink diagonally across the entire face of the ballot returned by the voter.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable.

(Source: P.A. 81-1548; 89-700, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-11.

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, deleted the third and fourth sentences from the first paragraph regarding marking ballot for multiple candidates of a single party.

CASE NOTES

ANALYSIS

Constitutionality
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Constitutionality

The requirement that, in addition to the writing in of the name of a candidate, an (X) must be placed opposite the name for the act of voting to be complete, does not violate Ill. Const. (1970), Art. III, § 3. *Stramaglia v. Jenkins*, 9 Ill. App. 3d 703, 292 N.E.2d 912 (2 Dist. 1973).

The requirement that a ballot be marked with a cross is not discriminatory, unreasonable, or arbitrary, either on its face or in its application. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

The provisions of the former statute (see now 10 ILCS 5/7-42 and 10 ILCS 5/7-15) that gave an employee the right to absent himself for two hours on election day and to cast his vote, and which required his employer to give him this opportunity of attending the election for such purpose, were wholesome provisions of the statute, and were valid and binding; however, the provision of the former statute that required the employer to pay him for two hours' time for exercising such privilege was invalid, because it was an unreasonable abridgment of the right to make contracts and it was not the constitutional right of any citizen to be paid for the exercise of his right to vote. *People v. Chicago, M. & St. P. Ry.*, 306 Ill. 486, 138 N.E. 155 (1923).

Applicability

This section applies to voting on proposed constitutional amendments. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

This section is applicable both to the general ballot and to separate ballots. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

The method of marking all ballots is governed by this section; 10 ILCS 5/16-6 and 10 ILCS 5/16-7 merely deal with the form of ballots for proposed amendments and public measures. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

A vote on a proposed constitutional amendment must be indicated by the use of a cross on the ballot. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

Construction

This section specifically provides that the voter shall prepare his ballot by making a cross to indicate the candidate of his choice or

Construction (Cont'd)

the answer he desires to give on a question submitted to the vote of the people. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

Defective Ballots

Where ballots were reissued in place of ballots which were marked "spoiled" and were returned in an envelope marked "defective and objected to ballots," the questionable ballots were properly excluded from the count even though they were not properly marked; marking the ballots "spoiled" was substantial compliance with the statute. *Giffin v. Rausa*, 2 Ill. 2d 421, 118 N.E.2d 249 (1954).

Intent of Voter

Where the intention of the voter can be clearly ascertained from his ballot, that intention will be effectuated even though the ballot is not strictly in conformity with law. *Gulino v. Cerny*, 13 Ill. 2d 244, 148 N.E.2d 724 (1958).

If an honest intention of the voter can be fairly ascertained from his ballot, the voter will not be disenfranchised through inadvertence, mistake or ignorance, provided no mandatory provision of this Act is violated. *Gulino v. Cerny*, 13 Ill. 2d 244, 148 N.E.2d 724 (1958).

Legislative History

The Australian Ballot Law was enacted in 1891; section 16 thereof provided that a constitutional amendment or other public measure appear on the ballot, and apparently the ballot contemplated was the general ballot. Section 16 was amended in 1899 to require the use of a separate ballot on a proposed amendment or a public measure; the section, however, both before and after the amendment, prescribed the use of a cross. In 1929, section 16 of the Ballot Law was amended by deleting any mention of constitutional amendments but leaving it applicable to public measures in substantially its original form, which included instructions for the use of a cross; at the same time, section 15½ was added covering the form of ballots for constitutional amendments, but directions for marking by cross were omitted. Section 16 was incorporated as section 16-7 of the Election Code (10 ILCS 5/16-7); section 15½ was incorporated as section 16-6 of the Election Code (10 ILCS 5/16-6); section 23 of the original Ballot Law of 1891 is the antecedent of this section and has always provided for voting by the use of a cross, both for candidates and on questions submitted to a vote of the people. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

Marking of Ballots

The marking of an (X) in some form is not directory, but is mandatory. *Stramaglia v. Jenkins*, 9 Ill. App. 3d 703, 292 N.E.2d 912 (2 Dist. 1973).

The "X" used in directing the manner of voting is merely directory as to the exact form of cross to be used, but an honest attempt to make a mark which resembles a cross must appear on the ballot. *Scribner v. Sachs*, 18 Ill. 2d 400, 164 N.E.2d 481 (1960).

The persons who wrote a candidate's name on the printed line opposite another candidate's name were not disenfranchised merely because they encircled their "X" instead of placing it in a square. *Gulino v. Cerny*, 13 Ill. 2d 244, 148 N.E.2d 724 (1958).

It was proper to count a ballot which had a clear cross in the circle of a party's ticket with a blotting-out of what was originally a cross on another party's circle, because it was the intention of the voter to erase or obliterate the cross, and it was not a distinguishing mark which would render the ballot void. *Giffin v. Rausa*, 2 Ill. 2d 421, 118 N.E.2d 249 (1954).

Any deliberate marking of a ballot by a voter that is not made in an attempt to indicate his choice of candidates, and which is also effective as a mark by which his ballot may be distinguished, should be considered as a distinguishing mark and, if it appears that marks were placed thereon as a result of an honest effort by the voter to indicate his choice of candidates and not as an attempt to indicate the identity of the voter, the ballot should not be rejected for candidates for whom a choice is expressed according to law. *Giffin v. Rausa*, 2 Ill. 2d 421, 118 N.E.2d 249 (1954).

Whether a given mark upon a ballot is a distinguishing mark is largely a question of fact to be determined from an inspection of the original ballot itself. *Giffin v. Rausa*, 2 Ill. 2d 421, 118 N.E.2d 249 (1954).

For a case discussing various additional markings on a ballot, see

Giffin v. Rausa, 2 Ill. 2d 421, 118 N.E.2d 249 (1954).

Where voters were to choose three of four candidates, with three being Republicans and one being Democratic, and the Democratic candidate was chosen as well as a straight Republican ticket, the Democratic candidate should have been chosen; however, since it could not be determined which Republican candidates received votes, no Republican candidate for that office should have received a vote. *Pires v. Bracken*, 412 Ill. 416, 107 N.E.2d 706 (1952).

Where only a single office is to be filled and only one candidate elected, when a voter votes for a straight party ticket and also opposite a particular candidate's name of another party, the ballot should be counted for all candidates on the ticket, except the candidate opposing the one voted separately, and the ballot is counted as a vote for that candidate. *Pires v. Bracken*, 412 Ill. 416, 107 N.E.2d 706 (1952).

Missing Ballots**—Apportionment of Votes**

Where six ballots missing from two precincts could have effected the outcome of an election for township assessor, the trial court did not abuse its discretion in apportioning the ballots pro rata for that office since none of the missing ballots were found to be lost because of fraud, deceit or other misconduct. *Whitsell v. Davis*, 67 Ill. App. 3d 962, 24 Ill. Dec. 588, 385 N.E.2d 729 (5 Dist. 1978).

One Punch Straight Party Voting

The unavailability of the one punch straight party vote did not prevent the elderly or handicapped from fully exercising their voting rights and therefore did not impede voting by all qualified persons. *Orr v. Edgar*, 298 Ill. App. 3d 432, 232 Ill. Dec. 469, 698 N.E.2d 560 (1 Dist. 1998), appeal denied, 179 Ill. 2d 589, 235 Ill. Dec. 567, 705 N.E.2d 440 (1998).

Unprinted Name

The making of a cross in the circle at the head of the ticket was a vote for all those in that party whose names were printed on the official ballot, and included a candidate whose name was written in a space left blank for such name under the title. *Pierca v. People ex rel. Field*, 197 Ill. 432, 64 N.E. 372 (1902).

Time Limitations

The time limitation in this section are not meant to rush impeded voters, but are meant to ensure that ballot casting itself is not utilized as a stalling tactic by those motivated to prevent others from voting. *Orr v. Edgar*, 298 Ill. App. 3d 432, 232 Ill. Dec. 469, 698 N.E.2d 560 (1 Dist. 1998), appeal denied, 179 Ill. 2d 589, 235 Ill. Dec. 567, 705 N.E.2d 440 (1998).

Write-In Votes

Ballots which were voted by writing in a last name without any Christian name or initials, and otherwise properly marked, were correctly counted for the individual who was the only candidate of that name known to be running for the office of president of the village. *Gulino v. Cerny*, 13 Ill. 2d 244, 148 N.E.2d 724 (1958).

Where the name of a candidate is written in on the ballot, the title of the office must be clearly designated if there is more than one office on the ballot. *Gulino v. Cerny*, 13 Ill. 2d 244, 148 N.E.2d 724 (1958).

10 ILCS 5/17-12 [Receipt of ballot from voter]

Sec. 17-12. The ballot shall be folded by the voter and delivered to one of the judges of election; and if the judge be satisfied, that the person offering the vote is a legal voter, the judges of election shall enter the name of the voter, and his number, under the proper heading in the poll books, (except as otherwise provided in Articles 4, 5 or 6 [10 ILCS 5/4-1 et seq., 10 ILCS 5/5-1 et seq. or 10 ILCS 5/6-1 et seq.] and shall immediately put the ballot into the ballot box.

The voter shall in like manner fold and deliver the separate blue ballot or ballots pertaining to a proposal or proposals for constitutional amendments or the calling of a constitutional convention, if such proposal or proposals have been submitted to a vote of the people at such election and shall also in like manner fold and deliver the separate representative ballot provided for in Article 8A in cases where that Article is applicable. The judge of election to whom the voter delivers his ballots shall not accept the same unless all of the ballots given to the voter are returned by him. If a voter delivers less than all of the ballots given to him, the judge to whom the same are offered shall advise him in a voice clearly audible to the other judges of election that the voter must return the remainder of the ballots. The statement of the judge to the voter shall clearly express the fact that the voter is not required to vote such remaining ballots but that whether or not he votes them he must fold and deliver them to the judge. In making such statement the judge of election shall not indicate by word, gesture or intonation of voice that the unreturned ballots shall be voted in any particular manner. No new voter shall be permitted to enter the voting booth of a voter who has failed to deliver the total number of ballots received by him until such voter has returned to the voting booth pursuant to the judge's request and again quit the booth with all of the ballots required to be returned by him. Upon receipt of all such ballots the judges of election shall enter the name of the voter, and his number, as above provided in this section, and the judge to whom the ballots are delivered shall immediately put the ballots into the ballot box but, in the case of an election for Representatives in the General Assembly pursuant to Article 8A, the official representative ballot shall be placed in the separate ballot box provided for such purpose. If any voter who has failed to deliver all the ballots received by him refuses to return to the voting booth after being advised by the judge of election as herein provided, the judge shall inform the other judges of such refusal, and thereupon the ballot or ballots returned to the judge shall be deposited in the ballot box, the voter shall be permitted to depart from the polling place, and a new voter shall be permitted to enter the voting booth.

No judge of election shall accept from any voter less than the full number of ballots received by such voter without first advising the voter in the manner above provided of the necessity of returning all of the ballots, nor shall any judge advise such voter in a manner contrary to that which is herein permitted, or in any other manner violate the provisions of this section; provided that the acceptance by a judge of election of less than the full number of ballots delivered to a voter who refuses to return to the voting booth after being properly advised by the judge shall not be a violation of this section.

(Source: Laws 1964, 1st S.S., p. 711.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-12.

Article 8A, referred to in this section, has been repealed.

CASE NOTES

Secrecy

The provisions for the secrecy of the ballot in a prior similar provision applied to the preparation and casting of the ballot, but no provision was made for secrecy after the ballot had been deposited in the ballot box. *People ex rel. Hoyne v. Lueders*, 269 Ill. 205, 109 N.E. 1028 (1915).

10 ILCS 5/17-13 [Accessibility requirement; exemption]

Sec. 17-13. (a) In the case of an emergency, as determined by the State Board of Elections, or if the Board determines that all potential polling places have been surveyed by the election authority and that no accessible polling place, as defined by rule of the State Board of Elections, is available within a precinct nor is the election authority able to make a polling place within the precinct temporarily accessible, the Board, upon written application by the election authority, is authorized to grant an exemption from the accessibility requirements of the Federal Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435) [42 U.S.C. § 1973ee et seq.]. Such exemption shall be valid for a period of 2 years.

(b) Any temporarily or permanently physically disabled voter who, because of structural features of the building in which the polling place is located, is unable to access or enter the polling place, may request that 2 judges of election of opposite party affiliation deliver a ballot to him or her at the point where he or she is unable to continue forward motion toward the polling place; but, in no case, shall a ballot be delivered to the voter beyond 50 feet of the entrance to the building in which the polling place is located. Such request shall be made to the election authority not later than the close of business at the election authority's office on the day before the election and on a form prescribed by the State Board of Elections. The election authority shall notify the judges of election for the appropriate precinct polling places of such requests.

Weather permitting, 2 judges of election shall deliver to the disabled voter the ballot which he or she is entitled to vote, a portable voting booth or other enclosure that will allow such voter to mark his or her ballot in secrecy, and a marking device.

(c) The voter must complete the entire voting process, including the application for ballot from which the judges of election shall compare the voter's signature with the signature on his or her registration record card in the precinct binder.

After the voter has marked his or her ballot and placed it in the ballot envelope (or folded it in the manner prescribed for paper ballots), the 2 judges of election shall return the ballot to the polling place and give it to the judge in charge of the ballot box who shall deposit it therein.

Pollwatchers as provided in Sections 7-34 and 17-23 of this Code [10 ILCS 5/7-34 and 10 ILCS 5/17-23] shall be permitted to accompany the judges and observe the above procedure.

No assistance may be given to such voter in marking his or her ballot, unless the voter requests assistance and completes the affidavit required by Section 17-14 of this Code [10 ILCS 5/17-14]. (Source: P.A. 84-808.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-13.

10 ILCS 5/17-14 [Assistance in marking ballot]

Sec. 17-14. Any voter who declares upon oath, properly witnessed and with his or her signature or mark affixed, that he or she requires assistance to vote by reason of blindness, physical disability or inability to read, write or speak the English language shall, upon request, be assisted in marking his or her ballot, by 2 judges of election of different political parties, to be selected by all judges of election of each precinct at the opening of the polls or by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. A voter who presents an Illinois Disabled Person Identification Card, issued to that person under the provisions of the Illinois Identification Card Act [15 ILCS 335/1], indicating that such voter has a Class 1A or Class 2 disability under the provisions of Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A], or a voter who declares upon oath, properly witnessed, that by reason of any physical disability he is unable to mark his ballot shall, upon request, be assisted in marking his ballot by 2 of the election officers of different parties as provided above in this Section or by a person of the voter's choice other than the voter's employer or agent of that employer or officer or agent of the voter's union. Such voter shall state specifically the reason why he cannot vote without assistance and, in the case of a physically disabled voter, what his physical disability is and whether or not the disability is permanent. Prior to entering the voting booth, the person providing the assistance, if other than 2 judges of election, shall be presented with written instructions on how assistance shall be provided. This instruction shall be prescribed by the State Board of Elections and shall include the penalties for attempting to influence the voter's choice of candidates, party, or votes in relation to any question on the ballot and for not marking the ballot as directed by the voter. Additionally, the person providing the assistance shall sign an oath, swearing not to influence the voter's choice of candidates, party, or votes in relation to any question on the ballot and to cast the ballot as directed by the voter. The oath shall be prescribed by the State Board of Elections and shall include the penalty for violating this Section. In the voting booth, such person shall

mark the ballot as directed by the voter, and shall thereafter give no information regarding the same. The judges of election shall enter upon the poll lists or official poll record after the name of any elector who received such assistance in marking his ballot a memorandum of the fact and if the disability is permanent. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in marking his ballot.

No person shall secure or attempt to secure assistance in voting who is not blind, physically disabled or illiterate as herein provided, nor shall any person knowingly assist a voter in voting contrary to the provisions of this Section.

(Source: P.A. 84-808; 90-101, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-14.

Effect of Amendments.

The 1997 amendment by P.A. 90-101, effective July 11, 1997, in the first paragraph, added the fourth through seventh sentences and in the eighth sentence added at the beginning "In the voting booth".

CASE NOTES

ANALYSIS

Voter Assistance

- English Language Comprehension
- Held Improper

Voter Assistance

—English Language Comprehension

An Election Board did not violate the requirements that a voter is not entitled to assistance at the polls on election day unless he declares upon oath "that he cannot read the English language," where the Board instructed election judges that a voter could not have assistance at the polls unless the voter stated under oath that he could not read or write the English language sufficiently well to be able to comprehend or understand what he or she would be doing in a voting machine. *United States v. Kuser*, 317 F. Supp. 761 (N.D. Ill. 1970).

—Held Improper

Where voters were assisted in preparing their ballots by the election judges, and neither voter made an oath or affidavit that he was physically or otherwise unable to prepare his ballot, such votes were properly deducted because before assistance could be rendered to voters, an oath or affidavit was required to be given affirming the voter's inability to prepare a ballot. *McCreery v. Burnsmier*, 293 Ill. 43, 127 N.E. 171 (1920).

10 ILCS 5/17-15 [Leave of absence from work to vote]

Sec. 17-15. Any person entitled to vote at a general or special election or at any election at which propositions are submitted to a popular vote in this State, shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed, for a period of 2 hours between the time of opening and closing the polls; and such voter shall not because of so absenting himself be liable to any penalty; Provided, however, that application for such leave of absence shall be made prior to the day of election. The

employer may specify the hours during which said employee may absent himself as aforesaid. No person or corporation shall refuse to an employee the privilege hereby conferred, nor shall subject an employee to a penalty because of the exercise of such privilege, nor shall directly or indirectly violate the provisions of this section.

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-15.

CASE NOTES

ANALYSIS

Constitutionality
Civil Remedy
Evidence

Constitutionality

The former version of this section requiring employers to pay employees for a two hour absence on election day had no real or substantial relation to the object of public welfare sought to be attained and thus could not be sustained as a constitutional exercise of the police power. *Heimgaertner v. Benjamin Elec. Mfg. Co.*, 6 Ill. 2d 152, 128 N.E.2d 691 (1955).

Civil Remedy

Although this provision is penal in nature, that in itself does not bar a civil remedy. *Heimgaertner v. Benjamin Elec. Mfg. Co.*, 6 Ill. 2d 152, 128 N.E.2d 691 (1955).

Evidence

An employer's evidence that, if one employee were entitled to time off to vote, with full pay, all of its 2000 employees would be entitled to time off to vote, with pay, at a total cost to employer of at least \$3,500 if all of its employees were to vote on that day and were to receive pay for two hours' work while voting, was not relevant in a prosecution for violation of the former statute allowing time off for voting (see now this section and 10 ILCS 5/7-42). *People v. Chicago, M. & St. P. Ry.*, 306 Ill. 486, 138 N.E. 155 (1923).

10 ILCS 5/17-16 [Defective ballot]

Sec. 17-16. If the voter marks more candidates than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office, provided that if the name of a candidate appears in more than one column on the ballot as authorized by this Act, and a ballot has been marked in his or her favor in more than one column and the voter's intention is otherwise ascertainable, the candidate shall receive only one vote from such ballot and the remaining votes cast for him or her on such ballot shall not be counted. No ballot without the official endorsement shall be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this Act shall be counted. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum signed by the judges stating how it was counted shall be written upon the back of each ballot so marked, and

all ballots marked defective or objected to shall be enclosed in an envelope securely sealed and so marked and endorsed as to clearly disclose its contents. The envelope to be used for enclosing ballots marked "defective" or "objected to" shall bear upon its face, in large type, the legend: "This envelope is for use after 7:00 P.M. only." The envelope to be used for enclosing ballots spoiled by voters while attempting to vote shall bear upon its face, in large type, the legend: "This envelope is for use before 7:00 P.M. only." All ballots not voted, and all that have been spoiled by voters while attempting to vote, shall be returned by the judges of election to the county clerk and a receipt taken therefor, and shall be preserved 2 months; the county clerk shall keep a record of the number of ballots delivered for each polling place, the name of the person to whom and the time when delivered, and he shall also enter upon such record the number and character of ballots returned, with the time when and the person by whom they are returned.

(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-16.

CASE NOTES

ANALYSIS

Challenged Ballots
Construction
Defective Ballots
—Compliance
—Election Held Void
—Evidence
Marking of Ballots
Official Ballots
—Purpose
Pre-Initialed Ballots
—Validity
Preservation of Ballots
Purpose
Signature
—Required
Uninitialed Ballots
—In General
Unused Ballots

Challenged Ballots

Where a challenged ballot was placed in a sealed envelope, no claim was made that it was exposed to the reach of unauthorized persons, and evidence of tampering with either the envelope or the ballot was absent, the finding of the trial court that the ballot was properly preserved and should have been counted for a candidate was not in error. *Barlick v. Kinz*, 375 Ill. 318, 31 N.E.2d 283 (1940).

Construction

This section is mandatory, since its language positively provides in substance that no ballots not endorsed as provided shall be allowed to be counted. *Morandi v. Heiman*, 23 Ill. 2d 365, 178 N.E.2d 314 (1961).

Defective Ballots

—Compliance

Ballots which were marked on the back with the word "spoiled" or which were not counted and contained no markings on the back, but which were replaced by other ballots given to the voters, were

Defective Ballots (Cont'd)**—Compliance (Cont'd)**

properly rejected by the trial court. *Giffin v. Rausa*, 2 Ill. 2d 421, 118 N.E.2d 249 (1954).

—Election Held Void

Where failure of the ballots used in an election to contain the facsimile signature of the clerk, as well as other irregularities which could be termed merely directory and not mandatory in nature, were of insufficient force to invalidate the election, yet the accumulated weight of the violations and errors constituted too great a burden to be borne by the concept of free and fair elections, the trial court's vitiation of the election was proper. *Pinkston v. Holland*, 133 Ill. App. 2d 865, 272 N.E.2d 247 (5 Dist. 1971).

—Evidence

In the absence of the introduction of any official ballots used in a special election, and in view of the objectors' failure to establish that the exhibits introduced were exact duplicate originals of the official ballots, adequate proof of the allegedly improper form of ballot actually used in the election was lacking, and under the circumstances the printing samples were insufficient to prove the form of the ballot used in the election. *People ex rel. Lauth v. Wilmington Coal Co.*, 402 Ill. 161, 83 N.E.2d 741 (1949).

Marking of Ballots

For a case discussing whether various marks made by voters on ballots constituted distinguishing marks sufficient to cast votes for candidates, see *Huber v. Reznick*, 107 Ill. App. 3d 529, 63 Ill. Dec. 179, 437 N.E.2d 828 (5 Dist. 1982).

Official Ballots**—Purpose**

This section's requirement that "none but ballots provided in accordance with the provisions of this Act shall be counted" does not void every ballot with printing irregularities but, rather, was designed to require the use of only official ballots provided by the election authorities and to invalidate unofficial ballots which might be supplied by candidates or political parties or prepared by voters themselves. *Pullen v. Mulligan*, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

Pre-Initialed Ballots**—Validity**

Practice of pre-initialing ballots by election judges did not require reversal of election results. *Whitsell v. Davis*, 67 Ill. App. 3d 962, 24 Ill. Dec. 588, 385 N.E.2d 729 (5 Dist. 1978).

Preservation of Ballots

The provisions of the ballot law for the preservation of the ballots are directory in the sense that the precise method described is not essential if there is a substantial compliance and it is clearly proved that the ballots are in the same condition as when first counted, the question of proper preservation being, in each case, necessarily one of fact to be determined by the evidence. *Barlick v. Kinz*, 375 Ill. 318, 31 N.E.2d 283 (1940).

Purpose

There is a necessity for some standard to safeguard the ballot and to insure uniformity as to which ballots are to be counted. *Morandi v. Heiman*, 23 Ill. 2d 365, 178 N.E.2d 314 (1961).

Signature**—Required**

Where 10 ILCS 5/16-1 et seq. is applicable, the failure of ballots to bear the facsimile signature of the public officer causing the ballots to be printed makes both the ballots and the election illegal and void. *People ex rel. Lauth v. Wilmington Coal Co.*, 402 Ill. 161, 83 N.E.2d 741 (1949).

Uninitialed Ballots**—In General**

In re-enacting the same wording in both this section and 10 ILCS 5/19-9, the legislature did so in view of the judicial construction that uninitialed absentee ballots are not counted. *Morandi v.*

Heiman, 23 Ill. 2d 365, 178 N.E.2d 314 (1961).

Where it was stipulated that some ballots from a precinct were initialed by the clerk instead of the judge of the election and that there was a certain number of votes for each candidate, the question of whether the ballots should be counted was left to the court. *Tuthill v. Rendelman*, 387 Ill. 321, 56 N.E.2d 375 (1944).

Ballots marked by a check were not endorsed by the initials of an election judge and the county court was in error in permitting such uninitialed ballots to be counted. *Wood v. Hartman*, 381 Ill. 474, 45 N.E.2d 864 (1942).

Pursuant to former Ill.Rev.Stat., ch. 46, paras. 311 and 315 (see now 10 ILCS 5/17-9 and 10 ILCS 5/17-16), in a township election where five ballots bore no initials of a judge of elections, the uninitialed ballots should have been excluded, even though three witnesses testified that they were entitled to vote in the precinct and that, at this election, they marked uninitialed ballots given them by one of the election judges; none of these ballots should have been deposited in the ballot box and they should not have been counted for any candidate. *Lacy v. Rhodes*, 369 Ill. 167, 15 N.E.2d 683 (1938).

Unused Ballots

Assuming that an unused ballot was a totally unused ballot, even if such ballot were mixed with good ballots, this fact, although constituting an irregularity, could not affect the count of the election. *Crum v. Green*, 68 Ill. App. 2d 246, 215 N.E.2d 817 (4 Dist. 1966).

This section regarding the preservation of unused ballots is essentially directory, for it does not expressly provide that the unused ballots shall be preserved in a prescribed manner, and it does not appear that any irregularity renders doubtful the evidence upon which the result is declared. *Crum v. Green*, 68 Ill. App. 2d 246, 215 N.E.2d 817 (4 Dist. 1966).

10 ILCS 5/17-16.1 [Write-in votes]

Sec. 17-16.1. Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the proper election authority or authorities not later than 5:00 p.m. on the Tuesday immediately preceding the election.

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

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

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates are nominated at a primary election on a nonpartisan basis and who is defeated for his or her nomination at the primary election is ineligible to

file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

Nothing in this Section shall be construed to apply to votes cast under the provisions of subsection (b) of Section 16-5.01 [10 ILCS 5/16-5.01].

(Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1348; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-16.1.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in the first paragraph, in the first sentence, substituted "Tuesday" for "Friday" and deleted "unless a candidate, whose name is printed on the ballot, dies later than 5:00 p.m. on the Friday immediately preceding the election" from the end and deleted the second through fourth sentences regarding a candidate's death and replacement by write in candidate.

CASE NOTES

ANALYSIS

Declaration of Intent
 Intention of Voters
 Requirements
 Write-In Votes

Declaration of Intent

The amendment of this section has merely added another requirement for a write-in candidate, the filing of a declaration of intent, and was not intended to eliminate any previous requirements. Nagel v. Kindy, 227 Ill. App. 3d 332, 169 Ill. Dec. 343, 591 N.E.2d 516 (2 Dist. 1992).

Intention of Voters

While the circumstances attending an election may be considered in ascertaining a voter's intention, that intention must be ascertained from his or her ballot. Nagel v. Kindy, 227 Ill. App. 3d 332, 169 Ill. Dec. 343, 591 N.E.2d 516 (2 Dist. 1992).

Requirements

A write-in ballot must include a designation of the office or term voted for in order to be valid if more than one office or term is on the ballot. Nagel v. Kindy, 227 Ill. App. 3d 332, 169 Ill. Dec. 343, 591 N.E.2d 516 (2 Dist. 1992).

Write-In Votes

Ballots which were voted by writing in a last name without any Christian name or initials, and otherwise properly marked, were correctly counted for the individual who was the only candidate of that name known to be running for the office of president of the village. Gulino v. Cerny, 13 Ill. 2d 244, 148 N.E.2d 724 (1958).

Where the name of a candidate is written in on the ballot, the title of the office must be clearly designated if there is more than one office on the ballot. Gulino v. Cerny, 13 Ill. 2d 244, 148 N.E.2d 724 (1958).

10 ILCS 5/17-17 [Adjournment forbidden]

Sec. 17-17. After the opening of the polls no adjournment shall be had nor shall any recess be taken, until all the votes cast at such election have been counted and the result publicly announced, except that when necessary one judge at a time may leave the polling place for a reasonable time during the casting of ballots, and except that when a polling place is inaccessible to a disabled voter, one team of 2 judges of opposite party affiliation may leave the polling place to deliver a ballot to such voter, as

provided in Sections 7-47.1 and 17-13 of this Code [10 ILCS 5/7-47.1 and 10 ILCS 5/17-13]. When a judge leaves and returns, such judge shall sign a time sheet indicating the length of the period such judge is absent from his duties. When absent, the judge shall authorize some one of the same political party as himself to act for him until he returns.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable.

(Source: P.A. 84-808; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-17.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, substituted "have" for "shall be" in the first sentence.

10 ILCS 5/17-18 [Canvassing of votes polled]

Sec. 17-18. Immediately upon closing the polls the judges shall proceed to canvass the votes polled. They shall first count the whole number of ballots in the box. If 2 or more ballots are folded together so as to appear to have been cast by the same person, all of the ballots so folded together shall be marked and returned with the other ballots in the same conditions, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots shall be found to exceed the number of applications for ballot, the ballots shall be replaced in the box, and the box closed and well shaken and again opened and one of the judges shall publicly draw out so many ballots unopened as shall be equal to such excess; and the number of the ballots agreeing with the poll lists, or being made to agree. Such excess ballots shall be marked "Excess—Not Counted" and signed by a majority of the judges and shall be placed in the "After 6:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots.

The judges shall then proceed to count and record the votes; and when the judges of election shall open and read the ballots, 3 judges, with at least one from each political party from which the precinct judges were chosen, shall carefully and correctly mark down upon the three tally sheets the vote each candidate has received, in a separate box prepared for that purpose, with the name of such candidate at the head of such box, and the office designated by the votes such candidate shall fill. Whenever a proposition is submitted to the electors at the same election, the ballots for or against such proposition shall always be canvassed, counted or tallied. The votes shall be canvassed in the room or place where the

election is held, and the judges shall not allow the ballot box, or any of the ballots, or the applications for ballot, or any of the tally sheets to be removed or carried away from such room or place, until the canvass of the vote is completed, and the returns carefully enveloped and sealed up as provided by law.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 83-333.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-18.

CASE NOTES

ANALYSIS

Numbering of Ballots
Preservation of Ballots

Numbering of Ballots

Under a prior similar provision, failure to number the ballots as required by the statute did not void the entire vote where it was not done for any fraudulent purpose or did not result in any injurious effect. *Hodge v. Linn*, 100 Ill. 397 (1881).

Preservation of Ballots

The provisions of the ballot law for the preservation of the ballots are directory in the sense that the precise method described is not essential if there is a substantial compliance and it is clearly proved that the ballots are in the same condition as when first counted, the question of proper preservation being, in each case, necessarily one of fact to be determined by the evidence. *Barlick v. Kinz*, 375 Ill. 318, 31 N.E.2d 283 (1940).

10 ILCS 5/17-18.1 [Special judges of election; designation]

Sec. 17-18.1. Wherever the judicial retention ballot to be used in any general election contains the names of more than 15 judges on a separate paper ballot, the County Clerk or Board of Election Commissioners as the case may be, shall designate special judges of election for the purpose of tallying and canvassing the votes cast for and against the propositions for the retention of judges in office in such places and at such times as the County Clerk or Board of Election Commissioners determine. Special judges of election shall be designated from certified lists submitted by the respective chairmen of the county central committees of the two leading political parties. In the event that the County Clerk or Board of Election Commissioners as the case may be, decides that the counting of the retention ballots shall be performed in the precinct where such ballots are cast, 2 special judges of election shall be designated to tally and canvass the vote of each precinct with one being named from each of the 2 leading political parties.

In the event that the County Clerk or Board of Election Commissioners decides that the judicial

retention ballots from several precincts shall be tallied and canvassed in a central or common location, then each major political party shall be entitled to an equal number of special election judges in each such central or common location. The County Clerk or Board of Election Commissioners, as the case may be, shall inform, no later than 75 days prior to such election, the respective chairmen of the county central committees of the location or locations where the counting of retention ballots will be done, the number of names to be included on the certified lists, and the number of special election judges to be selected from those lists. If the certified list for either party is not submitted within thirty days after the chairmen have been so informed, the County Clerk or Board of Election Commissioners shall designate special judges of election for that party in whatever manner it determines.

The County Clerk or Board of Election Commissioners shall apply to the Circuit Court for the confirmation of the special judges of election designated under this Section. The court shall confirm or refuse to confirm such designations as the interest of the public may require. Those confirmed shall be officers of the court and subject to its disciplinary powers.

The County Clerk or Board of Election Commissioners shall, in the exercise of sound discretion, prescribe the forms, materials and supplies together with the procedures for completion and return thereof for use in such election by special judges of election. The special judges of election designated under this Section shall have full responsibility and authority for tallying and canvassing the votes pertaining to the retention of judges and the return of ballots and supplies.

If the County Clerk or Board of Election Commissioners decides that the counting of the retention ballots shall be performed in the precinct where such ballots were cast, at least 2 ballot boxes shall be provided for paper retention ballots, one of which shall be used from the opening of the polls until 9:00 a.m. and from 12:00 noon until 3:00 p.m. and the second of which shall be used from 9:00 a.m. until 12:00 noon and from 3:00 p.m. until the closing of the polls; provided that if additional ballot boxes are provided, the additional boxes shall be used instead of reusing boxes used earlier. At the close of each such period of use, a ballot box used for retention ballots shall be immediately unsealed and opened and the ballots therein counted and tallied by the special judges of election. After counting and tallying the retention ballots, the special judges of election shall place the counted ballots in a container provided for that purpose by the County Clerk or Board of Election Commissioners and clearly marked with the appropriate printing and shall thereupon seal such container. One such container shall be provided for each of the four time periods and clearly designated as the container for the respective period. The tally shall be recorded on

sheets provided by the County Clerk or Board of Election Commissioners and designated as tally sheets for the respective time periods. Before a ballot box may be reused, it shall in the presence of all of the judges of election be verified to be empty, whereupon it shall be resealed. After the close of the polls, and after the tally of votes cast by absentee voters, the special judges of election shall add together the tallies of all the ballot boxes used throughout the day, and complete the canvass of votes for retention of judges in the manner established by this Act. All of these procedures shall be carried out within the clear view of the other judges of election. The sealed containers of used retention ballots shall be returned with other voted ballots to the County Clerk or Board of Election Commissioners in the manner provided by this Act.

The compensation of a special judge of election may not exceed \$30 per judge per precinct or district canvassed.

This Section does not affect any other office or the conduct of any other election held at the same time as the election for the retention of judges in office. (Source: P.A. 81-850; 81-1149.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-18.1.

10 ILCS 5/17-19: Repealed by P.A. 89-700, § 5, effective January 17, 1997.

10 ILCS 5/17-19.2 [Vacancy in nomination]

Sec. 17-19.2. Where a vacancy in nomination is filled pursuant to Section 7-61 or Section 10-11 [10 ILCS 5/7-61 or 10 ILCS 5/10-11], the absentee votes cast for the original candidate on the first ballot shall not be counted. For this purpose, in those jurisdictions where electronic voting systems are used, the election authority shall determine a method by which the first ballots containing the name of the original candidate may be segregated from the revised ballots containing the name of the successor candidate and separately counted.

Where a vacancy in nomination is not filled pursuant to Section 7-61 or Section 10-11 [10 ILCS 5/7-61 or 10 ILCS 5/10-11], all votes cast for the original candidate shall be counted for such candidate.

(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-19.2.

10 ILCS 5/17-20 [Proclamation of votes; sealing of ballots]

Sec. 17-20. When the canvass of the ballots has been completed, the tally judges shall announce to the judges the total number of votes received by each candidate; each judge of the election shall proclaim in a loud voice the total number of votes received by

each of the persons voted for and the office for which he is designated, and the number of votes for and number of votes against any proposition which has been submitted to a vote of the people; such proclamation shall be prima facie evidence of the result of such canvass of the ballots.

Immediately after making such proclamation the judges shall designate one of their number to go to the nearest telephone and report to the office of the county clerk the results announced in such proclamation. The county clerk in such counties shall keep his office open after the close of the polls on the day of any election and thereafter until he has received from each precinct in such county the report above provided for. Immediately upon receiving such report the county clerk shall cause the same to be posted in a public place in his office for inspection by the public. Immediately after making such report such judge shall return to the polling place.

After making such proclamation and before separating, the judges of all counties shall fold or roll all of the ballots which have been counted by them, except those ballots which have been in the ballot box but have not been counted and marked "defective" or "objected to", securely bind them, lengthwise and in width, with a soft cord having a minimum tensile strength of 60 pounds, and wrap the same with heavy wrapping paper on which the judges of election shall write their signature and seal the package with filament over the signatures and around the package lengthwise and crosswise, at least twice each way, so that the ballots cannot be removed from the package without breaking the seal and the filament tape and disturbing the signatures, and enclose the ballots so wrapped, together with the envelope containing the ballots marked "defective" or "objected to", in a secure canvass covering, which the judges of election shall sign and seal with filament tape as above specified. The precinct judges of election shall elect 2 judges (one from each of the major political parties), who shall immediately return the ballots, in such sealed canvass covering, to the election authority who shall keep their respective offices, or any receiving stations designated by them, open for at least 12 consecutive hours after the polls close, or until the ballots from all precincts within the jurisdiction of any such election authority are returned to the office of such election authority, signed and sealed as above specified. Ballots returned to the office of an election authority which are not signed and sealed as above specified shall not be accepted until the judges returning the same sign and properly seal the same. Upon acceptance of the returned ballots by the election authority, the judges returning the same shall take a receipt signed by the election authority and stamped with the time and date of such return. The election judges whose duty it is to return any ballots as above provided shall, in the event such ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

Upon receiving the ballots so returned, the election authority shall carefully preserve the ballots for 2 months, subject to their examination in a discovery recount proceeding in accordance with law. However, where electronic voting systems are used, the apparatus or frame in which the ballot booklet is contained shall not be subject to the 2 month preservation requirement. At the expiration of that time such election authority shall remove the same from original package and shall destroy the same, together with all unused ballots returned from the polling places. If any contest of election is pending at such time in which such ballots may be required as evidence, and such election authority has notice thereof the same shall not be destroyed until after such contest is finally determined.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 83-1362.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-20.

CASE NOTES

ANALYSIS

Ballot Tampering

—Burden of Proof

—Not Shown

—Opportunity

—Shown

Civil Liability

Construction

Contested Election

Destruction of Ballots

Duty of Board of Elections

Preservation of Ballots

Purpose

Scope of Review

Secrecy

Ballot Tampering

—Burden of Proof

The burden is upon the contestant to establish that the ballots are in the same condition as when counted by the judges, and no actual evidence of tampering with the ballots is required if the ballots were actually exposed to the reach of unauthorized persons. *Bethard v. Mink*, 10 Ill. App. 3d 525, 294 N.E.2d 702 (1973).

Where there was no evidence that ballots were disturbed by unauthorized parties, but the ballots were left in the town hall from Tuesday night until Thursday in an exposed condition, where they might have been reached and tampered with, before the ballots could be used to impeach the returns as shown by the poll books, it devolved upon the defendant to prove that the ballots were not changed or tampered with before they were delivered to the custodian on the second day after the election. *Eggers v. Fox*, 177 Ill. 185, 52 N.E. 269 (1898).

—Not Shown

Where the testimony showed the preservation of the ballots as nearly as they could be in their original form, it being undisputed that care was taken at each step to so preserve them, and the trial court's count was so close to the canvassing board's count, except for the known changes based upon rulings on particular ballots, as to be confirmatory of the testimony as to preservation of the ballots,

there was insufficient evidence of ballot tampering. *Crum v. Green*, 68 Ill. App. 2d 246, 215 N.E.2d 817 (4 Dist. 1966).

Ballots were properly preserved to authorize a recount where, on the night of the election, the city clerk personally called for the ballots at one precinct and took them to his home, the ballots from the other two precincts had been delivered there a few minutes earlier by the election judges, and every person who had custody of the ballots at any time was called to the witness stand and testified there had been no tampering or opportunity for tampering with the ballots, and that the ballots were in the same condition when they left their hands as when they were received. *Mayes v. City of Albion*, 374 Ill. 605, 30 N.E.2d 416 (1940).

—Opportunity

Where all of the 46 absentee ballots were Republican ballots and handled in substantially the same way, where these ballots were obtained on affidavits taken before an active officer of the party with the assistance of a sister who was a stenographer, instead of being returned by mail to the county clerk these ballots were given to the secretary and treasurer of the Republican county organization, who placed some additional tape on the envelopes, held part of these ballots until November 6, 1938, and part until the morning of election day, when they were mailed to the county clerk, and where in the meantime those ballots which he held were kept in a safe to which the sister had access and the safe was not always kept locked, these ballots were void; there was nothing in the record to indicate that any were actually tampered with by any unauthorized person, but the opportunity to do so was present. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

The question for a court is not whether a ballot has been tampered with, but whether an unauthorized person has had an opportunity to do so; if the opportunity has been present, the presumption seems to follow that it has been used. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

An opportunity for tampering with the ballots is enough to invalidate them as evidence. *Talbott v. Thompson*, 350 Ill. 86, 182 N.E. 784 (1932).

—Shown

Where the ballots were not properly preserved in two precincts in their transportation from the polling place to the clerk's office, and additionally, the complete exposure for unstated periods of time during the eleven hour interval between the receipt of the first and last ballots when hundreds of persons were in and out of the courthouse was clearly an exposure to the reach of unauthorized persons, and the manner of sealing the bags was by no means foolproof, and the testimony was that it would take about five minutes to open a bag, the evidence supported the trial court's finding of exposure to tampering. *Bethard v. Mink*, 10 Ill. App. 3d 525, 294 N.E.2d 702 (1973).

Civil Liability

The contention of the Board of Election Commissioners that they were under no civil liability to plaintiff because the statute makes no provision therefor, and that if they had breached their duty to preserve the ballots, some form of public prosecution was the appropriate remedy, was without merit. *Stradford v. Reinecke*, 6 Ill. App. 2d 537, 128 N.E.2d 588 (1 Dist. 1955).

Construction

The statutory provisions for preserving ballots are directory in the sense that the precise manner prescribed is not essential if there is substantial compliance and it is clearly proved the ballots have been kept in the same condition as when counted and protected from any opportunity for interference with them. *Armbrust v. Starkey*, 3 Ill. 2d 131, 119 N.E.2d 910 (1954).

Contested Election

In the absence of better evidence, party affiliation is still the best evidence for determining the votes to be eliminated in a contested election. *Leach v. Johnson*, 20 Ill. App. 3d 713, 313 N.E.2d 636 (6 Dist. 1974).

Destruction of Ballots

Provisions of former section 27 of the Ballot Law of 1891 (see now this section), which provided for the destruction of ballots six months after an election, could not be utilized to destroy ballots needed as evidence in pending criminal investigations. *Stockholm*

Destruction of Ballots (Cont'd)

v. Daly, 374 Ill. 441, 29 N.E.2d 1010 (1940).

Duty of Board of Elections

The duty of the Board of Election Commissioners to preserve the ballots ran individually to the plaintiff, as a defeated candidate, as well as to the public generally, and the interest of the plaintiff as a candidate was special and distinct from that of the public generally. *Stradford v. Reinecke*, 6 Ill. App. 2d 537, 128 N.E.2d 588 (1 Dist. 1955).

Preservation of Ballots

Where, after the ballots had been tallied and counted, the ballots were placed in one or two piles and taped together with scotch tape furnished as a part of the election supplies, the scotch tape was applied to the bottom ballot and brought around the pile of ballots to the top ballot, this was done on both ends of the pile of ballots, after which the ballots were wrapped in brown wrapping paper and placed in a muslin bag which bore the signatures of all the judges, the bag had a draw string which was pulled tight and tied and placed together with bags containing constitutional amendments ballots and special tuberculosis tax ballots in a grain sack and delivered to the county clerk's office, deposited on the floor of a vault for which a receipt was given by a clerk who locked the vault door, ample precautions were taken to preserve the ballots from the time of the completion of the count by the election judges to the time of the recount on the contest hearing, and there was no reasonable opportunity for tampering with the ballots, such that the ballots were admissible in evidence in an election contest. *MacWherter v. Turner*, 52 Ill. App. 2d 270, 201 N.E.2d 325 (4 Dist. 1964).

Ballots are to be preserved for a specified period following an election, and their integrity carefully and dutifully preserved, to be used as evidence to safeguard to the people of the state their rights of suffrage, to prevent illegal voting, and to insure their elective will. *Stradford v. Reinecke*, 6 Ill. App. 2d 537, 128 N.E.2d 588 (1 Dist. 1955).

If the method for preserving ballots suggested by the statute is not pursued, the evidence must be clear and satisfactory that the method adopted was such that there was no reasonable opportunity for unauthorized persons to interfere with the ballots. *Armbrust v. Starkey*, 3 Ill. 2d 131, 119 N.E.2d 910 (1954).

The provisions of the ballot law for the preservation of the ballots are directory in the sense that the precise method described is not essential if there is a substantial compliance and it is clearly proved that the ballots are in the same condition as when first counted, the question of proper preservation being, in each case, necessarily one of fact to be determined by the evidence. *Barlick v. Kinz*, 375 Ill. 318, 31 N.E.2d 283 (1940).

The returns of the judges and clerks are prima facie evidence of the result of the election, but the ballots are the original evidence of the votes cast, and, in case of a contest, are better evidence of the result if they have been preserved in the manner prescribed by the statute to secure their integrity. *Talbott v. Thompson*, 350 Ill. 86, 182 N.E. 784 (1932).

In an election contest, whether the ballots shall prevail over the returns must be determined by considering whether they have been preserved in substantial compliance with the requirements of the statute or have been so exposed to the reach of unauthorized persons that they may have been tampered with or changed. *Talbott v. Thompson*, 350 Ill. 86, 182 N.E. 784 (1932).

Purpose

The purpose of this section is to insure that the ballots are in existence when needed for an election contest and to insure that the custodian of the ballots will not wilfully or inadvertently destroy such ballots. *Bethard v. Mink*, 131 Ill. App. 2d 1007, 267 N.E.2d 707 (4 Dist. 1971).

Scope of Review

Where the record disclosed that the trial court was thorough in considering the facts and was knowledgeable about the law regarding the preservation of ballots, its ruling would not be disturbed. *Leach v. Johnson*, 20 Ill. App. 3d 713, 313 N.E.2d 636 (5 Dist. 1974).

Secrecy

By former section 27 of the Ballot Act of 1891 (see now this section), careful provision is made for the preservation of the ballots after they have been counted, which is necessary in order that, in

the event of a contest, the ballots shall be presented to the court or body having charge of the contest in the condition they were when cast and counted at the election. *People ex rel. Hoynes v. Lueders*, 269 Ill. 205, 109 N.E. 1028 (1915).

Nothing contained in former section 27 of the Ballot Act of 1891 (see now this section) can be said to be intended to prevent it becoming known how any particular person voted. *People ex rel. Hoynes v. Lueders*, 269 Ill. 205, 109 N.E. 1028 (1915).

The provisions for the secrecy of the ballot in a prior similar provision applied to the preparation and casting of the ballot, but no provision was made for secrecy after the ballot had been deposited in the ballot box. *People ex rel. Hoynes v. Lueders*, 269 Ill. 205, 109 N.E. 1028 (1915).

10 ILCS 5/17-21 [Tally sheet and certificate of results; form]

Sec. 17-21. When the votes shall have been examined and counted, the judges shall set down on a sheet or return form to be supplied to them, the name of every person voted for, written or printed at full length, the office for which such person received such votes, and the number he did receive and such additional information as is necessary to complete, as nearly as circumstances will admit, the following form, to-wit:

TALLY SHEET AND CERTIFICATE OF RESULTS

We do hereby certify that at the election held in the precinct hereinafter (general or special) specified on the day of, in the year of our Lord, one thousand nine hundred and, a total of voters requested and received ballots and we do further certify:

Number of blank ballots delivered to us
 Number of absentee ballots delivered to us
 Total number of ballots delivered to us
 Number of blank and spoiled ballots returned.

(1) Total number of ballots cast (in box).....
 Defective and Objected To ballots sealed in envelope
 (2) Total number of ballots cast (in box)
 Line (2) equals line (1)

We further certify that each of the candidates for representative in the General Assembly received the number of votes ascribed to him on the separate tally sheet.

We further certify that each candidate received the number of votes set forth opposite his name or in the box containing his name on the tally sheet contained in the page or pages immediately following our signatures.

The undersigned actually served as judges and counted the ballots at the election on the day of in the precinct of the (1) *township of, or (2) *City of, or (3) *..... ward in the city of and the polls were opened at 6:00 A.M. and closed at 7:00 P.M. Certified by us.

*Fill in either (1), (2) or (3)

A B, (Address)

C D, (Address)
 E F, (Address)
 G H, (Address)

I J, (Address) Each tally sheet shall be in substantially one of the following forms:

Name of office	Candidates Names	Candidate's Total Vote	5	10	15	20
United States Senator	John Smith	77			11	

Name of office	Names of candidates and total vote for each	5	10	15	20
For United States Senator	John Smith				
	Total Vote				

(Source: P.A. 84-861; 89-700, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-21.

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, in subsection (1) of the tally sheet, deleted "..... Straight Republican ballots cast Straight Democratic ballots cast Straight ballots of other parties cast Split ballots cast" preceding "..... Defective and Objected To ballots sealed in envelope"; and in the fourth paragraph of the tally sheet, in the forms, deleted the columns regarding number of straight votes and number of split votes.

CASE NOTES

ANALYSIS

- Certificate of Judge
- Fraud
- Election Held Invalid
- Mistakes in Returns
- Precincts
- Improper Combination

Certificate of Judge

Where a poll book or list of voters, returned by the judges of election in a town to the county clerk, did not have upon it or in it or attached to it the certificate of the judge as required by a prior similar provision, the canvassing board was not authorized to count those votes; however, the court should not have restricted itself to reviewing the canvass, but rather, it should have determined the true vote of the people using more evidence than that used by the canvassing board. *County of Lawrence v. Schmaulhausen*, 123 Ill. 321, 14 N.E. 255 (1887).

Fraud

—Election Held Invalid

In an election for State's attorney, where fraud was present and the number of illegal ballots was unascertainable, the votes of an entire precinct were rejected. *Drolet v. Stentz*, 83 Ill. App. 2d 202, 227 N.E.2d 114 (3 Dist. 1967).

Mistakes in Returns

Where there was a mistake in the returns, but the overwhelming evidence showed the defendants had nothing to do with writing the tallies on the returns, the evidence was insufficient to sustain a

violation of a prior similar provision. *People ex rel. Rusch v. Kirgis*, 292 Ill. App. 310, 11 N.E.2d 27 (1 Dist. 1937).

Precincts

—Improper Combination

Even if the Board of Election Commissioners improperly combined election precincts in an election, this would be a mere irregularity which would not void the election. *People ex rel. Elder v. Quilici*, 309 Ill. App. 466, 33 N.E.2d 492 (1 Dist. 1941).

10 ILCS 5/17-22 [Tally sheet and certificate of results; disposition]

Sec. 17-22. The judges of election shall make the tally sheet and certificate of results in triplicate. If, however, the number of established political parties, as defined in Section 10-2 [10 ILCS 5/10-2], exceeds 2, one additional copy shall be made for each established political party in excess of 2. One list of voters, or other proper return with such certificate written thereon, and accompanying tally sheet footed up so as to show the correct number of votes cast for each person voted for, shall be carefully enveloped and sealed up by the judges of election, 2 of whom (one from each of the 2 major political parties) shall immediately deliver same to the county clerk, or his deputy, at the office of the county clerk, or to an officially designated receiving station established by the county clerk where a duly authorized representative of the county clerk shall receive said envelopes for immediate transmission to the office of county clerk, who shall safely keep them. The other certificates of results and accompanying tally sheet shall be carefully enveloped and sealed up and duly directed, respectively, to the chairman of the county central committee of each then existing established political party, and by another of the judges of election deposited immediately in the nearest United States letter deposit. However, if any county chairman notifies the county clerk not later than 10 days before the election of his desire to receive the envelope addressed to him at the point and at the time same are delivered to the county clerk, his deputy or receiving station designee the envelopes shall be delivered to such county chairman or his designee immediately upon receipt thereof by the county clerk, his deputy or his receiving station designee. The person or persons so designated by a county chairman shall sign an official receipt acknowledging receipt of said envelopes. The poll book and tally list filed with the county clerk shall be kept one year, and certified copies thereof shall be evidence in all courts, proceedings and election contests. Before the returns are sealed up, as aforesaid, the judges shall compare the tally papers, footings and certificates and see that they are correct and duplicates of each other, and certify to the correctness of the same.

At the nonpartisan and consolidated elections, the judges of election shall make a tally sheet and certificate of results for each political subdivision for which candidates or public questions are on the ballot at such election, and shall sign, seal in a

marked envelope and deliver them to the county clerk with the other certificates of results herein required. Such tally sheets and certificates of results may be duplicates of the tally sheet and certificate of results otherwise required by this Section, showing all votes for all candidates and public questions voted for or upon in the precinct, or may be on separate forms prepared by the election authority and showing only those votes cast for candidates and public questions of each such political subdivision.

Within 2 days of delivery of complete returns of the consolidated and nonpartisan elections, the county clerk shall transmit an original, sealed tally sheet and certificate of results from each precinct in his jurisdiction in which candidates or public questions of a political subdivision were on the ballot to the local election official of such political subdivision. Each local election official, within 24 hours of receipt of all of the tally sheets and certificates of results for all precincts in which candidates or public questions of his political subdivision were on the ballot, shall transmit such sealed tally sheets and certificates of results to the canvassing board for that political subdivision.

In the case of referenda for the formation of a political subdivision, the tally sheets and certificates of results shall be transmitted by the county clerk to the circuit court that ordered the proposition submitted or to the officials designated by the court to conduct the canvass of votes. In the case of school referenda for which a regional superintendent of schools is responsible for the canvass of votes, the county clerk shall transmit the tally sheets and certificates of results to the regional superintendent of schools.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-22.

10 ILCS 5/17-22.1 [Substitute judge; certificate of facts]

Sec. 17-22.1. Whenever a substitute judge is designated pursuant to Section 13-7 or Section 14-6 of this Act [10 ILCS 5/13-7 or 10 ILCS 5/14-6], the remaining judges shall sign a certificate setting forth the pertinent facts and shall transmit such certificate to the county clerk or board of election commissioners with the tally sheets. (Source: Laws 1959, p. 1083.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-22.1.

10 ILCS 5/17-23 [Pollwatchers; authorization]

Sec. 17-23. Pollwatchers in a general election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint two pollwatchers per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching. For all elections, except as provided in subsection (4), one pollwatcher must be registered to vote from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For all elections, one pollwatcher must be registered to vote from a residence in the county in which he is pollwatching. The second pollwatcher must be registered to vote from a residence in the precinct or ward in which he is pollwatching.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the name and addresses of its principal officers with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. For all elections, such pollwatcher must be registered to vote from a residence in the county in which he is pollwatching.

(4) In any general election held to elect candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of a county in which any part of the municipality is situated shall be eligible to serve as a pollwatcher in any poll located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (3) of this Section and is a registered voter whose residence is within the municipality.

(5) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. Such pollwatcher must be registered to vote from a residence in the county in which the ballot proposition is being voted upon.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints (name of pollwatcher) who resides at (address) in the county of, (township or municipality) of (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the precinct of the ward (if applicable) of the (township or municipality) of at the election to be held on (insert date).

..... (Signature of Appointing Authority)
..... TITLE (party official, candidate, civic organization president, proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of The Election Code [10 ILCS 5/29-10], the undersigned pollwatcher certifies that he or she resides at (address) in the county of, (township or municipality) of (name), State of Illinois, and is duly registered to vote from that address.

..... (Precinct and/or Ward (Signature of Pollwatcher) in Which Pollwatcher Resides)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates and qualified civic organizations can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in

each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I (name of candidate) hereby certify that I am a candidate for (name of office) and seek admittance to precinct of the ward (if applicable) of the (township or municipality) of at the election to be held on (insert date).

..... (Signature of Candidate) OFFICE FOR WHICH CANDIDATE SEEKS NOMINATION OR ELECTION

Pollwatchers shall be permitted to observe all proceedings relating to the conduct of the election and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act [10 ILCS 5/19-12.2]. (Source: P.A. 86-867; 90-655, § 14; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-23.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1998 amendment by P.A. 90-655, effective July 30, 1998, substituted "facsimile" for "fascimile" in the third paragraph following the form regarding pollwatcher credentials and made a change in punctuation in the third-from-last paragraph.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the forms.

CASE NOTES**ANALYSIS****Eligibility of Voters****—Waiver****Illegally Cast Ballots****—Apportionment****Eligibility of Voters****—Waiver**

The circuit court did not err in considering the ballots of voters who were both challenged by pollwatchers and election judges at the polls on election day, because candidate did not waive his right to challenge the eligibility of voters by not utilizing the procedures provided by this section. *Gribble v. Willeford*, 190 Ill. App. 3d 610, 137 Ill. Dec. 881, 546 N.E.2d 994 (5 Dist. 1989).

Illegally Cast Ballots**—Apportionment**

Trial court did err by examining voters' party affiliations in prior elections in determining how to properly apportion illegally cast votes. *Gribble v. Willeford*, 190 Ill. App. 3d 610, 137 Ill. Dec. 881, 546 N.E.2d 994 (5 Dist. 1989).

10 ILCS 5/17-24 [Cities, villages and towns]

Sec. 17-24. All elections in cities, villages and incorporated towns which may have heretofore adopted or may hereafter adopt Article 6 of this Act [10 ILCS 5/6-1 et seq.] shall be held in accordance with the provisions of said article and articles 14 and 18 [10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.] and of those sections of this and other articles

hereof that specifically apply to such cities, villages and incorporated towns, except as to the manner of providing, printing and distributing ballots, the form of ballots, the arrangement and the furnishing of polling places and voting booths, and the manner of voting and the preserving of ballots, all of which shall be in conformity with the provisions of the foregoing sections of this Article 17 and of Article 16 of this Act [10 ILCS 5/17-1 et seq. and 10 ILCS 5/16-1 et seq.].

(Source: Laws 1943, p. 253.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-24.

CASE NOTES**ANALYSIS****Applicable Law**

Board of Elections

Applicable Law

The former City Election Act (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.) was, in a municipality which had adopted it, applicable to all elections, whether held to choose public officers or to pass upon some measure or proposition submitted by proper authority. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

Board of Elections

The jurisdiction of a city Board of Election Commissioners was not confined to the territorial limits of the city, but extended beyond the city and included those cities, towns and villages in surrounding county which had adopted 10 ILCS 5/6-1 et seq. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

10 ILCS 5/17-25 [House of Representatives; general election a holiday]

Sec. 17-25. The days upon which the general elections for members of the House of Representatives of this State shall hereafter be held shall be holidays, and shall for all purposes whatever as regards the presenting for payment or acceptance and of protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes and as regards days of grace upon commercial paper, be treated and considered as is the first day of the week, commonly called Sunday; provided, that no other election day shall be treated and considered as a holiday.

Formerly # 17-30. Renumbered by act approved July 24, 1943. L.1943, vol. 2, p. 253.

(Source: Laws 1943, p. 253.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-25.

Illinois Jurisprudence. See Illinois Jur, Com Law § 11:114, § 11:115, § 11:122, § 11:125.

CASE NOTES**Court Proceedings****—Primary Election**

A judge had jurisdiction to hold court on primary election day.

Court Proceedings (Cont'd)**—Primary Election (Cont'd)**

Skolnick v. Hallett, 350 F.2d 861 (7th Cir. 1965), cert. denied, 382 U.S. 996, 86 S. Ct. 580, 15 L. Ed. 2d 482 (1966).

10 ILCS 5/17-26 [Liquor prohibited]

Sec. 17-26. During the hours of election or a primary in any election precinct, or during the canvass of votes or of making returns thereof, no person shall bring, take, order or send into, or shall attempt to bring, take or send into any place of election or primary any distilled or spirituous liquors whatever; or shall, at any such time and place drink or partake of such liquor.

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-26.

10 ILCS 5/17-27 [Sale of liquor on election days]

Sec. 17-27. The sale of liquor on national, State and local election days is governed by Section 6-14 of "An Act relating to alcoholic liquors", approved January 31, 1934, as now or hereafter amended [235 ILCS 5/6-14].

(Source: P.A. 82-783.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-27.

10 ILCS 5/17-28 [Destruction of election materials]

Sec. 17-28. No person shall, prior to an election or primary, knowingly destroy or deface any list of candidates posted in accordance with the provisions of The Election Code [10 ILCS 5/1-1 et seq.], nor, during any election or primary, knowingly deface, tear down, remove or destroy any card of instructions or specimen ballot printed and posted for the instruction of voters, nor knowingly remove or destroy any of the supplies or conveniences furnished to enable voters to prepare their ballots.

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-28.

10 ILCS 5/17-29 [Polling place; electioneering]

Sec. 17-29. No judge of election, pollwatcher, or other person shall, at any primary or election, do any electioneering or soliciting of votes or engage in any political discussion within any polling place or within 100 feet of any polling place; no person shall interrupt, hinder or oppose any voter while approaching within 100 feet of any polling place for the purpose of voting. Judges of election shall enforce the provisions of this Section.

(Source: P.A. 80-1090.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-29.

CASE NOTES**ANALYSIS****Electioneering Prohibition**

- Directory Language
- Soliciting Votes
- Evidence Held Sufficient

Electioneering Prohibition**—Directory Language**

This section's prohibition against electioneering within 100 feet of any polling place is directory rather than mandatory, and its violation is not a sufficient basis to void an election. *Chambers v. Board of Election Comm'rs*, 183 Ill. App. 3d 567, 131 Ill. Dec. 914, 539 N.E.2d 267 (1 Dist. 1989).

This section's prohibition against electioneering within or near the polling place was directory only with respect to a referendum election and not serious enough to void the election. *Goree v. LaVelle*, 169 Ill. App. 3d 696, 120 Ill. Dec. 167, 523 N.E.2d 1078 (1 Dist.), cert. denied, 122 Ill. 2d 574, 125 Ill. Dec. 217, 530 N.E.2d 245 (1988), 489 U.S. 1054, 109 S. Ct. 1317, 103 L. Ed. 2d 586 (1989).

The anti-electioneering provisions of this section are directory, rather than mandatory. *Thomas v. Marcin*, 51 Ill. App. 3d 82, 9 Ill. Dec. 159, 366 N.E.2d 416 (1 Dist. 1977).

Soliciting Votes**—Evidence Held Sufficient**

Evidence was sufficient to sustain a defendant's conviction for soliciting votes within a polling place. *People v. Ellis*, 74 Ill. 2d 489, 23 Ill. Dec. 537, 384 N.E.2d 331 (1978).

10 ILCS 5/17-30 [Costs and expenses of elections]

Sec. 17-30. Except as provided herein, each county shall provide for and pay the costs and expenses of all elections within the county other than within the jurisdiction of a municipal Board of Election Commissioners, as well as the costs expended within the jurisdiction of a municipal Board of Election Commissioners for the registration and canvassing of voters in even-numbered years. Each municipality with the first Board of Election Commissioners established within a county shall provide for and pay the costs and expenses of all elections within the jurisdiction of the Board of Election Commissioners. The State shall reimburse each county and municipality in the amount of the increase in compensation provided in Public Acts 81-850 and 81-1149 and by this amendatory Act of 1998.

For each emergency referendum and each special election not conducted at the time of a regular election, each county and municipality responsible for paying for the costs and expenses shall directly pay for or be reimbursed by every other political subdivision for which officers or public questions are on the ballot within the jurisdiction of the election authority of such county or municipality except such costs and expenses as are required to be reimbursed by the State. For each primary election for the nomination of municipal officers held in a municipality with a population of 5000 or less in accordance

with Article 7 [10 ILCS 5/7-1 et seq.], the county in which such municipality is located shall be reimbursed by the municipality for all costs and expenses attributable to such primary election, except for those costs and expenses required to be reimbursed by the State. Each such political subdivision shall provide for and shall promptly pay such reimbursement of the total costs and expenses of that election attributable to its offices or propositions as the case may be, not including such costs and expenses as are required to be reimbursed by the State. (Source: P.A. 83-1337; 90-672, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-30.

Effect of Amendments.

The 1998 amendment by P.A. 90-672, effective July 31, 1998, added "and by this amendatory Act of 1998" to the end of the last sentence in the first paragraph.

CASE NOTES**ANALYSIS**

Expenses
—Primary Elections
—Recounts

Expenses**—Primary Elections**

Where a city had adopted the former City Election Act (see now 10 ILCS 5/6-1 et seq., 10 ILCS 5/14-1 et seq. and 10 ILCS 5/18-1 et seq.), expenses incurred in holding a special primary election came under the heading of miscellaneous expenses, and where incurred by the city Board of Election Commissioners, were to be paid by the city. *Johnson v. County of Winnebago*, 256 Ill. 276, 100 N.E. 186 (1912).

—Recounts

Under the plain and ordinary meaning of this section, the County Board of Election Commissioners is responsible for the costs incurred in conducting election recounts. *Du Page County Bd. of Election Comm'rs v. Village of Lombard*, 157 Ill. App. 3d 346, 109 Ill. Dec. 703, 510 N.E.2d 571 (2 Dist. 1987).

10 ILCS 5/17-32 [Emergency referendum or special election]

Sec. 17-32. (1) The following shall be added together to determine the total costs and expenses of an emergency referendum or special election not conducted at the time of a regular election reimbursed to the county or municipality under the jurisdiction of a board of election commissioners by the political subdivisions:

(a) The cost of printing and distributing ballots and other printed material used in or for the election;

(b) The amounts paid to judges of election for election day duties;

(c) Extra office expenses of the election authority, including (i) postage and (ii) compensation to temporary employees which are directly attributable to election day and the canvass of the votes of political subdivision candidates and propositions, whenever applicable;

(d) The cost of election day supplies used in the election;

(e) The cost of delivery and return of election day materials and supplies, including voting machines and voting devices used in connection with an electronic voting system; and

(f) The cost of renting polling places, computers and any other property, the use of which is directly attributable to election day activities.

(2) Any county of more than 1,000,000 inhabitants in which there is a municipal board of election commissioners shall reimburse that board for, or shall pay directly, the cost items hereinafter specified incurred by that board in relation to the territory within its jurisdiction for each general primary and general election and for any other election where such cost items are incurred or increased as a result of the certification of candidates or public questions by the county clerk to such board:

(a) The cost of printing and distributing ballots;

(b) The amounts paid to judges of election for election day duties;

(c) Costs attributable to the canvass of votes;

(d) The cost of delivery and return of election day materials and supplies, including voting devices and equipment used in conjunction with an electronic voting system; and

(e) The cost of renting polling places, computers, and other property, the use of which is directly attributable to election day activities.

However, the State shall pay the amount of the increase in compensation for judges of election, registrars and canvassers provided in Public Acts 81-850 and 81-1149.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-32.

10 ILCS 5/17-33 [Rendering of bill for expenses]

Sec. 17-33. Each election authority shall render a bill to the State Board of Elections for the increase in compensation provided in Public Acts 81-850 and 81-1149, to the political subdivisions for the total costs and expenses of said emergency referenda and special elections, and to each municipality with a population of 5000 or less which has determined that established political parties, within the meaning of Section 10-2 [10 ILCS 5/10-2], shall nominate candidates for municipal office in such municipality by primary in accordance with Article 7 [10 ILCS 5/7-1 et seq.]. The election authority shall also transmit a copy of such bills to the county treasurer or the municipal treasurer as the case may be.

Any dispute regarding the amount of election expenses billed to a political subdivision under this Section shall be arbitrated by the State Board of Elections. The decision of the State Board of Elections in such an arbitration shall be enforceable against both the political subdivision and the county,

and such decision shall be a final administrative decision for purposes of review under the Administrative Review Law [735 ILCS 5/3-101 et seq.]. (Source: P.A. 83-1337.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 17-33.

10 ILCS 5/17-43 Precinct tabulation optical scan technology voting equipment

Sec. 17-43. Precinct tabulation optical scan technology voting equipment. If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code [10 ILCS 5/24B-1 et seq.], and the provisions of the Article are in conflict with the provisions of this Article 17 [10 ILCS 5/17-1 et seq.], the provisions of Article 24B [10 ILCS 5/24B-1 et seq.] shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B [10 ILCS 5/24B-1 et seq.], the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B [10 ILCS 5/24B-1 et seq.] or the administrative rules of the State Board of Elections. (Source: P.A. 89-394, § 5.)

Effective Date.

Section 99 of P.A. 89-394 made this section effective January 1, 1997.

ARTICLE 18.

**CONDUCT OF ELECTIONS AND
MAKING RETURNS (IN
MUNICIPALITIES UNDER
JURISDICTION OF BOARDS
OF ELECTION COMMISSIONERS)**

10 ILCS 5/18-1 [Designation of canvasser]

Sec. 18-1. The provisions of this Article 18 [10 ILCS 5/18-1 et seq.] shall be applicable only to and in municipalities operating under Article 6 of this Act [10 ILCS 5/6-1 et seq.].

At every election in any municipality operating under Article 6 of this Act [10 ILCS 5/6-1 et seq.], each of the political parties shall have the right to designate a canvasser for each election precinct, who may make a canvass of the precinct in which he is appointed to act, not less than 20 nor more than 31 days previous to such election, for the purpose of ascertaining the names and addresses of the legal voters residing in such precinct. An authority signed by the executive director of the board of election commissioners, shall be sufficient evidence of the right of such canvasser to make a canvass of the

precinct in which he is appointed to act. The executive director of the board of election commissioners shall issue such certificate of authority to any person designated in a written request signed by the recognized chairman or presiding officer of the chief managing committee of a political party in such city, village or incorporated town; and a record shall be kept in the office of the election commissioners of all appointments of such canvassers. In making such canvass no person shall refuse to answer questions and give the information asked for and known to him or her.

(Source: P.A. 82-373.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-1.

CASE NOTES

Injunction Properly Denied

Where the chairman of a county political party filed a complaint for a mandatory injunction directing the Chicago Board of Election Commissioners and the members thereof to permit plaintiff to duplicate by photostatic means the contents of all verification books submitted to the Commissioners for all precincts, there was nothing in this section or in any other section of the Election Code which gave the plaintiff the right to the relief sought, especially because the plaintiff did not allege any facts tending to show that the Board acted as a matter of whim or in a fraudulent or arbitrary manner. *Sheehan v. Holzman*, 52 Ill. App. 2d 88, 201 N.E.2d 548 (1 Dist. 1964).

LEGAL PERIODICALS

For article, "The Illinois State Board of Elections: A History and Evaluation of the Formative Years," see 11 J. Marshall J. Prac. & Proc. 321 (1978).

10 ILCS 5/18-2 [Election polls; opening and closing]

Sec. 18-2. In any municipality operating under Article 6 of this Act [10 ILCS 5/6-1 et seq.], the election polls shall be open at 6:00 a.m., and continued open until 7:00 p.m., of the same day, at which time the polls shall be closed, and no judge shall be behind time for more than 15 minutes after the time for opening such polls. Any judge may absent himself for a reasonable time but only during the casting of ballots, and upon leaving and returning, the judge shall sign a time sheet indicating the period of his absence. When absent for any cause, the judge shall authorize some one of the same political party with himself to act for him until his return.

(Source: P.A. 81-850; 81-1149.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-2.

10 ILCS 5/18-3 [Examination of ballot box]

Sec. 18-3. (a) Before voting begins in such municipalities the ballot box shall be empty; and shall be opened and shown to those present to be empty, after which it shall be locked and the key delivered to one

of the judges, and it shall not be removed from public view from the time when it is shown to be empty until after the close of the polls. It shall remain locked and shall not be again opened until after the close of the polls. This paragraph (a) applies whenever permanent type ballot boxes are used, and does not apply when non-permanent type ballot boxes are used in accordance with section 15-4, paragraph (b) [10 ILCS 5/5-14(b)].

(b) When non-permanent type ballot boxes are used in accordance with section 15-4, paragraph (b) [10 ILCS 5/5-14(b)], prior to the commencement of voting and before any ballots are deposited therein, the judges shall examine each sealed ballot box, show it to those present and insure that it is in fact sealed and empty; the sealed slot shall be broken open before those present and the box inspected to insure that it is empty and such ballot box shall not be removed from public view from the time it is so inspected until after the close of the polls. This sealed opening on the side of the box shall not be unsealed or opened until after the close of the polls.

(c) Regardless of whether a permanent type or a non-permanent type ballot boxes are used, the judges of election shall keep such ballot box constantly in public view during the progress of the election. If any barricade or other obstruction of any kind is, prior to or during such election, interposed, so that all who desire cannot constantly see such ballot box, the judges shall remove such obstruction on request or on their own motion, and if such obstruction is not removed on request, any sheriff or police officer shall remove the same on request. Any court has jurisdiction, on complaint, to issue a warrant to the sheriff of the county to remove such obstruction as a nuisance; and in executing such warrant he may call any person to his assistance, and no other officer of the law or private individual shall interpose or interfere with such removal. (Source: P.A. 79-1364.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-3.

10 ILCS 5/18-4 [Official poll record]

Sec. 18-4. The official poll record provided for by sections 6-66 and 6-67 of Article 6 of this Act [10 ILCS 5/6-66 and 10 ILCS 5/6-67] shall constitute the poll list, and poll books shall not be kept by judges of election. Where in respect to any municipality operating under Article 6 [10 ILCS 5/6-1 et seq.] reference is made to poll lists or poll books, such reference shall hereafter apply to the official poll record. (Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-4.

10 ILCS 5/18-5 [Ballot application; voting procedure]

Sec. 18-5. Any person desiring to vote and whose name is found upon the register of voters by the

person having charge thereof, shall then be questioned by one of the judges as to his nativity, his term of residence at present address, precinct, State and United States, his age, whether naturalized and if so the date of naturalization papers and court from which secured, and he shall be asked to state his residence when last previously registered and the date of the election for which he then registered. The judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election, for cancellation or revocation, his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, an affidavit executed before the judges of election specifying that the voter never received an absentee ballot, or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name. If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of the judges shall administer to him an oath to answer questions, and if he shall take the oath he shall then be questioned by the judge or judges touching such cause of challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of the judges, in which it shall be stated how long he has resided in such precinct, and state; that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered. In addition to such an affidavit, the person so challenged shall provide to the judges of election proof of residence by producing 2 forms of identification showing the person's current residence address, provided that such identification to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election.

The oath in each case may be administered by one of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths. Also supported by an affidavit by a registered voter residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, and entered as other votes. But such judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to the judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act [10 ILCS 5/16-6], shall be plainly visible to the voter, and in this fashion the ballots shall be handed to the voter by the judge.

The voter shall, upon quitting the voting booth, deliver to one of the judges of election all of the ballots, properly folded, which he received. The judge of election to whom the voter delivers his ballots shall not accept the same unless all of the ballots given to the voter are returned by him. If a voter delivers less than all of the ballots given to him, the judge to whom the same are offered shall advise him in a voice clearly audible to the other judges of election that the voter must return the remainder of the ballots. The statement of the judge to the voter shall clearly express the fact that the voter is not required to vote such remaining ballots but that whether or not he votes them he must fold and deliver them to the judge. In making such statement the judge of election shall not indicate by word, gesture or intonation of voice that the unreturned ballots shall be voted in any particular manner. No new voter shall be permitted to enter the voting booth of a voter who has failed to deliver

the total number of ballots received by him until such voter has returned to the voting booth pursuant to the judge's request and again quit the booth with all of the ballots required to be returned by him. Upon receipt of all such ballots the judges of election shall enter the name of the voter, and his number, as above provided in this section, and the judge to whom the ballots are delivered shall immediately put the ballots into the ballot box. If any voter who has failed to deliver all the ballots received by him refuses to return to the voting booth after being advised by the judge of election as herein provided, the judge shall inform the other judges of such refusal, and thereupon the ballot or ballots returned to the judge shall be deposited in the ballot box, the voter shall be permitted to depart from the polling place, and a new voter shall be permitted to enter the voting booth.

The judge of election who receives the ballot or ballots from the voter shall announce the residence and name of such voter in a loud voice. The judge shall put the ballot or ballots received from the voter into the ballot box in the presence of the voter and the judges of election, and in plain view of the public. The judges having charge of such registers shall then, in a column prepared thereon, in the same line of, the name of the voter, mark "Voted" or the letter "V".

No judge of election shall accept from any voter less than the full number of ballots received by such voter without first advising the voter in the manner above provided of the necessity of returning all of the ballots, nor shall any such judge advise such voter in a manner contrary to that which is herein permitted, or in any other manner violate the provisions of this section; provided, that the acceptance by a judge of election of less than the full number of ballots delivered to a voter who refuses to return to the voting booth after being properly advised by such judge shall not be a violation of this Section. (Source: P.A. 86-873; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-5.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in the first paragraph, in the second sentence, substituted "pollwatchers" for "watchers and challengers", in the third sentence substituted "been issued" for "received", inserted "for cancellation or revocation", in the fourth sentence added "In the case that the voter's absentee ballot is not present in the polling place" at the beginning and added at the end "or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name".

10 ILCS 5/18-5.1 [Disabled voters]

Sec. 18-5.1. The provisions of Section 17-13 [10 ILCS 5/17-13], insofar as they may be made applicable to disabled voters in elections under the jurisdiction of boards of election commissioners, shall be applicable herein.

(Source: P.A. 84-808.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-5.1.

10 ILCS 5/18-6 [Pollwatchers]

Sec. 18-6. The provisions of Section 17-23 of this Code [10 ILCS 5/17-23], insofar as applicable to pollwatchers in elections under the jurisdiction of boards of election commissioners, shall be applicable herein.

(Source: P.A. 80-1090.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-6.

10 ILCS 5/18-7 [Authority to keep the peace; arrest]

Sec. 18-7. Said judges of election shall have authority and it shall be their duty to keep the peace, and to cause any person to be arrested for any breach of the peace or for any breach of election laws, or any interference with the progress of registration, revision, election or of the canvass of the ballots; and it shall be the duty of all officers of the law present to obey the order of such judges of election, or either of them, and an officer making an arrest, by direction of any judge, shall be protected in making such arrest the same as if a warrant had been issued to him to make such arrest.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-7.

10 ILCS 5/18-8 [Canvassing the votes upon closing]

Sec. 18-8. As soon as the poll of an election shall have been finally closed, the judges of election, in their several precincts, shall immediately, and at the place of the poll, proceed to canvass the vote so cast. Such canvass shall not be adjourned or postponed until it shall have been fully completed, nor until the several statements herein required to be made by the judges shall have been made out and signed by them. The judges of election shall have the right to station one or more police officers or officers of the peace, at such entrance to the room where such canvass is begun, or about to take place, to exclude disorderly persons, and to keep the peace.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable.

(Source: P.A. 83-333.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-8.

CASE NOTES**Disorderliness**

A wide variety of acts might be defined as disorderly, but when

taken in connection with the words "election" or "primary," the term could hardly be misunderstood by men of common intelligence, or require them to guess at the meaning; the word "disorderly" is almost self-explanatory as it is ordinarily used, and in a legal sense, it has a well-established meaning relative to the public peace and good order; disorderliness at a primary would be understood to include fighting at or near a polling place during a primary election. *People v. Cooper*, 366 Ill. 113, 7 N.E.2d 882 (1937).

10 ILCS 5/18-9 [Counting the ballots]

Sec. 18-9. The judges of election shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of applications for ballot, they shall reject the ballots, if any, found folded inside of a ballot. And if the ballots and the applications for ballot still do not agree after such rejection, the ballots shall be replaced in the box and the box closed and well shaken, and again opened; and one of the judges shall publicly draw out so many ballots unopened as shall be equal to such excess. Such excess ballots shall be marked "Excess-Not Counted" and signed by a majority of judges and shall be placed in the "After 6:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots. And the ballots and applications for ballot being made to agree in this way, the judges shall proceed to count the votes in the following manner: The judges shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. Each of the judges shall examine the separate files which are, or are supposed to be, alike, and exclude from such files any which may have a name or an erasure, or in any manner shall be different from the others of such file. One of the judges shall then take one file of the kind of ballots which contain the same names, and count them by tens, carefully examining each name on each of the ballots. Such judge shall then pass the ten ballots aforesaid to the judge sitting next to him, who shall count them in the same manner, who shall then pass them to a third judge, who shall also count them in the same manner. Then the third judge shall call the names of the persons named in the ten ballots, and the offices for which they are designated, and 2 of the judges, who did not assist in the counting shall tally ten votes for each of such persons, except as herein otherwise provided. When the judges shall have gone through such file of ballots, containing the same names, and shall count them by tens in the same way, and shall call the names of the persons named in the ballots and the office for which they are designated, the tally judges shall tally the votes by tens for each of such persons in the same manner as in the first instance. When the counting of each file of ballots which contain the same names shall be completed, the tally judges shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed; and when they agree upon the number, one of them shall announce

it in a loud voice to the other judges. The judges shall then canvass the other kinds of ballots which do not correspond, those containing names partly from one kind of ballots and partly from another, being those from which the name of the person proper to be voted for on such ballots has been omitted or erased, usually called "scratched tickets". They shall be canvassed separately by one of the judges sitting between 2 other judges, which judge shall call each name to the tally judges and the office for which it is designated, and the other judges looking at the ballot at the same time, and the tally judges making tally of the same. When all the ballots have been canvassed in this manner, the tally judges shall compare their tallies together, and ascertain the total number of votes received by each candidate and when they agree upon the numbers one of them shall announce in a loud voice to the judges the number of votes received by each candidate on each of the kinds of ballots containing his name, the number received by him on scratch tickets, and the total number of votes received by him.

The votes for the offices of Governor and Lieutenant Governor shall be counted and tallied jointly.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A, whichever is applicable. (Source: P.A. 84-1308; 89-700, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-9.

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, in the first paragraph, in the fourteenth sentence, deleted "the split and" preceding "scratch tickets", and deleted the fifteenth sentence which read "The provisions of Section 17-19 of Article 17 shall apply to the tallying of votes on straight tickets."

10 ILCS 5/18-9.1 [Write-in votes]

Sec. 18-9.1. Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the proper election authority or authorities not later than 5:00 p.m. on the Tuesday immediately preceding the election.

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

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

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election, is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates are nominated at a primary election on a nonpartisan basis and who is defeated for his or her nomination at the primary election is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

Nothing in this Section shall be construed to apply to votes cast under the provisions of subsection (b) of Section 16-5.01 [10 ILCS 5/16-5.01].

(Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1348; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-9.1.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in the first paragraph, in the first sentence, substituted "Tuesday" for "Friday" and deleted "unless a candidate, whose name is printed on the ballot, dies later than 5:00 p.m. on the Friday immediately preceding the election" from the end and deleted the next second through fourth sentences regarding a candidate's death and replacement by a write in candidate.

10 ILCS 5/18-9.2 [Vacancy in nomination; disposition of ballots]

Sec. 18-9.2. Where a vacancy in nomination is filled pursuant to Section 7-61 or Section 10-11 [10 ILCS 5/7-61 or 10 ILCS 5/10-11], the absentee votes cast for the original candidate on the first ballot shall not be counted. For this purpose, in those jurisdictions where electronic voting systems are used, the election authority shall determine a method by which the first ballots containing the name of the original candidate may be segregated from the revised ballots containing the name of the successor candidate and separately counted.

Where a vacancy in nomination is not filled pursuant to Section 7-61 or Section 10-11 [10 ILCS 5/7-61 or 10 ILCS 5/10-11], all votes cast for the original candidate shall be counted for such candidate.

(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-9.2.

10 ILCS 5/18-10 [Stringing of ballots]

Sec. 18-10. Each batch of ten ballots counted by the judges of election shall, as soon as counted, read and tallied, be strung upon a strong string, thread or twine in the order in which they have been read; and each batch shall thus be disposed of before the commencement of the count as to the next batch.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: Laws 1965, p. 2220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-10.

10 ILCS 5/18-11 [Canvassing of ballots containing a proposition]

Sec. 18-11. Whenever any proposition is submitted to a vote of the people and is printed or written upon the same ticket, with the names of candidates for office, the names, together with such proposition, shall be canvassed in the following manner: All the ballots shall be first separated into 3 piles; the first pile containing all the ballots in favor of such proposition; the second pile containing all the ballots against such proposition, and the third pile containing all the ballots not mentioning such proposition, or being neither for nor against such proposition. Each of the judges shall then examine each pile and see that the separation has been properly made. Then the first pile shall be counted by tens, and the result announced to the tally judges who shall tally the same by tens. And so the second pile shall be counted, announced and tallied, and likewise the third pile, if necessary. Whereupon the tally judges shall announce to the judges the number of votes for and the number of votes against such proposition. The ballots for or against any proposition submitted shall always be canvassed, counted and tallied after the names of candidates for any office are canvassed, counted or tallied.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: Laws 1965, p. 2220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-11.

10 ILCS 5/18-12 [Provision of proposition headings]

Sec. 18-12. If the tally sheet and returns should contain no heading for any proposition submitted, it shall be the duty of the tally judges to write into such tally sheets and returns the headings necessary in order to keep a correct tally, and to make a correct and accurate return, and it shall be the legal duty of the judges of election to make a true count and correct return of all votes upon any such proposition. (Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-12.

10 ILCS 5/18-13 [Proclamation of results]

Sec. 18-13. When the canvass of the ballots has been completed, and the tally judges have announced to the judges the total number of votes received by each candidate, each of the judges of the election in turn shall then proclaim, in a loud voice, the total number of votes received by each of the persons voted for in such precinct, and the office for which he is designated, and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people. Such proclamation shall be prima facie evidence of the result of the canvass of such ballots.

Immediately after making such proclamation the judges shall designate one of their number to go to the nearest telephone and report to the office of the board of election commissioners the result announced in such proclamation. The board of election commissioners shall keep its office open after the close of the polls on the day of any election until it has received from each precinct in the county the report above provided for. Immediately upon receiving such report the board of election commissioners shall cause the same to be posted in a public place in its office for inspection by the public. Immediately after making such report such judge shall return to the polling place and the judges shall proceed with their duties prescribed in this Code.

Where voting machines or electronic voting systems are used, the provisions of this section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 81-1433.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-13.

10 ILCS 5/18-14 [Written statement of results]

Sec. 18-14. The judges of election shall make duplicate statements of the result of the canvass, which shall be written or partly written and partly printed. Each of the statements shall contain a caption stating the day on which, and the number of the election precinct and the ward, city and county, in relation to which such statements shall be made, and the time of opening and closing of the polls of such election precinct. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statement shall be written, or partly written and partly printed, in words at length; and in case a proposition of any kind has been submitted to a vote at such election, such statements shall also show the whole number of votes cast for or against such proposition, written out or partly written and partly printed, in words at length, and at the end thereof a certificate that such statement is correct in all respects; which certificate,

and each sheet of paper forming part of the statement, shall be subscribed by the judges. If any judge shall decline to sign such return, he shall state his reason therefor in writing, and a copy thereof, signed by himself, shall be enclosed with each return. Each of the statements shall be enclosed in an envelope, which shall then be securely sealed with sealing wax or other adhesive material; and each of the judges shall write his name across every fold at which the envelope, if unfastened, could be opened. One of the envelopes shall be directed to the county clerk and one to the comptroller of the city, or to the officer of such city whose duties correspond with those of comptroller. The judges of election shall make quadruplicate sets of tallies, and each set of tallies shall also be signed by the judges of the election. If, however, the number of established political parties, as defined in Section 10-2 [10 ILCS 5/10-2], exceeds 2, one additional set of tallies shall be made and signed for each established political party in excess of 2. Each set shall be enclosed in an envelope, securely sealed and signed in like manner; and one of the envelopes shall be directed on the outside to the election commissioners and the other to the city, village or town clerk; the other two envelopes shall be addressed, respectively, to the chairmen of the county central committees of the established political parties. On the outside of every envelope shall be endorsed whether it contains the statements of the votes cast or the tallies, and for what precinct and ward, village or town.

However, in those jurisdictions where electronic voting systems utilizing in-precinct counting equipment are used, one such envelope shall be transmitted to the chairman of the county central committee of each established political party and 2 such envelopes shall be transmitted to the board of election commissioners.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable.

At the nonpartisan and consolidated elections, the judges of election shall make a tally sheet and certificate of results for each political subdivision as to which candidates or public questions are on the ballot at such election, except where such votes are to be canvassed by the board of election commissioners or by the city canvassing board provided in Section 22-8 [10 ILCS 5/22-8]. The judges shall sign, seal in a marked envelope and deliver them to the county clerk with the other certificates of results herein required. Such tally sheets and certificates of results may be duplicates of the tally sheet and certificate of results otherwise required by this Section, showing all votes for all candidates and public questions voted for or upon in the precinct, or may be on separate forms prepared by the election authority and showing only those votes cast for candidates and public questions of each such political subdivision.

Within 2 days of delivery of complete returns of the consolidated and nonpartisan elections, the board of election commissioners shall transmit an original, sealed tally sheet and certificate of results from each precinct in its jurisdiction in which candidates or public questions of a political subdivision were on the ballot to the local election official of such political subdivision where a local canvassing board is designated to canvass such votes. Each local election official, within 24 hours of receipt of all of the tally sheets and certificates of results for all precincts in which candidates or public questions of his political subdivision were on the ballot, shall transmit such sealed tally sheets and certificates of results to the canvassing board for that political subdivision.

In the case of referenda for the formation of a political subdivision the tally sheets and certificates of results shall be transmitted by the board of election commissioners to the circuit court that ordered the proposition submitted or to the officials designated by the court to conduct the canvass of votes. In the case of school referenda for which a regional superintendent of schools is responsible for the canvass of votes, the board of election commissioners shall transmit the tally sheets and certificates of results to the regional superintendent. (Source: P.A. 82-1014.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-14.

10 ILCS 5/18-15 [Securing of poll books]

Sec. 18-15. The poll books shall be enclosed in an envelope, which shall then be securely sealed with sealing wax, or other adhesive material; and each of the judges shall write his name across every fold at which the envelope if unfastened could be opened. (Source: Laws 1957, p. 1450.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-15.

10 ILCS 5/18-16 [Delivery of statements, tallies, and poll books]

Sec. 18-16. Thereupon one of the judges of election shall take charge of the poll books and the key to the ballot box. Two of the judges shall each take one of the statements of the votes cast into his possession sealed up in the envelopes as aforesaid, and each of the remaining 2 judges shall take one of the tally sheets sealed up in the envelopes as aforesaid. Thereupon the judge having possession of such poll books shall immediately deliver the poll books to the Board of Election Commissioners, or to the person or persons delegated by the board to receive such envelopes, and at such place or places within the area served by the board as pre-determined by the board, with the seal unbroken and shall receive a receipt therefor; and the other judges shall immedi-

ately deliver the statements and tallies so in their possession respectively, to the respective officers to whom addressed as aforesaid and who, by this Act, are entitled to receive the same, and when delivered, each one shall take a receipt from the officer to whom delivered. Such envelopes shall be delivered to such officers or their duly authorized and appointed representatives, at the time and place where such envelopes are delivered to the Board of Election Commissioners or its designated receiving stations as pre-determined by the board, as hereinabove provided for. And none of them shall receive pay for their services as such judges without the production of the receipts so given them by the officers as aforesaid. It shall be the duty of the respective officers so designated, to whom such statements and tallies are ordered to be delivered, to receive the same, and to safely keep under lock and key until ordered to be surrendered as herein provided; and the Board of Election Commissioners shall safely keep such poll books under lock and key for one year.

Where voting machines or electronic voting systems are used, the provisions of this Section may be modified as required or authorized by Article 24 or Article 24A [10 ILCS 5/24-1 et seq. or 10 ILCS 5/24A-1 et seq.], whichever is applicable. (Source: P.A. 76-1309.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-16.

10 ILCS 5/18-18 [Emergency and special elections; costs]

Sec. 18-18. The costs and expenses of emergency referenda elections or special elections conducted by boards of election commissioners shall be paid as provided in Sections 17-30 and 17-32 of this Code [10 ILCS 5/17-30 and 10 ILCS 5/17-32]. (Source: P.A. 81-814.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 18-18.

10 ILCS 5/18-40 Precinct tabulation optical scan technology voting equipment

Sec. 18-40. *Precinct tabulation optical scan technology voting equipment.* If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code [10 ILCS 5/24B-1 et seq.], and the provisions of the Article are in conflict with the provisions of this Article 18 [10 ILCS 5/18-1 et seq.], the provisions of Article 24B [10 ILCS 5/24B-1 et seq.] shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B [10 ILCS 5/24B-1 et seq.], the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment authorized by

the State Board of Elections as long as the procedure is not in conflict with either Article 24B [10 ILCS 5/24B-1 et seq.] or the administrative rules of the State Board of Elections. (Source: P.A. 89-394, § 5.)

Effective Date.

Section 99 of P.A. 89-394 made this section effective January 1, 1997.

ARTICLE 19.**VOTING BY ABSENT ELECTORS****10 ILCS 5/19-1 [Conditions for ballot]**

Sec. 19-1. Any qualified elector of the State of Illinois having duly registered where such registration is required who expects to be absent from the county in which he is a qualified elector or who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority or the State Board of Elections or who because of election duties for a law enforcement agency, including but not limited to the offices of the Attorney General, a State's Attorney, a United States Attorney, or a State, county, or municipal police department, or who, because he is temporarily abiding outside the precinct in which he is registered to vote due to the fact he is a student attending an institution of higher education or who is serving as a sequestered juror on a State or federal jury, will be unable to be present at the polls on the day of holding any special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected, for any congressional, State, district, county, town, city, village, precinct or judicial offices or at which questions of public policy are submitted, may vote at such election as hereinafter in this Article provided.

Each Election Authority, law enforcement agency, and the State Board of Elections shall compile and keep current a list of his or its officers or employees who are eligible to vote under this Article by reason of election duties.

For purposes of this Article 19 [10 ILCS 5/19-1 et seq.], a physically incapacitated voter marks his or her ballot "personally" when the voter exercises his or her physical abilities to their reasonable limit in marking the ballot, and marking personally may include instructing the person assisting the incapacitated voter when giving such instruction represents the reasonable limit of the physical abilities. (Source: P.A. 86-873; 86-875; 86-1028.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-1.

Cross References.

As to absentee voting under the Soil and Water Conservation Districts Act, see 70 ILCS 405/32.

CASE NOTES

ANALYSIS

Constitutionality

—In General

—Standard of Review

Conditional Right

Construction

Physical Incapacity

—Prisoners Not Included

Reasonable Restrictions

Residence

—Domicile

—Intent

—Interest

—Municipal Employee

—Out of State

—Ownership of Property

—Temporary

Constitutionality

—In General

The absentee voting provisions of this Code did not violate the Equal Protection clause of the United States Constitution as applied to unsentenced inmates of a county jail awaiting trial who could not appear at the polls either because they were charged with non-bailable offenses or because they were unable to post bail. *McDonald v. Board of Election Comm'rs*, 394 U.S. 802, 89 S. Ct. 1404, 22 L. Ed. 2d 739 (1969).

The provisions of this section which extend absentee voting privileges to those persons who are physically incapacitated, because of medical reasons, from appearing at the polls is a proper and reasonable legislative classification and does not deny equal protection under the Fourteenth Amendment to the United States Constitution to inmates in a county jail incapable of being present at the polls by failing to extend the privilege to them. *McDonald v. Board of Election Comm'rs*, 277 F. Supp. 14 (N.D. Ill. 1967), aff'd, 394 U.S. 802, 89 S. Ct. 1404, 22 L. Ed. 2d 739 (1969).

Once the right to vote by absentee ballot has been provided, there must be no arbitrary or discriminatory denial of the right. *McDonald v. Board of Election Comm'rs*, 265 F. Supp. 816 (N.D. Ill. 1967).

—Standard of Review

In a constitutional challenge to Illinois' absentee provisions, an exacting strict scrutiny approach was not necessary where the distinctions made by the absentee provisions were not drawn on the basis of wealth or race and where there was nothing in the record to indicate that the statutory scheme had an impact on appellants' ability to exercise the fundamental right to vote. *McDonald v. Board of Election Comm'rs*, 394 U.S. 802, 89 S. Ct. 1404, 22 L. Ed. 2d 739 (1969).

Conditional Right

The right of every voter is not an absolute but a conditional right. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

Construction

Absentee statutes, which are designed to make voting more available to some groups who cannot easily get to the polls, do not deny prisoners who have been charged with nonbailable offenses or prisoners who have been unable to post bail the exercise of the franchise, nor does this Code so operate as a whole. *McDonald v. Board of Election Comm'rs*, 394 U.S. 802, 89 S. Ct. 1404, 22 L. Ed. 2d 739 (1969).

Physical Incapacity

—Prisoners Not Included

The class intended to be covered by the phrase "physical incapacity" includes only those voters who for medical reasons are unable to be present at the polls, and does not include prisoners incarcerated in a county jail. *McDonald v. Board of Election Comm'rs*, 277 F. Supp. 14 (N.D. Ill. 1967), aff'd, 394 U.S. 802, 89 S. Ct. 1404, 22 L. Ed. 2d 739 (1969).

Reasonable Restrictions

It is the right of the state of Illinois to impose reasonable restrictions on the availability of the ballot. *McDonald v. Board of Election Comm'rs*, 265 F. Supp. 816 (N.D. Ill. 1967).

Residence

—Domicile

Under former Ill.Rev.Stat., ch. 46, paras. 462 to 475 (see now this Article), where a voter was separated from her husband and living in Indiana, and where she had made affidavit that she was a citizen of Indiana on application to become registered as a voter in that state and had become so registered, but her husband was living in an Illinois precinct, the court erred in holding her to be a legal voter; the court erroneously confused a question of domicile with one of residence for voting purposes. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

—Intent

Where a husband and wife testified to their intention to hold residence in a precinct and voted in that precinct for many years, and the husband had a farm in the precinct which was deeded to him, but the parties had lived in Indiana, for nearly five years before the election and had been receiving relief in Indiana, and the parties did not have a permanent place of abode in the precinct, the trial court erred in holding them to be legal voters. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

—Interest

Under former Ill.Rev.Stat., ch. 46, paras. 462 to 475 (see now this Article) where a voter had been divorced about five years before the election and during that time had moved around from place to place, had an interest in a farm in a precinct and testified that he had an arrangement to stay there any time he wanted to, and at the time of the divorce his wife got all the furniture and there was nothing to indicate that he had any place of abode whatever, the court erred in holding him to be a legal voter. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

—Municipal Employee

Under former Ill.Rev.Stat., ch. 46, paras. 462 to 475 (see now this Article), where a husband and wife voted in one precinct, although they admittedly lived in another precinct, and where the husband was superintendent of the waterworks in the first precinct and until three or four months prior to the election lived in that precinct, but at that time moved to a home in the second precinct, these two votes were illegal. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

—Out of State

Although it was a fair inference that voters could have claimed the home of a relative as a place of abode and it was their intention to claim the precinct as their voting residence under former Ill.Rev.Stat., ch. 46, paras. 462 to 475 (see now this Article), where there was no satisfactory evidence that they had any definite place of abode in the precinct and it was quite clear that they had been living in Indiana for about two years before the election, these two votes were illegal. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

—Ownership of Property

Under former Ill.Rev.Stat., ch. 46, paras. 462 to 475 (see now this Article), where a voter once lived in a township where she owned a farm left by her husband, but prior to the election she had moved to another township where she owned her home, the mere fact that she owned property in the first township which she might claim as her home at some time if she so desired did not qualify her as a voter in that township, and her vote was illegal. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

—Temporary

Under former Ill.Rev.Stat., ch. 46, paras. 462 to 475 (see now this Article), where a voter was a wandering farm hand who died after election leaving no relatives, he had been staying at a witness' house but had left, nearly two months before the election and had not been back, he left clothes at this witness' house and came back late in the fall, apparently after the election, and got them and there was nothing to indicate that the house of this witness, any more than the house of any other farmer where the voter might

Residence (Cont'd)**—Temporary (Cont'd)**

have temporarily resided, could be regarded as his permanent place of abode or that he had any abode for voting purposes, his vote was illegal. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

LEGAL PERIODICALS

For article, "Federal Protections of Individual Rights in Local Elections," see 13 J. Marshall L. Rev. 503 (1980).

10 ILCS 5/19-2 [Time of application]

Sec. 19-2. Any elector as defined in Section 19-1 [10 ILCS 5/19-1] expecting to be absent from the county of his residence or any such elector who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority, the State Board of Elections, or a law enforcement agency will be unable to be present at the polls on the day of such election may by mail, not more than 40 nor less than 5 days prior to the date of such election, or by personal delivery not more than 40 nor less than one day prior to the date of such election, make application to the county clerk or to the Board of Election Commissioners for an official ballot for the voter's precinct to be voted at such election.

(Source: P.A. 84-808.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-2.

10 ILCS 5/19-2.1 [In-person absentee voting]

Sec. 19-2.1. At the consolidated primary, general primary, consolidated, and general elections, electors entitled to vote by absentee ballot under the provisions of Section 19-1 [10 ILCS 5/19-1] may vote in person at the office of the municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners, or at the office of the township clerk or, in counties not under township organization, at the office of the road district clerk if the elector is not a resident of a municipality; provided, in each case that the municipal, township or road district clerk, as the case may be, is authorized to conduct in-person absentee voting pursuant to this Section. Absentee voting in such municipal and township clerk's offices under this Section shall be conducted from the 22nd day through the day before the election.

Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections. Municipal and township clerks (or

road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed, unless the clerk files a written waiver with the election authority not later than July 1 of each year stating that he or she is unable to conduct such voting and the reasons therefor. Such clerks who conduct in-person absentee voting may extend their hours for that purpose to include any hours in which the election authority's office is open. Municipal and township clerks (or road district clerks) who have no regularly scheduled office hours and no regularly designated offices other than a place of residence may not conduct in-person absentee voting for said elections. The election authority may devise alternative methods for in-person absentee voting before said elections for those precincts located within the territorial area of a municipality or township (or road district) wherein the clerk of such municipality or township (or road district) has waived or is not entitled to conduct such voting. In addition, electors may vote by absentee ballot under the provisions of Section 19-1 [10 ILCS 5/19-1] at the office of the election authority having jurisdiction over their residence.

In conducting absentee voting under this Section, the respective clerks shall not be required to verify the signature of the absentee voter by comparison with the signature on the official registration record card. However, the clerk shall reasonably ascertain the identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant's registration and from the most recent poll list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19 [10 ILCS 5/19-1 et seq.]. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23 [10 ILCS 5/7-34 and 10 ILCS 5/17-23], except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials. All requirements in this Article appli-

cable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

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 general primary, consolidated primary, consolidated, or general election.

Not more than 23 days before the nonpartisan, general and consolidated elections, the county clerk shall make available to those municipal, township and road district clerks conducting in-person absentee voting within such county, a sufficient number of applications, absentee ballots, envelopes, and printed voting instruction slips for use by absentee voters in the offices of such clerks. The respective clerks shall receipt for all ballots received, shall return all unused or spoiled ballots to the county clerk on the day of the election and shall strictly account for all ballots received.

The ballots delivered to the respective clerks shall include absentee ballots for each precinct in the municipality, township or road district, or shall include such separate ballots for each political subdivision conducting an election of officers or a referendum on that election day as will permit any resident of the municipality, township or road district to vote absentee in the office of the proper clerk.

The clerks of all municipalities, townships and road districts may distribute applications for absentee ballot for the use of voters who wish to mail such applications to the appropriate election authority. Such applications for absentee ballots shall be made on forms provided by the election authority. Duplication of such forms by the municipal, township or road district clerk is prohibited.
(Source: P.A. 86-875; 91-210, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-2.1.

Effect of Amendments.

The 1999 amendment by P.A. 91-210, effective January 1, 2000, substituted "and general elections" for "general and nonpartisan elections" in the first sentence; and in the fifth paragraph inserted ", or by the election authority on behalf of a clerk if the clerk and the election authority agree", deleted "nonpartisan" following "on the day of the" and made a related change.

CASE NOTES

Secrecy

A ballot must be secret, and the voter himself must be given no opportunity to satisfy some other person as to how he has voted. *Clark v. Quick*, 377 Ill. 424, 36 N.E.2d 563 (1941).

OPINIONS OF ATTORNEY GENERAL

ANALYSIS

In General
Hours
Schedule

In General

Because these provisions are mandatory and enforceable, there should be no occasion for determining whether a county clerk may conduct in-person absentee voting at alternative locations in the event that a municipal clerk, who is under duty to conduct such voting, fails to do so. 1992 Op. Atty. Gen. (92-020).

Hours

Municipal clerks who have regularly designated offices, but who do not maintain regularly scheduled office hours, are required to conduct in-person absentee voting during the hours specified in this section unless they have filed waivers with the appropriate election authorities by July 1. 1992 Op. Atty. Gen. (92-020).

Schedule

In municipalities which do not have a board of election commissioners, municipal clerks who maintain regularly scheduled office hours in regularly designated offices are required to conduct in-person absentee voting during the 22 days immediately preceding an election. 1992 Op. Atty. Gen. (92-020).

10 ILCS 5/19-2.2 [Campaign or proposition advertising]

Sec. 19-2.2. During the period beginning on the 40th day preceding an election and continuing through the day preceding such election, no advertising pertaining to any candidate or proposition to be voted upon shall be displayed in or within 100 feet of any room used by voters pursuant to this Article; nor shall any person engage in electioneering in or within 100 feet of any such room. Any person who violates this Section may be punished as for contempt of court.

(Source: P.A. 80-1281; 80-1469; 80-1494.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-2.2.

10 ILCS 5/19-3 [Application for ballot; form]

Sec. 19-3. Application for such ballot shall be made on blanks to be furnished by the election authority and duplication of such application for ballot is prohibited, except by the election authority. The application for ballot shall be substantially in the following form:

**APPLICATION FOR BALLOT BY ELECTOR
WHO EXPECTS TO BE ABSENT
FROM COUNTY**

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *..... ward in the City of

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the

..... election to be held therein on; that I expect to be absent from the county of my residence on the date of holding such election, and that I will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am absent from the county of my residence, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

.....
*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:
.....

However, if application is made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

APPLICATION FOR BALLOT BY ELECTOR WHO IS JUDGE OF ELECTION IN A PRECINCT OTHER THAN THE PRECINCT IN WHICH HE RESIDES

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *..... ward in the City of

I state that I am affiliated with the party (to be used in primary elections) and that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that I am a judge of election in precinct or the (1) *..... ward in the city of or (2) *township of or (3) *city, village or incorporated town of in such county and that I will have no opportunity of voting in person on that day:

I hereby make application for an official ballot or ballots to be voted by me at such election if I serve as a judge of election in such last named precinct, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned

certifies that the statements set forth in this application are true and correct.

.....
*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:
.....

APPLICATION FOR BALLOT BY PHYSICALLY INCAPACITATED ELECTOR

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *..... ward in the City of

I state that I am affiliated with the party (to be used in primary elections) and that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that I shall be physically incapable of being present at the polls of such precinct on the date of holding such election for the following reasons:

I hereby make application for an official ballot or ballots to be voted by me at such election if I am so physically incapacitated, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

.....
*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:
.....

APPLICATION FOR BALLOT BY ELECTOR OBSERVING RELIGIOUS HOLIDAY

To be voted at the election in the county of State of Illinois, in the precinct (1) *township of (2) *City of or (3) *..... ward in the City of

I state that I am affiliated with the party (to be used in primary elections) and that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) past, that I am lawfully entitled to vote in such precinct at the election to be held therein on; that

I shall be unable to be present at the polls of such precinct on the date of holding such election because of the tenets of my religion in the observance of a religious holiday.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am so unable to be present at the polls of such precinct on the date of the election because of the tenets of my religion in the observance of a religious holiday, and I agree that I shall return the ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

.....
*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:
.....

**APPLICATION FOR BALLOT BY ELECTOR
WHO IS AN ELECTION
EMPLOYEE OF STATE'S ATTORNEY, COUNTY
CLERK OR
BOARD OF ELECTION COMMISSIONERS**

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *..... ward in the City of

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that I am employed in the office of the (State's Attorney of County) (County Clerk of County) (Board of Election Commissioners of the (City) (County) of and that because of election duties on the date of holding such election I will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by me at such election, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

.....
*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:
.....

Provided, that if application be made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

**APPLICATION FOR TEMPORARILY ABSENT
STUDENT BALLOT**

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *..... ward in the City of

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in such city or town in the county of and State of Illinois; that I have lived at such address for month(s) last past; that I am lawfully entitled to vote in such precinct at the election to be held therein on; that I am temporarily abiding outside such precinct in the (1) *township of (2) *City of in the county of and State of due to the fact I am a student attending an institution of higher education, and for that reason do not expect to have an opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am absent from the precinct of my residence, and I agree that I shall return such ballot or ballots to the official issuing the same prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

.....
*fill in either (1), (2) or (3).

Post office address to which ballot is mailed:
.....

However, if application is made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

In lieu of the separate application blanks heretofore prescribed, the election authority may adopt a standard application blank in substantially the following form for all categories of absentee voters:

APPLICATION FOR ABSENT VOTER'S BALLOT

To be voted at the election in the County of and State of Illinois, in the precinct of the (1) *township of (2) *City of or (3) *..... ward in the City of

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the City of residing at in such city or town in the county of and State of Illinois; that I have lived at such

address for months last past; that I am lawfully entitled to vote in such precinct at a election to be held therein on; and that I will be unable to vote in person at the polls of such precinct for the following reasons:
(Check One)

I expect to be absent from my county of residence.

I expect to be temporarily absent from the country.

I shall be serving as a judge of election in the precinct which is not my precinct of residence.

I shall be observing a religious holiday in accordance with the tenets of my religion.

I shall be performing official election duties for an Election Authority

.....
(election authority)

.....
or the State Board of Elections.

(location)

I shall be performing election law enforcement duties in the employment of

.....
(law enforcement agency)

.....
(location)

I am temporarily abiding in the (1) *township of (2) *city of in the county of and State of due to the fact I am a student attending an institution of higher education.

I am physically incapacitated.

Reason(s):

I have been called for jury duty on said day by

.....
(court jurisdiction)

I hereby make application for an official ballot or ballots to be voted by me at such election and agree that I shall return the ballot or ballots to the election official issuing the same in sufficient time for such official to deliver the ballot or ballots to the proper polling place prior to the closing of the polls on the date of the election.

Under penalties as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

*fill in either (1), (2) or (3). Post office address to which ballot is mailed:

Provided, that if application is made for a primary election, such application shall designate the name of the political party with which applicant is affiliated.

(Source: P.A. 86-873; 86-875; 86-1028.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-3.

CASE NOTES

ANALYSIS

- Illegal Ballots
- Incomplete Applications
- Physical Incapacity
 - Ballot Form
 - Construction
 - Reason

Illegal Ballots

Where the portion of votes containing illegal ballots can be identified with certainty and proof of irregularities in voting is not such as to justify a disenfranchisement of all voters in a grievance precinct, it is proper to apportion the illegal ballots instead of excluding the entire vote. *People ex rel. Ciaccio v. Martin*, 220 Ill. App. 3d 89, 162 Ill. Dec. 747, 580 N.E.2d 930 (3 Dist. 1991), cert. denied, 143 Ill. 2d 647, 167 Ill. Dec. 409, 587 N.E.2d 1024 (1992).

Incomplete Applications

The language of this section requires those who apply for absentee ballots based on physical incapacity to state the reason therefor, and ballots should not have been issued based on incomplete applications; the trial court properly deducted the faulty ballots on a pro rata basis where it was possible to do so. *People ex rel. Ciaccio v. Martin*, 220 Ill. App. 3d 89, 162 Ill. Dec. 747, 580 N.E.2d 930 (3 Dist. 1991), cert. denied, 143 Ill. 2d 647, 167 Ill. Dec. 409, 587 N.E.2d 1024 (1992).

Physical Incapacity

—Ballot Form

Because the absentee ballots did not specify that a reason was required for physical incapacity the ballots were counted and legal. *In re Durkin*, 299 Ill. App. 3d 192, 233 Ill. Dec. 381, 700 N.E.2d 1089 (2 Dist. 1998).

—Construction

Given the language of the statute, its perjury provisions, and the concern of the legislature to safeguard the electoral process in setting forth such procedures for absentee voting, the requirement that those who apply for absentee ballots based on physical incapacity state the reason therefor is mandatory. *People ex rel. Ciaccio v. Martin*, 220 Ill. App. 3d 89, 162 Ill. Dec. 747, 580 N.E.2d 930 (3 Dist. 1991), cert. denied, 143 Ill. 2d 647, 167 Ill. Dec. 409, 587 N.E.2d 1024 (1992).

—Reason

The requirement that a voter applying for an absentee ballot on the basis of physical incapacity must specify the reason for the physical incapacity on the application form is a mandatory requirement. *In re Durkin*, 299 Ill. App. 3d 192, 233 Ill. Dec. 381, 700 N.E.2d 1089 (2 Dist. 1998).

10 ILCS 5/19-4 Mailing or delivery of ballots - Time

Sec. 19-4. Mailing or delivery of ballots - Time. Immediately upon the receipt of such application either by mail, not more than 40 days nor less than 5 days prior to such election, or by personal delivery not more than 40 days nor less than one day prior to such election, at the office of such election authority, it shall be the duty of such election authority to examine the records to ascertain whether or not such applicant is lawfully entitled to vote as requested, and if found so to be, to post within one business day thereafter the name, street address, ward and precinct number or township and district number, as the case may be, of such applicant given on a list, the pages of which are to be numbered consecutively to be kept by such election authority

for such purpose in a conspicuous, open and public place accessible to the public at the entrance of the office of such election authority, and in such a manner that such list may be viewed without necessity of requesting permission therefor, and within 2 business days thereafter to mail, postage prepaid, or deliver in person in such office an official ballot or ballots if more than one are to be voted at said election. Mail delivery of Temporarily Absent Student ballot applications pursuant to Section 19-12.3 [10 ILCS 5/19-12.3] shall be by nonforwardable mail. However, for the consolidated election, absentee ballots for certain precincts may be delivered to applicants not less than 25 days before the election if so much time is required to have prepared and printed the ballots containing the names of persons nominated for offices at the consolidated primary. The election authority shall enclose with each absentee ballot or application written instructions on how voting assistance shall be provided pursuant to Section 17-14 [10 ILCS 5/17-14] and a document, written and approved by the State Board of Elections, enumerating the circumstances under which a person is authorized to vote by absentee ballot pursuant to this Article; such document shall also include a statement informing the applicant that if he or she falsifies or is solicited by another to falsify his or her eligibility to cast an absentee ballot, such applicant or other is subject to penalties pursuant to Section 29-10 and Section 29-20 of the Election Code [10 ILCS 5/29-10 and 10 ILCS 5/29-20]. Each election authority shall maintain a list of the name, street address, ward and precinct, or township and district number, as the case may be, of all applicants who have returned absentee ballots to such authority, and the name of such absent voter shall be added to such list within one business day from receipt of such ballot. If the absentee ballot envelope indicates that the voter was assisted in casting the ballot, the name of the person so assisting shall be included on the list. The list, the pages of which are to be numbered consecutively, shall be kept by each election authority in a conspicuous, open, and public place accessible to the public at the entrance of the office of the election authority and in a manner that the list may be viewed without necessity of requesting permission for viewing.

Each election authority shall maintain a list for each election of the voters to whom it has issued absentee ballots. The list shall be maintained for each precinct within the jurisdiction of the election authority. Prior to the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued by mail.

Each election authority shall maintain a list for each election of voters to whom it has issued temporarily absent student ballots. The list shall be maintained for each election jurisdiction within which such voters temporarily abide. Immediately after

the close of the period during which application may be made by mail for absentee ballots, each election authority shall mail to each other election authority within the State a certified list of all such voters temporarily abiding within the jurisdiction of the other election authority.

In the event that the return address of an application for ballot by a physically incapacitated elector is that of a facility licensed or certified under the Nursing Home Care Act [210 ILCS 45/1-101 et seq.], within the jurisdiction of the election authority, and the applicant is a registered voter in the precinct in which such facility is located, the ballots shall be prepared and transmitted to a responsible judge of election no later than 9 a.m. on the Saturday, Sunday or Monday immediately preceding the election as designated by the election authority under Section 19-12.2 [10 ILCS 5/19-12.2]. Such judge shall deliver in person on the designated day the ballot to the applicant on the premises of the facility from which application was made. The election authority shall by mail notify the applicant in such facility that the ballot will be delivered by a judge of election on the designated day.

All applications for absentee ballots shall be available at the office of the election authority for public inspection upon request from the time of receipt thereof by the election authority until 30 days after the election, except during the time such applications are kept in the office of the election authority pursuant to Section 19-7 [10 ILCS 5/19-7], and except during the time such applications are in the possession of the judges of election.

(Source: P.A. 86-820; 86-873; 86-1028; 86-1348; 89-653, § 5; 90-101, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-4.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in the first paragraph, in the fourth sentence, inserted "or application", inserted "or is solicited by another to falsify" and substituted "or other is subject to penalties pursuant to Section 29-10 and Section 29-20" for "is subject to penalties pursuant to Section 29-10 and Section 29-20" for "is subject to the penalties pursuant to Section 29-10", in the fifth sentence substituted "Each election authority shall maintain a list of" for "The election authority shall maintain a further list at the same place and similarly open to public access of" and substituted "authority" for "officer or officers" and added the sixth and seventh sentences; and in the second paragraph, in the first sentence, substituted "Each election" for "The election" and substituted "it" for "he" following "voters to whom".

The 1997 amendment by P.A. 90-101, effective July 11, 1997, in the first paragraph, in the fourth sentence, inserted "written instructions on how voting assistance shall be provided pursuant to Section 17-14 and".

CASE NOTES

ANALYSIS

Mailing of Ballot
—Legislative Intent
—Purpose

Mailing of Ballot

—Legislative Intent

The clear intention of the Absent Voter's Law under former Ill.Rev.Stat., ch. 46, paras. 462 to 475 (see now this Article) was that the legislature was willing and intended to commit the temporary custody of a ballot to the United States mails for delivery to the proper officials; it was equally clear that there was no intention that custody should be committed, even temporarily, to any other person or agency. Clark v. Quick, 377 Ill. 424, 36 N.E.2d 563 (1941).

—Purpose

Once a ballot has been marked by a voter in secret, from that time on it shall not be subject to any opportunity for any other person to mar, change, or erase it. Clark v. Quick, 377 Ill. 424, 36 N.E.2d 563 (1941).

10 ILCS 5/19-5 [Ballot; folding; envelope; certificate]

Sec. 19-5. It shall be the duty of the election authority to fold the ballot or ballots in the manner specified by the statute for folding ballots prior to their deposit in the ballot box, and to enclose such ballot or ballots in an envelope unsealed to be furnished by him, which envelope shall bear upon the face thereof the name, official title and post office address of the election authority, and upon the other side if the ballot is to go to an elector who is to be out of the county on the day of the election a printed certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in such city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; and I expect to be absent from the county of my residence on the date of such election.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....
If the ballot is to go to an elector who is physically incapacitated the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in such city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; that I shall be physically incapable of being present at the polls of such precinct on the date of holding such election.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of

.....
(Individual rendering assistance)

.....
(Residence Address)

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....
In the case of a voter who is voting absentee by reason of physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an agent of that employer or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

If the ballot is to go to an elector who is unable to be present at the polls on the date of the election because of the observance of a religious holiday, the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in said city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully entitled to vote in such precinct at the election to be held on; that I shall be unable to be present at the polls of such precinct on the date of holding such election because of the tenets of my religion in the observance of a religious holiday.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....
If the ballot is to go to an elector who is temporarily abiding outside the precinct in which he is registered to vote due to the fact he is a student attending an institution of higher education the envelope shall bear upon the back thereof a certification in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in such city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am

lawfully entitled to vote in such precinct at the election to be held on; and I expect to be absent from the precinct of my residence on the date of such election because I am temporarily abiding outside such precinct in the (1) *township of (2) *city of in the county of and State of due to the fact I am a student attending an institution of higher education.
 *fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret.

Under penalties of perjury as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....
 If the election authority adopts the standard absentee ballot application blank provided in Section 19-3, the printed certification on the absentee ballot envelope shall be in substantially the following form:

I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *..... ward in the city of residing at in said city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I shall be unable to be present at the polls of such precinct on the date of holding such election for the reason indicated on the application for ballot enclosed herein.

*fill in either (1), (2) or (3).

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of

.....
 (Individual rendering assistance)

.....
 (Residence Address)

Under penalties of perjury provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

.....
 In the case of a voter who is voting absentee by reason of physical incapacity, marking a ballot in secret includes marking a ballot with the assistance of another individual, other than a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate), the voter's employer, an agent of that employer, or an officer or agent of the voter's union, when the voter's physical incapacity necessitates such assistance.

Provided, that if the ballot enclosed is to be voted at a primary election, the certification shall designate the name of the political party with which the voter is affiliated.

In addition to the above, the election authority shall provide printed slips giving full instructions

regarding the manner of marking and returning the ballot in order that the same may be counted, and shall furnish one of such printed slips to each of such applicants at the same time the ballot is delivered to him. Such instructions shall include the following statement: "In signing the certification on the absentee ballot envelope, you are attesting that you personally marked this absentee ballot in secret. If you are physically unable to mark the ballot, a friend or relative may assist you after completing the enclosed affidavit. Federal and State laws prohibit a candidate whose name appears on the ballot (unless you are the spouse or a parent, child, brother, or sister of the candidate), your employer, your employer's agent or an officer or agent of your union from assisting physically disabled voters."

In addition to the above, if a ballot to be provided to an elector pursuant to this Section contains a public question described in subsection (b) of Section 28-6 [10 ILCS 5/28-6(b)] and the territory concerning which the question is to be submitted is not described on the ballot due to the space limitations of such ballot, the election authority shall provide a printed copy of a notice of the public question, which shall include a description of the territory in the manner required by Section 16-7 [10 ILCS 5/16-7]. The notice shall be furnished to the elector at the same time the ballot is delivered to the elector.
 (Source: P.A. 86-875; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-5.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in the third, seventh and ninth paragraph inserted "a candidate whose name appears on the ballot (unless the voter is the spouse or a parent, child, brother, or sister of the candidate)"; and in the seventh paragraph inserted a comma after "employer".

10 ILCS 5/19-6 [Return of ballot by absentee voter]

Sec. 19-6. Such absent voter shall make and subscribe to the certifications provided for in the application and on the return envelope for the ballot, and such ballot or ballots shall be folded by such voter in the manner required to be folded before depositing the same in the ballot box, and be deposited in such envelope and the envelope securely sealed. The voter shall then endorse his certificate upon the back of the envelope and the envelope shall be mailed in person by such voter, postage prepaid, to the election authority issuing the ballot or, if more convenient, it may be delivered in person, by either the voter or by a spouse, parent, child, brother or sister of the voter, or by a company licensed as a motor carrier of property by the Illinois Commerce Commission under the Illinois Commercial Transportation Law [625 ILCS 5/18c-1101 et seq.], which is engaged in the business of making deliveries. It shall be unlawful for any person not the voter, his or her spouse, parent, child, brother, or sister, or a

representative of a company engaged in the business of making deliveries to the election authority to take the ballot and ballot envelope of a voter for deposit into the mail unless the ballot has been issued pursuant to application by a physically incapacitated elector under Section 3-3 [10 ILCS 5/3-3] or a hospitalized voter under Section 19-13 [10 ILCS 5/19-13], in which case any employee or person under the direction of the facility in which the elector or voter is located may deposit the ballot and ballot envelope into the mail. If an absentee voter gives his ballot and ballot envelope to a spouse, parent, child, brother or sister of the voter or to a company which is engaged in the business of making deliveries for delivery to the election authority, the voter shall give an authorization form to the person making the delivery. The person making the delivery shall present the authorization to the election authority. The authorization shall be in substantially the following form:

I (absentee voter) authorize to take my ballot to the office of the election authority.

..... Date Signature of voter
..... Hour Address
..... Date Signature of Authorized Individual
..... Hour Relationship (if any)

(Source: P.A. 86-875; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-6.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in the second sentence inserted "in person"; and added the third sentence.

CASE NOTES

ANALYSIS

- Purpose
- Return of Ballots
- Criminal Offense
- Method of Delivery

Purpose

The methods for return of absentee ballots required by this section are not mere procedural formalities; their purpose is to safeguard the integrity of the election process by depriving unauthorized persons of the opportunity to tamper with ballots after they have been completed. *People v. Hays*, 142 Ill. App. 3d 754, 97 Ill. Dec. 10, 492 N.E.2d 213 (5 Dist. 1986).

Return of Ballots

—Criminal Offense

Violation of this section is a criminal offense pursuant to 10 ILCS 5/29-12. *People v. Hays*, 142 Ill. App. 3d 754, 97 Ill. Dec. 10, 492 N.E.2d 213 (5 Dist. 1986).

—Method of Delivery

Delivery of absentee ballots to defendants rather than mailing

them or delivering them personally to the election authority was sufficient to state a violation of this section. *People v. Hays*, 142 Ill. App. 3d 754, 97 Ill. Dec. 10, 492 N.E.2d 213 (5 Dist. 1986).

Unless an absentee ballot is mailed to the office of the issuing officer, or personally delivered there by the absentee voter, the delivery requirements of this section are not met. *Frese v. Camferdam*, 76 Ill. App. 3d 68, 31 Ill. Dec. 643, 394 N.E.2d 845 (3 Dist. 1979).

Where there was no evidence of any fraud or tampering with absentee ballots but their delivery to the office of the issuing officer presented opportunities for tampering, the sanctity of the voted ballot and the integrity of the entire election process demanded that the absentee ballots be declared invalid. *Frese v. Camferdam*, 76 Ill. App. 3d 68, 31 Ill. Dec. 643, 394 N.E.2d 845 (3 Dist. 1979).

10 ILCS 5/19-7 [Receipt and disposition of ballot]

Sec. 19-7. Upon receipt of such absent voter's ballot, the election authority shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in the next section.

(Source: P.A. 81-155.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-7.

10 ILCS 5/19-8 [Delivery to judges of election; counting]

Sec. 19-8. In case an absent voter's ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in such package and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, such authority shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient, such officer may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent, said officer to secure his receipt for delivery of such ballot or

ballots. Absent voters' ballots returned by absentee voters to the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be safely kept unopened by such election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, and Special Write-In Absentee Voter's Blank Ballots, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision; however, all absentee ballots received by the election authority by the close of absentee voting in the office of the election authority on the day preceding the day of election shall be delivered to the proper precinct polling places in time to be counted by the judges of election.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act [10 ILCS 5/19-9] and Articles 17 and 18 of this Code [10 ILCS 5/17-1 et seq. and 10 ILCS 5/18-1 et seq.], shall apply to all absent voters' ballots counted under this provision, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded without regard to precinct designation, except for precinct offices.

(Source: P.A. 86-875; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-8.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, made stylistic changes.

CASE NOTES

Counting of Ballots

—Tabulation Error

Where noncompliance by the county clerk's office in the tabula-

tion of absentee ballots did not result in fraud, voter disenfranchisement, or unfair conduct affecting the outcome of an election, office's failure to comply with their technical duties did not render the election void. *Glenn v. Radden*, 127 Ill. App. 3d 712, 83 Ill. Dec. 9, 469 N.E.2d 616 (5 Dist. 1984).

10 ILCS 5/19-9 [Casting of ballots]

Sec. 19-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the certification on the ballot envelope. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and enter the absent voter's name in the poll book the same as if he had been present and voted in person. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case such signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed, or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains more than one ballot of any kind, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and affidavits and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

As applied to an absentee ballot of a permanently disabled voter who has complied with Section 19-

12.1 [10 ILCS 5/19-12.1], the word "certification" as used in this Section shall be construed to refer to the unsworn statement subscribed to by the voter pursuant to Section 19-12.1 [10 ILCS 5/19-12.1]. (Source: P.A. 78-320; 78-710; 78-1297; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-9.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added the last two sentences of the first paragraph.

CASE NOTES**ANALYSIS****Construction****Uninitialed Ballots****—Corrections****—Validity****Violations****—Fundamental Rules****—Presumptions****Construction**

The identical language in 10 ILCS 5/20-9 and this section as to initialing justifies that the two be similarly construed. *Morandi v. Heiman*, 23 Ill. 2d 365, 178 N.E.2d 314 (1961).

Statutes giving directions as to the mode of conducting elections will generally be construed as being directory unless a failure to comply therewith is expressly declared to be fatal. *Siedschlag v. May*, 363 Ill. 538, 2 N.E.2d 836 (1936).

A prior provision similar to this section was directory and not mandatory. *Siedschlag v. May*, 363 Ill. 538, 2 N.E.2d 836 (1936).

Uninitialed Ballots**—Corrections**

The omission of a judge's initials upon the ballots of absent voters could not be corrected after the ballots had been deposited in the ballot box. *Talbott v. Thompson*, 350 Ill. 86, 182 N.E. 784 (1932).

—Validity

The legislature in re-enacting the same wording in both 10 ILCS 5/17-16 and this section, did so in view of the judicial construction that uninitialed absentee ballots are not counted. *Morandi v. Heiman*, 23 Ill. 2d 365, 178 N.E.2d 314 (1961).

Absent electors' ballots which were deposited in the ballot box without the judge's initials endorsed on them under the Absent Electors Ballot Law of 1917 (see now this Article) were properly rejected. *McCreery v. Burnsmier*, 293 Ill. 43, 127 N.E. 171 (1920).

Violations**—Fundamental Rules**

Violations of the statutory procedures required in the voting of absentee ballots were of basic and fundamental rules for the protection of the integrity of the ballot and could not be excused on the grounds that such rules were directory rather than mandatory; these violations were so extensive and the handling of absentee ballots so lax, that all absentee ballots were found to be illegal. *Webb v. Benton Consol. High Sch.*, 130 Ill. App. 2d 824, 264 N.E.2d 415 (5 Dist. 1970).

—Presumptions

Notwithstanding the fact that voting irregularities were numerous and flagrant with respect to the absentee ballots in two precincts, no presumption arose that similar irregularities occurred with respect to the other ballots cast in those precincts, so as to exclude the entire vote in those precincts. *Webb v. Benton Consol. High Sch.*, 130 Ill. App. 2d 824, 264 N.E.2d 415 (5 Dist. 1970).

10 ILCS 5/19-10 [Pollwatchers; appointment]

Sec. 19-10. Pollwatchers may be appointed to observe in-person absentee voting procedures at the

office of the election authority as well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23 [10 ILCS 5/7-34 and 10 ILCS 5/17-23], except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where certain absent voters' ballots are counted on the day of the election in the office of the election authority as provided in Section 19-8 of this Act [10 ILCS 5/19-8], each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code [10 ILCS 5/7-34 and 10 ILCS 5/17-23], and shall be permitted to observe the election judges making the signature comparison between that which is on the ballot envelope and that which is on the permanent voter registration record card taken from the master file.

(Source: P.A. 86-875.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-10.

10 ILCS 5/19-11 [Death of voter]

Sec. 19-11. Whenever it shall be made to appear by due proof to the judges of election that any elector who has marked and forwarded his ballot as provided in this article has died prior to the opening of the polls on the date of the election, then the ballot of such deceased voter shall be returned by the judges of election in the same manner as provided for rejected ballots above; but the casting of the ballot of a deceased voter shall not invalidate the election.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-11.

10 ILCS 5/19-12 [Jurisdictions using voting machines]

Sec. 19-12. In all jurisdictions in which voting machines are used, all the provisions of this Act and

not inconsistent with the provisions of this article relating to the furnishing of ballot boxes, printing and furnishing official ballots and supplies in such number as provided by law, the canvassing of the ballots and making the proper return of the result of the election, shall, to the extent necessary to make this article effective, apply with full force and effect; Provided, however, that the number of ballots to be printed shall be in the discretion of the respective election authority.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-12.

10 ILCS 5/19-12.1 [Disabled voter's identification card]

Sec. 19-12.1. Any qualified elector who has secured an Illinois Disabled Person Identification Card in accordance with The Illinois Identification Card Act [15 ILCS 335/1 et seq.], indicating that the person named thereon has a Class 1A or Class 2 disability or any qualified voter who has a permanent physical incapacity of such a nature as to make it improbable that he will be able to be present at the polls at any future election, or any voter who is a resident of a facility licensed or certified pursuant to the Nursing Home Care Act [210 ILCS 45/1-101 et seq.] and has a condition or disability of such a nature as to make it improbable that he will be able to be present at the polls at any future election, may secure a disabled voter's or nursing home resident's identification card, which will enable him to vote under this Article as a physically incapacitated or nursing home voter.

Application for a disabled voter's or nursing home resident's identification card shall be made either: (a) in writing, with voter's sworn affidavit, to the county clerk or board of election commissioners, as the case may be, and shall be accompanied by the affidavit of the attending physician specifically describing the nature of the physical incapacity or the fact that the voter is a nursing home resident and is physically unable to be present at the polls on election days; or (b) by presenting, in writing or otherwise, to the county clerk or board of election commissioners, as the case may be, proof that the applicant has secured an Illinois Disabled Person Identification Card indicating that the person named thereon has a Class 1A or Class 2 disability. Upon the receipt of either the sworn-to application and the physician's affidavit or proof that the applicant has secured an Illinois Disabled Person Identification Card indicating that the person named thereon has a Class 1A or Class 2 disability, the county clerk or board of election commissioners shall issue a disabled voter's or nursing home resident's identification card. Such identification cards shall be issued for a period of 5 years, upon the expiration of which time the voter may secure a new card by making application in the same manner as is pre-

scribed for the issuance of an original card, accompanied by a new affidavit of the attending physician. The date of expiration of such five-year period shall be made known to any interested person by the election authority upon the request of such person. Applications for the renewal of the identification cards shall be mailed to the voters holding such cards not less than 3 months prior to the date of expiration of the cards.

Each disabled voter's or nursing home resident's identification card shall bear an identification number, which shall be clearly noted on the voter's original and duplicate registration record cards. In the event the holder becomes physically capable of resuming normal voting, he must surrender his disabled voter's or nursing home resident's identification card to the county clerk or board of election commissioners before the next election.

The holder of a disabled voter's or nursing home resident's identification card may make application by mail for an official ballot within the time prescribed by Section 19-2 [10 ILCS 5/19-2]. Such application shall contain the same information as is included in the form of application for ballot by a physically incapacitated elector prescribed in Section 19-3 [10 ILCS 5/19-3] except that it shall also include the applicant's disabled voter's identification card number and except that it need not be sworn to. If an examination of the records discloses that the applicant is lawfully entitled to vote, he shall be mailed a ballot as provided in Section 19-4 [10 ILCS 5/19-4]. The ballot envelope shall be the same as that prescribed in Section 19-5 [10 ILCS 5/19-5] for physically disabled voters, and the manner of voting and returning the ballot shall be the same as that provided in this Article for other absentee ballots, except that a statement to be subscribed to by the voter but which need not be sworn to shall be placed on the ballot envelope in lieu of the affidavit prescribed by Section 19-5 [10 ILCS 5/19-5].

Any person who knowingly subscribes to a false statement in connection with voting under this Section shall be guilty of a Class A misdemeanor. (Source: P.A. 86-820; 86-875; 86-1028.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-12.1.

10 ILCS 5/19-12.2 [Disabled voters; time of voting]

Sec. 19-12.2. Voting by physically incapacitated electors who have made proper application to the election authority not later than 5 days before the regular primary and general election of 1980 and before each election thereafter shall be conducted on the premises of facilities licensed or certified pursuant to the Nursing Home Care Act [210 ILCS 45/1-101 et seq.] for the sole benefit of residents of such facilities. Such voting shall be conducted during any continuous period sufficient to allow all applicants to cast their ballots between the hours of 9 a.m. and 7

p.m. either on the Friday, Saturday, Sunday or Monday immediately preceding the regular election. This absentee voting on one of said days designated by the election authority shall be supervised by two election judges who must be selected by the election authority in the following order of priority: (1) from the panel of judges appointed for the precinct in which such facility is located, or from a panel of judges appointed for any other precinct within the jurisdiction of the election authority in the same ward or township, as the case may be, in which the facility is located or, only in the case where a judge or judges from the precinct, township or ward are unavailable to serve, (3) from a panel of judges appointed for any other precinct within the jurisdiction of the election authority. The two judges shall be from different political parties. Not less than 30 days before each regular election, the election authority shall have arranged with the chief administrative officer of each facility in his or its election jurisdiction a mutually convenient time period on the Friday, Saturday, Sunday or Monday immediately preceding the election for such voting on the premises of the facility and shall post in a prominent place in his or its office a notice of the agreed day and time period for conducting such voting at each facility; provided that the election authority shall not later than noon on the Thursday before the election also post the names and addresses of those facilities from which no applications were received and in which no supervised absentee voting will be conducted. All provisions of this Code applicable to pollwatchers shall be applicable herein. To the maximum extent feasible, voting booths or screens shall be provided to insure the privacy of the voter. Voting procedures shall be as described in Article 17 of this Code [10 ILCS 5/17-1 et seq.], except that ballots shall be treated as absentee ballots and shall not be counted until the close of the polls on the following day. After the last voter has concluded voting, the judges shall seal the ballots in an envelope and affix their signatures across the flap of the envelope. Immediately thereafter, the judges shall bring the sealed envelope to the office of the election authority who shall deliver such ballots to the proper precinct polling places prior to the closing of the polls on the day of election. Provided, that the election authority may arrange for the judges who conduct such voting on the Monday before the election to deliver the sealed envelope directly to the proper precinct polling place on the day of election and shall announce such procedure in the 30 day notice heretofore prescribed. The judges of election shall also report to the election authority the name of any applicant in the facility who, due to unforeseen circumstance or condition or because of a religious holiday, was unable to vote. In this event, the election authority may appoint a qualified person from his or its staff to deliver the ballot to such applicant on the day of election. This staff person shall follow the same procedures prescribed for judges conducting absen-

tee voting in such facilities; but shall return the ballot to the proper precinct polling place before the polls close. However, if the facility from which the application was made is also used as a regular precinct polling place for that voter, voting procedures heretofore prescribed may be implemented by 2 of the election judges of opposite party affiliation assigned to that polling place during the hours of voting on the day of the election. Judges of election shall be compensated not less than \$25.00 for conducting absentee voting in such facilities.

Not less than 120 days before each regular election, the Department of Public Health shall certify to the State Board of Elections a list of the facilities licensed or certified pursuant to the Nursing Home Care Act [210 ILCS 45/1-101 et seq.], and shall indicate the approved bed capacity and the name of the chief administrative officer of each such facility, and the State Board of Elections shall certify the same to the appropriate election authority within 20 days thereafter.

(Source: P.A. 86-820; 86-875; 86-1028; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-12.2.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added "Friday" preceding each occurrence of "Saturday, Sunday or Monday"; and substituted "Thursday" for "Friday" following "shall not later than noon on the" in the fifth sentence.

10 ILCS 5/19-12.3 [Temporarily absent student]

Sec. 19-12.3. Any qualified elector temporarily abiding or expecting to temporarily abide in a precinct other than the precinct in which he is registered to vote due to his attending as a student an institution of higher education may file with the election authority of the election jurisdiction in which he is registered to vote a Temporarily Absent Student Notice in substantially the following form:

"TEMPORARILY ABSENT STUDENT NOTICE

I, (Name), state that I am a resident of the precinct of the (1) * township of (2) * city of (3) * ward in the city of residing at in such city or town in the county of and State of Illinois; that I am or expect to be temporarily abiding outside the precinct in which I am registered to vote due to my attendance at (institution of higher education the person is or expects to be attending) as a student there; and that I request an application for a Temporarily Absent Student Ballot be mailed to me prior to each election at which I will be entitled to vote during the 2-year period following the date of this notice, with such application to be mailed to the following address:
 (Street or Rural Route Number)
 (Street)

(City, Village or Town; State; Zip Code)
Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

(Signature)
(Date)

* fill in either (1), (2) or (3)."

Each election authority shall mail to each qualified elector who has filed with the authority a Temporarily Absent Student Notice an Application for a Temporarily Absent Student Ballot no later than the 40th day preceding the date of any election at which the elector is qualified to vote during the 2-year period following the date set forth in the elector's Temporarily Absent Student Notice. A qualified elector who has filed with an election authority a Temporarily Absent Student Notice may file a signed amendment to such notice to notify the election authority that the elector wishes the authority to mail the elector Applications for a Temporarily Absent Student Ballot at a new address.

In the event a person who has filed a Temporarily Absent Student Notice ceases to attend the institution of higher education designated in the notice, he shall promptly notify the election authority of that fact, and shall not be entitled to receive an application for a Temporarily Absent Student Ballot pursuant to this Section until he lawfully files a new Temporarily Absent Student Notice. If the election authority receives the ballot application from the United States Postal Service returned as non-deliverable, the election authority shall not mail ballot applications for subsequent elections to the Temporarily Absent Student until he lawfully files a new Temporarily Absent Student Notice.

Each election authority shall provide a Temporarily Absent Student Notice to any person making a request therefor.
(Source: P.A. 84-917.)

Note.
This section was Ill.Rev.Stat., Ch. 46, para. 19-12.3.

10 ILCS 5/19-13 [Voter in hospital]

Sec. 19-13. Any qualified voter who has been admitted to a hospital due to an illness or physical injury not more than 5 days before an election shall be entitled to personal delivery of an absentee ballot in the hospital subject to the following conditions:

(1) The voter completes the Application for Physically Incapacitated Elector as provided in Section 19-3 [10 ILCS 5/19-3], stating as reasons therein that he is a patient in (name of hospital), located at, (address of hospital), (county, city/village), was hospitalized for (nature of illness or physical injury), on (date of admission), and does not expect to be released from the hospital on or before the day of election.

(2) The voter's physician completes a Certificate of Attending Physician in a form substantially as follows:

CERTIFICATE OF ATTENDING PHYSICIAN

I state that I am a physician, duly licensed to practice in the State of; that is a patient in (name of hospital), located at (address of hospital), (county, city/village); that such individual was hospitalized for (nature of illness or physical injury), on (date of admission); and that I have examined such individual in the State in which I am licensed to practice medicine and do not expect such individual to be released from the hospital on or before the day of election.

Under penalties as provided by law pursuant to Section 29-10 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

(Signature)
(Date licensed)

(3) Any person who is registered to vote in the same precinct as the hospitalized voter or any legal relative of the hospitalized voter may present such voter's absentee ballot application, completed as prescribed in paragraph 1, accompanied by the physician's certificate, completed as prescribed in paragraph 2, to the election authority. Such precinct voter or relative shall execute and sign an affidavit furnished by the election authority attesting that he is a registered voter in the same precinct as the hospitalized voter or that he is a legal relative of the hospitalized voter and stating the nature of the relationship. Such precinct voter or relative shall further attest that he has been authorized by the hospitalized voter to obtain his absentee ballot from the election authority and deliver such ballot to him in the hospital.

Upon receipt of the hospitalized voter's application, physician's certificate, and the affidavit of the precinct voter or the relative, the election authority shall examine the registration records to determine if the applicant is qualified to vote and, if found to be qualified, shall provide the precinct voter or the relative the absentee ballot for delivery to the applicant in the hospital.

Upon receipt of the absentee ballot, the hospitalized voter shall mark the ballot in secret and subscribe to the certifications on the absentee ballot return envelope. After depositing the ballot in the return envelope and securely sealing the envelope, such voter shall give the envelope to the precinct voter or the relative who shall deliver it to the election authority in sufficient time for the ballot to be delivered by the election authority to the proper precinct polling place before 7 p.m. on election day.

Upon receipt of the hospitalized voter's absentee ballot, the ballot shall be counted in the manner prescribed in Section 19-9 [10 ILCS 5/19-9].
(Source: P.A. 84-808.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-13.

Illinois Administrative Code.

See 26 Illinois Administrative Code, §§ 215.90, 216.90.

10 ILCS 5/19-14 [Additional method of voting]

Sec. 19-14. The foregoing sections of this article shall be deemed to provide a method of voting in addition to the method otherwise provided in this Act.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 19-14.

10 ILCS 5/19-15 Precinct tabulation optical scan technology voting equipment

Sec. 19-15. *Precinct tabulation optical scan technology voting equipment.* If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B [10 ILCS 5/24B-1 et seq.] of this Code, and the provisions of the Article are in conflict with the provisions of this Article 19 [10 ILCS 5/19-1 et seq.], the provisions of Article 24B [10 ILCS 5/24B-1 et seq.] shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B [10 ILCS 5/24B-1 et seq.], the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B [10 ILCS 5/24B-1 et seq.] or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, § 5.)

Effective Date.

Section 99 of P.A. 89-394 made this section effective January 1, 1997.

ARTICLE 20.**VOTING BY ABSENT ELECTORS IN MILITARY OR NAVAL SERVICE****10 ILCS 5/20-1 [Definitions]**

Sec. 20-1. The following words and phrases contained in this Article shall be construed as follows:

1. "Territorial limits of the United States" means each of the several States of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin Islands; but does not include American Samoa, the Canal Zone, the Trust Territory of the Pacific Islands or any other territory or possession of the United States.

2. "Member of the United States Service" means (a) members of the Armed Forces while on active duty and their spouses and dependents of voting age when residing with or accompanying them, (b) members of the Merchant Marine of the United States and their spouses and dependents when residing with or accompanying them and (c) United States government employees serving outside the territorial limits of the United States.

3. "Citizens of the United States temporarily residing outside the territorial limits of the United States" means civilian citizens of the United States and their spouses and dependents of voting age when residing with or accompanying them, who maintain a precinct residence in a county in this State and whose intent to return may be ascertained.

4. "Non-Resident Civilian Citizens" means civilian citizens of the United States (a) who reside outside the territorial limits of the United States, (b) who had maintained a precinct residence in a county in this State immediately prior to their departure from the United States, (c) who do not maintain a residence and are not registered to vote in any other State, and (d) whose intent to return to this State may be uncertain.

5. "Official postcard" means the postcard application for registration to vote or for an absentee ballot in the form provided in Section 204(c) of the Federal Voting Rights Act of 1955, as amended (42 U.S.C. 1973cc-14(c)).

6. "Federal office" means the offices of President and Vice-President of the United States, United States Senator, Representative in Congress, delegates and alternate delegates to the national nominating conventions and candidates for the Presidential Preference Primary.

7. "Federal election" means any general, primary or special election at which candidates are nominated or elected to Federal office.

8. "Dependent", for purposes of this Article, shall mean a father, mother, brother, sister, son or daughter.

(Source: P.A. 81-953.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-1.

10 ILCS 5/20-2 [Members of the service; application]

Sec. 20-2. Any member of the United States Service, otherwise qualified to vote, who expects in the course of his duties to be absent from the county in which he resides on the day of holding any election may make application for an absentee ballot to the election authority having jurisdiction over his precinct of residence on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article [10 ILCS 5/20-3] not less than 10 days before the election. A request pursuant to this Section shall entitle the applicant to an

absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 [10 ILCS 5/20-5] of this Article and not otherwise. Ballots voted under this Section must be returned to the election authority in sufficient time for delivery to the proper precinct polling place before the closing of the polls on the day of the election.

(Source: P.A. 86-875.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-2.

Cross References.

As to the inapplicability of Article 4 of this Act to electors voting pursuant to this section, see 10 ILCS 5/4-1.

As to the registration of a person absent from his county of residence having a population of 500,000 or more, see 10 ILCS 5/5-9.

As to the election authority printing a sufficient number of ballots for persons who filed application for one under this section see the following sections: as to primary elections, see 10 ILCS 5/7-16; as to general and federal elections, see 10 ILCS 5/16-5.01.

10 ILCS 5/20-2.1 [United States citizens temporarily out of the country]

Sec. 20-2.1. Citizens of the United States temporarily residing outside the territorial limits of the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence during the periods of voter registration provided for in Articles 4, 5 or 6 of this Code [10 ILCS 5/4-1 et seq., 10 ILCS 5/5-1 et seq. or 10 ILCS 5/6-1 et seq.] and on the day of holding any election, may make simultaneous application to the election authority having jurisdiction over their precinct of residence for an absentee registration and absentee ballot not less than 30 days before the election. Such application may be made on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article [10 ILCS 5/20-3]. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot.

Registration shall be required in order to vote pursuant to this Section. However, if the election authority receives one of such applications after 30 days but not less than 10 days before a Federal election, said applicant shall be sent a ballot containing the Federal offices only and registration for that election shall be waived.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 [10 ILCS 5/20-5] of this Article and not otherwise.

Ballots under this Section must be returned to the election authority in sufficient time for delivery to the proper precinct polling place before the closing of the polls on the day of the election.

(Source: P.A. 86-875.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-2.1.

10 ILCS 5/20-2.2 [Non-resident civilian citizens]

Sec. 20-2.2. Any non-resident civilian citizen, otherwise qualified to vote, may make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing the Federal offices only not less than 10 days before a Federal election. Such application may be made only on the official postcard. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year at which Federal offices are filled. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year at which Federal offices are filled. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section. Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article [10 ILCS 5/20-5] and not otherwise. Ballots under this Section must be returned to the election authority in sufficient time for delivery to the proper precinct polling place before the closing of the polls on the day of the election.

(Source: P.A. 86-875.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-2.2.

10 ILCS 5/20-2.3 Members of the Armed Forces

Sec. 20-2.3. *Members of the Armed Forces.* Any member of the United States Armed Forces while on active duty, otherwise qualified to vote, who expects in the course of his or her duties to be absent from

the county in which he or she resides on the day of holding any election, in addition to any other method of making application for an absentee ballot under this Article, may make application for an absentee ballot to the election authority having jurisdiction over his or her precinct of residence by a facsimile machine or electronic transmission not less than 10 days before the election.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article [10 ILCS 5/20-5] and not otherwise. Ballots voted under this Section must be returned to the election authority before the closing of the polls on the day of election. (Source: P.A. 87-1052, § 3.)

Effective Date.

Section 50-5 of P.A. 87-1052 made this section effective upon becoming law. The Act was approved September 11, 1992.

10 ILCS 5/20-3 [Application; forms]

Sec. 20-3. The election authority shall furnish the following applications for absentee registration or absentee ballot which shall be considered a method of application in lieu of the official postcard.

1. Members of the United States Service, citizens of the United States temporarily residing outside the territorial limits of the United States, and certified program participants under the Address Confidentiality for Victims of Domestic Violence Act may make application within the periods prescribed in Sections 20-2 or 20-2.1 [10 ILCS 5/20-2 or 10 ILCS 5/20-2.1], as the case may be. Such application shall be substantially in the following form:

"APPLICATION FOR BALLOT

To be voted at the election in the precinct in which is located my residence at, in the city/village/township of (insert home address) County of and State of Illinois.

I state that I am a citizen of the United States; that on (insert date of election) I shall have resided in the State of Illinois and in the election precinct for 30 days; that on the above date I shall be the age of 18 years or above; that I am lawfully entitled to vote in such precinct at that election; that I am (check category 1, 2, or 3 below):

- 1. () a member of the United States Service,
- 2. () a citizen of the United States temporarily residing outside the territorial limits of the United States and that I expect to be absent from the said county of my residence on the date of holding such election, and that I will have no opportunity to vote in person on that day.
- 3. () a certified program participant under the Address Confidentiality for Victims of Domestic Violence Act.

I hereby make application for an official ballot or ballots to be voted by me at such election if I am

absent from the said county of my residence, and I agree that I shall return said ballot or ballots to the election authority prior to the closing of the polls on the date of the election or shall destroy said ballot or ballots.

(Check below only if category 2 or 3 and not previously registered)

() I hereby make application to become registered as a voter and agree to return the forms and affidavits for registration to the election authority not later than 30 days before the election.

Under penalties as provided by law pursuant to Article 29 of The Election Code [10 ILCS 5/29-1 et seq.], the undersigned certifies that the statements set forth in this application are true and correct.

.....
Post office address or service address to which registration materials or ballot should be mailed

.....
.....
.....

If application is made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

Such applications may be obtained from the election authority having jurisdiction over the person's precinct of residence.

2. A spouse or dependent of a member of the United States Service, said spouse or dependent being a registered voter in the county, may make application on behalf of said person in the office of the election authority within the periods prescribed in Section 20-2 [10 ILCS 5/20-2] which shall be substantially in the following form:

"APPLICATION FOR BALLOT to be voted at the ..
election in the precinct in which is located the residence of the person for whom this application is made at (insert residence address) in the city/village/township of County of and State of Illinois.

I certify that the following named person (insert name of person) is a member of the United States Service.

I state that said person is a citizen of the United States; that on (insert date of election) said person shall have resided in the State of Illinois and in the election precinct for which this application is made for 30 days; that on the above date said person shall be the age of 18 years or above; that said person is lawfully entitled to vote in such precinct at that election; that said person is a member of the United States Service, and that in the course of his duties said person expects to be absent from his county of residence on the date of holding such election, and that said person will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots to be voted by said person at such election and said person agrees that he shall return said

ballot or ballots to the election authority prior to the closing of the polls on the day of the election, or shall destroy said ballot or ballots.

I hereby certify that I am the (mother, father, sister, brother, husband or wife) of the said elector, and that I am a registered voter in the election precinct for which this application is made. (Strike all but one that is applicable.)

Under penalties as provided by law pursuant to Article 29 of The Election Code [10 ILCS 5/29-1 et seq.], the undersigned certifies that the statements set forth in this application are true and correct.

Name of applicant

Residence address

City/village/township

Service address to which ballot should be mailed:

.....

.....

.....

....."

If application is made for a primary election ballot, such application shall designate the name of the political party with which the person for whom application is made is affiliated.

Such applications may be obtained from the election authority having jurisdiction over the voting precinct in which the person for whom application is made is entitled to vote.

(Source: P.A. 81-0155; 81-0953; 81-1509; 91-494, § 100.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-3.

Effect of Amendments.

The 1999 amendment by P.A. 91-494, effective January 1, 2000, in subdivision 1., inserted "and certified program participants under the Address Confidentiality for Victims of Domestic Violence Act" in the first sentence; inserted category 3. under "Application for Ballot", and made related changes.

10 ILCS 5/20-4 [Election authority to examine applications]

Sec. 20-4. Immediately upon the receipt of the official postcard or an application as provided in Section 20-3 [10 ILCS 5/20-3] within the times heretofore prescribed, the election authority shall ascertain whether or not such applicant is legally entitled to vote as requested. If the election authority ascertains that the applicant is lawfully entitled to vote, it shall enter the name, street address, ward and precinct number of such applicant on a list to be posted in his or its office in a place accessible to the public. As soon as the official ballot is prepared the election authority shall immediately deliver the same to the applicant in person or by mail, in the manner prescribed in Section 20-5 [10 ILCS 5/20-5].

If any such election authority receives a second or additional application which it believes is from the same person, he or it shall submit it to the chief judge of the circuit court or any judge of that court designated by the chief judge. If the chief judge or

his designate determines that the application submitted to him is a second or additional one, he shall so notify the election authority who shall disregard the second or additional application.

The election authority shall maintain a list for each election of the voters to whom it has issued absentee ballots. The list shall be maintained for each precinct within the jurisdiction of the election authority. Prior to the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters in that precinct to whom absentee ballots have been issued.

(Source: P.A. 81-0155; 81-0953; 81-1509.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-4.

10 ILCS 5/20-5 [Mailing of ballot to voter]

Sec. 20-5. The election authority shall fold the ballot or ballots in the manner specified by the statute for folding ballots prior to their deposit in the ballot box and shall enclose such ballot in an envelope unsealed to be furnished by it, which envelope shall bear upon the face thereof the name, official title and post office address of the election authority, and upon the other side of such envelope there shall be printed a certification in substantially the following form:

"CERTIFICATION

I state that I am a resident/former resident of the precinct of the city/village/township of, (Designation to be made by Election Authority) or of the ward in the city of (Designation to be made by Election Authority) residing at in said city/village/township in the county of and State of Illinois; that I am a

- 1. () member of the United States Service
- 2. () citizen of the United States temporarily residing outside the territorial limits of the United States
- 3. () nonresident civilian citizen and desire to cast the enclosed ballot pursuant to Article 20 of The Election Code;

that I am lawfully entitled to vote in such precinct at the election to be held on

I further state that I marked the enclosed ballot in secret.

Under penalties as provided by law pursuant to Article 29 of The Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

..... (Name)

.....

(Service Address)"

.....

.....

.....

If the ballot enclosed is to be voted at a primary election, the certification shall designate the name of the political party with which the voter is affiliated.

In addition to the above, the election authority shall provide printed slips giving full instructions regarding the manner of completing the forms and affidavits for absentee registration or the manner of marking and returning the ballot in order that the same may be counted, and shall furnish one of the printed slips to each of the applicants at the same time the registration materials or ballot is delivered to him.

In addition to the above, if a ballot to be provided to an elector pursuant to this Section contains a public question described in subsection (b) of Section 28-6 [10 ILCS 5/28-6(b)] and the territory concerning which the question is to be submitted is not described on the ballot due to the space limitations of such ballot, the election authority shall provide a printed copy of a notice of the public question, which shall include a description of the territory in the manner required by Section 16-7 [10 ILCS 5/16-7]. The notice shall be furnished to the elector at the same time the ballot is delivered to the elector.

The envelope in which such registration or such ballot is mailed to the voter as well as the envelope in which the registration materials or the ballot is returned by the voter shall have printed across the face thereof two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material-VIA AIR MAIL" between the bars. In the upper right corner of such envelope in a box, there shall be printed the words: "U.S. Postage Paid 42 USC 1973". All printing on the face of such envelopes shall be in red, including an appropriate inscription or blank in the upper left corner of return address of sender. (Source: P.A. 84-1467.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-5.

10 ILCS 5/20-6 [Return of ballot by voter]

Sec. 20-6. Such absent voter shall make and subscribe to the certifications provided for in the application and on the return envelope for the ballot, and such ballot or ballots shall then be folded by such voter in the manner required to be folded before depositing the same in the ballot box, and be deposited in such envelope and the envelope securely sealed. Such envelope shall be mailed by such voter, to the officer issuing the ballot or, if more convenient, it may be delivered in person. (Source: P.A. 81-155.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-6.

10 ILCS 5/20-7 [Receipt and disposition of ballot]

Sec. 20-7. Upon receipt of such absent voter's ballot, the officer or officers above described shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in the next section.

(Source: P.A. 81-155.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-7.

10 ILCS 5/20-8 [Delivery to judges of election; counting]

Sec. 20-8. In case any such ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same package with the other official ballots and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, it shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words, "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient he or it may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent and secure his receipt for delivery of such ballot or ballots. Absent voter's ballots post-marked after 11:59 p.m. of the day immediately preceding the election returned to the election authority too late to be delivered to the proper polling place before the closing of the polls on the day of election shall be endorsed by the person receiving the same with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act [10 ILCS 5/19-9] and Articles 17 and 18 of this Code [10 ILCS 5/17-1 et seq. and 10 ILCS 5/18-1 et seq.], shall apply to all absent voters' ballots counted under this provision; except that votes shall be recorded without regard to precinct designation.

Where certain absent voters' ballots are counted in the office of the election authority as provided in this Section, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-8.

10 ILCS 5/20-9 [Casting of ballots]

Sec. 20-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the registration record card if the voter is registered or upon the certification on the ballot envelope if there is no registration card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed or initialed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and mark the voter's registration record card accordingly or file

the application in lieu thereof. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed (except for the purpose of military censorship), or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains duplicate ballots, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and certifications and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

(Source: P.A. 81-953; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-9.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added the last two sentences of the first paragraph.

CASE NOTES

Construction

The identical language in 10 ILCS 5/19-9 and this section as to initialling justifies that the two be similarly construed. *Morandi v. Heiman*, 23 Ill. 2d 365, 178 N.E.2d 314 (1961).

10 ILCS 5/20-10 [Pollwatchers]

Sec. 20-10. Pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's mailing address as stated in the certification and application for ballot.

(Source: P.A. 80-1090.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-10.

10 ILCS 5/20-11 [Death of voter]

Sec. 20-11. Whenever it shall be made to appear by due proof to the judges of election that any elector who has marked and forwarded his ballot as provided in this article has died prior to the opening of the polls on the date of the election, then the ballot of such deceased voter shall be returned by the judges of election in the same manner as provided for rejected ballots above; but the casting of the ballot of a deceased voter shall not invalidate the election.

(Source: Laws 1944, 1st S.S., p. 6.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-11.

10 ILCS 5/20-12 [Where voting machines are used]

Sec. 20-12. In all counties, cities, towns and precincts in which voting machines are used, all the provisions of this Act, and not inconsistent with the provisions of this article, relating to the furnishing of ballot boxes, printing and furnishing official ballots and supplies in such number as provided by law, the canvassing of the ballots and making the proper return of the result of the election, shall, to the extent necessary to make this article effective, apply with full force and effect; Provided, however, that the number of ballots to be printed shall be in the discretion of the election authority.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-12.

10 ILCS 5/20-13 [Special application; unregistered voter]

Sec. 20-13. If otherwise qualified to vote, any person not covered by Sections 20-2, 20-2.1 or 20-2.2 of this Article [10 ILCS 5/20-2, 10 ILCS 5/20-2.1 or 10 ILCS 5/20-2.2] who is not registered to vote and who is temporarily absent from his county of residence, may make special application to the election authority having jurisdiction over his precinct of permanent residence, not less than 5 days before a presidential election, for an absentee ballot to vote for the president and vice-president only. Such application shall be furnished by the election authority and shall be in substantially the following form:

SPECIAL ABSENTEE BALLOT APPLICATION
(For use by non-registered Illinois residents temporarily absent from the county to vote for the president and vice-president only)

AFFIDAVIT

1. I hereby request an absentee ballot to vote for the president and vice-president only (insert date of general election)

2. I am a citizen of the United States and a permanent resident of Illinois.

3. I have maintained, and still maintain, a permanent abode in Illinois for the past years at: (House) (Number) (Street) (City) (Village) (Town)

4. I will not be able to regularly register in person as a voter because (Give reason for temporary absence such as "Student", "Temporary job transfer", etc.)

5. I was born (Month) (Day) (Year) in (State or County);

6. To be filled in only by a person who is foreign-born (If answer is "yes" in either a. or b. below, fill in appropriate information in c.):

a. One or both of my parents were United States citizens at the time of my birth?

() YES () NO

b. My United States citizenship was derived through an act of the Congress of the United States?

() YES () NO

c. The name of the court issuing papers and the date thereof upon which my United States citizenship was derived is located in (City) (State) on (Month) (Day) (Year)

(For persons who derived citizenship through papers issued through a parent or spouse, fill in the following)

(1) My parents or spouse's name is:

..... (First) (Middle) (Last)

(2) (Month) (Day) (Year)

is the date of my marriage or my age at which time I derived my citizenship.

7. I am not registered as a voter in any other county in the State of Illinois or in any other State.

8. I am not requesting a ballot from any other place and am not voting in any other manner in this election and I have not voted and do not intend to vote in this election at any other address. I request that you mail my ballot to the following address:

(Print name and complete mailing address)

.....
.....
.....

9. Under penalties as provided by law pursuant to Article 29 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

.....
Signature of Applicant

The procedures set forth in Sections 20-4 through 20-12 of this Article [10 ILCS 5/20-4 through 10 ILCS 5/20-12], insofar as they may be made applicable, shall be applicable to absentee voting under this Section.

(Source: P.A. 86-875.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-13.

10 ILCS 5/20-13.1 [Special application; disqualified voter]

Sec. 20-13.1. Any person not covered by Sections 20-2, 20-2.1 or 20-2.2 of this Article [10 ILCS 5/20-2, 10 ILCS 5/20-2.1 or 10 ILCS 5/20-2.2] who is registered to vote but who is disqualified from voting because he moved outside his election precinct during the 30 days preceding a presidential election may make special application to the election authority having jurisdiction over his precinct of former residence by mail, not more than 30 nor less than 5 days before a Federal election, or in person in the office of the election authority, not more than 30 nor less than 1 day before a Federal election, for an absentee ballot to vote for the president and vice-president only. Such application shall be furnished by the election authority and shall be in substantially the following form:

SPECIAL VOTER APPLICATION

(For use by registered Illinois voters disqualified for having moved outside their precinct on or after the 30th day preceding the election, to vote for president and vice-president only.)

1. I hereby request a ballot to vote for president and vice-president only on (insert date of general election).

2. I am a citizen of the United States and my present address is: (Residence Number) (Street) (City/Village/Township) (County) (State).

3. As of (Month), (Day), (Year) I was a registered voter at (Residence Number) (Street) (City/Village/Township).

4. I moved to my present address on (Month) (Day) (Year).

5. I have not registered to vote from nor have I requested a ballot in any other election jurisdiction in this State or in another State.

6. (If absentee request), I request that you mail the ballot to the following address:
Print name and complete mailing address.
.....
.....
.....

Under the penalties as provided by law pursuant to Article 29 of The Election Code, the undersigned certifies that the statements set forth in this application are true and correct.

.....
(Signature of Applicant)

7. Subscribed and sworn to before me on (Month) (Day) (Year)

.....
(Signature of Official Administering Oath)

The procedures set forth in Sections 20-4 through 20-12 of this Article [10 ILCS 5/20-4 through 10 ILCS 5/20-12], insofar as they may be made applicable, shall be applicable to absentee voting under this Section.
(Source: P.A. 81-953; 90-655, § 14.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-13.1.

Effect of Amendments.

The 1998 amendment by P.A. 90-655, effective July 30, 1998, in item number 1 in the special voter application form substituted "date of" for "date or."

10 ILCS 5/20-14 [Additional method]

Sec. 20-14. The foregoing sections of this article shall be deemed to provide a method of registration and of voting in addition to the methods otherwise provided in this Code.
(Source: P.A. 81-953.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 20-14.

10 ILCS 5/20-15 Precinct tabulation optical scan technology voting equipment

Sec. 20-15. *Precinct tabulation optical scan technology voting equipment.* If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code [10 ILCS 5/24B-1 et seq.], and the provisions of the Article are in conflict with the provisions of this Article 20 [10 ILCS 5/20-1 et seq.], the provisions of Article 24B [10 ILCS 5/24B-1 et seq.] shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B [10 ILCS 5/24B-1 et seq.], the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B [10 ILCS 5/24B-1 et seq.] or the administrative rules of the State Board of Elections.
(Source: P.A. 89-394, § 5.)

Effective Date.

Section 99 of P.A. 89-394 made this section effective January 1, 1997.

ARTICLE 21.

ELECTORS OF PRESIDENT AND VICE PRESIDENT OF UNITED STATES

10 ILCS 5/21-1 [Manner of choosing electors]

Sec. 21-1. Choosing and election of electors of President and Vice-President of the United States shall be in the following manner:

(a) In each year in which a President and Vice-President of the United States are chosen, each political party or group in this State shall choose by its State Convention electors of President and Vice-President of the United States and such State Convention of such party or group shall also choose electors at large, if any are to be appointed for this State and such State Convention of such party or group shall by its chairman and secretary certify the total list of such electors together with electors at large so chosen to the State Board of Elections.

The filing of such certificate with the Board, of such choosing of electors shall be deemed and taken to be the choosing and selection of the electors of this State, if such party or group is successful at the polls as herein provided in choosing their candidates for President and Vice-President of the United States.

(b) The names of the candidates of the several political parties or groups for electors of President and Vice-President shall not be printed on the official ballot to be voted in the election to be held on the day in this Act above named. In lieu of the names of the candidates for such electors of President and Vice-President, immediately under the appellation of party name of a party or group in the column of its candidates on the official ballot, to be voted at said election first above named in subsection (1) of Section 2A-1.2 and Section 2A-2 [10 ILCS 5/2A-1.2 and 10 ILCS 5/2A-2], there shall be printed within a bracket the name of the candidate for President and the name of the candidate for Vice-President of such party or group with a square to the left of such bracket. Each voter in this State from the several lists or sets of electors so chosen and selected by the said respective political parties or groups, may choose and elect one of such lists or sets of electors by placing a cross in the square to the left of the bracket aforesaid of one of such parties or groups. Placing a cross within the square before the bracket enclosing the names of President and Vice-President shall not be deemed and taken as a direct vote for such candidates for President and Vice-President, or either of them, but shall only be deemed and taken to be a vote for the entire list or set of electors chosen by that political party or group so certified to the State Board of Elections as herein provided. Voting by means of placing a cross in the appropriate place preceding the appellation or title of the particular political party or group, shall not be deemed or taken as a direct vote for the candidates for President and Vice-President, or either of them, but instead to the Presidential vote, as a vote for the entire list or set of electors chosen by that political party or group so certified to the State Board of Elections as herein provided.

(c) Such certification by the respective political parties or groups in this State of electors of President and Vice-President shall be made to the State Board of Elections within 2 days after such State convention.

(d) Should more than one certificate of choice and selection of electors of the same political party or

group be filed by contesting conventions or contesting groups, it shall be the duty of the State Board of Elections within 10 days after the adjournment of the last of such conventions to meet and determine which set of nominees for electors of such party or group was chosen and selected by the authorized convention of such party or group. The Board, after notice to the chairman and secretaries or managers of the conventions or groups and after a hearing shall determine which set of electors was so chosen by the authorized convention and shall so announce and publish the fact, and such decision shall be final and the set of electors so determined upon by the electoral board to be so chosen shall be the list or set of electors to be deemed elected if that party shall be successful at the polls, as herein provided.

(e) Should a vacancy occur in the choice of an elector in a congressional district, such vacancy may be filled by the executive committee of the party or group for such congressional district, to be certified by such committee to the State Board of Elections. Should a vacancy occur in the office of elector at large, such vacancy shall be filled by the State committee of such political party or group, and certified by it to the State Board of Elections.

(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 21-1.

LEGAL PERIODICALS

For article "Federal Protections of Individual Rights in Local Elections," see 13 J. Marshall L. Rev. 503 (1980).

10 ILCS 5/21-2 [Receipt and canvassing of results]

Sec. 21-2. The county clerks of the several counties shall, within 8 days next after holding the election named in subsection (1) of Section 2A-1.2 and Section 2A-2 [10 ILCS 5/2A-1.2 and 10 ILCS 5/2A-2] make 2 copies of the abstract of the votes cast for electors by each political party or group, as indicated by the voter, as aforesaid, by a cross in the square to the left of the bracket aforesaid, or as indicated by a cross in the appropriate place preceding the appellation or title of the particular political party or group, and transmit by mail one of the copies to the office of the State Board of Elections and retain the other in his office, to be sent for by the electoral board in case the other should be mislaid. Within 20 days after the holding of such election, and sooner if all the returns are received by the State Board of Elections, the State Board of Election, shall proceed to open and canvass said election returns and to declare which set of candidates for President and Vice-President received, as aforesaid, the highest number of votes cast at such election as aforesaid; and the electors of that party whose candidates for President and Vice-President received the highest number of votes so cast shall be taken and deemed to

be elected as electors of President and Vice-President, but should 2 or more sets of candidates for President and Vice-President be returned with an equal and the highest vote, the State Board of Elections shall cause a notice of the same to be published, which notice shall name some day and place, not less than 5 days from the time of such publication of such notice, upon which the State Board of Elections will decide by lot which of the sets of candidates for President and Vice-President so equal and highest shall be declared to be highest. And upon the day and at the place so appointed in the notice, the board shall so decide by lot and declare which is deemed highest of the sets of candidates for President and Vice-President so equal and highest, thereby determining only that the electors chosen as aforesaid by such candidates' party or group are thereby elected by general ticket to be such electors.

(Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 21-2.

10 ILCS 5/21-3 [Publication of results]

Sec. 21-3. Within five days after the votes shall have been canvassed and the results declared or the result declared by lot as provided for in Section 21-2 [10 ILCS 5/21-2] above, the Governor shall cause the result of said election to be published, and shall proclaim the persons electors of President and Vice-President so chosen composing the list so elected, by transmitting by mail to the several persons so chosen and composing the list or set elected, electors of President and Vice-President certificates in triplicate, under the Seal of State of their appointment, and shall also transmit under the Seal of State to the Secretary of State of the United States the certificate of the election of said electors as required by the laws of Congress.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 21-3.

10 ILCS 5/21-4 Presidential electors; meeting; allowance

Sec. 21-4. *Presidential electors; meeting; allowance.* The electors, elected under this Article, shall meet at the office of the Secretary of State in a room to be designated by the Secretary in the Capitol at Springfield in this State, at the time appointed by the laws of the United States at the hour of ten o'clock in the forenoon of that day, and give their votes for President and for Vice-President of the United States, in the manner provided in this Article, and perform such duties as are or may be required by law. Each elector shall receive an allowance for food and lodging equal to the amount per day permitted to be deducted for such expenses

under the Internal Revenue Code, plus a mileage allowance at the rate in effect under regulations promulgated pursuant to 5 U.S.C. 5707(b)(2) for the number of highway miles necessarily and conveniently traveled, for going to the seat of government to give his or her vote and returning to his or her residence and otherwise performing the official duties of an elector, to be paid on the warrant of the State Comptroller, out of any money in the treasury not otherwise appropriated, and any person appointed by the electors assembled to fill a vacancy shall also receive the allowances provided for electors appointed.

(Source: P.A. 78-592; 92-359, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 21-4.

Effect of Amendments.

The 2001 amendment by P.A. 92-359, effective January 1, 2002, added the section heading; and rewrote this section to the extent that a detailed comparison would be impracticable, changing the mileage rate, formerly \$3 for every 20 miles traveled, adding new provisions concerning the reimbursement of electors' expenses, and making stylistic changes throughout.

10 ILCS 5/21-5 [Appointment to fill vacancy]

Sec. 21-5. In case any person duly elected an elector of President and Vice-President of the United States shall fail to attend at the Capitol on the day on which his vote is required to be given, it shall be the duty of the elector or electors of President and Vice-President, attending at the time and place, to appoint a person or persons to fill such vacancy; provided, that should the person or persons chosen, as in this Article provided, in the foregoing sections, arrive at the place aforesaid before the votes for President and Vice-President are actually given, the person or persons appointed to fill such vacancy shall not act as elector of President and Vice-President.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 21-5.

ARTICLE 22.

CANVASSING VOTES

10 ILCS 5/22-1 Abstracts of votes

Sec. 22-1. *Abstracts of votes.* Within 7 days after the close of the election at which candidates for offices hereinafter named in this Section are voted upon, the county clerks of the respective counties, with the assistance of the chairmen of the county central committees of the Republican and Democratic parties of the county, shall open the returns and make abstracts of the votes on a separate sheet for each of the following:

- A. For Governor and Lieutenant Governor;
- B. For State officers;

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

Multiple originals of each of the sheets shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2 [10 ILCS 5/10-2], or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.

The foregoing abstracts shall be preserved by the county clerk in his office.

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

The powers and duties of the county canvassing board are limited to those specified in this Section. In no event shall such canvassing board open any package in which the ballots have been wrapped or any envelope containing "defective" or "objected to" ballots, or in any manner undertake to examine the ballots used in the election, except as provided in Section 22-9.1 [10 ILCS 5/22-9.1] or when directed by a court in an election contest. Nor shall such canvassing board call in the precinct judges of election or any other persons to open or recount the ballots.

(Source: P.A. 84-861; 87-1052, § 3; 89-5, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-1.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, deleted former subsection O and redesignated former subsection P as present subsection O.

The 1995 amendment by P.A. 89-5, effective January 1, 1996, added the section catchline; deleted subsection J which read "For

trustees of the University of Illinois"; and redesignated subsections K through O as subsections J through N.

CASE NOTES

ANALYSIS

Applicability
 Canvassing Board
 —Scope of Authority
 County of Ballots
 —Tabulation Error
 Jurisdiction to Canvass Votes

Applicability

Of the 17 offices enumerated, the office of precinct committeeman is noticeably absent. *Geer v. Kadera*, 173 Ill. 2d 398, 219 Ill. Dec. 525, 671 N.E.2d 692 (1996).

Canvassing Board

—Scope of Authority

Whether or not the residents of a village should have voted in an election was not within the province of the canvassing board to determine. In re *Town of Lisbon*, 104 Ill. App. 3d 115, 59 Ill. Dec. 855, 432 N.E.2d 641 (2 Dist. 1982).

The authority of a canvassing board is strictly limited. In re *Town of Lisbon*, 104 Ill. App. 3d 115, 59 Ill. Dec. 855, 432 N.E.2d 641 (2 Dist. 1982).

County of Ballots

—Tabulation Error

Where noncompliance by the county clerk's office in the tabulation of absentee ballots did not result in fraud, voter disenfranchisement, or unfair conduct affecting the outcome of an election, office's failure to comply with its technical duties did not render the election void. *Glenn v. Radden*, 127 Ill. App. 3d 712, 83 Ill. Dec. 9, 469 N.E.2d 616 (5 Dist. 1984).

Jurisdiction to Canvass Votes

The provisions of this Act giving the Board Election Commissioners of a city jurisdiction to hold and conduct a special election also empowered it, together with the county judge and the corporation counsel of the city, to canvass and determine the results of the election held in each of the municipalities therein. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

10 ILCS 5/22-1.2 [Canvassing board; compensation]

Sec. 22-1.2. Each member of a county canvassing board, except the county clerk, shall receive compensation of not less than \$30 per day as fixed by the county board. The county clerk shall, upon completion of the canvass, execute and deliver to the county board a certificate stating the compensation to which each member of the canvassing board is entitled. The county board shall order such compensation to be paid out of the county treasury.

(Source: P.A. 81-850; 81-1149.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-1.2.

10 ILCS 5/22-2 [Certificate of election]

Sec. 22-2. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes, for the several county

offices, and deliver such certificate to the person entitled to it, on his application.
(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-2.

CASE NOTES**ANALYSIS**

Court Review
Ministerial Act
Prima Facie Evidence

Court Review

Just because a certificate of election is issued, inadvertently or otherwise, a court is not automatically foreclosed from inquiring into the real facts and determining which candidate received the highest number of votes. *Geer v. Kadera*, 173 Ill. 2d 398, 219 Ill. Dec. 525, 671 N.E.2d 692 (1996).

Ministerial Act

Issuing a certificate of election is not a discretionary function, but a ministerial task; therefore, any error or mistake on the part of the clerk's office cannot have a binding effect on the outcome of the election. *Geer v. Kadera*, 173 Ill. 2d 398, 219 Ill. Dec. 525, 671 N.E.2d 692 (1996).

Prima Facie Evidence

The certificate is merely prima facie evidence as to the result of the election. *Geer v. Kadera*, 173 Ill. 2d 398, 219 Ill. Dec. 525, 671 N.E.2d 692 (1996).

10 ILCS 5/22-3 [Notice of a tie vote]

Sec. 22-3. When two (2) or more persons receive an equal and the highest number of votes for an office to be filled by the county alone, the county clerk shall issue a notice to such persons of such tie vote, and require them to appear at his office, on a day named in the notice, within ten (10) days from the day of election, and determine by lot which of them is to be declared elected.
(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-3.

CASE NOTES**Determination by Lot**

Where the two leading candidates for an office received the same number of votes, former sections 73 and 74 of the General Election law (see now this section and 10 ILCS 5/22-4) required the parties to determine by lot who should be declared elected. *Barlick v. Kinz*, 375 Ill. 318, 31 N.E.2d 283 (1940).

10 ILCS 5/22-4 [Breaking tie vote by lot]

Sec. 22-4. On the day appointed, the clerk and the chairmen (or vice-chairman or secretary, as the case may be) of the county central committees of the Republican and Democratic parties and other canvassers, or, in case of their absence the state's attorney or sheriff, shall attend, and the parties interested shall appear and determine by lot which of them is to be declared elected; and the clerk shall

issue his certificate of election to the person thus declared elected.
(Source: Laws 1955, p. 1015.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-4.

CASE NOTES**Determination by Lot**

Where two leading candidates for an office received the same number of votes, former sections 73 and 74 of the General Election law (see now this section and 10 ILCS 5/22-3) required the parties to determine by lot who should be declared elected. *Barlick v. Kinz*, 375 Ill. 318, 31 N.E.2d 283 (1940).

10 ILCS 5/22-5 [Abstracts; copies; disposition]

Sec. 22-5. Immediately after the completion of the abstracts of votes, the county clerk shall make 2 correct copies of the abstracts of votes for Governor, Lieutenant Governor, Secretary of State, State Comptroller, Treasurer, Attorney General, both of which said copies he shall envelope and seal up, and endorse upon the envelopes in substance, "Abstracts of votes for State Officers from County"; and shall seal up a copy of each of the abstracts of votes for other officers and amendments to the Constitution and other propositions voted on, and endorse the same so as to show the contents of the package, and address the same to the State Board of Elections. The several packages shall then be placed in one envelope and addressed to the State Board of Elections.

(Source: P.A. 78-592; 78-918; 78-1297.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-5.

10 ILCS 5/22-6 [Abstracts; transmittal to board]

Sec. 22-6. Such abstracts shall be transmitted to the State Board of Elections by mail, or, in case it shall be necessary, by special messenger.
(Source: P.A. 78-918.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-6.

10 ILCS 5/22-7 Canvass of votes; declaration and proclamation of result

Sec. 22-7. *Canvass of votes; declaration and proclamation of result.* The State Board of Elections, shall proceed within 20 days after the election, and sooner if all the returns are received, to canvass the votes given for United States Senators and Representatives to Congress, State executive officers, judges of the Supreme Court, judges of the Appellate Court, judges of the Circuit Court, Senators, Representatives to the General Assembly, State's Attor-

neys and Regional Superintendents of Schools elected from 2 or more counties, respectively, and the persons having the highest number of votes for the respective offices shall be declared duly elected, but if it appears that more than the number of persons to be elected have the highest and an equal number of votes for the same office, the electoral board shall decide by lot which of such persons shall be elected; and to each person duly elected, the Governor shall give a certificate of election or commission, as the case may require, and shall cause proclamation to be made of the result of the canvass, and they shall at the same time and in the same manner, canvass the vote cast upon amendments to the Constitution, and upon other propositions submitted to the electors of the entire state; and the Governor shall cause to be made such proclamation of the result of the canvass as the statutes elsewhere provide. The State Board of Elections shall transmit to the State Comptroller a list of the persons elected to the various offices. The State Board of Elections shall also transmit to the Supreme Court the names of persons elected to judgeships in adversary elections and the names of judges who fail to win retention in office.

(Source: P.A. 80-1469; 89-5, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-7.

Effect of Amendments.

The 1995 amendment by P.A. 89-5, effective January 1, 1996, added the section catchline; and in the first sentence, deleted "and Trustees of the University of Illinois" preceding "respectively".

CASE NOTES

ANALYSIS

Issuance of Certificate

—Discretion
Jurisdiction
—Federal Court

Issuance of Certificate

—Discretion

The Governor has no discretion except to issue the certificate of election or commission to those entitled thereto as provided in this section. *Keogh v. Horner*, 8 F. Supp. 933 (S.D. Ill. 1934).

Jurisdiction

—Federal Court

A federal district court did not have jurisdiction to prohibit the Governor from issuing certificates of election to those who were ostensibly elected as members of the United States House of Representatives since the Governor was performing this act in his ministerial capacity. *Keogh v. Horner*, 8 F. Supp. 933 (S.D. Ill. 1934).

10 ILCS 5/22-8 [Municipalities; preparing abstracts]

Sec. 22-8. In municipalities operating under Article 6 of this Act [10 ILCS 5/6-1 et seq.], within 7 days after the close of such election, a judge of the circuit court, with the assistance of the city attorney and the board of election commissioners, who are

hereby declared a canvassing board for such city, shall open all returns left respectively, with the election commissioners, the county clerk, and city comptroller, and shall make abstracts or statements of the votes in the following manner, as the case may require, viz: All votes for Governor and Lieutenant Governor on one sheet; all votes for other State officers on another sheet; all votes for presidential electors on another sheet; all votes for United States Senators and Representatives to Congress on another sheet; all votes for judges of the Supreme Court on another sheet; all votes for judges of the Appellate Court on another sheet; all votes for Judges of the Circuit Court on another sheet; all votes for Senators and Representatives to the General Assembly on another sheet; all votes for State's Attorneys where elected from 2 or more counties on another sheet; all votes for County Officers on another sheet; all votes for City Officers on another sheet; all votes for Town Officers on another sheet; and all votes for any other office on a separate and appropriate sheet; all votes for any proposition, which may be submitted to a vote of the people, on another sheet, and all votes against any proposition, submitted to a vote of the people, on another sheet.

Multiple originals of each of the sheets shall be prepared and one of each shall be turned over to the chairman of the county central committee of each of the then existing established political parties, as defined in Section 10-2 [10 ILCS 5/10-2], or his duly authorized representative immediately after the completion of the entries on the sheets and before the totals have been compiled.

(Source: P.A. 77-2626.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-8.

CASE NOTES

Jurisdiction to Canvass Votes

The provisions of this Act giving the Board of Election Commissioners of a city jurisdiction to hold and conduct a special election also empowered it, together with the county judge and the corporation counsel of the city, to canvass and determine the results of the election held in each of the municipalities therein. *Natt v. Suburban Cook County Tuberculosis Sanitarium Dist.*, 407 Ill. 436, 95 N.E.2d 611 (1950).

10 ILCS 5/22-9 [Municipalities; canvassing; declaring results]

Sec. 22-9. It shall be the duty of such Board of Canvassers to canvass, and add up and declare the result of every election hereafter held within the boundaries of such city, village or incorporated town, operating under Article 6 of this Act [10 ILCS 5/6-1 et seq.], and the judge of the circuit court shall thereupon enter of record such abstract and result, and a certified copy of such record shall thereupon be filed with the County Clerk of the county; and such abstracts or results shall be treated, by the County Clerk in all respects, as if made by the

Canvassing Board now provided by the foregoing sections of this law, and he shall transmit the same to the State Board of Elections, or other proper officer, as required hereinabove. And such abstracts or results so entered and declared by such judge, and a certified copy thereof, shall be treated everywhere within the state, and by all public officers, with the same binding force and effect as the abstract of votes now authorized by the foregoing provisions of this Act.

(Source: P.A. 78-918.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-9.

10 ILCS 5/22-9.1 [Petition for discovery]

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

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

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

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

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

Upon receipt of such petition the county canvassing board or board of election commissioners shall reconvene. Where a local canvassing board, as provided in Section 22-17 [10 ILCS 5/22-17], has jurisdiction, the election authority shall notify the chairman of such board who shall reconvene such board

in the office of the election authority or other location designated by the election authority.

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

On completion of the count of any ballots in each district or precinct, the ballots shall be secured and sealed in the same manner required of judges of election by Sections 7-54 and 17-20 of the Election Code [10 ILCS 5/7-54 and 10 ILCS 5/17-20]. The handling of the ballots in accord with this Section shall not of itself affect the admissibility in evidence of the ballots in any other proceedings, either legislative or judicial.

The results of the examination and count shall not be certified, used to amend or change the abstracts of the votes previously completed, used to deny the successful candidate for the same office his certificate of nomination or election, nor used to change the previously declared result of the vote on a question of public policy. Such count shall not be binding in an election contest brought about under the provisions of the Election Code [10 ILCS 5/1-1 et seq.], shall not be a prerequisite to bringing such an election contest, shall not prevent the bringing of such an election contest, nor shall it affect the results of the canvass previously proclaimed.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-9.1.

CASE NOTES

ANALYSIS

In General
 Amendments to Petition
 Discovery Recount
 —Fewer Than Four Precincts
 —Power to Order
 Injunctions
 —Pleadings
 —Properly Denied
 Scope
 —Primary Elections

In General

A proceeding under this section is for discovery purposes only; its results do not change the declared results of an election, are not binding in an election contest, and are not a prerequisite to bringing an election contest. In re Contest of Election, 93 Ill. 2d 463, 67 Ill. Dec. 131, 444 N.E.2d 170 (1983).

Amendments to Petition

Where losing candidate drafted a good-faith petition which was timely filed within the statutory deadline and which set forth statements declaring with particularity the specific precincts in which mistake, fraud or irregularity were believed to have occurred, with mathematical totals that supported the possibility of a change in the result of the election, because his original complaint was filed within the statutory 5-day deadline, any amendment filed outside of the deadline, made promptly and in good faith, should have related back to the original filing date. *Evans v. Preckwinkle*, 259 Ill. App. 3d 187, 201 Ill. Dec. 298, 636 N.E.2d 730 (1 Dist.), appeal denied, 156 Ill. 2d 557, 202 Ill. Dec. 920, 638 N.E.2d 1114 (1994).

The parties to an election may seek to amend a timely filed petition for election contest to incorporate the findings of the discovery recount in time to avoid an adverse ruling from a motion to dismiss based, for instance, on allegations of lack of specificity. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

Discovery Recount**—Fewer Than Four Precincts**

Where votes were cast in an election district comprised of fewer than four precincts, petitioners were not entitled to a discovery recount under this section. *Berquist v. Kusper*, 103 Ill. App. 3d 815, 59 Ill. Dec. 467, 431 N.E.2d 1224 (1 Dist. 1981).

—Power to Order

Since this section does not allow for a discovery recount, trial court did not have any equitable power to order one. *Berquist v. Kusper*, 103 Ill. App. 3d 815, 59 Ill. Dec. 467, 431 N.E.2d 1224 (1 Dist. 1981).

Injunctions**—Pleadings**

Mere conclusory language in pleadings that plaintiff would be irreparably harmed was insufficient for the granting of a temporary injunction. *Knuppel v. Adams*, 12 Ill. App. 3d 708, 298 N.E.2d 767 (3 Dist. 1973).

—Properly Denied

Trial court properly denied the requested temporary injunction where in none of his pleadings did plaintiff state in particular terms and in what manner he would be irreparably harmed if a temporary injunction were not granted. *Knuppel v. Adams*, 12 Ill. App. 3d 708, 298 N.E.2d 767 (3 Dist. 1973).

Scope**—Primary Elections**

Primary elections were not within the context of the former version of this section which expressly, plainly, and without ambiguity provided for discovery after proclamation of the results of a canvass declaring persons elected to any office. *Masinelli v. Hofferkamp*, 21 Ill. App. 3d 38, 315 N.E.2d 158 (4 Dist. 1974).

OPINIONS OF ATTORNEY GENERAL**Purpose**

An unsuccessful candidate for legislative office who otherwise meets the statutory criteria of this section is eligible to receive a recount in only a maximum of 25% of the precincts contained within the area of an election jurisdiction (exceeding three precincts) in which voters were eligible to cast votes for that office. 1996 Op. Atty. Gen. (96-043).

It was the intent of the General assembly in enacting this section to provide for a uniform, limited discovery procedure whereby a candidate can assess the likelihood of prevailing therein prior to initiating an election contest under article 23 of the Election Code

or as may otherwise be provided. It is not the purpose of this section to provide candidates with a full recount of all votes cast within an election jurisdiction. 1996 Op. Atty. Gen. (96-043).

10 ILCS 5/22-10 [Certificate of election]

Sec. 22-10. The County Clerk shall make out a certificate of election to each person having the highest number of votes for the several county offices, and deliver such certificate of election to the person entitled to it, on his application.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-10.

10 ILCS 5/22-12 [Declaration of election to city or town office]

Sec. 22-12. In the canvass of such votes by the canvassing board, provided in section 22-8 [10 ILCS 5/22-8] hereof, said board shall declare who is elected to any city or town office. In the case of a tie in the election to any city, or to any office voted for only within the territory of such city, it shall be determined by lot, in such manner as such canvassers shall direct, which candidate or candidates shall hold the office, and thereupon the person in whose favor it shall result, shall be declared elected by the order entered in the court as aforesaid.

(Source: Laws 1967, p. 3843.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-12.

10 ILCS 5/22-14 [Presiding officer; declaring results]

Sec. 22-14. The judge shall be the presiding officer of such canvassing board, and a majority of such canvassing board shall have the right to declare the result, and the result, when so declared, the judge shall cause to be entered of record in the court, which shall be conclusive as to the votes cast at such election in all the precincts of such city, village or incorporated town operating under Article 6 of this Act [10 ILCS 5/6-1 et seq.].

(Source: P.A. 83-334.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-14.

CASE NOTES**ANALYSIS**

Canvassing Board
—Result Binding
Mandamus

Canvassing Board**—Result Binding**

Where the Canvassing Board determined the result of an election and from those figures tabulated the result, such result was binding

Canvassing Board (Cont'd)**—Result Binding (Cont'd)**

and conclusive; any understanding as between the candidates would not be binding upon the Canvassing Board, nor would it be proper for the Canvassing Board to declare the result of the vote in any precinct in any manner which was inconsistent with the facts as found by the Canvassing Board. *People ex rel. Ganschinetz v. Renner*, 334 Ill. App. 302, 79 N.E.2d 298 (4 Dist. 1948).

Mandamus

The right to political office could not be tried in a proceeding for mandamus; the proper way to seek a review of the decision of the Canvassing Board was by an election contest, and not by mandamus. *People ex rel. Ganschinetz v. Renner*, 334 Ill. App. 302, 79 N.E.2d 298 (4 Dist. 1948).

10 ILCS 5/22-15 [Abstracts; provision to candidates]

Sec. 22-15. The county clerk or board of election commissioners shall, upon request, and by mail if so requested, furnish free of charge to any candidate for State office, including State Senator and Representative in the General Assembly, and any candidate for congressional office, whose name appeared upon the ballot within the jurisdiction of the county clerk or board of election commissioners, a copy of the abstract of votes by precinct for all candidates for the office for which such person was a candidate. Such abstract shall be furnished no later than 2 days after the receipt of the request or 8 days after the completing of the canvass, whichever is later.

Within 10 days following the canvass and proclamation of each general primary election and general election, each election authority shall transmit to the principal office of the State Board of Elections copies of the abstracts of votes by precinct for the above-named offices and for the offices of ward, township, and precinct committeeman. Each election authority shall also transmit to the principal office of the State Board of Elections copies of current precinct poll lists.

(Source: P.A. 83-880.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-15.

10 ILCS 5/22-15.1 [Report of abstracts]

Sec. 22-15.1. (a) Within 60 days following the canvass of the general election within each election jurisdiction, the election authority shall prepare, in typewritten or legible computer-generated form, a report of the abstracts of votes by precinct for all offices and questions of public policy in connection with which votes were cast within the election jurisdiction at the general election. The report shall include the total number of ballots cast within each precinct and the total number of registered voters within each precinct. The election authority shall provide a copy of the report to the chairman of the county central committee of each established political party in the county within which the election jurisdiction is contained, and shall make a reason-

able number of copies of the report available for distribution to the public.

(b) Within 60 days after the effective date of this amendatory Act of 1985, each election authority shall prepare, in typewritten or legible computer-generated form, a report of the type required by subsection (a) concerning the general election of 1984. The election authority shall provide a copy of the report to the chairman of the county central committee of each established political party in the county in which the election jurisdiction is contained, and shall make a reasonable number of copies of the report available for distribution to the public.

(c) An election authority may charge a fee to reimburse the actual cost of duplicating each copy of a report provided pursuant to subsection (a) or (b). (Source: P.A. 84-588; 89-700, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-15.1.

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, in subsection (a), in the second sentence, substituted "and" for a comma and deleted "and, in those election jurisdictions in which electronic voting systems are used, the total number of straight party ballots cast at the general election".

10 ILCS 5/22-16 [Vacated nomination]

Sec. 22-16. If the result of a canvass disclosed that a person elected to office is a person whose nomination for said office was vacated and not filled pursuant to Section 7-61 or 10-11 [10 ILCS 5/7-61 or 10 ILCS 5/10-11], such person shall be declared elected and the office thereupon shall become vacant. Such vacancy in office shall be filled under the applicable provision of Article 25 [10 ILCS 5/25-1 et seq.]. (Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-16.

10 ILCS 5/22-17 [Nonpartisan and consolidated elections]

Sec. 22-17. (a) Except as provided in subsection (b), the canvass of votes cast at the nonpartisan and consolidated elections shall be conducted by the following canvassing boards within 7 days after the close of such elections:

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

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

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

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

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

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

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

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

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

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

(b) The city canvassing board provided in Section 22-8 [10 ILCS 5/22-8] shall canvass the votes cast at the nonpartisan and consolidated elections for offices of any political subdivision entirely within the jurisdiction of a municipal board of election commissioners.

(c) The canvass of votes cast upon any public questions submitted to the voters of any political subdivision, or any precinct or combination of precincts within a political subdivision, at any regular election or at any emergency referendum election, including votes cast by voters outside of the political subdivision where the question is for annexation thereto, shall be canvassed by the same board provided for in this Section for the canvass of votes of the officers of such political subdivision. However, referenda conducted throughout a county and referenda of sanitary districts whose officers are elected at general elections shall be canvassed by the county canvassing board. 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.

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

(Source: P.A. 87-738; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-17.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added subdivision (a)(10).

10 ILCS 5/22-18 [Local boards; canvassing; disposition of results]

Sec. 22-18. The canvass of votes and the proclamation of results by the local canvassing boards provided in Section 22-17 [10 ILCS 5/22-17] shall be

conducted in accordance with the procedures and requirements otherwise provided in this Article. Each local canvassing board shall immediately transmit a signed copy or original duplicate of its completed abstract of votes to each election authority having jurisdiction over any of the territory of the respective political subdivision, and to the State Board of Elections in the same manner as provided in Section 22-5 [10 ILCS 5/22-5].

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

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

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 22-18.

ARTICLE 23.

CONTESTING ELECTIONS

10 ILCS 5/23-1.1a Election contest — Statewide — Jurisdiction

Sec. 23-1.1a. *Election contest — Statewide — Jurisdiction.* The Supreme Court shall have jurisdiction over contests of the results of any election, including a primary, for an elected officer provided for in Article V of the Constitution, and shall retain jurisdiction throughout the course of such election contests.

(Source: P.A. 86-873; 89-5, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.1a.

Effect of Amendments.

The 1995 amendment by P.A. 89-5, effective January 1, 1996, deleted "and trustee for the University of Illinois" preceding "and shall retain".

CASE NOTES

ANALYSIS

Constitutionality
 In General
 Construction
 Jurisdiction
 —In General
 —Prior Law
 Mandamus
 Pleadings

Prior Law

—Chancery Practice

Procedure

Purpose

Referral to Commissioner

Strict Compliance

—Required

Trial

—By Court

Constitutionality

Former Ill.Rev.Stat., ch. 46, para. 23-1.1, which attempted to confer authority upon a panel of three circuit judges to hear election contests, was invalid as violative of Ill. Const. (1970), Art. 5, § 5. In re Contest of Election, 93 Ill. 2d 463, 67 Ill. Dec. 131, 444 N.E.2d 170 (1983).

In General

The right to contest an election is a statutory one designed to effectuate the will of the people through orderly democratic procedures. McCaslin v. Moore, 67 Ill. App. 2d 355, 214 N.E.2d 18 (2 Dist. 1966).

The election contest proceeding cannot be employed to allow a party, on mere suspicion, to have the ballots opened and subjected to scrutiny to find evidence upon which to make a tangible charge. Zahray v. Emricson, 25 Ill. 2d 121, 182 N.E.2d 756 (1962).

The right to contest an election is purely statutory; no such right existed at common law. Fiegenbaum v. McFarlane, 399 Ill. 367, 77 N.E.2d 816 (1948).

The right to contest an election exists only by virtue of constitutional or statutory provision, and, when conferred, the proceeding must be conducted in or before the body or court which is designated. Kohout v. Rench, 340 Ill. 470, 172 N.E. 809 (1930).

The right to contest an election is created and wholly controlled by statute. Adams v. McCormick, 216 Ill. 76, 74 N.E. 774 (1905).

Construction

The procedure prescribed for an election contest must be strictly followed. Doelling v. Board of Educ., 17 Ill. 2d 145, 160 N.E.2d 801 (1959).

Jurisdiction**—In General**

Although the circuit court had jurisdiction to determine whether the petitioners were proper parties to an election contest, and that question was submitted on evidence, the circuit court had no jurisdiction to grant any relief which was in effect a review of the county court's decision on the validity of the election. Sanders v. Township of Salem, 385 Ill. 362, 52 N.E.2d 708 (1944).

The jurisdiction, mode of trial, and the entire election contest are statutory and, therefore, beyond the judicial power. Flake v. Pretzel, 381 Ill. 498, 46 N.E.2d 375 (1943).

—Prior Law

The county court was given jurisdiction to hear contests for the nomination of all candidates except candidates for state, congressional, and senatorial offices and the office of county judge; the evident purposes of the legislature was to give jurisdiction to the circuit court to contest nominations for those offices. People ex rel. Hill v. Deneen, 256 Ill. 536, 100 N.E. 180 (1912).

Mandamus

The right to political office could not be tried in a proceeding for mandamus; the proper way to seek a review of the decision of the Canvassing Board was by an election contest, and not by mandamus. People ex rel. Ganschinetz v. Renner, 334 Ill. App. 302, 79 N.E.2d 298 (4 Dist. 1948).

Pleadings

The statement by the person desiring to contest an election is not, in any real sense, a complaint either at law or in chancery; the pleading is sui generis. Flake v. Pretzel, 381 Ill. 498, 46 N.E.2d 375 (1943).

Prior Law**—Chancery Practice**

The right to contest the election of an individual to an office was

not a common-law right, but existed solely by statute in Illinois, and the action was neither at law nor in equity, although the proceeding was governed by rules of chancery practice after the petition was filed. Flake v. Pretzel, 381 Ill. 498, 46 N.E.2d 375 (1943).

Procedure

Disregard of the election laws by those in charge of an election cannot be urged in a quo warranto action to vitiate an election. People v. Suttles, 15 Ill. 2d 521, 155 N.E.2d 607 (1959).

Purpose

The purpose of an election contest is to ascertain how many votes were cast for or against a candidate, or for or against a measure, and thereby ascertain and effectuate the will of the people. Gribble v. Willeford, 190 Ill. App. 3d 610, 137 Ill. Dec. 881, 546 N.E.2d 994 (5 Dist. 1989).

The purpose of a proceeding to contest an election is to ascertain how many votes were cast for or against a candidate, or for or against a measure, and thereby ascertain and render effective the will of the people. Zahray v. Emricson, 25 Ill. 2d 121, 182 N.E.2d 756 (1962).

Purpose of permitting a contest of an election is to prevent the will of the electors being thwarted either by fraud committed during the course of the election or by mistakes honestly made but by reason of which an injustice is done a contestant; both the rights of the people and of the candidates for the office, or the issues being contested, are to be protected. Smiley v. Lenane, 363 Ill. 66, 1 N.E.2d 213 (1936).

The purpose of a proceeding to contest an election was to ascertain the true vote of the electors; the written statement must have set forth the points on which the contest was based, and it must have been verified by affidavit in the manner that bills in chancery were verified. Smith v. Township High Sch., 335 Ill. 346, 167 N.E. 76 (1929).

Referral to Commissioner

There was no provision in either the former provisions governing election contests or the former Civil Practice Act directly or impliedly empowering the trial judge in an election contest to refer the cause to a commissioner; orders of reference made by the judge were unauthorized, and the actions, being statutory proceedings, were not merely erroneous but were void. Flake v. Pretzel, 381 Ill. 498, 46 N.E.2d 375 (1943).

Where election contests were purely statutory proceedings, not being either chancery actions or actions at law, since authority for the appointment of a special commissioner was wanting, the orders of reference were void, the commissioner's reports were nullities and the judgments rendered were without a legal basis. Flake v. Pretzel, 381 Ill. 498, 46 N.E.2d 375 (1943).

Strict Compliance**—Required**

Since the right to contest an election is purely statutory, the procedure prescribed by statute must be strictly followed not only by the parties but also by the courts. Flake v. Pretzel, 381 Ill. 498, 46 N.E.2d 375 (1943); Browing v. Gorman, 261 Ill. 617, 104 N.E. 220 (1914); McCurdy v. Board of Educ., 359 Ill. 188, 194 N.E. 287 (1934).

The proceeding to contest an election is wholly statutory, and the jurisdiction of courts over election contests must be exercised only in accordance with the statute. Clarke v. Bettenhausen, 296 Ill. 373, 129 N.E. 803 (1921); Browing v. Gorman, 261 Ill. 617, 104 N.E. 220 (1914).

Trial**—By Court**

A consideration of all the statutory provisions relative to election contests led to the inescapable conclusion that, to accomplish an expeditious consideration of an election contest from its inception to a decision by the Supreme Court, these statutory actions were to be tried by the circuit or former county courts and not by a special commissioner. Flake v. Pretzel, 381 Ill. 498, 46 N.E.2d 375 (1943).

10 ILCS 5/23-1.2a Election contest — Statewide offices — Who may contest — Time and place for filing — Fee

Sec. 23-1.2a. *Election contest — Statewide offices — Who may contest — Time and place for filing —*

Fee. The results of an election, including a primary, for an elected executive officer provided for in Article V of the Constitution may be challenged (1) by any candidate whose name was on the ballot for that office, (2) by any person who filed a declaration of intent to be a write-in candidate for that office, or (3) by any person who voted in that election, provided that such person's challenge is supported by a verified petition signed by persons who voted in the election in a number no less than the largest number of signatures required to nominate a person to be a candidate of any political party which nominated a candidate for the office being contested.

Any person, including a candidate, qualified pursuant to this Section and desiring to contest the results of an election for such an office shall, within 15 days of the date of the official proclamation of results of such election, file a Petition of State Election Contest with the clerk of the Supreme Court together with a filing fee in the amount of \$10,000.

(Source: P.A. 86-873; 89-5, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.2a.

Effect of Amendments.

The 1995 amendment by P.A. 89-5, effective January 1, 1996, in the first paragraph, in the first sentence, deleted "or trustee for the University of Illinois" preceding "may be challenged".

CASE NOTES

ANALYSIS

In General

Filing

—Defined

Office

—Not a Property Right

In General

The Supreme Court has held that the right to contest an election is purely statutory, and that the function of an election contest is to determine the number of votes for and against a candidate or a public measure. *Breslin v. Warren*, 45 Ill. App. 3d 450, 4 Ill. Dec. 161, 359 N.E.2d 1113 (4 Dist. 1977).

Filing

—Defined

To file an instrument, it must be delivered to the proper officer at the office where it is required to be filed, and a delivery to the officer at any other place, such as the residence of the court clerk, even though he indorses it "Filed," is not sufficient. *Brelsford v. Community High Sch.*, 328 Ill. 27, 159 N.E. 237 (1927).

Office

—Not a Property Right

The right to an office is not a property right and the right of an elector to contest an election exists only by virtue of the statutes; even the incumbent of an office has no property right in it or in the prospective fees of the office. *McKinley v. McIntyre*, 360 Ill. 382, 196 N.E. 506 (1935).

10 ILCS 5/23-1.3a Election contest — Statewide — Petition — Contents

Sec. 23-1.3a. Election contest — Statewide — Petition — Contents. A Petition of State Election Contest shall be signed and verified by each person

contesting the results of the election and shall contain:

(a) The name of each candidate who received at least 1% of the votes cast for the office contested and the residence address of each such candidate as shown in the Statement of Candidacy of each candidate or, in the case of a write-in candidate, such candidate's residence address as determined by a diligent search;

(b) The results of the contested election as certified in the official proclamation;

(c) A statement that the Petitioner cast a ballot in the election contested, was a candidate whose name was on the ballot for the office which is the subject of the election contest, or filed a declaration of intent to be a write-in candidate for the office which is the subject of the election contest;

(d) A statement that each petitioner believes (i) mistake or fraud has been committed in the casting, counting or return or canvass of the votes for the office involved or (ii) there was some other irregularity in the conduct of the contested election, or both;

(e) A statement declaring with particularity the specific precincts in which the mistake, fraud or irregularity relied upon by the Petitioner is believed to have occurred;

(f) The names and addresses of each election authority in whose jurisdiction the election was held, clearly indicating which election authorities had jurisdiction over the precincts in which each alleged mistake, fraud or irregularity occurred;

(g) A statement declaring that, as a consequence of the mistake, fraud or irregularity alleged, the result of the election, as officially proclaimed, was incorrect; and

(h) A statement declaring the Petitioner's belief as to which candidate did receive the highest number of votes.

(Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.3a.

CASE NOTES

ANALYSIS

Construction

Election Contest

—Candidate's Qualifications

Necessary Parties

Petition

—Amendments

—Defective

—Sufficiency

—Sufficiency of Allegations

Construction

When a person who may be declared elected to a term of office dies, resigns, or refuses to accept the office, and some other person is appointed or elected before a contest is instituted, the person first declared elected cannot be the person whose office is contested within the meaning of the statute. *Fiegenbaum v. McFarlane*, 399

Construction (Cont'd)

Ill. 367, 77 N.E.2d 816 (1948); *Rafferty v. McGowan*, 136 Ill. 620, 27 N.E. 194 (1891).

Election Contest**—Candidate's Qualifications**

An election contest should be distinguished from an examination of the qualifications of one proclaimed to have been elected to office and the courts have consistently held that the qualifications to hold office of one so elected can only be determined by proceeding in quo warranto. *Breslin v. Warren*, 45 Ill. App. 3d 450, 4 Ill. Dec. 161, 359 N.E.2d 1113 (4 Dist. 1977).

Necessary Parties

The court was powerless, under a prior similar provision, to enter a decree affecting the rights of one of the candidates in a contested election where he was not a party to the proceeding, and where his rights were so intimately connected with the dispute. *Weeden v. Gher*, 316 Ill. 534, 147 N.E. 388 (1925).

Petition**—Amendments**

The parties to an election may seek to amend a timely filed petition for election contest to incorporate the findings of the discovery recount in time to avoid an adverse ruling from a motion to dismiss based, for instance, on allegations of lack of specificity. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

—Defective

A petition contesting the election of a judge which neither alleged that petitioner was an elector nor stated facts showing him to be one, but which did allege that he was a citizen and resident of a special county and an attorney at law duly admitted to practice in the state, and had been such for more than 10 years was factually defective where it contained no allegation showing that the petitioner had been a resident of any election district for 30 days next preceding the election. *Donovan v. Comerford*, 332 Ill. 230, 163 N.E. 657 (1928).

—Sufficiency

Where a petition contesting an election for a proposed sanitary district was verified by affidavit, which set out that petitioner had "read the foregoing petition subscribed to by him and knows the contents thereof, and that the same is true except as to matters therein set forth upon information and belief, and as to such matters he believes them to be true," which was in the usual form of verifying bills in chancery, the petition was in compliance with the requirements of this section. *Bramstaedt v. Indian Boundary San. Dist.*, 332 Ill. 339, 163 N.E. 801 (1928).

—Sufficiency of Allegations

Petitioners need not allege facts foreclosing the possibility of equal errors for the opposing side. *Hoffer v. School Dist. U-46*, 273 Ill. App. 3d 49, 209 Ill. Dec. 819, 652 N.E.2d 359 (2 Dist. 1995), appeal denied, 163 Ill. 2d 557, 212 Ill. Dec. 420, 657 N.E.2d 621 (1995).

It was incumbent on petitioner to allege specific defects from which it could be inferred that there was a reasonable likelihood that the result of the election would be changed; at a minimum, allege that the specific irregularities alleged in the petition would be sufficient to change the result. *Hoffer v. School Dist. U-46*, 273 Ill. App. 3d 49, 209 Ill. Dec. 819, 652 N.E.2d 359 (2 Dist. 1995), appeal denied, 163 Ill. 2d 557, 212 Ill. Dec. 420, 657 N.E.2d 621 (1995).

Petition made specific allegations concerning four precincts but proof of all the specific irregularities alleged in petition would not have changed the result of the election and petitioner did not allege that it would have, instead, she alleged that it could be expected that a recount would yield a net change in her favor of one vote per precinct, however, the statute does not permit such a projection but requires that the petition allege the specific precincts wherein the irregularities relied upon were believed to have occurred; accordingly, petition was insufficient and should have been dismissed. *Hoffer v. School Dist. U-46*, 273 Ill. App. 3d 49, 209 Ill. Dec. 819, 652

N.E.2d 359 (2 Dist. 1995), appeal denied, 163 Ill. 2d 557, 212 Ill. Dec. 420, 657 N.E.2d 621 (1995).

Petitions seeking a vote recount must contain positive and clear assertions that the official results were incorrect and that the election result would be changed upon recount. *Carbonara v. North Palos Fire Protection Dist.*, 192 Ill. App. 3d 275, 139 Ill. Dec. 544, 548 N.E.2d 1100 (1 Dist. 1989).

Allegations in a petition that the official election results were incorrect and that the petitioners believed that they received the highest number of votes did not come close to being positive and clear assertions that a recount would change the result of the election, and were not sufficient. In re Contest of Election, 93 Ill. 2d 463, 67 Ill. Dec. 131, 444 N.E.2d 170 (1983).

A contestant must allege and prove the likelihood that the results of an election will be changed in order to obtain a recount. In re Contest of Election, 93 Ill. 2d 463, 67 Ill. Dec. 131, 444 N.E.2d 170 (1983).

Trial court properly denied the requested temporary injunction where, in none of his pleadings, did plaintiff state in particular terms and in what manner he would be irreparably harmed if a temporary injunction were not granted. *Knuppel v. Adams*, 12 Ill. App. 3d 708, 298 N.E.2d 767 (3 Dist. 1973).

Mere conclusory language in pleadings that plaintiff would be irreparably harmed was insufficient for the granting of a temporary injunction. *Knuppel v. Adams*, 12 Ill. App. 3d 708, 298 N.E.2d 767 (3 Dist. 1973).

In the absence of an allegation that the results of an election were changed by the alleged irregularities, or facts showing such a result, a petition assumed the proportions of an exploratory process to which neither courts nor election officials should be subjected, and the petition was dismissed. *Zahray v. Emricson*, 25 Ill. 2d 121, 182 N.E.2d 756 (1962).

While the pleadings in contest proceedings are not required to comply with the strict technical rules applicable in civil actions, there should be such strictness as will prevent the setting aside of the acts of sworn officials without adequate and well-defined cause. *Zahray v. Emricson*, 25 Ill. 2d 121, 182 N.E.2d 756 (1962).

10 ILCS 5/23-1.4a Election contest — Statewide — Notice to parties

Sec. 23-1.4a. Election contest — Statewide — Notice to parties. Upon receipt of a properly executed Petition of State Election Contest and the filing fee, the Clerk of the Supreme Court shall within 48 hours (a) mail, by certified first class mail, return receipt requested, a copy of the Petition to each candidate and each election authority listed in the Petition at their addresses shown therein and to the State Board of Elections, and (b) notify the Chief Justice of the Supreme Court that a Petition of State Election Contest has been filed.

(Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.4a.

10 ILCS 5/23-1.5a Election contest — Statewide — Appearances and responsive pleadings — Time

Sec. 23-1.5a. Election contest — Statewide — Appearances and responsive pleadings — Time. Within 20 days of the filing of a Petition of State Election Contest, each candidate in the election contested may become a party to the contest proceeding by entering his or her written appearance or otherwise filing written pleadings in response to the Petition of State Election Contest with the Clerk of the Su-

preme Court. The responsive pleadings may include a motion to dismiss, challenging the sufficiency of the Petition of State Election contest or any part thereof. Any candidate who does not so enter his or her appearance shall not be entitled to further notice of the contest proceeding nor be permitted to take part in the proceeding on his or her own behalf. Failure to file an appearance, however, shall not affect a candidate's right to office if he or she is determined to have received the highest number of votes.

(Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.5a.

10 ILCS 5/23-1.6a Election contest — Statewide — Examination of records — Procedure

Sec. 23-1.6a. *Election contest — Statewide — Examination of records — Procedure.* If a petitioner in any election contest desires to examine records and equipment under the control of an election authority, he or she shall file with the Clerk of the Supreme Court a Request for Record Examination within 30 days of the date of the filing of the Petition and shall serve copies thereof on all parties to the contest and upon all election authorities having jurisdiction over the precincts in which votes were cast in the contested election. Within 5 days of receipt of such a Request, or between the 31st and 36th day after a petition is filed if no such Request is received, any other party to the election contest may file with the Clerk of the Supreme Court a request for Record Examination indicating the records and equipment not previously requested by the petitioner which such party desires to examine, serving a copy thereof upon all parties to the contest and upon all election authorities having jurisdiction over the precincts in which votes were cast in the contested election. Any party who fails to timely file a Request for Record Examination shall thereafter be barred from filing such a Request. A Request for Record Examination shall clearly set forth by precincts the records and equipment which the person filing the Request desires to examine and shall not be altered or amended after filing. Each Request for Record Examination shall be accompanied by a bond, with adequate surety, in an amount equal to \$50 per precinct listed, or \$75,000, whichever is less, to secure the payment by the party submitting the Request, of any assessment of the costs of the examination ordered by the Supreme Court.

(Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.6a.

10 ILCS 5/23-1.7a Election contest — Statewide — Initial procedures and rules

Sec. 23-1.7a. *Election contest — Statewide — Initial procedures and rules.* Subsequent to the time

that all candidates in the election contest have appeared or are required to appear, and all Requests for Records Examination are required to be filed, the Chief Justice of the Supreme Court shall call the Supreme Court into session to consider the Petition of State Election Contest and any responsive pleadings, together with any Requests for Record Examination, receiving such briefs and argument as the Court shall deem appropriate. Thereafter, the Supreme Court shall:

(a) Determine the sufficiency of the Petition, and shall dismiss the Petition or any part of it if found insufficient;

(b) Issue rulings on any issues as to which there are no material facts in dispute;

(c) Identify those election jurisdictions, if any, for which a recount or hearing is appropriate; and

(d) In its discretion, establish rules of procedure for the determination of disputed facts.

(Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.7a.

10 ILCS 5/23-1.8a Election contest — Statewide — Procedures for recount and initial hearing

Sec. 23-1.8a. *Election contest — Statewide — Procedures for recount and initial hearing.* In all cases for which the Supreme Court finds it appropriate that there be conducted a recount or partial recount of ballots cast in any election jurisdiction, or a hearing regarding the conduct of the election within any election jurisdiction, the Supreme Court shall, in consultation with the Chief Judge of the Judicial Circuit in which each such election jurisdiction is located, assign a Circuit Judge of that Judicial circuit to preside over the recount or hearing. If more than one election jurisdiction within a single Judicial circuit is subject to recount or hearing, the Supreme Court may assign a different Circuit Judge to preside over the recount or hearing for each such election jurisdiction.

Each Circuit Judge appointed pursuant to this Section shall supervise the examination of the records or equipment of the election authority whose jurisdiction is subject to the recount or hearing, and shall take evidence in the same manner and upon like notice as in other civil cases. At the conclusion of the recount or hearing, the Circuit Judge shall make a recommendation as to the assessment of the costs of any examination of records and equipment of the election authority against the party requesting the examination; provided that such recommendation shall not call for the assessment of more than \$50 per precinct. If one party requests the right to examine some but not all records and equipment in one precinct and another party requests the right to examine other records or equipment in the same precinct, the Circuit Judge shall recommend an appropriate apportionment of the costs between the

parties. During any recount or hearing presided over by a Circuit Judge, pursuant to this Section the Supreme Court shall retain jurisdiction over the contest, and may issue procedural orders or interim rulings regarding the recount or hearing, either upon motion of a party or upon its own motion. (Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.8a.

CASE NOTES

ANALYSIS

Election Contests

- Evidence
- Recounts
- Mandamus
- Purpose

Election Contests

—Evidence

The trial court did not err in overruling an objection to the question of whom a witness voted for, since this question was asked after the witness had admitted that he voted and that he did so by marking his ballot outside the booth and in the presence of others; however, the trial court erred in failing to make a decision as for whom the witness had voted. *Rhyan v. Johnson*, 364 Ill. 35, 2 N.E.2d 902 (1936).

Recounts

—Mandamus

Under prior similar provisions, mandamus would not lie to compel a canvassing board to make a recount where the board had cast an election and declared the result according to law, as the board had no power to ascertain or determine any result other than the one shown by the true election returns signed by judges and clerks of election. *Donahoe v. Owens*, 115 N.E. 552 (1917).

—Purpose

There should be no reason for a recount of the votes unless there is a positive and clear assertion, allegation or claim that such a recount will change the result of the election. *Zahray v. Emricson*, 25 Ill. 2d 121, 182 N.E.2d 756 (1962).

10 ILCS 5/23-1.8b Election contest — Statewide — State Board of Elections

Sec. 23-1.8b. Election contest — Statewide — State Board of Elections. In the event the circuit judge, in any such case, is of the opinion that such action will expedite hearing and determination of the contest, the circuit judge may appoint the State Board of Elections and refer the case to it to recount the ballots, to take testimony and other evidence, to examine records and equipment, to make a record of all objections to be heard by the circuit court that may be made to the election returns or to any of them or to any ballots cast or counted and to take all necessary steps and do all necessary things to determine the true and correct result of the election and to make a report thereof to the court. The State Board of Elections shall have authority to count the ballots or cause the same to be counted under its supervision and direction, to conduct such hearing or hearings as may be necessary and proper, to apply

to the circuit court in the manner provided by law for the issuance of subpoenas or for any other appropriate order or orders to compel the attendance of witnesses, and to take such steps and perform such duties and acts in connection with the conduct of any such hearing or hearings as may be necessary. The State Board of Elections may, with the approval of the court, employ such assistants as may be necessary and proper to provide for counting the ballots, examining any records and equipment and taking all necessary steps and doing all necessary things to determine the true and correct result of the election under the direction and supervision of the State Board of Elections. The State Board of Elections shall receive such compensation for its services and such allowances for the services of its assistants and for reimbursement of expenses incurred by it as shall be approved by the circuit court, and such compensation and allowances when approved by the circuit court may be taxed as costs in such cause.

(Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.8b.

10 ILCS 5/23-1.9a Election contest — Statewide — Recommended findings of Circuit Judge

Sec. 23-1.9a. Election contest — Statewide — Recommended findings of Circuit Judge. Each recount or hearing presided over by a Circuit Judge pursuant to Section 23-1.8a and 23-1.8b [10 ILCS 5/23-1.8a and 10 ILCS 5/23-1.8b] shall be concluded, as to a general election, on or before the 150th day after the election, and, as to a primary election, on or before the 87th day after the election, by the Circuit Judge's issuance of written Recommended Findings of Fact on all disputed issues, including a proposed statement of the correct tally of votes for the contested election in each election jurisdiction in question. The Recommended Findings of Fact shall be forwarded immediately to the Supreme Court. (Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.9a.

10 ILCS 5/23-1.10a Election contest — Statewide — Final Decision by Supreme Court

Sec. 23-1.10a. Election contest — Statewide — Final Decision by Supreme Court. Within 15 days of the issuance of Recommended Findings of Fact by a Circuit Judge, any party may serve and file with the Clerk of the Supreme Court written objections to the Recommended Findings. Subsequent to the time that all challenges to Recommended Findings of Fact by a Circuit Judge are required to be filed, the Supreme Court shall determine the contest, either

annulling the contested election or declaring the correct results thereof. The Supreme Court may make a de novo determination of those portions of the Recommended Findings to which objection is made. The Supreme Court may accept, reject, or modify, in whole or in part, any of the findings recommended by a Circuit Judge, and may hear witnesses and examine physical evidence to the extent it deems necessary for such determination. (Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.10a.

10 ILCS 5/23-1.11a Election contest — Statewide — Assessment of Costs

Sec. 23-1.11a. *Election contest — Statewide — Assessment of Costs.* The Supreme Court shall also make a determination of costs to be assessed, taking into consideration any recommended assessment of a Circuit Judge. The Court may decline to assess costs against a prevailing party, and may not assess costs in excess of \$75,000 against any one party.

All assessments shall be paid as the Supreme Court determines, but in such manner as to directly reimburse any election authority whose records or equipment were examined for the costs of such examination or the State Board of Elections, as the case may be. In the event a county or city controls the funds of an election authority, such county or city shall allocate the funds received in payment of such expenses as directed by the election authority. (Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.11a.

10 ILCS 5/23-1.12a Election contest — Statewide — Timing and finality of determination by Supreme Court

Sec. 23-1.12a. *Election contest — Statewide — Timing and finality of determination by Supreme Court.* The determination of the contest shall be made as soon as practicable. The determination of the Supreme Court shall be final, subject only to such petitions for reconsideration as the Supreme Court may by rule allow. (Source: P.A. 86-873.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.12a.

10 ILCS 5/23-1.13a [Assignment of adjudicatory powers]

Sec. 23-1.13a. If any of the powers or duties to be exercised or performed by the Supreme Court under Sections 23-1.1a through 23-1.12a [10 ILCS 5/23-1.1a through 10 ILCS 5/23-1.12a] may not constitutionally be exercised or performed by the Supreme

Court by reason of jurisdictional limitations, then Sections 23-1.1a through 23-1.12a [10 ILCS 5/23-1.1a through 10 ILCS 5/23-1.12a] shall nonetheless continue to govern contests of elections for elected officers provided for in Article V of the Constitution, and in such event the Supreme Court shall, pursuant to its general administrative and supervisory powers, assign to a circuit court those adjudicatory powers and duties with respect to such a contest as may not be exercised or performed by the Supreme Court, subject to appropriate judicial review. (Source: P.A. 86-873; 89-5, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-1.13a.

Effect of Amendments.

The 1995 amendment by P.A. 89-5, effective January 1, 1996, deleted "and Trustees for the University of Illinois" preceding "and in such event".

10 ILCS 5/23-2 [Senate and house to determine contests]

Sec. 23-2. The senate and house of representatives shall severally hear and determine contests of the election of their respective members. (Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-2.

CASE NOTES

ANALYSIS

Jurisdiction
—Prior Law
Notice Required

Jurisdiction**—Prior Law**

Where, evidently by accident, senatorial offices were not expressly mentioned with those contests which the circuit court should have jurisdiction to hear, a candidate for the General Assembly had the right to contest the nomination of an opposing candidate; if the right existed, the jurisdiction to hear the contest was in the circuit court. *People ex rel. Hill v. Deneen*, 256 Ill. 536, 100 N.E. 180 (1912).

Notice Required

An elector or candidate who contests the election of a public office must give express notice to the election commissioners or county clerks of the filing of such action. *Stradford v. Reinecke*, 6 Ill. App. 2d 537, 128 N.E.2d 588 (1 Dist. 1955).

10 ILCS 5/23-3 [Circuit court to determine judicial contests]

Sec. 23-3. The circuit court shall hear and determine contests of the election of judges of the Supreme Court, judges of the appellate court, clerk of the Supreme Court, and judges of the circuit court, but no judge of the circuit court shall sit upon the hearing of any case in which he is a party. (Source: Laws 1965, p. 3493.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-3.

CASE NOTES**ANALYSIS**

Jurisdiction
—Prior Law
Petition
—Defective

Jurisdiction**—Prior Law**

The county court was given jurisdiction to hear contests for the nomination of all candidates except candidates for state, congressional, and senatorial offices and the office of county judge; the evident purposes of the legislature was to give jurisdiction to the circuit court to contest nominations for those offices. *People ex rel. Hill v. Deneen*, 256 Ill. 536, 100 N.E. 180 (1912).

Petition**—Defective**

A petition contesting the election of a judge which neither alleged that petitioner was an elector nor stated facts showing him to be one, but which did allege that he was a citizen and resident of a special county and an attorney at law duly admitted to practice in the state, and had been such for more than 10 years was factually defective where it contained no allegation showing that the petitioner had been a resident of any election district for 30 days next preceding the election. *Donovan v. Comerford*, 332 Ill. 230, 163 N.E. 657 (1928).

10 ILCS 5/23-4 [Circuit courts may determine county matters]

Sec. 23-4. The circuit courts in the respective counties may hear and determine contests of the election of mayors of cities, presidents of county boards, presidents of villages, in reference to the removal of county seats and in reference to any other subject which may be submitted to the vote of the people of the county.

(Source: Laws 1965, p. 3493.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-4.

CASE NOTES**ANALYSIS**

Jurisdiction
—Ex Officio
—Federal Elections

Jurisdiction**—Ex Officio**

Under a prior similar provision, the status of an elected officer for jurisdiction purposes in an election contest was not to be determined by any powers merely ex officio in character. *King v. Jordan*, 198 Ill. 457, 64 N.E. 1072 (1902).

—Federal Elections

There is no express grant of jurisdiction to circuit courts to decide election contests involving federal offices. *Young v. Mikva*, 66 Ill. 2d 579, 6 Ill. Dec. 904, 363 N.E.2d 851 (1977).

10 ILCS 5/23-5 [Circuit courts to determine contests of election for county, township, precinct and other officers]

Sec. 23-5. The circuit court shall hear and determine contests of election of all other county, township and precinct officers, and all other officers for the contesting of whose election no provision is made.

(Source: Laws 1965, p. 3493.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-5.

CASE NOTES**ANALYSIS**

Jurisdiction
—Village Trustees
Precinct Committeemen
Ward Committeemen

Jurisdiction**—Village Trustees**

A village board of trustees did not have jurisdiction to entertain a petition contesting the election of a trustee who was elected more than 30 days before the petition was filed. *People v. Kroll*, 4 Ill. App. 2d 435, 124 N.E.2d 633 (1 Dist. 1954).

Precinct Committeemen

The term "officers" as used in this section was meant to describe the position of precinct committeemen. *Whitsell v. Rutherford*, 118 Ill. App. 2d 401, 255 N.E.2d 34 (5 Dist. 1969).

A petition to contest the election of precinct committeeman was sufficient to state a cause of action pursuant to this section, and a contest of election did not need to be made under 10 ILCS 5/7-1 et seq. to the exclusion of other articles of the Election Code, particularly this Article. *Whitsell v. Rutherford*, 118 Ill. App. 2d 401, 255 N.E.2d 34 (5 Dist. 1969).

Ward Committeemen

A ward committeeman is not a governing official but is strictly and only a political functionary. *Orbach v. Axelrod*, 100 Ill. App. 3d 973, 56 Ill. Dec. 319, 427 N.E.2d 399 (1 Dist. 1981).

10 ILCS 5/23-6.1 [Municipal trustee or alderman; contests]

Sec. 23-6.1. Whenever an election contest for a municipal trustee or alderman is brought involving ballots from the same precincts which are subject to the jurisdiction of the circuit court by virtue of the pendency of an election contest for another office, the municipal council or board of trustees having jurisdiction of the municipal election contest shall have priority of access and possession of the ballots and other election materials for the purpose of conducting a recount or other related proceedings for a period of 30 days following the commencement of the municipal election contest. The election authority shall notify the court and the municipal council or board of the pendency of all other contests relating to the same precincts.

(Source: P.A. 81-1433; 90-655, § 14.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-6.1.

Effect of Amendments.

The 1998 amendment by P.A. 90-655, effective July 30, 1998, substituted "pendency" for "pendancy" in the last sentence.

CASE NOTES**Jurisdiction**

Under prior similar provisions, city councils had the sole authority to hear and determine election contests as to their members and the village trustees of organized villages had the same authority to hear and determine contests as to members of the board of trustees. *Lyons v. Becker*, 272 Ill. 333, 111 N.E. 980 (1916).

10 ILCS 5/23-12 [Contesting election of house or senate members]

Sec. 23-12. The election of any member declared duly elected to a seat in the senate or house of representatives of the General Assembly, may be contested by any qualified voter of the district to be represented by such senator or representative, but when members of the House of Representatives are elected from the State at large, the election of any such member may be contested by any qualified elector in the State.

(Source: Laws 1964, 1st S.S., p. 711.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-12.

10 ILCS 5/23-13 [Notice of intention to contest]

Sec. 23-13. The contestant shall, within 30 days after the proclamation of the result of the canvass of the State electoral board as provided in Section 22-7 [10 ILCS 5/22-7], serve a notice of his intention to contest such election, expressing the points on which the same will be contested; and shall deliver a copy of such notice to each proper clerk or board of election commissioners, as the case may be, who is a custodian of any ballots involved in the contest and to the State Board of Elections. If the contest is of the election of senator from a legislative district, such notice shall be served on the person declared to be elected to the Senate from that district. If the contest is of the election of a representative or representatives from a legislative district, such notice shall be served on each person declared to be elected to the House of Representatives from that district. In case any person whose election is contested is absent, or cannot be found, service may be had by leaving a copy of such notice at his usual place of residence. Nothing herein shall be construed to abridge the authority of either house of the General Assembly to judge the elections, returns and qualifications of its members in any manner determined by that house.

(Source: P.A. 80-801.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-13.

CASE NOTES**Notice of Election Contest****—In General**

An elector or candidate who contests the election of a public office must give express notice to the election commissioners or county clerks of the filing of such action. *Stradford v. Reinecke*, 6 Ill. App. 2d 537, 128 N.E.2d 588 (1 Dist. 1955).

10 ILCS 5/23-14 [Taking testimony]

Sec. 23-14. Whenever a notice shall have been given of intention to contest an election, as provided in the preceding section, either party may proceed to take testimony of any witness before any judge, clerk of a court, or notary public, on giving to the adverse party or his attorney 10 days' notice of the time and place of taking the same, and one day in addition thereto (Sunday inclusive) for every 50 miles' travel from the place of residence of such party to the place where such deposition is to be taken. If the party entitled to notice resides in the county where the deposition is to be taken, 5 days' notice shall be sufficient.

(Source: P.A. 79-1364.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-14.

10 ILCS 5/23-15 [Production of papers; attendance of witnesses]

Sec. 23-15. The officer before whom depositions are taken shall have power to compel the production of papers, and the attendance of witnesses; and the same proceedings may be had to compel the attendance of witnesses, as are provided in the cases of taking depositions to be used in courts.

(Source: P.A. 79-1364.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-15.

10 ILCS 5/23-16 [Notice to take depositions]

Sec. 23-16. A copy of the notice to take depositions, with proof of the service thereof, with the deposition, shall be sealed up and transmitted by mail, or otherwise, to the State Board of Elections, with an indorsement thereon, showing the names of the contesting parties, the office contested, and the nature of the papers.

(Source: P.A. 78-918.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-16.

10 ILCS 5/23-17 [Delivery of notice and depositions]

Sec. 23-17. The State Board of Elections shall deliver the copy of the notice deposited with him by the contestant, and the depositions unopened, to the

presiding officer of the branch of the General Assembly to which the contest relates, on or before the second day of its session next after the receipt of the same; and the presiding officer shall immediately give notice to his house that such papers are in his possession.

(Source: P.A. 78-918.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-17.

10 ILCS 5/23-18 [Rights not abridged]

Sec. 23-18. Nothing herein contained shall be construed to abridge the right of either branch of the General Assembly to grant commissions to take depositions, or to send for and examine any witnesses it may desire to hear on such trial.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-18.

10 ILCS 5/23-19 [Right to contest; exceptions]

Sec. 23-19. The election of any person declared elected to any office other than Governor, Lieutenant-Governor, Secretary of State, State Comptroller, Treasurer, Attorney General, Senator or Representative, may be contested by any elector of the state, judicial division, district, county, town or precinct in and for which the person is declared elected.

(Source: P.A. 78-592.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-19.

CASE NOTES

ANALYSIS

Construction with Other Laws

Legislative Intent

Office

—Not a Property Right

Construction with Other Laws

The absence from this section of the express grants to the circuit courts of jurisdiction to hear election contests similar to the grants specified in 10 ILCS 5/23-3 to 10 ILCS 5/23-5 makes unmistakable the fact that this section was not intended as a grant of jurisdiction to any court; rather, this section merely establishes that any elector in an involved area may contest the offices stated. *Young v. Mikva*, 66 Ill. 2d 579, 6 Ill. Dec. 904, 363 N.E.2d 851 (1977).

Legislative Intent

Under a prior similar provision, the legislative policy of the state was to authorize election contests by electors residing in the district or subdivision affected by the election. *Harding v. Albert*, 373 Ill. 94, 25 N.E.2d 32 (1939).

Office

—Not a Property Right

The right to an office is not a property right and the right of an elector to contest an election exists only by virtue of the statutes; even the incumbent of an office has no property right in it or in the

prospective fees of the office. *McKinley v. McIntyre*, 360 Ill. 382, 196 N.E. 506 (1935).

10 ILCS 5/23-20 [Petition; filing]

Sec. 23-20. The person desiring to contest such election shall, within thirty (30) days after the person whose election is contested is declared elected, file with the clerk of the proper court a petition, in writing, setting forth the points on which he will contest the election, which petition shall be verified by affidavit in the same manner as complaints in other civil cases may be verified. Copies of such petition shall be delivered by mail to each proper clerk or board of election commissioners who is a custodian of any ballots involved in the contest. The petition shall allege that the petitioner voted at the election, and that he believes that a mistake or fraud has been committed in specified precincts in the counting or return of the votes for the office or proposition involved or that there was some other specified irregularity in the conduct of the election in such precincts, and the prayer of the petition shall specify the precincts in which the recount is desired. (Source: Laws 1957, p. 2388.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-20.

CASE NOTES

ANALYSIS

In General
Amendment
—Relation Back
—Time
—Relation Back
Applicability
—Aldermanic Elections
—General Elections
Constitutional Challenges
Construction
Filing
—Deadline
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Grounds for Contest
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Joinder of Contests
Jurisdiction
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Petition
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—Precincts Involved
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—Timely Filed
—Verification Defects
Pleading
—Contents
Precinct Committeemen
Purpose
Requirements
—Held Jurisdictional
Verification
Voter Affidavits
—Inspection

In General

A case under the former Elections Act (see now this section) was neither an action at law nor in equity. *Girhard v. Yost*, 344 Ill. 483, 176 N.E. 899 (1931).

Amendment**—Relation Back**

An amended petition related back to the original petition and was timely filed where (1) the initial petition was filed within the allotted 30-day period and alleged facts to show that if a recount were allowed, the outcome of the election would change, and (2) the trial court required the petitioner to amend his petition to state the specific allegation that the recount would change the outcome of the election. *DeFabio v. Gummersheimer*, 307 Ill. App. 3d 381, 240 Ill. Dec. 447, 717 N.E.2d 540 (5 Dist. 1999).

—Time

Where a petition is unverified and the 30 day period required under this section expires before a motion is made to amend, there is no longer jurisdiction to cure the defect, but if a timely verification is merely defective in its statement of matters on information and belief, amendment may be made even after the statutory period has expired. *Whitley v. Frazier*, 21 Ill. 2d 292, 171 N.E.2d 644 (1961).

—Relation Back

An amendment of a complaint to allege that plaintiffs had voted in the contested election as required by this section, related back to the filing of the complaint and was not barred by the 30 day limitation contained in this section. *Burton v. Powell*, 26 Ill. App. 3d 563, 325 N.E.2d 789 (1 Dist. 1975).

Applicability**—Aldermanic Elections**

Challenge to the election results for vacant Chicago alderman position is governed by the Municipal Code, which specifically sets forth procedures to contest Chicago Aldermanic elections, rather than the more general provisions of this section of the Election Code. *Robinson v. Jones*, 186 Ill. App. 3d 82, 134 Ill. Dec. 127, 542 N.E.2d 127 (1 Dist. 1989).

—General Elections

This section applies only to contest the results of general elections and does not apply to the nomination process and primaries. *Jordan v. Kuser*, 164 Ill. App. 3d 990, 115 Ill. Dec. 907, 518 N.E.2d 432 (1 Dist. 1987).

Constitutional Challenges

Where the defendant, having had a consideration of all precincts involved as a matter of right under the statutes complained of, was in no way injuriously affected by the statute, he could not assert the unconstitutionality of the statute. *Crum v. Green*, 68 Ill. App. 2d 246, 215 N.E.2d 817 (4 Dist. 1966).

Construction

The language of this section providing that copies of a petition shall be delivered by mail to each proper clerk who is custodian of any ballots involved in the election contest is directory and not mandatory. *Bethard v. Mink*, 131 Ill. App. 2d 1007, 267 N.E.2d 707 (4 Dist. 1971).

The procedure prescribed for an election contest must be strictly followed. *Doelling v. Board of Educ.*, 17 Ill. 2d 145, 160 N.E.2d 801 (1959).

The law is to have a practical construction so that the cost of the defense of contesting an election shall not be needlessly heaped on the defendant, but where a cause of action is properly made to appear by persons entitled to contest, the contest should be permitted. *Smiley v. Lenane*, 363 Ill. 66, 1 N.E.2d 213 (1936).

The right to contest an election was statutory, and the procedure prescribed under former section 113 of the Elections Act (see now this section) was to be strictly followed. *Girhard v. Yost*, 344 Ill. 483, 176 N.E. 899 (1931).

Filing**—Deadline**

Thirty day filing deadline is a jurisdictional requirement and

counterclaims contesting election results fall within the jurisdictional scope of this section. *Boyer v. Geisen*, 66 Ill. App. 3d 1044, 23 Ill. Dec. 33, 383 N.E.2d 800 (5 Dist. 1978).

—Defined

To file an instrument, it must be delivered to the proper officer at the office where it is required to be filed, and a delivery to the officer at any other place such as the residence of the court clerk, even though he indorses it "Filed," is not sufficient. *Brelsford v. Community High Sch.*, 328 Ill. 27, 159 N.E. 237 (1927).

—Purpose

The 30 day filing deadline mandated by this section serves the important public interest in putting successful candidates for public office on notice of election challenges within a short period after an election so that they could proceed with the duties of their office without being plagued by challenges throughout their term. *Boyer v. Geisen*, 66 Ill. App. 3d 1044, 23 Ill. Dec. 33, 383 N.E.2d 800 (5 Dist. 1978).

Grounds for Contest**—Election Official Error**

Errors or omissions by election officials in carrying out their duties can cause an election to be invalidated. *Lisk v. Benjamin*, 105 Ill. App. 3d 51, 60 Ill. Dec. 916, 433 N.E.2d 1154 (2 Dist. 1982).

—Multiple Votes

When a voter has voted more than once in the same election, all of his ballots must be rejected. *Lisk v. Benjamin*, 105 Ill. App. 3d 51, 60 Ill. Dec. 916, 433 N.E.2d 1154 (2 Dist. 1982).

Joinder of Contests

Appellees cannot contest, in one and the same proceeding, the election of two officers elected to entirely different offices. *Clarke v. Bettenhausen*, 296 Ill. 373, 129 N.E. 803 (1921).

Jurisdiction

The words, "a petition, in writing," embrace both complaints and counterclaims which challenge an election; thus, subject matter jurisdiction with respect to election contest counterclaims was controlled by this section and not by the former sections 33-38 of the Civil Practice Act (see now 735 ILCS 5/2-603 and 735 ILCS 5/2-608). *Boyer v. Geisen*, 66 Ill. App. 3d 1044, 23 Ill. Dec. 33, 383 N.E.2d 800 (5 Dist. 1978).

Where a petition sought to void an election on the ground that the form of ballot was unauthorized by law, the issues and judgment were identical as to both offices involved in the election in question, and the county court had jurisdiction, even though two different offices were sought to be contested by the same petition. *Hester v. Kamykowski*, 13 Ill. 2d 481, 150 N.E.2d 196 (1958).

The requirement that the person desiring to contest an election shall file a statement, verified by affidavit, is jurisdictional, and if the statement is not sworn to, the court has no jurisdiction of the cause. *Graves v. Needham*, 379 Ill. 25, 39 N.E.2d 321 (1942).

Personal Service**—Sufficient**

The use of the word "shall" in this section does not make the provision that the petition be delivered by mail mandatory; personal delivery of the petition, statement, and complaint to the county clerk was sufficient. *Johnson v. Pautler*, 22 Ill. 2d 299, 174 N.E.2d 675 (1961).

Petition**—Amendments**

A defect in pleading, which was the omission of words, was cured by amendment allowing their insertion; the amendment related back to the original date of filing and was not barred by any statute of limitations. *Graves v. Needham*, 379 Ill. 25, 39 N.E.2d 321 (1942).

Appellees had the right to amend their petition by making the proper allegation that they were electors, and so make it a proper petition by amendment against the other party. *Clarke v. Bettenhausen*, 296 Ill. 373, 129 N.E. 803 (1921).

—Contents

In addition to the requirements of the statute, a petition must

Petition (Cont'd)**—Contents (Cont'd)**

allege that a recount will change the result of the election; this rule will eliminate the proliferation of unjustified and inconsequential election contests which would otherwise waste the court's time and do damage to the democratic creed. *McCaslin v. Moore*, 67 Ill. App. 2d 355, 214 N.E.2d 18 (2 Dist. 1966).

—Precincts Involved

Where a petition failed to specify precincts in which a recount was desired, it was fatally defective. *Likens v. Baas*, 133 Ill. App. 3d 42, 88 Ill. Dec. 192, 478 N.E.2d 507 (1 Dist. 1985).

—Sufficiency of Allegations

Allegations which, in substance, stated only that petitioners believed a recount would change the result of the election were insufficient to withstand a motion to dismiss. *Carbonara v. North Palos Fire Protection Dist.*, 192 Ill. App. 3d 275, 139 Ill. Dec. 544, 548 N.E.2d 1100 (1 Dist. 1989).

Where an anti-electioneering petition did not allege a violation of a mandatory provision of this Act, or a fraudulent deviation from a directory provision, plaintiffs' petition was properly dismissed. *Thomas v. Marcin*, 51 Ill. App. 3d 82, 9 Ill. Dec. 159, 366 N.E.2d 416 (1 Dist. 1977).

Where an amended petition neither alleged that the irregularities complained of would have changed the result of the election, nor did it allege facts to show that the irregularities would have caused such a result, which, if proved, would have rendered it the duty of the court to declare a defeated candidate elected, the petition was insufficient, and the judgment of the circuit court striking the petition was appropriate. *McCaslin v. Moore*, 67 Ill. App. 2d 355, 214 N.E.2d 18 (2 Dist. 1966).

The pleadings in election contests are not normally subject to the precise technical rules of ordinary civil actions; nonetheless, it is necessary that compliance is made with the substantial requirements of the statute in order to confer jurisdiction on the court. *McCaslin v. Moore*, 67 Ill. App. 2d 355, 214 N.E.2d 18 (2 Dist. 1966).

—Timely Filed

A petition for an election contest was timely under the former Elections Act (see now this Act) although filed with the clerk after six o'clock on the 30th day following the declaration of election; a "day" in a limitation statute was a 24 hour day, not a working day, and moreover, the clerk of court was authorized to transact business after six o'clock, although permitted by law to close at that time. *Zimmerman v. Cowan*, 107 Ill. 631 (1883).

—Verification Defects

Although plaintiff's verification that he believed each allegation that was made upon information and belief should have been made collectively in the affidavit, where plaintiff positively stated his belief in each allegation upon information and belief contemporaneously with that allegation, the defect was one of form only and not sufficient to render void any judgment subsequently entered. *Clark v. Ulrich*, 121 Ill. App. 3d 821, 77 Ill. Dec. 156, 460 N.E.2d 15 (5 Dist. 1984).

Pleading**—Contents**

A pleading filed by a candidate contesting the election for mayor was not a bill in chancery, but was clearly a petition filed under former section 113 of the Elections Act (see now this section) for the contesting of an election. *Smiley v. Lenane*, 363 Ill. 66, 1 N.E.2d 213 (1936).

Precinct Committeemen

A petition to contest the election of a precinct committeeman was sufficient to state a cause of action pursuant to this section, and a contest of election did not need to be made under 10 ILCS 5/7-1 et seq. to the exclusion of other articles of the Election Code, particularly this Article. *Whitsell v. Rutherford*, 118 Ill. App. 2d 401, 255 N.E.2d 34 (5 Dist. 1969).

Purpose

The purpose of permitting a contest of an election is to prevent the will of the electors being thwarted, either by fraud committed during the course of the election or by mistakes honestly made, but

by reason of which an injustice is done a contestant; both the rights of the people and of the candidates for the office, or the issue being contested, are to be protected. *Smiley v. Lenane*, 363 Ill. 66, 1 N.E.2d 213 (1936).

Requirements**—Held Jurisdictional**

Former section 113 of the Elections Act (see now this section) provided that any person desiring to contest an election should, within 30 days after the person whose election was contested was declared elected, file with the clerk of the proper court a verified statement setting forth the points on which he would contest the election; such provision was jurisdictional, and where it was not followed by the contestant, a statement of contest was dismissed. *Patterson v. Crowe*, 385 Ill. 514, 53 N.E.2d 415 (1944).

Conditions of the predecessor to this section which required the contestant of an election to file with the clerk of the proper court, within thirty days after the person whose election was contested had been declared elected, a statement in writing setting forth the points on which he would contest the election, were jurisdictional. *Armstrong v. Wilkinson*, 346 Ill. 322, 179 N.E. 97 (1931).

Verification

Allegations made on information and belief in an election contest petition supported by the signed certification of each petitioner, that the undersigned "verily believed the same to be true," were sufficient to support the allegations. *Carbonara v. North Palos Fire Protection Dist.*, 192 Ill. App. 3d 275, 139 Ill. Dec. 544, 548 N.E.2d 1100 (1 Dist. 1989).

Where a verified petition was filed within 30 days after an election, but certain verifying words were omitted, the petitioner was allowed to correct the verification by amendment, and the petition was properly and timely filed. *Graves v. Needham*, 379 Ill. 25, 39 N.E.2d 321 (1942).

In an election where there are a large number of precincts, it would be impossible for a contestant to know of his own personal knowledge how all the irregularities, if there were any, occurred, or what they were; but if upon investigation he learns of mistakes, errors, or frauds by which an improper result of the election has been declared, and he believes such information, he may proceed by making such allegations upon information and belief. *Smiley v. Lenane*, 363 Ill. 66, 1 N.E.2d 213 (1936).

The general rule under section 113 of the former Elections Act (see now this section) applicable to the verification of bills in equity was that the affidavit was to be in such form as to subject the party making it to a prosecution for perjury in case the statements sworn to proved to be false. *Girhard v. Yost*, 344 Ill. 483, 176 N.E. 899 (1931).

Where an entire petition was on direct statements of fact and contained no allegations on information and belief, the affidavit was not sufficient to afford the basis for a prosecution under section 113 of the former Elections Act (see now this section) for perjury in case of its falsity. *Girhard v. Yost*, 344 Ill. 483, 176 N.E. 899 (1931).

Where a verification was not sufficient in a bill in chancery, it could not have been held sufficient under section 113 of the former Elections Act (see now this section). *Girhard v. Yost*, 344 Ill. 483, 176 N.E. 899 (1931).

A verification solely on information and belief under section 113 of the former Elections Act (see now this section) was not a good verification to a bill in chancery where certain allegations were necessarily within the knowledge of the pleader. *Girhard v. Yost*, 344 Ill. 483, 176 N.E. 899 (1931).

Voter Affidavits**—Inspection**

Inspection or copying of voter affidavits was permitted after expiration of the time for filing an election contest pursuant to the statutory right to inspect and copy public records. *People ex rel. Sherman v. Slater*, 42 Ill. App. 3d 396, 355 N.E.2d 735 (1 Dist. 1976).

10 ILCS 5/23-21 [Summons]

Sec. 23-21. Upon the filing of such statement, summons shall issue against the person whose office is contested, and he may be served with process, or

notified to appear, in the same manner as is provided in other civil cases.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-21.

CASE NOTES

Construction

When a person who may be declared elected to a term of office dies, resigns, or refuses to accept the office, and some other person is appointed or elected before a contest is instituted, the person first declared elected cannot be "the person whose office is contested," within the meaning of the statute. *Fiengenbaum v. McFarlane*, 399 Ill. 367, 77 N.E.2d 816 (1948).

10 ILCS 5/23-22 [Evidence]

Sec. 23-22. Evidence may be taken in the same manner and upon like notice as in other civil cases. (Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-22.

CASE NOTES

ANALYSIS

Burden of Proof
Competency of Ballots

Burden of Proof

The party who files a petition to contest an election has the burden of proving the allegation that votes were cast illegally. *Baker v. Hinrichs*, 359 Ill. 138, 194 N.E. 284 (1934).

Competency of Ballots

Once the questioned ballots were received into evidence without restriction and became general evidence for the benefit of all parties, petitioner could not be heard to complain that they were not evidence of the facts therein. *Lisk v. Benjamin*, 105 Ill. App. 3d 51, 60 Ill. Dec. 916, 433 N.E.2d 1154 (2 Dist. 1982).

In judging the competency of ballots, the trial court could consider all facts in evidence tending to prove or disprove the matter as well as allowing the ballots to be submitted to a handwriting analysis at the request of a party. *Lisk v. Benjamin*, 105 Ill. App. 3d 51, 60 Ill. Dec. 916, 433 N.E.2d 1154 (2 Dist. 1982).

10 ILCS 5/23-23 [Trial of case]

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

Whenever a petition for a recount has been filed as provided in this Article, any opposing candidate or any elector, under like provisions and in like manner may file a petition within 10 days after the comple-

tion of the canvass of the precincts specified in the petition for a further recount of the votes cast in any or all of the balance of the precincts in the county, municipality or other political subdivision, as the case may be.

In event the court, in any such case, is of the opinion that such action will expedite hearing and determination of the contest, the court may appoint a Board of Election Commissioners or a Canvassing Board, as the case may be, and refer the case to it to recount the ballots, to take testimony and other evidence, to examine the election returns, to make a record of all objections to be heard by the court that may be made to the election returns or to any of them or to any ballots cast or counted, and to take all necessary steps and do all necessary things to determine the true and correct result of the election and to make report thereof to the court. Such Board of Election Commissioners or Canvassing Board, as the case may be, shall have authority to count the ballots or cause the same to be counted under its supervision and direction, to conduct such hearing or hearings as may be necessary and proper, to apply to the court in the manner provided by law for the issuance of subpoenas or for any other appropriate order or orders to compel the attendance of witnesses, and to take such steps and perform such duties and acts in connection with the conduct of any such hearing or hearings as may be necessary. Such Board of Election Commissioners or Canvassing Board, as the case may be, may, with the approval of the court, employ such assistants as may be necessary and proper to provide for counting the ballots, examining the election returns and for taking all necessary steps and doing all necessary things to determine the true and correct result of the election under the direction and supervision of the Board of Election Commissioners or the Canvassing Board, as the case may be. Such Board of Election Commissioners or the Canvassing Board, as the case may be, shall receive such compensation for its services and such allowances for the services of its assistants and for reimbursement of expenses incurred by it as shall be approved by the court, and all such compensation and allowances when approved by the court shall be taxed and allowed as costs in such cause. The court may from time to time, upon the court's own motion or upon the application of the Board of Election Commissioners or the Canvassing Board, as the case may be, or of any party to said cause, require the parties to the cause or any of them to deposit such amounts of money with the court as security for costs as the court may deem reasonable and proper.

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

precincts as the court may deem reasonable and proper.

Any money deposited as security for costs by a petitioner contesting an election must be returned to such petitioner if the judgment of the court is to annul the election or to declare as elected someone other than the person whose election is contested.

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

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-23.

CASE NOTES

ANALYSIS

Dismissal

—Error Not Affecting Outcome

Due Process

Procedure

—Prior Law

Recounts

—Burden of Proof

Dismissal

—Error Not Affecting Outcome

Where an error by the county clerk in conducting an election did not affect its outcome, petition challenging the election was properly dismissed. *Lisk v. Benjamin*, 105 Ill. App. 3d 51, 60 Ill. Dec. 916, 433 N.E.2d 1154 (2 Dist. 1982).

Due Process

Illinois statutes that govern election contests impart the meaning that in election contests, due process of law is afforded, even though the length of time provided for disposition of the contest is a short one. *Waupoose v. Kusper*, 8 Ill. App. 3d 668, 290 N.E.2d 903 (1 Dist. 1972).

Procedure

—Prior Law

Under a prior similar provision (see now this section), the contest of an election was required to be tried in like manner as cases in chancery, the proceeding was in the nature of a chancery suit, and the rules of chancery practice applied. *Brelsford v. Community High Sch.*, 328 Ill. 27, 159 N.E. 237 (1927).

Recounts

—Burden of Proof

Although this section makes no mention of a requirement that the party seeking a recount allege or prove that he would be the most likely winner upon a recount, a rule requiring such allegation and proof has arisen from the case law. *Whitler v. Macoupin County*, 107 Ill. App. 3d 668, 63 Ill. Dec. 392, 437 N.E.2d 1314 (4 Dist. 1982).

10 ILCS 5/23-23.1 [Death of contestee]

Sec. 23-23.1. No election contest shall abate on account of the death of any contestee in such contest.

Upon the suggestion of the death of any contestee by the contestant at any time before final judgment, within five days thereafter any elector of the State or political subdivision thereof for which the contestee

was declared to be nominated or elected, may appear and intervene in such proceeding, or in case no elector appears within such five days, the court shall appoint such an elector to appear and intervene in such proceeding, and defend the same and thereupon the court shall proceed to final judgment.

(Source: P.A. 79-540.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-23.1.

CASE NOTES

Death of Contestant

Although this section provides that an election contest shall not abate on account of the death of a contestee, it makes no provision for survival of a contestant's cause of action in the event the contestant dies. *Jordan v. Officer*, 170 Ill. App. 3d 776, 121 Ill. Dec. 760, 525 N.E.2d 1067 (5 Dist. 1988).

10 ILCS 5/23-23.2 [Petition for recount]

Sec. 23-23.2. A court hearing an election contest pursuant to this Article or any other provision of the law shall grant a petition for a recount properly filed where, based on the facts alleged in such petition, there appears a reasonable likelihood the recount will change the results of the election.

(Source: P.A. 84-586.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-23.2.

CASE NOTES

ANALYSIS

Change in Results

—Reasonable Likelihood

Complaint

—Legal Sufficiency

Legislative Intent

Pleadings

Change in Results

—Reasonable Likelihood

A court having jurisdiction to consider an election contest complaint shall grant a recount where, based on the facts alleged in such complaint, there appears a reasonable likelihood that a recount will change the result of the election. *O'Neal v. Shaw*, 248 Ill. App. 3d 632, 188 Ill. Dec. 210, 618 N.E.2d 780 (1 Dist.), appeal denied, 153 Ill. 2d 561, 191 Ill. Dec. 621, 624 N.E.2d 809 (1993).

Where a petitioner made positive assertions that a recount which included an absentee vote and excluded three illegal votes cast for petitioner's opponent would change the result of an election, and this likelihood was reasonable since the canvass of the election resulted in a tie, the allegations in a petition to contest the election were legally sufficient under this section. *Gribble v. Willeford*, 190 Ill. App. 3d 610, 137 Ill. Dec. 881, 546 N.E.2d 994 (5 Dist. 1989).

Complaint

—Legal Sufficiency

When considering the legal sufficiency of an election contest complaint, the court must determine whether the complaint contains specific factual allegations which, if proven, would establish fraud or a violation of the Election Code, the number of ballots affected and the precinct where the ballots were counted, and that the result of the election would have been different had the

Complaint (Cont'd)**—Legal Sufficiency (Cont'd)**

improper ballots not been counted. *O'Neal v. Shaw*, 248 Ill. App. 3d 632, 188 Ill. Dec. 210, 618 N.E.2d 780 (1 Dist.), appeal denied, 153 Ill. 2d 561, 191 Ill. Dec. 621, 624 N.E.2d 809 (1993).

Where fraud is alleged, the complaint must contain specific facts from which fraud can be inferred or implied. *O'Neal v. Shaw*, 248 Ill. App. 3d 632, 188 Ill. Dec. 210, 618 N.E.2d 780 (1 Dist.), appeal denied, 153 Ill. 2d 561, 191 Ill. Dec. 621, 624 N.E.2d 809 (1993).

Legislative Intent

The legislative intent underpinning this section could not be more clear; a recount in a contested election must be limited to those precincts where errors and irregularities existed which might alter the outcome of the election. *Burton v. Powell*, 26 Ill. App. 3d 563, 325 N.E.2d 789 (1 Dist. 1975).

Pleadings

It is incumbent on a petitioner in an election contest to plead specific facts indicating that the result of the election would be changed. *Hoffer v. School Dist. U-46*, 273 Ill. App. 3d 49, 209 Ill. Dec. 819, 652 N.E.2d 359 (2 Dist. 1995), appeal denied, 163 Ill. 2d 557, 212 Ill. Dec. 420, 657 N.E.2d 621 (1995).

10 ILCS 5/23-24 [Constitutional amendments; public policy questions]

Sec. 23-24. In the case of all constitutional amendments or other questions of public policy submitted to the voters of this State, and of all questions of public policy submitted to the voters of any political subdivision or district, any 5 electors of the State, or of the political subdivision or district, respectively, may contest the results of any such election by filing a written statement in the circuit court within 30 days after the result of the election shall have been determined, in like form as in other cases of contested elections in the circuit court. Such political subdivision shall be made defendant and process shall be served as in suits against such political subdivision; and like proceedings shall be had as in other cases of contested elections before such court. Where the contest relates to a constitutional amendment or other question of public policy submitted to the voters of the State, the statement of contest shall not specify any defendant, but notice of the contest be filed with the Attorney General who may appear and take such steps as he shall deem proper with respect to such contest; the contest may be heard and determined at any time not less than 10 days after notice to the Attorney General as herein provided, and like proceedings as nearly as may be shall be had as in other cases of contested elections before such court.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-24.

CASE NOTES**ANALYSIS****In General****Applicability****Construction****—Political Subdivisions****—Strict****Election Contests****Filing****—Defined****—Timeliness****Jurisdiction****Legislative Intent****Petition****—Sufficiency of Allegations****—Verification****Public Questions****—Liquor Option Election****Referendum Elections****Scope of Review****Standing****In General**

An action to contest the validity of an election is not the same as one to contest the results of an election. *Ross v. Kozubowski*, 182 Ill. App. 3d 687, 131 Ill. Dec. 248, 538 N.E.2d 623 (1 Dist. 1989); *Carpenter v. Kozubowski*, 157 Ill. App. 3d 127, 109 Ill. Dec. 297, 509 N.E.2d 1309 (1 Dist. 1987).

Applicability

Under a prior similar provision, only the result of an election as determined by the returns or count of the ballots, and not the validity of the election, could be contested. *Sanders v. Township of Salem*, 385 Ill. 362, 52 N.E.2d 708 (1944).

The Illinois Liquor Control Act (235 ILCS 5/1-1 et seq.) provided that a question could be submitted at a regular city election; where a public question was submitted at such an election by a separate ballot, all of the former provisions of the Australian Ballot Act (see now 10 ILCS 5/16-1 et seq.) applied to such separate ballot, and the validity of the contested ballots was to be determined by such law. *Mayer v. City of Albion*, 374 Ill. 605, 30 N.E.2d 416 (1940).

Construction**—Political Subdivisions**

Under former Ill.Rev.Stat., ch. 46, para. 120 (see now this section), the words "subdivision of the State" meant a political subdivision which was capable of being sued and of being a defendant in an election contest; there were many such subdivisions, such as school districts, community high school districts, drainage districts, and park districts, and, unless the word was so interpreted, it could not have had a definite legal meaning. *Heaney v. Northeast Park Dist.*, 360 Ill. 254, 195 N.E. 649 (1935).

—Strict

The procedure prescribed for an election contest must be strictly followed. *Doelling v. Board of Educ.*, 17 Ill. 2d 145, 160 N.E.2d 801 (1959).

Election Contests

The result of an election held to determine whether the retail sale of alcoholic liquors should be prohibited in certain territory, held under the provisions of the Liquor Control Act (235 ILCS 5/1-1 et seq.), could be determined by a proceeding under the provisions of the former Elections Act (see now this section), while the validity of the election could only be tried as provided in the Liquor Control Act. *Mayer v. City of Albion*, 374 Ill. 605, 30 N.E.2d 416 (1940).

Filing**—Defined**

To file an instrument, it must be delivered to the proper officer at the office where it is required to be filed, and a delivery to the officer at any other place such as the residence of the court clerk, even though he indorses it "Filed," is not sufficient. *Brelsford v. Community High Sch.*, 328 Ill. 27, 159 N.E. 237 (1927).

—Timeliness

Portion of plaintiffs' complaint which challenged the validity of a local option election prohibiting the retail sale of liquor on the ground that election judges commingling of ballots with those from another precinct caused the election results to be altered was governed by 30 day limitations period, and thus was timely filed. *Carpenter v. Kozubowski*, 157 Ill. App. 3d 127, 109 Ill. Dec. 297, 509 N.E.2d 1309 (1 Dist. 1987).

Jurisdiction

Where a petition alleged that an election held to determine whether the retail sale of liquor should be prohibited in a city was valid in all respects, but that the petitioners desired only to contest the result of the election by counting the votes, the circuit court had jurisdiction. *Mayes v. City of Albion*, 374 Ill. 605, 30 N.E.2d 416 (1940).

Legislative Intent

The legislature intended that the result of all public measures submitted to a vote of the people be determined under a prior provision of the former Elections Act (see now this section). *Mayes v. City of Albion*, 374 Ill. 605, 30 N.E.2d 416 (1940).

Petition

—Sufficiency of Allegations

Where an amended election contest petition failed to allege how the misdirection of voters to the voting booths affected the ultimate outcome of the election, the petition was insufficient, and thus properly dismissed. *Carbonara v. North Palos Fire Protection Dist.*, 192 Ill. App. 3d 275, 139 Ill. Dec. 544, 548 N.E.2d 1100 (1 Dist. 1989).

Amended complaint of taxpayers seeking declaratory judgment and injunction regarding school district referendum failed to set forth a justiciable issue or controversy which would entitle plaintiffs to declaratory judgment where the suit was not filed until after the statutory period for contesting the referendum had expired. *Wood v. School Dist. No. 65*, 18 Ill. App. 3d 33, 309 N.E.2d 408 (1 Dist. 1974).

—Verification

In a case contesting a school district referendum, where no verification appeared and the 30 day period expired before a motion to amend was made, and the order dismissing the petition had already been rendered, orders dismissing the petition and denying leave to amend were affirmed. *Doelling v. Board of Educ.*, 17 Ill. 2d 145, 160 N.E.2d 801 (1959).

Public Questions

—Liquor Option Election

Although the Liquor Control Act, in 235 ILCS 5/9-4, provides the procedures by which to contest the validity of petitions for a local option referendum, and 235 ILCS 5/9-19 governs actions to contest the validity or legality of the election itself, the appropriate statutory provision under which to contest the results of a liquor option election is this section of the Election Code. *Ross v. Kozubowski*, 182 Ill. App. 3d 687, 131 Ill. Dec. 248, 538 N.E.2d 623 (1 Dist. 1989).

Plaintiff's complaint challenging election results of a proposition vote made pursuant to 235 ILCS 5/9-2 was properly dismissed where the provisions of this Act which were alleged to have been violated were directory, there were no allegations in the amended complaint that the alleged violations affected the validity of the election, no facts were alleged to support a conclusion that the alleged situations existed, and no fraud was alleged or facts set forth from which fraud could be inferred or implied. *Vanderbilt v. Marcin*, 127 Ill. App. 2d 192, 262 N.E.2d 42 (1 Dist. 1970).

By abandoning all other grounds except the validity of the ballot, a petition to contest was, in effect, one to contest the validity of the election, which could be tried only in the county court as provided in the Liquor Control Act (235 ILCS 5/1-1 et seq.). *Sanders v. Township of Salem*, 385 Ill. 362, 52 N.E.2d 708 (1944).

Referendum Elections

Votes cast at a referendum election under the Mosquito Abatement Act (70 ILCS 1005/0.01 et seq.) could not be canvassed by a statutory election contest in the circuit court under this Act. *Bell v. South Cook County Mosquito Abatement Dist.*, 3 Ill. 2d 353, 121 N.E.2d 473 (1954).

Scope of Review

A contest of the result of an election is permitted by statute, but no jurisdiction is conferred on the court to inquire as to its validity nor as to the regularity of any of the steps preceding it; to question those matters, resort must be had to some other form of remedy. *Kaufman v. Community High Sch.*, 365 Ill. 86, 5 N.E.2d 465 (1936).

Standing

The object of this Act, the nature of the duties imposed by it, and the benefits resulting from its protections are directed to the registered voters of Illinois. A liquor licensee, as a corporate entity, has no protected statutory interest under this Act, it cannot fulfill the fundamental requirements of standing. *Ole, Ole, Inc. v. Kozubowski*, 187 Ill. App. 3d 277, 134 Ill. Dec. 895, 543 N.E.2d 178 (1 Dist. 1989).

10 ILCS 5/23-25 [Intervention of electors]

Sec. 23-25. In case of any contest under section 23-24 of this Act [10 ILCS 5/23-24], the court shall allow any one or more electors of the State or political subdivision to appear and intervene in such proceedings for the purpose of participating in the prosecution or defense of the same. In case the judgment of the court shall be contrary to the contentions advanced by such interveners, the court may in its discretion tax against such interveners the cost of such proceedings or such portion thereof as to the court shall seem proper.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-25.

10 ILCS 5/23-26 [Judgment of the court]

Sec. 23-26. The judgment of the court in cases of contested election, shall confirm or annul the election according to the right of the matter; or, in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-26.

CASE NOTES

Authority of Court

The court has the authority to determine the lawful result of the election and enter a judgment in accordance with that determination. *Hoffer v. School Dist. U-46*, 273 Ill. App. 3d 49, 209 Ill. Dec. 819, 652 N.E.2d 359 (2 Dist. 1995), appeal denied, 163 Ill. 2d 557, 212 Ill. Dec. 420, 657 N.E.2d 621 (1995).

10 ILCS 5/23-27 [Decision by lot]

Sec. 23-27. If it appears that two or more persons have, or would have had if the legal ballots cast or intended to be cast for them had been counted, the highest and an equal number of votes for the same office, the persons receiving such votes shall decide by lot, in such manner as the court shall direct, which of them shall be declared duly elected; and the judgment shall be entered accordingly.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-27.

CASE NOTES

ANALYSIS

Construction
Illustrative Cases

Method of Determination
—Coin Flip

Construction

The word "lot" as used in this provision signifies the existence of the element of chance, and in this sense is defined as a contrivance to determine a question by chance or without the action of a man's choice or will. *Huber v. Reznick*, 107 Ill. App. 3d 529, 63 Ill. Dec. 179, 437 N.E.2d 828 (5 Dist. 1982).

Illustrative Cases

In an election contest where the state Supreme Court held that two candidates for the office of highway commissioner of a township received an equal number of votes, the trial court was to require the two parties to decide by lot, pursuant to former Ill.Rev.Stat., ch. 46, para. 123 (see now this section), and where the contestee died prior to filing of the Supreme Court's mandate in the county court, the county court did not have power to declare either contestant elected and a writ of mandamus was awarded directing the county court to expunge the order declaring the contestant elected. *People ex rel. McLaren v. Deboice*, 377 Ill. 634, 37 N.E.2d 337 (1941).

Method of Determination

—Coin Flip

Choosing a coin flip as the method of determining the winner of the tie vote by lot was authorized by this statute. *Huber v. Reznick*, 107 Ill. App. 3d 529, 63 Ill. Dec. 179, 437 N.E.2d 828 (5 Dist. 1982).

LEGAL PERIODICALS

For article: "The McCourt Bill: A Practical Merit Selection Plan," see 66 Ill. B.J. 12 (1977).

10 ILCS 5/23-28 [Certified copy of judgment]

Sec. 23-28. A certified copy of the judgment of the court shall have the same effect as to the result of the election as if it had been so declared by the canvassers.
(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-28.

10 ILCS 5/23-29 [Disqualification of winning candidate]

Sec. 23-29. When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualification on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void.
(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-29.

CASE NOTES

Runners-Up

Where the leading vote-getter in a ward committeeman election was disqualified for nonresidence, the first runner-up had no statutory right to be named ward democratic committeeman based on the returns from the election. *Durham v. Barrett*, 15 Ill. App. 3d 1011, 305 N.E.2d 201 (1 Dist. 1973).

10 ILCS 5/23-30 [Appeals]

Sec. 23-30. In all cases of contested elections in the circuit courts, appeals may be taken in the same manner, and upon like conditions as is provided by law for taking appeals in other civil cases.
(Source: Laws 1965, p. 3493.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 23-30.

CASE NOTES

Evidence

—Invalid Ballots

On appeal from a judgment in an election contest, the question as to whether the ballots were valid or invalid would be considered by the Supreme Court regardless of the manner of the introduction into evidence of the ballots, or by whom introduced. *Wood v. Hartman*, 381 Ill. 474, 45 N.E.2d 864 (1942).

ARTICLE 24.

VOTING MACHINES

10 ILCS 5/24-1 [Use of voting machines]

Sec. 24-1. The election authority in all jurisdictions when voting machines are used shall, except as otherwise provided in this Code, provide a voting machine or voting machines for any or all of the election precincts or election districts, as the case may be, for which the election authority is by law charged with the duty of conducting an election or elections. A voting machine or machines sufficient in number to provide a machine for each 400 voters or fraction thereof shall be supplied for use at all elections. However, no such voting machine shall be used, purchased, or adopted until the board of voting machine commissioners hereinafter provided for, or a majority thereof, shall have made and filed a report certifying that they have examined such machine; that it affords each elector an opportunity to vote in absolute secrecy; that it enables each elector to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from independent nominees printed in the columns of candidates for public office, and in part of persons not in nomination by any party or upon any independent ticket; that it enables each elector to vote a written or printed ballot of his own selection, for any person for any office for whom he may desire to vote; that it enables each elector to vote for all candidates for whom he is entitled to vote, and prevents him from voting for any candidate for any office more than once, unless he is lawfully entitled to cast more than one vote for one candidate, and in that event permits him to cast only as many votes for that candidate as he is by law entitled, and no more; that it prevents the elector from voting for more than one person for the same office, unless he is lawfully entitled to vote for more than one person therefor,

and in that event permits him to vote for as many persons for that office as he is by law entitled, and no more; and that such machine will register correctly by means of exact counters every vote cast for the regular tickets thereon; and has the capacity to contain the tickets of at least 5 political parties with the names of all the candidates thereon, together with all propositions in the form provided by law, where such form is prescribed, and where no such provision is made for the form thereof, then in brief form, not to exceed 75 words; that all votes cast on the machine on a regular ballot or ballots shall be registered; that voters may, by means of irregular ballots or otherwise vote for any person for any office, although such person may not have been nominated by any party and his name may not appear on such machine; that when a vote is cast for any person for any such office, when his name does not appear on the machine, the elector cannot vote for any other name on the machine for the same office; that each elector can, understandingly and within the period of 4 minutes cast his vote for all candidates of his choice; that the machine is so constructed that the candidates for presidential electors of any party can be voted for only by voting for the ballot label containing a bracket within which are the names of the candidates for President and Vice-President of the party or group; that the machine is provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented so that it cannot be tampered with or manipulated for any purpose; that the machine is susceptible of being closed during the progress of the voting so that no person can see or know the number of votes registered for any candidate; that each elector is permitted to vote for or against any question, proposition or amendment upon which he is entitled to vote, and is prevented from voting for or against any question, proposition or amendment upon which he is not entitled to vote; that the machine is capable of adjustment by the election authority, so as to permit the elector, at a party primary election, to vote only for the candidates seeking nomination by the political party in which primary he is entitled to vote: Provided, also that no such machine or machines shall be purchased, unless the party or parties making the sale shall guarantee in writing to keep the machine or machines in good working order for 5 years without additional cost and shall give a sufficient bond conditioned to that effect.
(Source: P.A. 82-750; 89-700, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-1.

Cross References.

As to the authority of a municipality which has adopted this Article to issue a bond for the purchase of voting machines, see 65 ILCS 5/8-4-1.

As to the incurring of indebtedness in a county having more than 500,000 inhabitants for the purpose of purchasing voting machines, see 55 ILCS 5/6-5001.

As to modification of provisions on the primary ballot of a political party when voting machines are used, see 10 ILCS 5/7-19.

As to modification of provisions for an elector to write in a candidate in a primary election when voting machines are used, see 10 ILCS 5/7-46.

As to modification of provisions with regard to an adjournment or recess in a primary election when voting machines are used, see 10 ILCS 5/7-49.

As to the modification of provisions with regard to printing of candidates' names on ballots and for an elector to write in a candidate in an election for public officers when voting machines are used, see 10 ILCS 5/16-3.

As to the modification of provisions with regard to an adjournment or recess in an election when voting machines are used, see 10 ILCS 5/17-17.

As to modification of provisions with regard to the counting of excess ballots when voting machines or electronic voting systems are used, see 10 ILCS 5/18-9.

As to the modification of provisions with regard to the announcing of the result of the canvass of ballots when voting machines or electronic voting systems are used, see 10 ILCS 5/18-13.

As to the altering of the boundaries of the precincts so as to change the number of registered voters of the precincts using an electronic voting system, see 10 ILCS 5/24A-3.1.

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, in the third sentence deleted "that it enables each elector to vote a straight party ticket;" following "opportunity to vote in absolute secrecy;".

CASE NOTES

ANALYSIS

Construction
Legislative Intent
Number of Votes
Opportunity to Vote
Time to Vote
Voters

Construction

Under the requirement of the former Ballot Law (see now this section) that each elector could, understandingly and within the period of one minute, cast his vote for all candidates of choice, "each elector" did not mean absolutely every elector, for a voter could be blind or crippled so as to be physically unable to use the machine, and the statute provided for that condition, but the term included at least every elector of ordinary intelligence having the reasonable use of his faculties and members. *People ex rel. Hull v. Taylor*, 257 Ill. 192, 100 N.E. 534 (1912).

Legislative Intent

The intent of the legislature was to vest in the Board of Election Commissioners the right and power to select and purchase voting machines, and to empower city councils with complete control of the purse strings and the method of financing such purchase. *People ex rel. Lipsky v. City of Chicago*, 403 Ill. 134, 85 N.E.2d 667 (1949).

Number of Votes

Former sections 7 and 8 of article IV of the Illinois Constitution of 1870 (see now Ill. Const., (1970), Article IV, section 3) gave the right to cast two votes for one candidate and one for another if the voter saw fit to do so, and an objection made to a voting machine on account of its permitting this method of voting was therefore of no force. *People ex rel. Hull v. Taylor*, 257 Ill. 192, 100 N.E. 534 (1912).

Opportunity to Vote

Ample opportunity was afforded by a voting machine to vote for the full number of electoral candidates other than by writing in their names, for example, by means of pasters made to fit the opening provided in the machine for that purpose, having the back gummed and having printed on the face a list of the electoral candidates of a party; by the use of one or more pasters, the voter could vote for any combination of electoral candidates he chose. *People ex rel. Hull v. Taylor*, 257 Ill. 192, 100 N.E. 534 (1912).

Time to Vote

It was not enough that one voter or many voters could have possibly, by strenuous effort, voted for the candidates they desired in one minute, but rather, it was necessary that the average voter who wished to vote for candidates upon two or more or all of the various tickets could have, by a reasonable effort, been able to cast the vote he desired to cast within the time allowed him by law for doing so; the machines did not comply with the law in respect to the time within which votes could have been made and their use, if voters were allowed only one minute to vote, would have resulted in the disenfranchisement of many voters. *People ex rel. Hull v. Taylor*, 257 Ill. 192, 100 N.E. 534 (1912).

Voters

If a voter was required to be a trained expert, if he was required to be a man of more than ordinary intelligence, keenness of vision or alertness of motion in order to be able to vote as he wished within a minute, then the machine which required these things of him did not comply with the law. *People ex rel. Hull v. Taylor*, 257 Ill. 192, 100 N.E. 534 (1912).

10 ILCS 5/24-1.1 [Provision of voting machines required]

Sec. 24-1.1. The county board of each county having a population of 35,000 or more, with respect to all elections for which the county board or the county clerk is charged with the duty of providing materials and supplies, and each board of election commissioners in a municipality having a population of 35,000 or more with respect to elections under its jurisdiction, must provide either voting machines in accordance with this Article or electronic voting systems in accordance with Article 24A [10 ILCS 5/24A-1 et seq.] for each precinct for all such elections except as provided in Section 24-1.2 [10 ILCS 5/24-1.2] except in elections held pursuant to the provisions of Section 12 of Article VI of the Constitution relating to retention of judges in office, in which event, the special ballot containing the propositions on the retention of judges may be placed on the voting machines or devices. For purposes of this Section 24-1.1 [10 ILCS 5/24-1.1], the term "population" does not include persons prohibited from voting by Section 3-5 of this Act [10 ILCS 5/3-5].

Before voting machines or electronic voting systems are introduced, adopted or used in any precinct or territory at least 2 months public notice must be given before the date of the first election wherein such machines are to be used. The election authority shall publish the notice at least once in one or more newspapers published within its jurisdiction in which the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within such political subdivision of this State. The notice shall be substantially as follows:

Notice is hereby given that on (give date), at (give place where election is held) in the county of an election will be held for (give name of office to be filled) at which voting machines will be used.

Dated at on (insert date).

The notice referred to herein shall be given only at the first election at which such voting machines or electronic voting systems are used.

(Source: P.A. 81-891; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-1.1. P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Cross References.

As to the issuance of bonds and levying a property tax for the purpose of voting machine or electronic tabulations, see 65 ILCS 5/8-4-26

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

10 ILCS 5/24-1.2 [Paper ballots]

Sec. 24-1.2. Paper ballots may be used for the conduct of the consolidated election in odd-numbered years, the special municipal primary in even-numbered years, and emergency referenda held at any time, except in regular elections in which the only offices or propositions on the ballot are for political subdivisions for which offices have heretofore been voted on using voting machines or electronic voting systems and except as otherwise provided by regulation of the State Board of Elections adopted pursuant to this Section.

The State Board of Elections may adopt regulations requiring the use of voting machines or electronic voting devices, as are available in the jurisdiction of the election authority, in such elections. Such regulations shall be applicable uniformly statewide, and shall require the use of such voting equipment only in those elections and only in those precincts where (1) the ballots to be voted are complex, due to large numbers of offices, candidates, or public questions required to be on the ballot, (2) the number of political subdivisions whose officers or public questions are to be included on the ballot is substantial, and (3) the use of such voting equipment is efficient, cost effective, and does not result in unjustified election expenses to be reimbursed by the political subdivisions that will share such expenses pursuant to Sections 17-30 through 17-33 [10 ILCS 5/17-30 through 10 ILCS 5/17-33]. Such regulations may provide reasonable classifications based on the above factors.

(Source: P.A. 80-1469; 90-358, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-1.2.

Effect of Amendments.

The 1997 amendment by P.A. 90-358, effective January 1, 1998, in the first paragraph, deleted "the non-partisan election and" preceding "the consolidated" and substituted "election" for "elections".

OPINIONS OF ATTORNEY GENERAL**Paper Ballots**

A county clerk does not have the authority to prescribe the use of paper ballots, rather than the punch card system, for a general election. 1986 Op. Atty. Gen. (86-006).

10 ILCS 5/24-2 [Construction]

Sec. 24-2. The voting machine or machines to be used, adopted, purchased as herein provided must

be so constructed as to meet all requirements specified in this Article.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-2.

10 ILCS 5/24-3 [Examination]

Sec. 24-3. The State Board of Elections shall appoint 2 mechanical experts to examine voting machines. No member of the board nor their appointees shall have any interest in any voting machine. Any person or corporation owning or being interested in any voting machine may apply to said board to examine such machine and report on its accuracy, efficiency, capacity and safety. The experts shall examine the machine and make full report thereon in the office of the State Board of Elections. They shall state in the report whether or not the kind of machine so examined complies with the requirements of this Article and can be safely used by voters at elections under the conditions prescribed in this Article. If the report be in the affirmative upon said questions, the machine shall be deemed approved by the board and the machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved any improvement or change that does not impair its accuracy, efficiency, capacity or safety shall not render necessary a re-examination or re-approval thereof. Any form of voting machine not so approved cannot be used at any election. Each of the 2 mechanical experts shall be entitled to \$100 for his compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination, which sum may be demanded in advance of making the examination, and which shall be the sole compensation to be received by any such expert. The board may, if it consents to do so, go to any point in the state for the purpose of examining a machine, but it shall not be compelled to make such examination at any place other than the capital of the state; Provided, that each of the 2 mechanical experts shall not receive and retain to exceed \$1500 and reasonable expenses in any one year, and all sums collected for such examinations over and above said maximum salaries and reasonable expenses shall be turned into the State Treasury.

(Source: P.A. 78-918.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-3.

10 ILCS 5/24-4 [Experimental use]

Sec. 24-4. The election authorities may provide for the experimental use, at any election or elections, in one or more election precincts, of a machine or machines which it might lawfully adopt, without a formal adoption thereof, and their use at such elec-

tions shall be as valid for all purposes as if they had been lawfully adopted.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-4.

10 ILCS 5/24-5 [Bonds and other obligations; issuance]

Sec. 24-5. The local authorities may for the purpose of paying for such voting machines issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the city, village, incorporated town, county or other governmental taxing division. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par. (Source: Laws 1967, p. 2702.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-5.

CASE NOTES

ANALYSIS

Appropriations
Legislative Intent

Appropriations

A City Board of Election Commissioners had no power to bind the city without a prior appropriation by the city council having been made to cover the purchase price of voting machines. *Empire Voting Mach. Co. v. City of Chicago*, 267 F. 162 (7th Cir.), cert. denied, 254 U.S. 642, 41 S. Ct. 14, 65 L. Ed. 453 (1920).

Legislative Intent

The intent of the legislature was to vest in the Board of Election Commissioners the right and power to select and purchase voting machines, and to empower city councils with complete control of the purse strings and the method of financing such purchase. *People ex rel. Lipsky v. City of Chicago*, 403 Ill. 134, 85 N.E.2d 667 (1949).

10 ILCS 5/24-6 [Consolidation of election precincts]

Sec. 24-6. For any election in which voting machines are to be used, the election precincts in which such voting machines are to be used may be created or consolidated into one area by the election authority so as to contain as near as may be five hundred voters for each voting machine to be used therein. The said consolidated precincts to consist of no more than four and to be contiguous and to be known as Consolidated Areas. When voting machines are used in contiguous precincts as now or hereafter established, they shall be consolidated in such manner as to provide for the efficient and economical use thereof. Such consolidation shall be made under such regulations as to time and manner as are now provided by law, shall be for the purpose of more efficient conduct of an election and shall not constitute a change in precinct boundaries. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-6.

10 ILCS 5/24-7 [Repair]

Sec. 24-7. The election authority shall preserve and keep the voting machine or voting machines in repair, and shall have the custody thereof, and of the furniture and equipment of the polling place when not in use at an election. No person shall be employed or allowed to perform any mechanical services in connection with any voting machine which is used or to be used at any election or primary in which such person is a candidate.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-7.

10 ILCS 5/24-8 Location of voting machines; time allowed for voting; pollwatchers

Sec. 24-8. *Location of voting machines; time allowed for voting; pollwatchers.* The exterior of the voting machines, and every part of the polling place shall be in plain view of the election officials. The voting machine or voting machines shall be placed at least one foot from every wall and partition of the polling place and at least three (3) feet from any election officials or table used by them, and it shall be so placed that no person can see or determine how the voter casts his vote. After the opening of the polls, the election judges shall permit within the proximity of the voting machine or machines at any one time, not more than twice as many voters waiting to vote, as there are voting machines in use in that election precinct or district. They shall not themselves remain or permit any other person to remain in any position or near any position that would permit one to see or ascertain how a voter votes, or how he has voted. No voter shall remain within the voting booth or compartment longer than four (4) minutes, and if any voter shall refuse to leave after the expiration of four (4) minutes, he shall at once be removed by the election officials, or upon their order; provided, however, that one election judge may station himself at the side of the machine or machines for the express purpose of actuating the entrance knob, or other device so the voter can operate the voting machine and also in a primary, to set the primary lever or device, so as to enable the voter to vote in the party of which he is a member and to prevent the voter from voting for the candidate or candidates in any other party. The voting machine or machines shall be so placed in the polling place that the ballot labels on the face of the machine can be seen plainly by the precinct election officials and pollwatchers when not in use by the voters. The election precinct officials having charge of each machine shall inspect the face of the voting machine after each voter has completed the casting of his vote to see that the ballot labels are in proper

position and that the machine has not been injured or tampered with, and after any voter has voted, the precinct election officials having charge of the machine shall, upon request, permit any pollwatcher to inspect the face of the voting machine to see that the ballot labels are in proper position and have not been injured or marked upon and that the machine has not been tampered with. If it shall be found that such mutilation or marking shall have occurred, the election board shall immediately notify the custodian of the voting machines, or the officer or board having charge of the preparation of the machines, and such custodian or officer or board shall forthwith replace such ballot labels with new ones. Pollwatchers as provided by law shall be permitted to carefully check the voting machine and its protective devices, and ballot labels and registering counters, before the polls may be declared open on election morning, and they shall be permitted to remain in the polling place at all times throughout the conduct of the election if desired, and after the close of the polls, to be present and check the protective devices and registering counters of each voting machine, and the official return sheets thereof.

(Source: P.A. 80-1090; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-8.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, added the section catchline; deleted the first sentence which read "The room in which the election is held shall have a railing separating the part of the room occupied by the precinct officials from that part of the room occupied by the voting machine or voting machines"; and in the third sentence substituted "shall permit within the proximity of the voting machine or machines at" for "shall allow no person to pass within the railing of that part of the room where the machine or machines are situated, except for the purpose of voting, except as hereinafter specifically provided in this and in the next succeeding sections of this Article, and they shall permit within the enclosed space at".

CASE NOTES**Time to Vote**

If votes cannot be cast upon machines within the time allowed by law, their use will result in some voters being deprived of their votes. *People ex rel. Hull v. Taylor*, 257 Ill. 192, 100 N.E. 534 (1912).

10 ILCS 5/24-8.1 [Provision of separate voting machine]

Sec. 24-8.1. Whenever on the same day as a primary election there is also an election for officers or on propositions in which qualified voters have the right to vote without participating in the primary of any party, either a separate voting machine or a voting booth and paper ballots may be provided for those voters who do not wish to participate in the primary of any party. Such determination shall be made by resolution of the county board, municipal board of election commissioners or county board of election commissioners, whichever is applicable.

(Source: P.A. 79-200.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-8.1.

10 ILCS 5/24-9 [Voter assistance]

Sec. 24-9. Assistance to illiterate and disabled voters shall be given in accordance with the provisions in Section 17-14 of this Act [10 ILCS 5/17-14]. (Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-9.

10 ILCS 5/24-10 [Instruction for voters]

Sec. 24-10. For the instruction of the voters on election day, there shall be provided for each polling place, one mechanically operated instruction model for each machine, showing a portion of the face of the voting machine. Each such instruction model shall show the arrangement of party rows, office columns and questions, but only fictitious candidates' names shall be used. Such model shall be located on the election officials' table, or in some other place which the voters must pass to reach the machine, and each voter, upon request, before entering the machine, shall be offered instruction in its operation by use of the instruction model, and the voter shall be given ample opportunity to operate the model himself. Each voter shall also have called to his attention the facsimile diagrams at least two of which shall be posted on the walls of the polling place, which facsimile diagrams shall be exact facsimiles, including the color of the ballot labels, as near as may be, of the face of the voting machine, so that the voter can become familiar with the location of the questions, parties, officers and candidates. In case any voter after entering the voting machine booth shall ask for further instructions concerning the manner of voting, two judges of opposite political parties shall give such instructions to him; but no precinct election official, or person assisting a voter shall in any manner request, suggest or seek to persuade, or induce any voter to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. During such instruction, the curtains shall be thrown aside so that the instruction may be observed by persons in the polling place. After giving such instructions such precinct election officials shall retire from the machine booth, and the voter shall thereafter, with the curtains closed around him, proceed to vote as in the case of an unassisted voter.

(Source: Laws 1949, p. 817.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-10.

10 ILCS 5/24-11 [Ballot label; breakdown of machine]

Sec. 24-11. That portion of cardboard, paper or other material, placed on the front of the machine and containing the names of the candidates shall be

known in this Article as a ballot label. The ballot labels shall be supplied by the election authority, and shall be printed in black ink on clear white material of such size as will fit the machine and in plain, clear type, and shall provide space, not less than one-half inch in height and one and one-half inches in width for the printing of each candidate's name with such other wording as is required by law. However, ballot labels for use at the nonpartisan and consolidated elections may be printed on different color material, except blue material, whenever necessary or desirable to facilitate distinguishing between different political subdivisions on the machine. The names of all candidates shall be printed in uniform size in boldface type. The party name or other designation shall be prefixed to the list of the candidates of such party. The order of the lists of candidates of the several parties shall be arranged as is in this Act provided, except that the lists may be placed in horizontal rows or vertical columns, which parties may, if desired be divided into parallel and contiguous rows or columns. Where presidential electors are to be voted for at any election, then there may be placed on the ballot labels a bracket in which are the names of the candidates for President and Vice President of the party or group. Each question or other proposition, to be submitted to a vote of the electors shall appear on the ballot labels, in the form prescribed therefor, but if no such form is prescribed then they shall be in brief form, not to exceed 75 words. The ballot label for each candidate or group of candidates nominated or seeking nomination by a political party shall contain the name of the political party.

In any election in which there is submitted a proposal or proposals for a constitutional amendment or amendments or for calling of a constitutional convention the ballot label for the separate ballot for such proposals shall be printed on blue, rather than white, material.

In elections held pursuant to the provisions of Section 12 of Article VI of the Constitution relating to retention of judges in office, the ballot label for the judicial retention propositions shall be printed on green, rather than white, material.

If any voting machine being used in an election or primary shall become out of order during such election or primary, it shall, if possible, be repaired or another machine substituted by the custodian or election authority, for which purpose the proper authorities may purchase as many extra voting machines as they may deem necessary, but in case such necessary repairs or substitution cannot be made immediately, paper ballots, printed or written and of suitable form, shall be used for the taking of votes. The paper ballots to be used in such event shall be prepared and distributed to the various precincts in the manner provided for in Sections 16-3 and 16-4 of this Election Code [10 ILCS 5/16-3 and 10 ILCS 5/16-4]; except that the election authority shall supply a number of ballots to each precinct

equal to at least 20% of the number of voters registered to vote in that precinct. If a method of election for any candidates is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any election the number of candidates nominated or seeking nomination for any office renders the use of the voting machine for such office at such election impracticable, or if for any reason, at any election the use of voting machines is not practicable or possible, the proper officer or officers having charge of the preparation of the ballot labels for the machines may arrange to have the voting for such or all candidates for officers conducted by paper ballots. In such cases ballots shall be printed for such or all candidates, and the election conducted by the election officers herein provided for, and the ballots counted and return thereof made in the manner required by law for such candidate or candidates or offices, insofar as paper ballots are used.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-11.

CASE NOTES

ANALYSIS

Form of Ballot Label
Names on Ballot
Withdrawal of Candidate
—Locking of Machine

Form of Ballot Label

The legislature was not as greatly concerned about the shape, size or form of the ballot label as it was with affording the voters an opportunity to express their wishes in the selection of candidates for office. *People ex rel. Lipsky v. City of Chicago*, 403 Ill. 134, 85 N.E.2d 667 (1949).

Names on Ballot

10 ILCS 5/16-3, 10 ILCS 5/16-5 and 10 ILCS 5/24-1, read together, not only authorize, but require the county clerk, as a ministerial act, to see that the proper names are on the ballot; if a candidate is dead, the ballot should be corrected, and if he has withdrawn, he is no longer a candidate, and his name should not be upon the official ballot. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

Withdrawal of Candidate

—Locking of Machine

The county clerk has a right in case of the withdrawal of a candidate for the major party to take his name off of the official ballot; in the case of voting machines, he does so by locking the lever opposite the name of such candidate, and by so locking the name of a candidate who has withdrawn from the official ballot, there has been no mutilation of the ballot, rendering such ballots illegal and void. *Bergenson v. Mullinix*, 399 Ill. 470, 78 N.E.2d 297 (1948).

OPINIONS OF ATTORNEY GENERAL

Paper Ballots

A county clerk does not have the authority to prescribe the use of paper ballots, rather than the punch card system, for a general election. 1986 Op. Atty. Gen. (86-006).

10 ILCS 5/24-12 [Facsimile diagrams]

Sec. 24-12. The election authority shall provide at least 4 facsimile diagrams which shall be arranged

in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballot labels are arranged for voting purposes on election day. Where colored ballot labels are required to be used, the facsimile diagrams shall be appropriately colored to indicate such ballot labels. Such diagrams shall be displayed for public inspection, 2 on the outside of the polling place, and 2 on the inside thereof, at such polling place during the day preceding election or primary day and throughout election day. At each election where voting machines are to be used, the election authority shall, not less than 10 days before the election, provide for each election precinct in which a voting machine is to be used, facsimile diagrams, printed on tinted paper, in an amount equal to at least 1/6 of the number of votes cast in such precinct at the last preceding general election. Such facsimile diagrams shall be made available for public distribution except that ten per cent (10%) of the number of the ballots printed shall be supplied to the judges of election on election day for use in instructing the voters and for distribution to the voters by them in their discretion. Such facsimile diagrams may be of reduced size and shall provide complete instructions for operating the voting machine in that election. (Source: P.A. 81-1433.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-12.

CASE NOTES

Purpose

The clear objective of the legislative mandate requiring facsimile diagrams is to provide a means whereby the election judges can confirm that the labels are in their proper location and that votes will be mechanically counted for the candidate for whom they are cast; without the detailed facsimile diagrams required by this Act, the election judges could not verify the correctness of the ballot label placement on the face of the machine. *Fitzpatrick v. Carr*, 220 Ill. App. 3d 79, 162 Ill. Dec. 750, 580 N.E.2d 933 (3 Dist. 1991).

10 ILCS 5/24-13 [Provision of materials; custodians; procedures]

Sec. 24-13. Four sets of ballot labels for use in each voting machine shall be provided for each polling place for each election by the election authority. There shall also be furnished all other necessary materials or supplies for the proper use of the voting machines, including durable transparent nonflammable covering at least 1/16 inch thick with which all the ballot labels shall be securely covered to prevent shifting, tampering with or mutilations of the ballot labels, facsimile diagrams, return sheets, certificates, forms and materials of all kinds provided for in this Article. The election authority shall before the day of election, cause the proper ballot labels, together with the transparent protective covering for same, to be put upon each machine, corresponding with the sample ballot labels herein provided for, and the machine in every way to be put in

order, set and adjusted, ready for use in voting when delivered at the precinct polling places and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one competent person to be known as the voting machine custodian and additional deputy custodians as required. The election authority shall, preceding each election day, holding a meeting or meetings for the purpose of instructing all election precinct officials who are to serve in an election precinct where voting machines are to be used. Before preparing any voting machines for any election, the election authority shall cause written notices to be sent to the chairman of the county central committee of each political party having a candidate or candidates on the ballot, or the chairman of each municipal or township committee of each political party having candidates on the ballot, in the case of a municipal or township election, stating the times when, and the place or places where, the voting machines will be prepared for the election; they shall also cause written notices to be sent to the chairman or presiding officer of any organization of citizens within the county, or other political subdivision, having as its purpose, or among its purposes or interests, the prevention, investigation or prosecution of election frauds, which has registered its name and address and the names of its principal officers with the officer, officers or board having charge of the preparation of the machines for the election, at least 40 days before such election, stating the times when, and the place or places where, the voting machines will be prepared for the election, at which times and place or places, one representative of each such political party, certified by the respective chairman of the county managing committee of each such political party, or the chairman of the municipal or township committee in the case of a municipal or township election, and one representative of each such candidate, certified by such candidate, and one representative of each organization of citizens, certified by the respective chairman or presiding officers of such organizations shall be entitled to be present and see that the machines are properly prepared and tested and placed in proper condition and order for use at the election. The custodian or custodians of voting machines and the party representatives shall take the constitutional oath of office. It shall be the privilege of such party and organization representatives to be present at the preparation of the voting machines for the election and to see that each machine is tested for accuracy and is properly prepared and that all registering counters are set at zero. The custodian shall, in the presence of the party and candidate and organization representatives, prepare the voting machine for the election and set all registering counters at zero, and he shall then, assisted by the watchers, test each such registering counter for accuracy by casting votes upon it, and such testing shall be done in the presence of the watchers, until

each such registering counter is correctly registering each vote cast upon it, and each certificate for each machine shall state that this has been done, and the custodians shall then, in the presence of the party and candidate and organization representatives, reset each registering counter to zero, and shall then immediately seal the voting machine with a numbered metal seal, and a record of the number on the seal shall then and there be made by the custodian on the certificate for that machine and the seal shall be so placed as to prevent operation of the machine or its registering counters without breaking the seal, and the custodian shall then immediately make a record on the certificate for that machine of the reading shown on the protective counter. Immediately after each machine has been so tested and prepared for the election, it shall be the duty of such custodian or custodians to make a certificate in writing which shall be filed in the office of the election authority, stating the serial number of each voting machine, whether or not such machine has all the registering counters set at zero, whether or not such machine has been tested by voting on each registering counter so as to prove that each such registering counter is in perfect and accurate working condition, the number registered on the protective counter, and the number on the metal seal with which the machine is sealed against operation. Unless objection is filed, within 2 days, with the election authority, to the use of a particular machine or machines, such voting machine or machines when certified to be correct by the custodian shall be conclusively presumed to have been properly prepared for use at the election for which they were prepared. Any objection filed shall particularly set forth the number of the machine objected to, and the particulars or basis for the objection. The machine shall then be locked so that it cannot be operated or voted upon without first unlocking it and the keys shall be at once returned to the custody of the election authority, and the election authority shall cause the machine so labeled in order, set and adjusted, to be delivered at the polling place, together with all necessary furniture and appliances that go with the same, not later than one hour before the hour at which the polls are to be opened. The election authority shall deliver the keys, which unlock the voting mechanism and the registering counters or counter compartment of the voting machine, to the precinct election board, not earlier than noon on the Saturday preceding the election day, nor later than one hour before the opening of the polls, and shall receive and file a receipt therefor. The keys shall be enclosed in a sealed envelope on which shall be written or printed: (1) The name, number of or designation of the election precinct or district; (2) The number of the voting machine; (3) The number of the seal with which the machine is sealed; (4) The number registered on the protective counter or device as reported by the custodian. No precinct election official shall break the seal of such envelope

except in the presence of all members of the precinct election board, and such envelope shall not be opened until it shall have been examined by each member of the precinct election board to see that it has not been previously opened. Such envelope shall not be opened until it shall have been found that the numbers and records recorded thereon are correct and agree in every respect with the numbers and records as shown on the machine. If any such number is found not to agree with the numbers on the machine, the envelope shall not be opened until the precinct election officials shall have notified the election authority, and until the election authority or some other person authorized by the election authority shall have presented himself at the polling place for the purpose of re-examining the machine, and shall have certified that it is properly arranged after testing and examining it. On the morning of the election the precinct election officials shall meet in the polling place at least one hour before the time for opening the polls. They shall see that the sample ballot labels and instructions for voting are posted properly, and prominently so that the voters can have easy access to them and that the instruction model is placed on the precinct election officials' table and that everything is in readiness for voting at the hour of opening the polls. They shall also see that the voting machine is properly illuminated in accordance with the equipment furnished. The precinct election officials shall compare the ballot labels on the machine with the sample ballots and return sheets, see that they are correct, examine and see that all the registering counters in the machine are set at zero (0) or if the machine is equipped with a device which will automatically record the number on the registering columns on the back of the machine to recording sheets of paper and the said paper can be removed without opening the back of the machine, that all of the said registering counters for each candidate as appears on the said recording sheet registers (0) and that the public counter is also set at zero (0) and that the machine is otherwise in perfect order and they shall compare and record the number on the metal seal with which the voting machine is sealed, with the number furnished them as recorded on the envelope containing the keys, by the election authority, and if the number on the seal and the number on the protective counter do not agree with the numbers supplied to them, they shall not open the polls, but shall notify the election authority, and the election authority or its authorized representatives or custodian, shall, as soon as may be, test, examine and set the machine in the same manner as is provided in this section for the testing, setting and preparation of voting machines for an election. If, after being so tested and examined, it is found that such voting machine is in perfect working order, all registering counters shall be set at zero (0), the reading of the protective counter shall be read and recorded and the precinct election officials may proceed with the opening of the

polls. If such machine be found not to be in perfect working order as hereinbefore provided, it shall not be used in the election, but shall be replaced with another machine which is in perfect working order, properly set, tested and sealed, and the election board shall then proceed to examine such machine in the same manner as is provided in this section for the examination of each voting machine by the election board before the opening of the polls. They shall not thereafter permit the counters to be operated or moved except by electors in voting, and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine. Each precinct election official shall sign a certificate which shall certify that he has complied with all the provisions of this Article, and that, before the polls were declared open, he found the ballot labels to be in their proper places and to exactly agree with the facsimile diagrams and return or recording sheet belonging to that precinct; all registering counters set at zero (0); the number on the metal seal and the number on the protective counter exactly agree with the records furnished by the election authority; the metal seal actually was sealed so as to prevent movement of the voting machine mechanism without first breaking the seal; all ballot labels were clean and without marks of any kind upon them and they were in no way defaced or mutilated. When voting machines are used in an election precinct, the watchers or challengers representing the various political parties, candidates and citizens' organizations, provided by law to be present shall be permitted to be present from the time the precinct election board convenes on election morning until the completion of the canvass after the close of the polls. Such watchers shall be permitted to carefully examine each voting machine before the polls are declared open and to compare the number of the metal seal and the number on the protective counter with their own records, and to see that all ballot labels are in their proper places, and that the machine registering counters are all set at zero (0), and that the machine or machines are in every way ready for voting at the opening of the polls. If it is found that the ballot labels are not in their proper places on the machine, or that they fail to conform in any respect, with the facsimile diagrams and return sheets belonging to the precinct, the precinct election officials shall not use such machine but shall at once notify the proper election authority, and such machine shall not be used until the election authority or person authorized by it, shall have supplied the proper ballot labels, and shall have placed such proper ballot labels in their proper places, and they shall have been found to be correct by the precinct election officials and watchers. If any registering counter shall be found not to be set at zero (0), the precinct election officials shall immediately notify the custodian or officer or officers or board having charge of the preparation of the voting machines for the election or primary, and the election authority or

person authorized by him or them or it shall adjust such registering counter or counters to zero (0), in the presence of all the precinct election officials and watchers serving in such election district. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-13.

CASE NOTES**ANALYSIS****Constitutional Violation**

—Not Shown
Defective Ballots
—Objections
Interference with Pollwatcher
—Indictment
—Sentence
Substantial Compliance

Constitutional Violation**—Not Shown**

The failure of election officials to take statutorily prescribed steps to diminish what was at most a theoretical possibility that voting devices might have been tampered with, and the refusal of those officials after the election to conduct a retabulation, assuming these events occurred, fell far short of constitutional infractions, absent aggravating circumstances of fraud or other wilful conduct found not to exist by the court. *Hennings v. Grafton*, 523 F.2d 861 (7th Cir. 1975).

Allowing voters to vote a second time in precincts where the voting devices broke down, without establishing procedures to assure that their previous votes had not in fact been registered, was not an adequate discharge by election officials of their responsibilities, but it did not rise to the level of a constitutional violation. *Hennings v. Grafton*, 523 F.2d 861 (7th Cir. 1975).

Defective Ballots**—Objections**

10 ILCS 5/16-5 and this section evidence a policy that, in the interest of finality, mistakes should be corrected before rather than after an election. *People ex rel. Goldberg v. Delaney*, 39 Ill. 2d 474, 236 N.E.2d 689 (1968).

Interference with Pollwatcher**—Indictment**

Indictment which charged a defendant with violating the right of a pollwatcher to examine a voting machine was not void because defendant was not charged in the indictment as being one of the persons who was prohibited from refusing a pollwatcher the right to examine a voting machine. *People v. Simmons*, 35 Ill. App. 3d 627, 342 N.E.2d 187 (1 Dist. 1976).

—Sentence

Defendant's sentence of 20 weekends of incarceration as a condition to his four years' probation for refusing to permit a pollwatcher to examine a voting machine was not excessive and was not reduced to straight probation. *People v. Simmons*, 35 Ill. App. 3d 627, 342 N.E.2d 187 (1 Dist. 1976).

Substantial Compliance

The trial court erred in finding substantial compliance with this section where the election authority did not prepare a facsimile diagram which agreed exactly with the ballot labels used on the face of a voting machine, but sample paper ballots were used instead and the sample paper ballots contained no numerical or alphabetical designations, but the face of the voting machine had letter and numerical designations with the political parties and candidates' names arranged in four horizontal lines; it would have been impossible to use the sample paper ballot prepared by the election authority to determine the proper ballot placement on the

face of the voting machine. *Fitzpatrick v. Carr*, 220 Ill. App. 3d 79, 162 Ill. Dec. 750, 580 N.E.2d 933 (3 Dist. 1991).

The trial court's finding of "substantial compliance" was not a standard contemplated by this section. *Fitzpatrick v. Carr*, 220 Ill. App. 3d 79, 162 Ill. Dec. 750, 580 N.E.2d 933 (3 Dist. 1991).

10 ILCS 5/24-14 [Irregular ballots; disposition]

Sec. 24-14. Ballots voted for any person whose name does not appear on the ballot label on the machine as a candidate for office are herein referred to as irregular ballots.

Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose.

(Source: Laws 1943, p. 288.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-14.

10 ILCS 5/24-15 [Procedure after polls are closed]

Sec. 24-15. As soon as the polls are closed, the voting machine or machines shall be locked in order to prevent further voting and each machine shall be sealed against voting and tampering, with a numbered metal seal, and the number of such metal seal shall be recorded at once on the certificate provided for that purpose, and the number on the protective counter of each voting machine shall also be recorded on the certificate in the space provided for that purpose, and the number on the public counter shall be recorded in the space provided for that purpose. The counting compartment shall then be opened in the presence of all the precinct election officials and all watchers and other persons who may be lawfully within the room, giving full view of the numbers announcing the votes cast for each candidate, and the vote for and against each of the questions or other propositions. Provided, however, when a machine is equipped with a device which will automatically record the number on the registering columns for each candidate, question or proposition on the back of the machine to a paper recording sheet then the recording sheet shall be removed and the vote cast shall be announced from the recording sheet for each candidate and the vote for and against each question or proposition. When voting machines are used in an election precinct, the watchers provided by law to be present in the polling place on election day shall be permitted to make a record of the number on the metal seal with which each voting machine is sealed, and to also record the number shown on the protective counter of each voting machine, and such watchers shall also be permitted to examine the counters of the voting machines as the totals are being announced for transcription to the return sheets or from the recording sheets and also to examine the return sheets or the recording sheets as the totals are being recorded or checked thereon. In voting machine precincts

where the voting machine is not equipped with the automatic recording sheet the officer, officers board or boards charged by law to furnish the ballot labels for the voting machines shall also furnish for each election precinct in which a voting machine is to be used, at least two duplicate return sheets which shall be used by the precinct election board of such election precinct for recording the results of the election. Such return sheets shall be printed in the form of a diagram exactly corresponding, in arrangement, with the face of the voting machine, and such return sheets shall also correspond, in as far as arrangement is concerned, with the sample ballots, and each return sheet shall provide printed instructions for the exact procedure which the precinct election board shall follow when making the canvass of the results of the election, and such return sheets shall also provide the office titles, party names, candidates' names and code letters and number, arranged in the same manner as on the ballot labels, and there shall be provided a space for inserting the serial number of each voting machine, so that the totals recorded from each voting machine may be identified as being from a certain voting machine, and there shall be provided a space for recording such separate total for each candidate and constitutional amendment, or other question or proposition, from each separate voting machine, and a space for recording the total of the mail and absentee vote in the same manner, so that the final total for each candidate, constitutional amendment, question or other proposition, may be totaled by adding all the figures in a column. Totals on the return sheets shall be recorded in figures only, in ink. The same authorities shall also furnish to each such election precinct suitable printed forms for use by the precinct election board, in making out the certificates provided for in this Article. Such certificates shall be made a part of the return sheets if practicable, or may be on separate sheets.

(Source: Laws 1961, p. 2492.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-15.

10 ILCS 5/24-16 [Counting votes; procedure]

Sec. 24-16. The precinct election officers shall then ascertain the number of votes which the candidates received both on the machine or machines, and by the voting of irregular ballots, if any. Except when the machine is equipped with a device which will automatically record the registering column on the back of the machine to sheets of paper giving the accurate vote cast for each candidate. Two precinct election officials, not members of the same political party, shall write the totals in figures, in ink, for such candidate on the duplicate return sheets provided for that purpose, while one election officer announces in a distinct voice the total vote cast for each candidate thus ascertained in the order of the offices as their titles are arranged on the ballot label,

and the remaining precinct election official or officials, if any, shall be stationed at the counter compartment of the voting machine being canvassed and shall watch each total as it is being called out from the registering counters. Each precinct election official who is recording the totals on the return sheets shall distinctly repeat each total as it is announced from the counter of the voting machine. The totals of each machine for each candidate shall be recorded on the return sheets in such a manner that they may be identified by the serial number of the voting machine. The vote both for and against each question or other proposition shall also be announced and recorded in the same manner as the vote for the candidates. When the machine is equipped with a device which will automatically record the registering column on the back of the machine to recording sheets of paper giving the accurate vote cast for each candidate then the totals cast for each candidate or each question or proposition shall be called out the same as if they were being read from the Counter Compartment of the voting machine, provided however the paper recording sheet shall constitute the return sheet for the precinct or consolidated area and no return sheets shall be required. When more than one voting machine is used in the same election precinct, the canvass of the first machine shall be completed before the second and so on. When the canvass of all totals shall have been completed, the precinct election board shall canvass all absentee ballots in the same manner provided by law for canvassing paper ballots. The totals of the absentee votes for each candidate and for each question or other proposition shall be recorded on the return sheets under the totals from the voting machines and the final total of the votes received by each candidate, and each constitutional amendment, question or other proposition, shall be ascertained and recorded in the space provided for that purpose on the return sheets. Upon the completion of the canvass as hereinbefore provided, one of the precinct election officials shall, in a loud and distinct voice announce the total votes received by each candidate, and the total votes cast both for and against each constitutional amendment, question or other proposition, and such proclamation shall be made slowly enough so as to enable anyone desiring to do so, to record each such result as it is announced. Except where a voting machine is equipped with an automatic recording sheet when the proclamation is completed, the election official who announced the totals from the counters of the machine or machines, shall take his place at one of the return sheets and one of the election officials of the opposite party who has completed the recording of the returns on the return sheets shall take his place at the counter compartment of the voting machine first canvassed, and he shall then proceed to announce each total on each registering counter in the same manner as it was done for the first canvass. Before the recheck of the voting machine is begun, the two precinct elec-

tion officials who are to recheck the totals on the return sheets shall exchange return sheets and each election official shall then, as the canvass proceeds, check each total as it is announced from the registering counters of the voting machine or machines for the second time. As each total is announced each precinct election official who is checking the totals on the return sheets shall repeat in a loud and distinct voice each total as it is announced. If any errors in the original canvass are discovered they shall be corrected at once in the presence of all the precinct election officials and a certificate shall be prepared and signed by each such election official, setting forth which errors were discovered and what corrections were made, and such certificate shall be made in duplicate and one filed with each return sheet. During the process of rechecking each total on the machines, the precinct election official or officials, if any, who at the original canvass acted as watcher or watchers at the registering counters of the machines, shall in the same manner verify the accuracy of each total as it is announced from the machine or machines and is repeated by the two precinct election officials who are rechecking the totals as written on the return sheets. When this recheck is completed the entire precinct election board shall take one of the return sheets and fold it in accordion pleats approximately ten inches wide with the face of the return sheet out, in such a manner that each pleat can easily be turned as the final recheck proceeds. The entire precinct election board shall then begin at the voting machine first canvassed and each such election official shall, simultaneously with the other such election officials, and in the presence of each other, examine each registering counter on the voting machine, and immediately examine the corresponding record for that counter, as it is written on the return sheet, and shall satisfy himself that both numbers are the same. Each total on each voting machine shall be as examined and when such examination has been completed, the entire precinct election board shall then compare each total on such return sheet with the corresponding total on the duplicate return sheet and each precinct election official shall satisfy himself that all totals are the same on both return sheets. Each precinct election official shall sign a certificate stating that each step in the canvass of the voting machines, as provided herein, has been carefully and faithfully carried out in every detail. If any errors are discovered during the final recheck of the registering counters and comparison of the duplicate return sheets, such errors shall be corrected at once, and each precinct election official shall sign a certificate stating which errors were found and what corrections were made and such corrections shall be made in the presence of all the precinct election officials. The precinct election board shall then canvass the irregular ballot in substantially the same manner as the law provides for canvassing the returns for paper ballots, and shall record the

results thereof on the return sheets in the space provided for that purpose. Before leaving the room and before closing and locking the counting compartment, each precinct election official shall make and sign the certificate and written statements and the return sheets of such election as provided by law. In precincts where the voting machines are equipped with the automatic recording sheet and two or more machines the total vote cast for each candidate, question or proposition from each machine shall be recorded separately on the statement of votes as provided for in Section 18-14 [10 ILCS 5/18-14], and the grand total of all votes appearing on the recording sheets shall be recorded on the statement of votes and proclaimed by the judges in the same manner as is herein provided for proclamation of votes from the return sheets. All absentee ballots and irregular ballots of each voting machine shall be returned to the proper office together with the return sheets and certificates and supplies and such absentee ballots and irregular machine ballots shall be preserved and finally destroyed as is now provided by law when paper ballots are used. The written statements or returns so made, after having been properly signed, shall be distinctly and clearly read in the hearing of all persons present in the polling place, and ample opportunity shall be given to compare the results so certified with the counter dials of the machine. After such comparison and correction, if any is made, the precinct election officials shall then close the counting compartment and lock the same. Thereafter the voting machine shall remain locked and sealed against voting for a period of at least 30 days, after the results of the election have been declared, unless otherwise ordered by the circuit court: provided, however, upon application to the circuit court, the circuit judge may order the said machines opened prior to the thirty day period herein required to be closed. The circuit court in its order shall specify the manner in which the count recorded on the machines shall be taken and preserved: provided, however, when the machines are equipped with any recording or photographic device on which votes registered on the mechanical counters will be separately recorded or photographed, as provided in Section 24-18 [10 ILCS 5/24-18] hereof, and it is necessary to use said machines at an election occurring within said 30 days, then after the machines have remained locked for a period of 48 hours they may be prepared for such subsequent election as herein provided. Whenever it is necessary to reset the machines for another election prior to the time limit for the filing of election contests, it shall be the duty of the proper officials to make a photographic record of the machines involved to be used in case of an election contest, whereupon the machines may be set back to zero and arranged for the next election. (Source: P.A. 80-704.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-16.

10 ILCS 5/24-17 [Machine keys; disposition]

Sec. 24-17. All of the keys of the machine or machines other than those automatically sealed in the machine, shall be placed in the envelopes provided for that purpose, and the envelopes shall be sealed and the envelopes shall designate the serial number of the voting machine to which such keys belong, and the number of the precinct and ward in which such voting machine was used at such election, and such keys shall be returned along with the written statements or returns of such election. (Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-17.

10 ILCS 5/24-18 [Recording or photographic device]

Sec. 24-18. A voting machine which passes all of the qualities required by this Article may be supplied, in addition, with any recording or photographic device on which the votes registered on the mechanical counters will be separately recorded or photographed. When a machine is supplied with a recording device which automatically registers the votes cast for candidates, questions or propositions, on separate recording sheets one copy shall be removed at the close of the polls to record the vote cast for each candidate, question or proposition and the other recording device shall not be taken out or examined by the election officers who make returns from the precinct, but such machine shall be locked with such device therein and so remain until the record made by such photographic or other device is removed and prepared for examination by the official canvassing board having charge of canvassing the returns of such election or primary, and the official canvassing board shall compare the totals as shown on the official return sheets with the totals as shown on the photographic or other device, and see that both such totals are the same. In case such totals are found not to be the same, such canvassing board shall summon the precinct election board which made the returns and together these two official bodies shall make the necessary investigation to ascertain the true facts and shall then correct the official return sheets as necessary. The record provided by such photographic or other device shall be filed along with the official return sheets by the officials now charged by law with filing and preserving the official return sheets, and shall be kept so filed for the same length of time as the law now provides for the filing and preservations of the official return sheets. (Source: P.A. 80-1031.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-18.

10 ILCS 5/24-19 [Tampering by unauthorized persons]

Sec. 24-19. No person not an election officer or other public official shall tamper or attempt to

tamper with such voting machine or voting machines, or in any way intentionally impair or attempt to impair its use, or attempt any dishonest practice upon any such voting machine, or with or by its use.

(Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-19.

10 ILCS 5/24-20 [Tampering by election officials]

Sec. 24-20. No judge of an election or inspector, or any custodian or other public official authorized to take part in the holding of an election or in preparing for an election, shall, with intent to cause or permit any voting machine to fail to register correctly all votes cast thereon; or tamper with or disarrange such machine in any way or any part or appliance thereof, or cause or consent to said machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted so that it will correctly register all votes cast thereon; or, with the purpose of defrauding or deceiving any voter or of causing it to be doubtful for what ticket or candidate or candidates or proposition any vote is cast, or of causing it to appear on said machine that the votes cast for one ticket, candidate or proposition, were cast for another ticket, candidate or proposition, remove, change or mutilate any ballot label on said machine or any part thereof; or do any other thing intended to interfere with the validity or accuracy of the election, and the results thereof, or fraudulently cause an incorrect return of the election. (Source: Laws 1963, p. 2532.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-20.

10 ILCS 5/24-22 [Applicability of act]

Sec. 24-22. All the provisions of this Act, not inconsistent with this Article, shall apply to all the elections in the precincts where such voting machines are used. Any provisions of law which conflict with the use of such machine or machines as set forth in this Article, shall not apply to the precinct or precincts in which an election is conducted by the use of such machine or machines. (Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-22.

10 ILCS 5/24-23 [Severability]

Sec. 24-23. If any section, paragraph, sentence, or clause of this Article is for any reason held invalid or to be unconstitutional, such decision shall not affect the remaining portion of this Article, or any section

or part thereof; if this entire article is held invalid, such invalidity shall not affect any other article of this Act.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24-23.

ARTICLE 24A.

**ELECTRONIC, MECHANICAL OR
ELECTRIC VOTING SYSTEMS**

10 ILCS 5/24A-1 [Purpose]

Sec. 24A-1. The purpose of this Article is to authorize the use of voting systems approved by the State Board of Elections in which the voter records his votes by means of marking or punching a ballot or one or more ballot cards, which are so designed that votes will be counted by data processing machines at one or more counting places.

(Source: P.A. 84-862.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-1.

Cross References.

As to the use of an electronic voting system under this section see the following sections: As to judicial retention ballots, see 10 ILCS 5/16-6.1; as to tabulation of ballots on a public measure, see 10 ILCS 5/16-7.

10 ILCS 5/24A-2 [Definitions]

Sec. 24A-2. As used in this Article: "Computer", "Automatic tabulating equipment" or "equipment" includes apparatus necessary to automatically examine and count votes as designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

"Ballot card" means a ballot which is voted by the process of punching.

"Ballot configuration" means the particular combination of political subdivision ballots including, for each political subdivision, the particular combination of offices, candidate names and ballot position numbers for each candidate and question as it appears for each group of voters who may cast the same ballot.

"Ballot labels" means the cards, papers, booklet, pages or other material containing the names of officers and candidates and statements of measures to be voted on.

"Ballot sheet" means a paper ballot printed on one or both sides which is (1) designed and prepared so that the voter may indicate his or her votes in designated areas, which must be enclosed areas clearly printed or otherwise delineated for such purpose, and (2) capable of having votes marked in the designated areas automatically examined, counted, and tabulated by an electronic scanning process.

"Ballot" may include ballot cards, ballot labels and paper ballots.

"Separate ballot", with respect to ballot sheets, means a separate portion of the ballot sheet in which the color of the ink used in printing that portion of the ballot sheet is distinct from the color of the ink used in printing any other portion of the ballot sheet.

"Column" in an electronic voting system which utilizes a ballot card means a space on a ballot card for punching the voter's vote arranged in a row running lengthwise on the ballot card.

"Central Counting" means the counting of ballots in one or more locations selected by the election authority for the processing or counting, or both, of ballots. A location for central counting shall be within the territorial jurisdiction of such election authority unless there is no suitable tabulating equipment available within his territorial jurisdiction. However, in any event a counting location shall be within this State.

"In-precinct counting" means the counting of ballots on automatic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic tabulating equipment by which it examines, counts, tabulates, canvasses and prints votes recorded by a voter on a ballot card or other medium.

"Edit listing" means a computer generated listing of the names and ballot position numbers for each candidate and proposition as they appear in the program for each precinct.

"Voting System" or "Electronic Voting System" means that combination of equipment and programs used in the casting, examination and tabulation of ballots and the cumulation and reporting of results by electronic means.

"Header card" means a data processing card which is coded to indicate to the computer the precinct identity of the ballot cards that will follow immediately and may indicate to the computer how such ballot cards are to be tabulated.

"Marking device" means either an apparatus in which ballots or ballot cards are inserted and used in connection with a punch apparatus for the piercing of ballots by the voter, or any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment or by an electronic scanning process.

"Redundant count" means a verification of the original computer count by another count using compatible equipment or by hand as part of a discovery recount.

"Security punch" means a punch placed on a ballot card to identify to the computer program the offices and propositions for which votes may be cast and to indicate the manner in which votes cast should be tabulated while negating any inadmissible votes. (Source: P.A. 86-867.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-2.

OPINIONS OF ATTORNEY GENERAL**Ballot Sheet**

The proposed voting system requiring the voter to complete an arrow by connecting two fixed points with a straight line appears to meet the requirements of this section. 1994 Op. Atty. Gen. (94-013).

10 ILCS 5/24A-3 [Selection of voting systems]

Sec. 24A-3. Except as otherwise provided in this Section, any county board, board of county commissioners and any board of election commissioners, with respect to territory within its jurisdiction, may adopt, experiment with, or abandon a voting system approved for use by the State Board of Elections and may use such voting system in all or some of the precincts within its jurisdiction, or in combination with paper ballots or voting machines. Any such county board, board of county commissioners or board of election commissioners may contract for the tabulation of votes at a location outside its territorial jurisdiction when there is no suitable tabulating equipment available within its territorial jurisdiction. In no case may a county board, board of county commissioners or board of election commissioners contract or arrange for the purchase, lease or loan of an electronic voting system or voting system component without the approval of the State Board of Elections as provided by Section 24A-16 [10 ILCS 5/24A-16]. However, the county board and board of county commissioners of each county having a population of 40,000 or more, with respect to all elections for which the county board or the county clerk is charged with the duty of providing materials and supplies, and each board of election commissioners in a municipality having a population of 40,000 or more, with respect to elections under its jurisdiction, must provide either voting systems approved for use by the State Board of Elections under this Article or voting machines under Article 24 [10 ILCS 5/24-1 et seq.] for each precinct for all such elections except as provided in Section 24-1.2 [10 ILCS 5/24-1.2]. For purposes of this Section 24A-3 [10 ILCS 5/24A-3], the term "population" does not include persons prohibited from voting by Section 3-5 of this Act [10 ILCS 5/3-5].

Before any such system is introduced, adopted or used in any precinct or territory at least 2 months public notice must be given before the date of the first election wherein such voting system is to be used. The election authority shall publish the notice

at least once in one or more newspapers published within the county, or other jurisdiction, as the case may be, in which the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within such jurisdiction. The notice shall be substantially as follows:

Notice is hereby given that on (give date), at (give place where election is held) in the county of, an election will be held for (give name of offices to be filled) at which an electronic voting system will be used.

Dated at on (insert date).

The notice referred to herein shall be given only at the first election at which such voting machines or voting systems are used.

(Source: P.A. 85-958; 91-357, § 10.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-3. P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

10 ILCS 5/24A-3.1 [Revision of precincts]

Sec. 24A-3.1. When an electronic voting system is used, the County Board or Board of Election Commissioners may retain existing precincts or may consolidate, combine, alter, decrease or enlarge the boundaries of the precincts so as to change the number of registered voters of the precincts using the electronic voting system, establishing the number of registered voters within each precinct at such number not to exceed 800 as the appropriate County Board or Board of Election Commissioners, determines will afford adequate voting facilities and efficient and economical elections.

Except in the event of a fire, flood or total loss of heat in a place fixed or established pursuant to law by any County Board or Board of Election Commissioners as a polling place for an election, no election authority shall change the location of a polling place so established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12 [10 ILCS 5/12-1 et seq.] unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for such notice to be received by the registered voters in the precinct at least one day prior to the date of the election.

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-3.1.

10 ILCS 5/24A-4 [Use of system in election; requirements]

Sec. 24A-4. Voting systems may be used in elections provided that such systems enable the voter to

cast a vote for all offices and on all measures on which he is entitled to vote, and that the automatic tabulating equipment may be set to reject all votes for any office or measure when the number of votes therefor exceeds the number which the voter is entitled to cast, and provided that such systems are approved for use by the State Board of Elections.

So far as applicable, the procedure provided for voting paper ballots shall apply when electronic voting systems are used.

(Source: P.A. 84-862.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-4.

10 ILCS 5/24A-5 [Provision of voting booths]

Sec. 24A-5. In precincts where an electronic voting system is used, a sufficient number of voting booths shall be provided for the use of such systems according to the requirements determined by the State Board of Elections, and the booths shall be arranged in the same manner as provided for use with paper ballots. Each such booth shall be placed so that the entrance to each booth faces a wall in such a manner that no judge of election or pollwatcher is able to observe a voter casting a ballot.

Whenever at a primary election at which an electronic voting system is used there is also an election for officers or on propositions in which qualified voters have the right to vote without participating in the primary of any party, a separate voting booth may be provided for those voters who do not wish to participate in the primary of any party. Such determination shall be made by resolution of the county board, municipal board of election commissioners or county board of election commissioners, whichever is applicable. Unless paper ballots are used for such other election, such separate voting booth shall contain a ballot label booklet containing only those officers and propositions on which such voters are entitled to vote.

(Source: P.A. 84-659.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-5.

10 ILCS 5/24A-5.1 [Instruction of voters]

Sec. 24A-5.1. For the instruction of voters on election day, the election official in charge of the election shall provide at each polling place one instruction-model electronic voting system marking device. Each such instruction-model shall show the arrangement of party rows, office columns and questions. Such model shall be located at a place which voters must pass to reach the official marking device used in the actual casting of votes.

Before entering the voting booth each voter shall be offered instruction in the operation of the marking device by use of the instruction-model and the voter shall be given ample opportunity to operate

the model by himself. In instructing voters, no precinct official may show partiality to any political party. The duties of instruction shall be discharged by a judge from each of the political parties represented and they shall alternate serving as instructor so that each judge shall serve a like time at such duties. No instructions may be given after the voter has entered the voting booth.

No precinct official, or person assisting a voter may in any manner request, suggest, or seek to persuade or induce any voter to cast his vote for any particular ticket, candidate, amendment, question or proposition. All instructions shall be given by precinct officials in such a manner that it may be observed by other persons in the polling place.

(Source: P.A. 76-1278; 89-700, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-5.1.

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, in the second paragraph, in the second sentence, deleted "and when instructing a voter on how to vote a straight ticket for one political party the precinct official shall at the same time instruct the voter how to vote a straight ticket for any other political party which appears on the ballot label" following "partiality to any political party".

10 ILCS 5/24A-5.2 [Demonstration prior to election]

Sec. 24A-5.2. When an electronic voting system is used in a forthcoming election, the election authority may provide, for the purpose of instructing voters in such election, one demonstrator electronic voting system marking device for placement in any public library within the political subdivision in which the election occurs. If such placement of a demonstrator takes place it shall be made available at least 30 days before the election.

(Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-5.2.

10 ILCS 5/24A-6 [Arrangement of ballot information; absentee and spoiled ballots]

Sec. 24A-6. The ballot information, whether placed on the ballot or on the marking device, shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that such information may be in vertical or horizontal rows, or in a number of separate pages. Ballots for all questions or propositions to be voted on must be provided in the same manner and must be arranged on or in the marking device or on the ballot sheet in the places provided for such purposes.

When an electronic voting system utilizes a ballot label booklet and ballot card, ballots for candidates, ballots calling for a constitutional convention, constitutional amendment ballots, judicial retention ballots, public measures, and all propositions to be

voted upon may be placed on the electronic voting device by providing in the ballot booklet separate ballot label pages or series of pages distinguished by differing colors as provided below. When an electronic voting system utilizes a ballot sheet, ballots calling for a constitutional convention, constitutional amendment ballots and judicial retention ballots shall be placed on the ballot sheet by providing a separate portion of the ballot sheet for each such kind of ballot which shall be printed in ink of a color distinct from the color of ink used in printing any other portion of the ballot sheet. Ballots for candidates, public measures and all other propositions to be voted upon shall be placed on the ballot sheet by providing a separate portion of the ballot sheet for each such kind of ballot. Below the name of the last candidate listed for an office shall be printed a line on which the name of a candidate may be written by the voter, and immediately to the left of such line an area shall be provided for marking a vote for such write-in candidate. More than one amendment to the constitution may be placed on the same ballot page or series of pages or on the same portion of the ballot sheet, as the case may be. Ballot label pages for constitutional conventions or constitutional amendments shall be on paper of blue color and shall precede all other ballot label pages in the ballot label booklet. More than one public measure or proposition may be placed on the same ballot label page or series of pages or on the same portion of the ballot sheet, as the case may be. More than one proposition for retention of judges in office may be placed on the same ballot label page or series of pages or on the same portion of the ballot sheet, as the case may be. Ballot label pages for candidates shall be on paper of white color, except that in primary elections the ballot label page or pages for the candidates of each respective political party shall be of the color designated by the election official in charge of the election for that political party's candidates; provided that the ballot label pages or pages for candidates for use at the nonpartisan and consolidated elections may be on paper of different colors, except blue, whenever necessary or desirable to facilitate distinguishing between the pages for different political subdivisions. On each page of the candidate booklet, where the election is made to list ballot information vertically, the party affiliation of each candidate or the word "independent" shall appear immediately to the left of the candidate's name, and the name of candidates for the same office shall be listed vertically under the title of that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution requires otherwise, the listing of such nonpartisan candidates shall not include any party or "independent" designation. Ballot label pages for judicial retention ballots shall be on paper of green color, and ballot label pages for all public measures and other propositions shall be on paper of

some other distinct and different color. In primary elections, a separate ballot label booklet, marking device and voting booth shall be used for each political party holding a primary, with the ballot label booklet arranged to include ballot label pages of the candidates of the party and public measures and other propositions to be voted upon on the day of the primary election. One ballot card may be used for recording the voter's vote or choice on all such ballots, proposals, public measures or propositions, and such ballot card shall be arranged so as to record the voter's vote or choice in a separate column or columns for each such kind of ballot, proposal, public measure or proposition.

If the ballot label booklet includes both candidates for office and public measures or propositions to be voted on, the election official in charge of the election shall divide the pages by protruding tabs identifying the division of the pages, and printing on such tabs "Candidates" and "Propositions".

The ballot card and all of its columns and the ballot card envelope shall be of the color prescribed for candidate's ballots at the general or primary election, whichever is being held. At an election where no candidates are being nominated or elected, the ballot card, its columns, and the ballot card envelope shall be of a color designated by the election official in charge of the election.

The ballot cards, ballot card envelopes and ballot sheets may, at the discretion of the election authority, be printed on white paper and then striped with the appropriate colors.

When ballot sheets are used, the various portions thereof shall be arranged to conform to the foregoing format.

Absentee ballots may consist of ballot cards, envelopes, paper ballots or ballot sheets voted in person in the office of the election official in charge of the election or voted by mail. Where a ballot card is used for voting by mail it must be accompanied by a punching tool or other appropriate marking device, voter instructions and a specimen ballot showing the proper positions to vote on the ballot card or ballot sheet for each party, candidate, proposal, public measure or proposition, and in the case of a ballot card must be mounted on a suitable material to receive the punched out chip.

Any voter who spoils his ballot or makes an error may return the ballot to the judges of election and secure another. However, the protruding identifying tab for proposals for a constitutional convention or constitutional amendments shall have printed thereon "Constitutional Ballot", and the ballot label page or pages for such proposals shall precede the ballot label pages for candidates in the ballot label booklet.

(Source: P.A. 86-873; 89-700, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-6.

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, in the second paragraph, deleted the tenth and eleventh sentences

regarding straight party voting, and, in the present tenth sentence, deleted "succeeding" preceding "page of the candidate booklet".

10 ILCS 5/24A-6.1 [Security punch for ballot cards]

Sec. 24A-6.1. In all elections conducted pursuant to this Article, ballot cards shall have a security punch. In precincts where more than one ballot configuration may be voted upon, ballot cards shall have a different security punch for each ballot configuration. If a precinct has only one possible ballot configuration, the ballot cards must have a security punch to identify the election. Where ballot cards from more than one precinct are being tabulated, precinct header cards shall also be used: official results shall not be generated unless the precinct identification of the header cards for any precinct correspond. Where the tabulating equipment being used requires entering the program immediately prior to tabulating the ballot cards for each precinct, the precinct program may be used in lieu of header cards.

(Source: P.A. 82-1014.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-6.1.

CASE NOTES

Security Punch

—Directory Provision

This section, stating that ballot cards shall have a security punch, was only directory; therefore, the failure to comply with it could not provide a basis for the relief sought by petitioners. *Carbonara v. North Palos Fire Protection Dist.*, 192 Ill. App. 3d 275, 139 Ill. Dec. 544, 548 N.E.2d 1100 (1 Dist. 1989).

10 ILCS 5/24A-7 [Write-in ballot]

Sec. 24A-7. A separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the elector places his ballot card after voting, shall be provided if necessary to permit electors to write in the names of persons whose names are not on the ballot. The ballots, ballot cards and ballot card envelopes may, at the discretion of the election authority, be printed on white paper and then striped with the appropriate colors. When an electronic voting system is used which utilizes a ballot card, each ballot card envelope shall contain the write-in form and information required by Section 16-3 of this Act [10 ILCS 5/16-3].

(Source: P.A. 83-110.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-7.

10 ILCS 5/24A-8 [Preparing marking devices]

Sec. 24A-8. The county clerk or board of election commissioners, as the case may be, shall cause the marking devices to be put in order, set, adjusted and

made ready for voting when delivered to the polling places. Before the opening of the polls the judges of election shall compare the ballots used in the marking devices with the specimen ballots furnished and see that the names, numbers and letters thereon agree and shall certify thereto on forms provided by the county clerk or board of election commissioners, as the case may be.

In addition, in those polling places where in-precinct counting equipment is utilized, the judges of election shall make an operational check of the automatic tabulating equipment before the opening of the polls. A precinct identification card provided by the election authority shall be entered into the automatic tabulating equipment to ensure that the totals are all zeroes in the count column on the printing unit.

Pollwatchers as provided by law shall be permitted to closely observe the judges in these procedures and to periodically inspect the equipment when not in use by the voters to see that the ballot labels are in proper position and have not been marked upon or mutilated.

(Source: P.A. 82-1014.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-8.

10 ILCS 5/24A-9 [Pre-test and public test; special test]

Sec. 24A-9. Prior to the public test, the election authority shall conduct an errorless pre-test of the automatic tabulating equipment and program to ascertain that they will correctly count the votes cast for all offices and all measures. On any day not less than 5 days prior to the election day, the election authority shall publicly test the automatic tabulating equipment and program to ascertain that they will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers published within the election jurisdiction of the election authority if a newspaper is published therein, otherwise in a newspaper of general circulation therein. Timely written notice stating the date, time and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. Such test shall also include the use of precinct header cards and may include the production of an edit listing. In those election jurisdictions where

in-precinct counting equipment is utilized, a public test of both such equipment and program shall be conducted as nearly as possible in the manner prescribed above. The State Board of Elections may select as many election jurisdictions as the Board deems advisable in the interests of the election process of this State in which to order a special test of the automatic tabulating equipment and program prior to any regular election. The Board may order a special test in any election jurisdiction where, during the preceding twelve months, computer programming errors or other errors in the use of electronic voting systems resulted in vote tabulation errors. Not less than 30 days prior to any election, the State Board of Elections shall provide written notice to those selected jurisdictions of their intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days prior to the public test utilizing testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain so until the test is run again on election day. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested program to be used within its jurisdiction at an election with the State Board of Elections prior to the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days following the canvass and proclamation of election results. Upon the expiration of that time, if no election contest or appeal therefrom is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. Except where in-precinct counting equipment is utilized, the test shall be repeated immediately before the start of the official count of the ballots, in the same manner as set forth above. After the completion of the count, the test shall be re-run using the same program. An election jurisdiction that was employing, as of January 1, 1983, an electronic voting system that, because of its design, is not technically capable of compliance with such a post-tabulation testing requirement shall satisfy the post-tabulation testing requirement by conducting the post-tabulation test on a duplicate program until such electronic voting system is replaced or until November 1, 1992, whichever is earlier. Immediately thereafter the ballots, all material employed in testing the program and the

program shall be sealed and retained under the custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballot cards, together with all unused ballots returned from the precincts. Provided, if any contest of election is pending at such time in which such ballots may be required as evidence and such election authority has notice thereof, the same shall not be destroyed until after such contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted.

(Source: P.A. 86-873; 86-874; 86-1028; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-9.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, deleted "more than 35 days nor" preceding "less than 30 days prior to any election" in the eleventh sentence.

10 ILCS 5/24A-9.1 [Electronic scanning process]

Sec. 24A-9.1. Whenever an electronic scanning process is utilized to automatically examine and count the votes on ballot sheets, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot sheet by making a mark in the designated area for the casting of a vote for any party or candidate or for or against any proposition. For this purpose, a mark is an intentional darkening of the designated area on the ballot sheet, and shall not be an "X", a check mark, or any other recognizable letter of the alphabet, number, or other symbol which can be recognized as an identifying mark.

Whenever the ballot sheet includes designated areas on both sides, the election authority shall provide an envelope, sleeve or other device to each voter by means of which the voter can deliver the voted ballot sheet to the ballot box without the votes indicated on the ballot sheet being visible to other persons in the polling place.

(Source: P.A. 81-1433.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-9.1.

10 ILCS 5/24A-10 [Receiving, counting, tallying and returning ballots]

Sec. 24A-10. (1) In an election jurisdiction which has adopted an electronic voting system, the election official in charge of the election shall select one of the 3 following procedures for receiving, counting, tallying, and return of the ballots:

(a) Two ballot boxes shall be provided for each polling place. The first ballot box is for the depositing of votes cast on the electronic voting system; and the second ballot box is for all votes cast on paper ballots, including absentee paper ballots and any

other paper ballots required to be voted other than on the electronic voting system. Ballots, except absentee ballots for candidates and propositions which are listed on the electronic voting system, deposited in the second ballot box shall be counted, tallied, and returned as is elsewhere provided in "The Election Code," as amended [10 ILCS 5/1-1 et seq.], for the counting and handling of paper ballots. Immediately after the closing of the polls the absentee ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that such ballots comply with Sections 19-9 and 20-9 of "The Election Code," as amended [10 ILCS 5/19-9 and 10 ILCS 5/20-9], and are entitled to be deposited in the ballot box provided therefor; those entitled to be deposited in this ballot box shall be initialed by the precinct judges of election and deposited therein. Those not entitled to be deposited in this ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9 and 20-9 [10 ILCS 5/19-9 and 10 ILCS 5/20-9]. The precinct judges of election shall then open the second ballot box and examine all paper absentee ballots which are in the ballot box to determine whether the absentee ballots bear the initials of a precinct judge of election. If any absentee ballot is not so initialed, it shall be marked on the back "Defective," initialed as to such label by all judges immediately under such word "Defective," and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope." The judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall examine the paper absentee ballots which were in such ballot box and properly initialed so as to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for such record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark such paper absentee ballot "Objected To" on the back thereof and write on its back the manner in which such ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee ballots, the judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee ballot which was in the ballot box and properly initialed, by using the electronic voting system used in the precinct and one of the marking devices of the precinct so as to transfer the remaining valid votes of the voter on the paper absentee ballot to an official ballot or a ballot card of that kind used in the precinct at that election. The original paper absentee ballot shall be clearly labeled "Ab-

sentee Ballot" and the ballot card so produced "Duplicate Absentee Ballot," and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" ballots or ballot cards and shall place them in the first ballot box provided for return of the ballots to be counted at the central counting location in lieu of the paper absentee ballots. The paper absentee ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots."

As soon as the absentee ballots have been deposited in the first ballot box, the judges of election shall make out a slip indicating the number of persons who voted in the precinct at the election. Such slip shall be signed by all the judges of election and shall be inserted by them in the first ballot box. The judges of election shall thereupon immediately lock the first ballot box; provided, that if such box is not of a type which may be securely locked, such box shall be sealed with filament tape provided for such purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and in such manner that the seal completely covers the slot in the ballot box, and each of the judges shall sign such seal. Thereupon two of the judges of election, of different political parties, shall forthwith and by the most direct route transport both ballot boxes to the counting location designated by the county clerk or board of election commissioners.

Before the ballots of a precinct are fed to the electronic tabulating equipment, the first ballot box shall be opened at the central counting station by the two precinct transport judges. Upon opening a ballot box, such team shall first count the number of ballots in the box. If 2 or more are folded together so as to appear to have been cast by the same person, all of the ballots so folded together shall be marked and returned with the other ballots in the same condition, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots are found to exceed the number of persons voting in the precinct as shown by the slip signed by the judges of election, the ballots shall be replaced in the box, and the box closed and well shaken and again opened and one of the precinct transport judges shall publicly draw out so many ballots unopened as are equal to such excess.

Such excess ballots shall be marked "Excess-Not Counted" and signed by the two precinct transport judges and shall be placed in the "After 7:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots.

The precinct transport judges shall then examine the remaining ballots for write-in votes and shall count and tabulate the write-in vote; or

(b) A single ballot box, for the deposit of all votes cast, shall be used. All ballots which are not to be

tabulated on the electronic voting system shall be counted, tallied, and returned as elsewhere provided in "The Election Code," as amended [10 ILCS 5/1-1 et seq.], for the counting and handling of paper ballots.

All ballots to be processed and tabulated with the electronic voting system shall be processed as follows:

Immediately after the closing of the polls the absentee ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that such ballots comply with Sections 19-9 and 20-9 of "The Election Code," as amended [10 ILCS 5/19-9 and 10 ILCS 5/20-9], and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges of election and deposited in the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in said Sections 19-9 and 20-9 [10 ILCS 5/19-9 and 10 ILCS 5/20-9]. The precinct judges of election then shall open the ballot box and canvass the votes polled to determine that the number of ballots therein agree with the number of voters voting as shown by the applications for ballot or if the same do not agree the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of "The Election Code [10 ILCS 5/17-18]." The judges of election shall then examine all paper absentee ballots, ballot cards and ballot card envelopes which are in the ballot box to determine whether the paper ballots, ballot cards and ballot card envelopes bear the initials of a precinct judge of election. If any paper ballot, ballot card or ballot card envelope is not initialed, it shall be marked on the back "Defective," initialed as to such label by all judges immediately under such word "Defective," and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope." The judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall examine the paper absentee ballots which were in the ballot box and properly initialed so as to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for such record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark such paper absentee ballot "Objected To" on the back thereof and write on its back the manner in which such ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee ballots, the judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall make a true duplicate

ballot of the remaining valid votes on each paper absentee ballot which was in the ballot box and properly initialed, by using the electronic voting system used in the precinct and one of the marking devices of the precinct so as to transfer the remaining valid votes of the voter on the paper absentee ballot to an official ballot or a ballot card of that kind used in the precinct at that election. The original paper absentee ballot shall be clearly labeled "Absentee Ballot" and the ballot card so produced "Duplicate Absentee Ballot," and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" ballots or ballot cards, and shall place them in the box for return of the ballots with all other ballots or ballot cards to be counted at the central counting location in lieu of the paper absentee ballots. The paper absentee ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots."

When an electronic voting system is used which utilizes a ballot card, before separating the remaining ballot cards from their respective covering envelopes, the judges of election shall examine the ballot card envelopes for write-in votes. When the voter has voted a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot card to determine whether such write-in results in an overvote for any office. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall make a true duplicate ballot of all votes on such ballot card except for the office which is overvoted, by using the ballot label booklet of the precinct and one of the marking devices of the precinct so as to transfer all votes of the voter except for the office overvoted, to an official ballot card of that kind used in the precinct at that election. The original ballot card and envelope upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Overvoted Ballot" ballot cards and shall place them in the box for return of the ballots. The "Overvoted Ballot" ballots and their envelopes shall be placed in the "Duplicate Ballots" envelope. Envelopes bearing write-in votes marked in the place designated therefor and bearing the initials of a precinct judge of election and not resulting in an overvote and otherwise complying with the election laws as to marking shall be counted, tallied, and their votes recorded on a tally sheet provided by the election official in charge of the election. The ballot cards and ballot card envelopes shall be separated and all except any defective

or overvoted shall be placed separately in the box for return of the ballots, along with all "Duplicate Absentee Ballots," and "Duplicate Overvoted Ballots." The judges of election shall examine the ballots and ballot cards to determine if any is damaged or defective so that it cannot be counted by the automatic tabulating equipment. If any ballot or ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the two major political parties, shall make a true duplicate ballot of all votes on such ballot card by using the ballot label booklet of the precinct and one of the marking devices of the precinct. The original ballot or ballot card and envelope shall be clearly labeled "Damaged Ballot" and the ballot or ballot card so produced "Duplicate Damaged Ballot," and each shall bear the same number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot or ballot cards, and shall place them in the box for return of the ballots. The "Damaged Ballot" ballots or ballot cards and their envelopes shall be placed in the "Duplicated Ballots" envelope. A slip indicating the number of voters voting in person, number of absentee votes deposited in the ballot box, and the total number of voters of the precinct who voted at the election shall be made out, signed by all judges of election, and inserted in the box for return of the ballots. The tally sheets recording the write-in votes shall be placed in this box. The judges of election thereupon immediately shall securely lock the ballot box or other suitable box furnished for return of the ballots by the election official in charge of the election; provided that if such box is not of a type which may be securely locked, such box shall be sealed with filament tape provided for such purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box so as to cover any slot therein and to identify the box of the precinct; and if such box is sealed with filament tape as provided herein rather than locked, such tape shall be wrapped around the box as provided herein, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Thereupon, 2 of the judges of election, of different major political parties, forthwith shall by the most direct route transport the box for return of the ballots and enclosed ballots and returns to the central counting location designated by the election official in charge of the election. If, however, because of the lack of adequate parking facilities at the central counting location or for any other reason, it is impossible or impracticable for the boxes from all

the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at such other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the two major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from such other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations.

The "Defective Ballots" envelope, and "Duplicated Ballots" envelope each shall be securely sealed and the flap or end thereof of each signed by the precinct judges of election and returned to the central counting location with the box for return of the ballots, enclosed ballots and returns.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall check the box returned containing the ballots to determine that all seals are intact, and thereupon shall open the box, check the voters' slip and compare the number of ballots so delivered against the total number of voters of the precinct who voted, remove the ballots or ballot cards and deliver them to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges; or

(c) A single ballot box, for the deposit of all votes cast, shall be used. Immediately after the closing of the polls the judges of election shall examine the absentee ballots received by the precinct judges of election from the election authority of voters in that precinct to determine that they comply with the provisions of Sections 19-9, 20-8 and 20-9 of the Election Code, as amended [10 ILCS 5/19-9, 10 ILCS 5/20-8 and 10 ILCS 5/20-9], and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges and deposited in the ballot box. Those not entitled to be deposited in the ballot box, in accordance with Sections 19-9, 20-8 and 20-9 of the Election Code, as amended [10 ILCS 5/19-9, 10 ILCS 5/20-8 and 10 ILCS 5/20-9], shall be marked "Rejected" and preserved in the manner provided in The Election Code [10 ILCS 5/1-1 et seq.] for the retention and preservation of official ballots rejected at such election. Immediately upon the completion of the absentee balloting, the precinct judges of election shall securely lock the ballot box; provided that if such box is not of a type which may be securely locked, such box shall be sealed with filament tape

provided for such purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box so as to cover any slot therein and to identify the box of the precinct; and if such box is sealed with filament tape as provided herein rather than locked, such tape shall be wrapped around the box as provided herein, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Thereupon, 2 of the judges of election, of different major political parties, shall forthwith by the most direct route transport the box for return of the ballots and enclosed absentee ballots and returns to the central counting location designated by the election official in charge of the election. If however, because of the lack of adequate parking facilities at the central counting location or for some other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at such other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the two major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from such other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of the election from recommendations by the appropriate political party organizations.

At the central counting location there shall be one or more teams of tally judges who possess the same qualifications as tally judges in election jurisdictions using paper ballots. The number of such teams shall be determined by the election authority. Each team shall consist of 5 tally judges, 3 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the majority of members on the county board and 2 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the second largest number of members on the county board. At the central counting location a team of tally judges shall open the ballot box and canvass the votes polled to determine that the number of ballot sheets therein agree with the number of voters voting as shown by the applications for ballot and for absentee ballot; and, if the same do not agree, the tally judges shall make such ballots agree with the number of applications for

ballot in the manner provided by Section 17-18 of the Election Code [10 ILCS 5/17-18]. The tally judges shall then examine all ballot sheets which are in the ballot box to determine whether they bear the initials of the precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to such label by all tally judges immediately under such word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". Write-in votes, not causing an overvote for an office otherwise voted for on the absentee ballot sheet, and otherwise properly voted, shall be counted, tallied and recorded by the central counting location judges on the tally sheet provided for such record. A write-in vote causing an overvote for an office shall not be counted for that office, but the tally judges shall mark such absentee ballot sheet "Objected To" on the back thereof and write on its back the manner in which such ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall deliver the ballot sheets to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(2) Regardless of which procedure described in subsection (1) of this Section is used, the judges of election designated to transport the ballots, properly signed and sealed as provided herein, shall ensure that the ballots are delivered to the central counting station no later than 12 hours after the polls close. At the central counting station a team of tally judges designated by the election official in charge of the election shall examine the ballots so transported and shall not accept ballots for tabulating which are not signed and sealed as provided in subsection (1) of this Section until the judges transporting the same make and sign the necessary corrections. Upon acceptance of the ballots by a team of tally judges at the central counting station, the election judges transporting the same shall take a receipt signed by the election official in charge of the election and stamped with the date and time of acceptance. The election judges whose duty it is to transport any ballots shall, in the event such ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. (Source: P.A. 83-1362.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-10.

CASE NOTES

ANALYSIS

Absentee Ballots
—Initialed Requirement

- Standard of Proof
- Duplicate Damaged Ballot
- Improper Labeling
- Trustworthiness

Absentee Ballots

—Initialing Requirement

Under the Craig exception a court will consider the initialing requirement to be merely directory and allow the counting of uninitialed absentee ballots only if: (1) the absentee ballots can be identified and distinguished from in-precinct ballots; and (2) the initialing requirement does not contribute to the integrity of the election process. *Bazydlo v. Volant*, 164 Ill. 2d 207, 207 Ill. Dec. 311, 647 N.E.2d 273 (1995).

After carefully reviewing the entire record, the Craig exception to the statutory initialing requirement applied to the election and accordingly, the 28 uninitialed ballots were properly included in the election count. *Bazydlo v. Volant*, 164 Ill. 2d 207, 207 Ill. Dec. 311, 647 N.E.2d 273 (1995).

The initialing requirement is merely directory in the case of absentee ballots because they are not cast at the polls and are opened only after the polls have closed, so initialing does not aid in preventing vote fraud; unlike in-precinct voters, absentee voters cannot verify that an election judge has initialed their ballots and thus, qualified absentee voters would be disenfranchised if their uninitialed ballots were invalidated. *Bazydlo v. Volant*, 264 Ill. App. 3d 105, 201 Ill. Dec. 675, 636 N.E.2d 1107 (3 Dist.), appeal granted, 157 Ill. 2d 495, 205 Ill. Dec. 156, 642 N.E.2d 1273 (1994), aff'd, 164 Ill. 2d 207, 207 Ill. Dec. 31, 647 N.E.2d 273 (1995).

Uninitialed absentee ballots may be counted only if two conditions are met: (1) they are readily identifiable and distinguishable from in-precinct ballots, and (2) the initialing requirement does not enhance the integrity of the election. *Bazydlo v. Volant*, 264 Ill. App. 3d 105, 201 Ill. Dec. 675, 636 N.E.2d 1107 (3 Dist.), appeal granted, 157 Ill. 2d 495, 205 Ill. Dec. 156, 642 N.E.2d 1273 (1994), aff'd, 164 Ill. 2d 207, 207 Ill. Dec. 31, 647 N.E.2d 273 (1995).

—Standard of Proof

The proper burden of proof to show that uninitialed ballots had been cast by absentee voters was clear and convincing; a clear and convincing standard adequately balances the conflicting interests in preserving the integrity of the election and avoiding unnecessary disenfranchisement of qualified absentee voters. *Bazydlo v. Volant*, 264 Ill. App. 3d 105, 201 Ill. Dec. 675, 636 N.E.2d 1107 (3 Dist.), appeal granted, 157 Ill. 2d 495, 205 Ill. Dec. 156, 642 N.E.2d 1273 (1994), aff'd, 164 Ill. 2d 207, 207 Ill. Dec. 31, 647 N.E.2d 273 (1995).

Duplicate Damaged Ballot

—Improper Labeling

Where the failure of election officials to mark two ballots with labels "Damaged Ballot" and "Duplicate Damaged Ballot" caused those ballots to be spoiled, they should not have been counted as "no" votes during the manual recount. *Larson v. Board of Educ.*, 118 Ill. App. 3d 1015, 74 Ill. Dec. 437, 455 N.E.2d 866 (4 Dist. 1983).

—Trustworthiness

The legislature intended to insure certainty in the matching of duplicate ballots with the damaged original ballots; if the statute's requirements are followed, questions as to the certainty or trustworthiness of the duplicate ballot need never be reached and the propriety of the duplicate ballots will be presumed. *Larson v. Board of Educ.*, 118 Ill. App. 3d 1015, 74 Ill. Dec. 437, 455 N.E.2d 866 (4 Dist. 1983).

RESEARCH REFERENCES

Elections: Validity of state or local legislative ban on write-in votes. 69 ALR4th 948.

10 ILCS 5/24A-10.1 [In-precinct counting equipment]

Sec. 24A-10.1. In an election jurisdiction where in-precinct counting equipment is utilized, the following procedures for counting and tallying the ballots shall apply:

Immediately after the closing of the polls, the absentee ballots delivered to the precinct judges of election by the election authority shall be examined to determine that such ballots comply with Sections 19-9 and 20-9 of this Act [10 ILCS 5/19-9 and 10 ILCS 5/20-9] and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges of election and deposited in the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in said Sections 19-9 and 20-9 [10 ILCS 5/19-9 and 10 ILCS 5/20-9].

The precinct judges of election shall open the ballot box and count the number of ballots therein to determine if such number agrees with the number of voters voting as shown by the applications for ballot or, if the same do not agree, the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Act [10 ILCS 5/17-18]. The judges of election shall then examine all ballot cards and ballot card envelopes which are in the ballot box to determine whether the ballot cards and ballot card envelopes contain the initials of a precinct judge of election. If any ballot card or ballot card envelope is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately under the word "Defective" and not counted. The judges of election shall place an initialed blank official ballot card in the place of the defective ballot card, so that the count of the ballot cards to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" card and "Replacement" card shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" card shall be placed in the "Defective Ballot Envelope" provided for that purpose.

When an electronic voting system is used which utilizes a ballot card, before separating the remaining ballot cards from their respective covering envelopes, the judges of election shall examine the ballot card envelopes for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot card to determine whether such write-in results in an overvote for any office. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot card except for the office which is overvoted, by using the ballot label booklet of the precinct and one of the marking devices of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate card. The original ballot card and envelope upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such

“Overvoted Ballot” as well as its “Replacement” shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The “Overvoted Ballot” card and ballot envelope shall be placed in an envelope provided for that purpose labeled “Duplicate Ballot” envelope, and the judges of election shall initial the “Replacement” ballot cards and shall place them with the other ballot cards to be counted on the automatic tabulating equipment. Envelopes containing write-in votes marked in the place designated therefor and containing the initials of a precinct judge of election and not resulting in an overvote and otherwise complying with the election laws as to marking shall be counted and tallied and their votes recorded on a tally sheet provided by the election authority.

The ballot cards and ballot card envelopes shall be separated in preparation for counting by the automatic tabulating equipment provided for that purpose by the election authority.

Before the ballots are entered into the automatic tabulating equipment, a precinct identification card provided by the election authority shall be entered into the device to ensure that the totals are all zeroes in the count column on the printing unit. A precinct judge of election shall then count the ballots by entering each ballot card into the automatic tabulating equipment, and if any ballot or ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot card by using the ballot label booklet of the precinct and one of the marking devices of the precinct. The original ballot or ballot card and envelope shall be clearly labeled “Damaged Ballot” and the ballot or ballot card so produced shall be clearly labeled “Duplicate Damaged Ballot”, and each shall contain the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the “Duplicate Damaged Ballot” ballot or ballot cards and shall enter the duplicate damaged cards into the automatic tabulating equipment. The “Damaged Ballot” cards shall be placed in the “Duplicated Ballots” envelope; after all ballot cards have been successfully read, the judges of election shall check to make certain that the last number printed by the printing unit is the same as the number of voters making application for ballot in that precinct. The number shall be listed on the “Statement of Ballots” form provided by the election authority.

The totals for all candidates and propositions shall be tabulated; 4 sets shall be attached to the 4 sets of “Certificate of Results” provided by the election authority; one set shall be posted in a conspicu-

ous place inside the polling place; and every effort shall be made by the judges of election to provide a set for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots; but in no case shall the number of sets to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the set which has been posted.

The judges of election shall count all unused ballot cards and enter the number on the “Statement of Ballots”. All “Spoiled”, “Defective” and “Duplicated” ballot cards shall be counted and the number entered on the “Statement of Ballots”.

The precinct judges of election shall select a bipartisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape provided for such purpose which shall be wrapped around the container lengthwise and crosswise, at least twice each way, in such manner that the ballots cannot be removed from such container without breaking the seal and filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by such authority, open for at least 12 consecutive hours after the polls close or until the ballots from all precincts with in-precinct counting equipment within the jurisdiction of the election authority have been returned to the election authority. Ballots returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the same make and sign the necessary corrections. Upon acceptance of the ballots by the election authority, the judges returning the same shall take a receipt signed by the election authority and stamped with the time and date of such return. The election judges whose duty it is to return any ballots as herein provided shall, in the event such ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 83-1362.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-10.1.

CASE NOTES

Initialing of Ballots by Election Judge

A circuit court properly invalidated every ballot cast in a particular precinct where none of those ballots contained the requisite initials from an election judge. *DeFabio v. Gammersheimer*, 192 Ill. 2d 63, 248 Ill. Dec. 243 733 N.E.2d 1241 (2000).

Uninitialed in-precinct ballots were properly not counted, not-

Initialing of Ballots by Election Judge (Cont'd)
withstanding that an entire precinct was disenfranchised by an inadvertent failure of the election judges to initial any of the ballots in that precinct. *DeFabio v. Gummersheimer*, 307 Ill. App. 3d 381, 240 Ill. Dec. 447, 717 N.E.2d 540 (5 Dist. 1999).

10 ILCS 5/24A-11 [Direction of central counting procedures]

Sec. 24A-11. All proceedings at the location for central counting shall be under the direction of the county clerk or board of election commissioners, as the case may be. Except for any specially trained technicians required for the operation of the automatic tabulating equipment, the employees at the counting station shall be equally divided between members of the 2 leading political parties and all duties performed by such employees shall be by teams consisting of an equal number of members of each political party. Thirty days before an election the county clerk or board of election commissioners shall submit to the chairman of each political party, for his approval or disapproval, a list of persons of his party proposed to be employed. If a chairman fails to notify the election authority of his disapproval of any proposed employee within a period of 10 days thereafter the list shall be deemed approved.

(Source: P.A. 82-1014.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-11.

10 ILCS 5/24A-13 [Automatic tabulating equipment; procedure]

Sec. 24A-13. The procedure for tabulating the votes by the automatic tabulating equipment shall be under the direction of the election authority and shall conform to the requirements of the automatic tabulating equipment. During any election-related activity utilizing the automatic tabulating equipment, the election authority shall make a reasonable effort to dedicate the equipment to vote processing so as to ensure the security and integrity of the system.

A reasonable number of pollwatchers shall be admitted to the counting location. Persons may observe the tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.

The computer operators shall be designated by the election authority and shall be sworn as a deputy of the election authority. In conducting the vote tabulation and canvass, the computer operator must maintain a log which shall include the following information:

1. Alterations made to programs associated with the vote counting process;
2. if applicable, console messages relating to the program and the respective responses made by the operator;
3. the starting time for each precinct counted, the number of cards counted for each precinct, any equipment problems and, insofar as practicable, the number of invalid security punches encountered during that count; and
4. changes and repairs made to the equipment during the vote tabulation and canvass.

The computer operator's log and canvass shall be available for public inspection in the office of the election authority for a period of 60 days following the proclamation of election results. A copy of the computer operator's log and the canvass shall be transmitted to the State Board of Elections upon its request and at its expense.
(Source: P.A. 82-1014.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-13.

10 ILCS 5/24A-14 [Damaged or defective ballots]

Sec. 24A-14. If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballots shall be clearly labeled "duplicate", shall bear a serial number which shall be registered on the damaged or defective ballot, and shall be counted in lieu of the damaged or defective ballot.

(Source: Laws 1965, p. 2220.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-14.

CASE NOTES

Defective Ballots

—Automatic Tabulating Equipment

Ballots are defective within the meaning of this section when votes on those ballots are not counted by the automatic tabulating equipment, even though visual inspection of the ballots clearly reflects the voters' intent to cast a vote for one candidate or another. *Pullen v. Mulligan*, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

10 ILCS 5/24A-15 [Automatically tabulated return; retabulation]

Sec. 24A-15. The precinct return printed by the automatic tabulating equipment shall include the number of ballots cast and votes cast for each candidate and proposition and shall constitute the official return of each precinct. In addition to the

precinct return, the election authority shall provide the number of applications for ballots in each precinct, the write-in votes, the total number of ballots counted in each precinct for each political subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy with respect to the total number of votes cast in any precinct, shall have the ballots for such precinct retabulated to correct the return. The procedures for retabulation shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. In those election jurisdictions that utilize in-precinct counting equipment, the certificate of results, which has been prepared by the judges of election in the polling place after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals which has been affixed to such certificate of results, the ballots for such precinct shall be retabulated to correct the return. As an additional part of this check prior to the proclamation, in those jurisdictions where in-precinct counting equipment is utilized, the election authority shall retabulate the total number of votes cast in 5% of the precincts within the election jurisdiction. The precincts to be retabulated shall be selected after election day on a random basis by the election authority, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts which are to be retabulated, and the election authority shall be required to utilize such method. The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of such random selection procedure and may be represented at such procedure. Such retabulation shall consist of counting the ballot cards which were originally counted and shall not involve any determination as to which ballot cards were, in fact, properly counted. The ballots from the precincts selected for such retabulation shall remain at all times under the custody and control of the election authority and shall be transported and retabulated by the designated staff of the election authority.

As part of such retabulation, the election authority shall test the computer program in the selected precincts. Such test shall be conducted by processing a preaudited group of ballots so punched so as to

record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of such retabulation and may be represented at such retabulation.

The results of this retabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Act [10 ILCS 5/22-9.1]. Upon completion of the retabulation, the election authority shall print a comparison of the results of the retabulation with the original precinct return printed by the automatic tabulating equipment. Such comparison shall be done for each precinct and for each office voted upon within that precinct, and the comparisons shall be open to the public. (Source: P.A. 86-867; 86-1348; 87-1052, § 3; 89-700, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-15.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added the fifth sentence of the first paragraph.

The 1996 amendment by P.A. 89-700, effective January 1, 1997, in the first sentence of the first paragraph, deleted "straight party tickets," following "number of ballots cast", and deleted the former second sentence which read "Every ballot on which the voter has cast a vote for all candidates of one party and no votes for any other candidates shall be reported as a straight party ticket, and all other ballots shall be reported as split tickets."

10 ILCS 5/24A-15.01 [Securing of ballots]

Sec. 24A-15.01. Upon completion of the tabulation and retabulation of votes pursuant to Sections 24A-11 through 24A-15 [10 ILCS 5/24A-11 through 10 ILCS 5/24A-15], the ballots from each precinct shall be replaced in the container in which they were transported to the central counting station. If such container is not a type which may be securely locked, then each such container — before being transferred from the counting station to storage — shall be sealed with filament tape wrapped around such container lengthwise and crosswise, at least twice each way, and in such manner that the ballots cannot be removed from the container without breaking the tape.

(Source: P.A. 83-822; 88-45, § 3-2.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-15.01.

Effect of Amendments.

The 1993 amendment by P.A. 88-45, effective July 6, 1993, in the first sentence substituted "tabulation" for "tabulaton".

10 ILCS 5/24A-15.1 [Recounts and election contests]

Sec. 24A-15.1. Except as herein provided, discovery recounts and election contests shall be conducted as otherwise provided for in "The Election Code", as amended [10 ILCS 5/1-1 et seq.]. The automatic tabulating equipment shall be tested prior to the discovery recount or election contest as provided in Section 24A-9 [10 ILCS 5/24A-9], and then the official ballots or ballot cards shall be recounted on the automatic tabulating equipment. 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 such 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.

Any person who has filed a petition for discovery recount may request that a redundant count be conducted in those precincts in which the discovery recount is being conducted. The additional costs of such a redundant count shall be borne by the requesting party.

The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest. (Source: P.A. 82-1014.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-15.1.

CASE NOTES**ANALYSIS**

Distinguishing Marks
Partially Punctured Ballots
Question of Fact

Distinguishing Marks

In order to warrant the rejection of a ballot because of a distinguishing mark, the court should be able to say that such mark was placed there by the voter for the purpose of distinguishing his ballot from others. Winn v. Blackman, 229 Ill. 198, 82 N.E. 215 (1907).

Partially Punctured Ballots

Voters were not disenfranchised simply because the chad they punched did not completely dislodge from the ballot, because such a failure could be attributable to the fault of the election authorities, for failing to provide properly perforated paper, or it could be the result of the voter's disability or inadvertence; whatever the reason, where the intention of the voter could be fairly and satisfactorily ascertained, that intention should be given effect and ballots which could not be counted on the automatic tabulating equipment could be manually counted where the voter's intent could be determined with reasonable certainty from visual inspection

of the ballot. Pullen v. Mulligan, 138 Ill. 2d 21, 149 Ill. Dec. 215, 561 N.E.2d 585 (1990).

Question of Fact

Whether a given mark upon a ballot was or was not a distinguishing mark, within the meaning of the former Australian Ballot Law (see now 10 ILCS 5/16-1 et seq.), was largely, if not wholly, a question of fact and was to be determined from an inspection of the original ballot itself. Winn v. Blackman, 229 Ill. 198, 82 N.E. 215 (1907).

10 ILCS 5/24A-16 [Approval of voting systems; requirements]

Sec. 24A-16. The State Board of Elections shall approve all voting systems provided by this Article. No voting system shall be approved unless it fulfills the following requirements:

- (1) It enables a voter to vote in absolute secrecy;
- (2) (Blank);

(3) It enables a voter to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all parties, and in part from independent candidates and in part of candidates whose names are written in by the voter;

(4) It enables a voter to vote a written or printed ticket of his own selection for any person for any office for whom he may desire to vote;

(5) It will reject all votes for an office or upon a proposition when the voter has cast more votes for such office or upon such proposition than he is entitled to cast;

(6) It will accommodate all propositions to be submitted to the voters in the form provided by law or, where no such form is provided, then in brief form, not to exceed 75 words.

The State Board of Elections is authorized to withdraw its approval of a voting system if the system fails to fulfill the above requirements.

No vendor, person or other entity may sell, lease or loan a voting system or voting system component to any election jurisdiction unless the voting system or voting system component is first approved by the State Board of Elections pursuant to this Section. (Source: P.A. 85-958; 89-700, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-16.

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, deleted subdivision (2) which read, "It enables a voter to vote a straight party ticket".

10 ILCS 5/24A-17 [Rules; number of voting booths]

Sec. 24A-17. The State Board of Elections may make reasonable rules for the administration of this Article and may prescribe the number of voting booths required for the various types of voting systems.

(Source: P.A. 78-918.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-17.

10 ILCS 5/24A-18 [Publication of specimen ballot label]

Sec. 24A-18. When an electronic voting system is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true and legible copy of the specimen ballot label containing the names of offices and candidates and statements of measures to be voted on, as near as may be, in the form in which they will appear on the official ballot label on election day. Such true legible copy may be in the form of an actual size ballot label booklet and shall be published as required by this section if distributed in 2 or more newspapers published in and having a general circulation in the county as an insert thereto. For each election prescribed in Article 2A of this Code [10 ILCS 5/2A-1 et seq.], such specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the nonpartisan and consolidated elections shall be given as provided in Article 12 [10 ILCS 5/12-1 et seq.].
(Source: P.A. 81-1535.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 24A-18.

10 ILCS 5/24A-20 State Board testing of electronic ballot forms using direct recording electronic voting systems

Sec. 24A-20. *State Board testing of electronic ballot forms using direct recording electronic voting systems.* The State Board of Elections may test direct recording electronic voting systems. Testing by the State Board of Elections shall include the operation of direct recording electronic voting systems during a mock voting procedure and during a mock contested election in which ballots are objected to or recounted. The State Board of Elections shall certify to the General Assembly the results of any tests it performs under this Section. Notwithstanding the results of the State Board of Elections test and its certification to the General Assembly, nothing in this Section shall authorize the use of a direct recording electronic voting system unless further authorized by the General Assembly.
(Source: P.A. 90-745, § 5.)

Effective Date.

Section 99 of P.A. 90-745 makes this section effective upon becoming law. The Act was approved August 14, 1998.

ARTICLE 24B.**ELECTRONIC, MECHANICAL OR ELECTRIC VOTING SYSTEMS WITH PRECINCT TABULATION OPTICAL SCAN TECHNOLOGY CAPABILITY****10 ILCS 5/24B-1 Purpose**

Sec. 24B-1. *Purpose.* The purpose of this Article is

to authorize the use of Precinct Tabulation Optical Scan Technology voting systems approved by the State Board of Elections. In using Precinct Tabulation Optical Scan Technology, the voters or precinct judges record votes by means of inserting marked ballots in scanning and tabulating machines, which machines have voting defect identification capability, and are so designed that ballots will be counted by such machines at one or more counting places. This Article does not apply to voting systems without voting defect identification technology capability. This Article authorizes the use of Precinct Tabulation Optical Scan Technology voting systems for both central counting and in-precinct counting applications.

(Source: P.A. 89-394, § 5.)

Effective Date.

Section 99 of P.A. 89-394 made this Article effective January 1, 1997.

10 ILCS 5/24B-2 Definitions

Sec. 24B-2. *Definitions.* As used in this Article:

“Computer”, “automatic tabulating equipment” or “equipment” includes apparatus necessary to automatically examine and count votes as designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

“Ballot” means paper ballot sheets.

“Ballot configuration” means the particular combination of political subdivision ballots including, for each political subdivision, the particular combination of offices, candidate names and questions as it appears for each group of voters who may cast the same ballot.

“Ballot sheet” means a paper ballot printed on one or both sides which is (1) designed and prepared so that the voter may indicate his or her votes in designated areas, which must be areas clearly printed or otherwise delineated for such purpose, and (2) capable of having votes marked in the designated areas automatically examined, counted, and tabulated by an electronic scanning process.

“Central counting” means the counting of ballots in one or more locations selected by the election authority for the processing or counting, or both, of ballots. A location for central counting shall be within the territorial jurisdiction of the election authority unless there is no suitable tabulating equipment available within his territorial jurisdiction. However, in any event a counting location shall be within this State.

“Computer operator” means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

“Computer program” or “program” means the set of operating instructions for the automatic tabulating equipment that examines, counts, tabulates, canvasses and prints votes recorded by a voter on a ballot.

“Edit listing” means a computer generated listing of the names of each candidate and proposition as they appear in the program for each precinct.

“Header sheet” means a data processing document which is coded to indicate to the computer the precinct identity of the ballots that will follow immediately and may indicate to the computer how such ballots are to be tabulated.

“In-precinct counting” means the counting of ballots on automatic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

“Marking device” means a pen or similar device approved by the State Board of Elections for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by automatic tabulating equipment or by an electronic scanning process.

“Precinct Tabulation Optical Scan Technology” means the capability to examine a ballot through electronic means and tabulate the votes at one or more counting places.

“Redundant count” means a verification of the original computer count by another count using compatible equipment or by hand as part of a discovery recount.

“Security designation” means a printed designation placed on a ballot to identify to the computer program the offices and propositions for which votes may be cast and to indicate the manner in which votes cast should be tabulated while negating any inadmissible votes.

“Separate ballot”, with respect to ballot sheets, means a separate portion of the ballot sheet which is clearly defined by a border or borders or shading.

“Voting defect identification” means the capability to detect overvoted ballots or ballots which cannot be read by the automatic tabulating equipment.

“Voting defects” means an overvoted ballot, or a ballot which cannot be read by the automatic tabulating equipment.

“Voting system” or “electronic voting system” means that combination of equipment and programs used in the casting, examination and tabulation of ballots and the cumulation and reporting of results by electronic means.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-3 Adoption, experimentation or abandonment of Precinct Tabulation Optical Scan Technology system; Boundaries of precincts; Notice

Sec. 24B-3. Adoption, experimentation or abandonment of Precinct Tabulation Optical Scan Technology system; Boundaries of precincts; Notice. Except as otherwise provided in this Section, any county board, board of county commissioners and any board of election commissioners, with respect to territory within its jurisdiction, may adopt, experiment with, or abandon a Precinct Tabulation Optical

Scan Technology voting system approved for use by the State Board of Elections and may use the Precinct Tabulation Optical Scan Technology voting system in all or some of the precincts within its jurisdiction, or in combination with paper ballots or voting machines. Any county board, board of county commissioners or board of election commissioners may contract for the tabulation of votes at a location outside its territorial jurisdiction when there is no suitable tabulating equipment available within its territorial jurisdiction. In no case may a county board, board of county commissioners or board of election commissioners contract or arrange for the purchase, lease or loan of an electronic Precinct Tabulation Optical Scan Technology voting system or Precinct Tabulation Optical Scan Technology voting system component without the approval of the State Board of Elections as provided by Section 24B-16 [10 ILCS 5/24B-16]. However, the county board and board of county commissioners of each county having a population of 40,000 or more, with respect to all elections for which the county board or the county clerk is charged with the duty of providing materials and supplies, and each board of election commissioners in a municipality having a population of 40,000 or more, with respect to elections under its jurisdiction, must provide either Precinct Tabulation Optical Scan Technology voting systems approved for use by the State Board of Elections under this Article or voting systems under Article 24A or Article 24 for each precinct for all such elections except as provided in Section 24-1.2 [10 ILCS 5/24-1.2]. For purposes of this Section 24B-3, the term “population” does not include persons prohibited from voting by Section 3-5 of this Code [10 ILCS 5/3-5].

Before any such Precinct Tabulation Optical Scan Technology system is introduced, adopted or used in any precinct or territory at least 2 months public notice must be given before the date of the first election where the Precinct Tabulation Optical Scan Technology voting system is to be used. The election authority shall publish the notice at least once in one or more newspapers published within the county, or other jurisdiction, where the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within such jurisdiction. The notice shall be substantially as follows:

Notice is hereby given that on (give date), at (give place where election is held) in the county of , an election will be held for (give name of offices to be filled) at which a Precinct Tabulation Optical Scan Technology electronic voting system will be used.

Dated at on (insert date).

This notice referred to shall be given only at the first election at which the Precinct Tabulation Optical Scan Technology voting machines or Precinct Tabulation Optical Scan Technology voting systems are used.

(Source: P.A. 89-394, § 5; 91-357, § 10.)

Note.

P.A. 91-357, § 996 contains a "no acceleration or delay" provision, and P.A. 91-357, § 997, contains a "no revival or extension" provision.

Effect of Amendments.

The 1999 amendment by P.A. 91-357, effective July 29, 1999, changed the date blank in the form.

10 ILCS 5/24B-3.1 Retention or consolidation or alteration of existing precincts; Change of location

Sec. 24B-3.1. *Retention or consolidation or alteration of existing precincts; Change of location.* When a Precinct Tabulation Optical Scan Technology electronic voting system is used, the county board or board of election commissioners may retain existing precincts or may consolidate, combine, alter, decrease or enlarge the boundaries of the precincts to change the number of registered voters of the precincts using the electronic Precinct Tabulation Optical Scan Technology voting system, establishing the number of registered voters within each precinct at a number not to exceed 800 as the appropriate county board or board of election commissioners determines will afford adequate voting facilities and efficient and economical elections.

Except in the event of a fire, flood or total loss of heat in a place fixed or established pursuant to law by any county board or board of election commissioners as a polling place for an election, no election authority shall change the location of a polling place established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12 unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for the notice to be received by the registered voters in the precinct at least one day prior to the date of the election.
(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-4 Use of Precinct Tabulation Optical Scan Technology System; Requisites; Applicable procedure

Sec. 24B-4. *Use of Precinct Tabulation Optical Scan Technology System; Requisites; Applicable procedure.* Precinct Tabulation Optical Scan Technology voting systems may be used in elections provided that the Precinct Tabulation Optical Scan Technology systems enable the voter to cast a vote for all offices and on all measures on which he or she is entitled to vote, and that the automatic Precinct Tabulation Optical Scan Technology tabulating equipment may be set to return any ballot sheet on which the number of votes for an office or proposition exceeds the number of votes which the voter is entitled to cast, or any ballot sheet which cannot be read by the automatic tabulating equipment, and provided that such systems are approved for use by the State Board of Elections.

So far as applicable, the procedure provided for voting paper ballots shall apply when Precinct Tabulation Optical Scan Technology electronic voting systems are used. However, the provisions of this Article 24B will govern when there are conflicts.
(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-5 Voting Booths

Sec. 24B-5. *Voting Booths.* In precincts where an electronic Precinct Tabulation Optical Scan Technology voting system is used, a sufficient number of voting booths shall be provided for the use of the systems according to the requirements determined by the State Board of Elections, and the booths shall be arranged in the same manner as provided for use with paper ballots. Each booth shall be placed so that the entrance to each booth faces a wall in a manner that no judge of election or pollwatcher is able to observe a voter casting a ballot.
(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-5.1 Instruction of Voters; Instruction Model; Partiality to Political Party; Manner of Instruction

Sec. 24B-5.1. *Instruction of Voters; Instruction Model; Partiality to Political Party; Manner of Instruction.* Before entering the voting booth each voter shall be offered instruction in the marking of the Precinct Tabulation Optical Scan Technology ballot sheet. In instructing voters, no precinct official may show partiality to any political party. The duties of instruction shall be discharged by a judge from each of the political parties represented and they shall alternate serving as instructor so that each judge shall serve a like time at such duties. No instructions may be given after the voter has entered the voting booth.

No precinct official, or person assisting a voter may in any manner request, suggest, or seek to persuade or induce any voter to cast his or her vote for any particular ticket, candidate, amendment, question or proposition. All instructions shall be given by precinct officials in a manner that it may be observed by other persons in the polling place.
(Source: P.A. 89-394, § 5; 89-700, § 5.)

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, in the first paragraph, in the second sentence, deleted "and when instructing a voter on how to vote a straight ticket for one political party the precinct official shall at the same time instruct the voter how to vote a straight ticket for any other political party which appears on the ballot label" following "partiality to any political party".

10 ILCS 5/24B-5.2 Demonstrator Precinct Tabulation Optical Scan Technology Electronic Voting System; Placement in Public Library

Sec. 24B-5.2. *Demonstrator Precinct Tabulation Optical Scan Technology Electronic Voting System; Placement in Public Library.* When an electronic

Precinct Tabulation Optical Scan Technology voting system is used in a forthcoming election, the election authority may provide, for the purpose of instructing voters in the election, one demonstrator electronic Precinct Tabulation Optical Scan Technology voting system for placement in any public library within the political subdivision where the election occurs. If the placement of a demonstrator takes place it shall be made available at least 30 days before the election.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-6 Ballot Information; Arrangement; Electronic Precinct Tabulation Optical Scan Technology Voting System; Absentee Ballots; Spoiled Ballots

Sec. 24B-6. Ballot Information; Arrangement; Electronic Precinct Tabulation Optical Scan Technology Voting System; Absentee Ballots; Spoiled Ballots. The ballot information, shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages. Ballots for all questions or propositions to be voted on should be provided in a similar manner and must be arranged on the ballot sheet in the places provided for such purposes. Ballots shall be of white paper unless provided otherwise by administrative rule of the State Board of Elections or otherwise specified.

All propositions, including but not limited to propositions calling for a constitutional convention, constitutional amendment, judicial retention, and public measures to be voted upon shall be placed on separate portions of the ballot sheet by utilizing borders or grey screens. Candidates shall be listed on a separate portion of the ballot sheet by utilizing borders or grey screens. Below the name of the last candidate listed for an office shall be printed a line or lines on which the name of a candidate or candidates may be written by the voter, and proximate to such lines an area shall be provided for marking votes for the write-in candidate or candidates. The number of write-in lines for an office shall equal the number of candidates for which a voter may vote. More than one amendment to the constitution may be placed on the same portion of the ballot sheet. Constitutional convention or constitutional amendment propositions shall be printed on a separate portion of the ballot sheet and designated by borders or grey screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public measure or proposition may be placed on the same portion of the ballot sheet. More than one proposition for retention of judges in office may be placed on the same portion of the ballot sheet. Names of candidates shall be printed in black. The party affiliation of each candidate or the word "independent" shall appear near or under the candidate's name, and the names of candidates for the

same office shall be listed vertically under the title of that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. Judicial retention ballots shall be designated by borders or grey screens. Ballots for all public measures and other propositions shall be designated by borders or grey screens. In primary elections, a separate ballot, shall be used for each political party holding a primary, with the ballot arranged to include names of the candidates of the party and public measures and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public measures or propositions to be voted on, the election official in charge of the election shall divide the ballot in sections for "Candidates" and "Propositions", or separate ballots may be used.

Absentee ballots may consist of envelopes, paper ballots or ballot sheets voted in person in the office of the election official in charge of the election or voted by mail. Where a Precinct Tabulation Optical Scan Technology ballot is used for voting by mail it must be accompanied by voter instructions.

Any voter who spoils his or her ballot, makes an error, or has a ballot returned by the automatic tabulating equipment may return the ballot to the judges of election and get another ballot.

(Source: P.A. 89-394, § 5; 89-700, § 5.)

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, in the second paragraph, deleted the former 10th sentence, which read, "The designation of the political parties for straight party voting shall be in a special section of the ballot, except no means by which a voter can cast a straight party vote shall be necessary for any special election not conducted on a regularly scheduled election day and called for filling a vacancy in the office of representative in the United States Congress."

10 ILCS 5/24B-6.1 Ballots; Security Designation; Header Cards; Precinct Programs

Sec. 24B-6.1. Ballots; Security Designation; Header Cards; Precinct Programs. In all elections conducted under this Article, ballots shall have a security designation. In precincts where more than one ballot configuration may be voted upon, ballots shall have a different security designation for each ballot configuration. If a precinct has only one possible ballot configuration, the ballots must have a security designation to identify the election. Where ballots from more than one precinct are being tabulated, the ballots from each precinct must be clearly identified; official results shall not be generated unless the precinct identification for any precinct corresponds. When the tabulating equipment being used requires entering the program immediately

before tabulating the ballots for each precinct, the precinct program may be used.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-7 Separate Write-In Ballots

Sec. 24B-7. *Separate Write-In Ballots.* Election authorities utilizing Precinct Tabulation Optical Scan Technology shall not use separate write-in ballots. All write-in votes are to be cast on the ballot sheet.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-8 Preparation for Use; Comparison of Ballots; Operational Checks of Automatic Precinct Tabulation Optical Scan Technology Tabulating Equipment; Pollwatchers

Sec. 24B-8. *Preparation for Use; Comparison of Ballots; Operational Checks of Automatic Precinct Tabulation Optical Scan Technology Tabulating Equipment; Pollwatchers.* The county clerk or board of election commissioners shall cause the approved marking devices to be delivered to the polling places. Before the opening of the polls the judges of election shall compare the ballots used with the specimen ballots furnished and see that the names, numbers and letters thereon agree and shall certify thereto on forms provided by the county clerk or board of election commissioners.

In addition, in those polling places where in-precinct Precinct Tabulation Optical Scan Technology counting equipment is utilized, the judges of election shall make an operational check of the automatic Precinct Tabulation Optical Scan Technology tabulating equipment before the opening of the polls. The judges of election shall ensure that the totals are all zeroes in the count column on the Precinct Tabulation Optical Scan Technology unit.

Pollwatchers as provided by law shall be permitted to closely observe the judges in these procedures and to periodically inspect the Precinct Tabulation Optical Scan Technology equipment when not in use by the voters.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-9 Testing of Precinct Tabulation Optical Scan Technology Equipment and Program; Custody of Programs, Test Materials and Ballots

Sec. 24B-9. *Testing of Precinct Tabulation Optical Scan Technology Equipment and Program; Custody of Programs, Test Materials and Ballots.* Prior to the public test, the election authority shall conduct an errorless pre-test of the automatic Precinct Tabulation Optical Scan Technology tabulating equipment and program to determine that they will correctly detect Voting Defects and count the votes cast for all offices and all measures. On any day not less than 5 days prior to the election day, the election authority

shall publicly test the automatic Precinct Tabulation Optical Scan Technology tabulating equipment and program to determine that they will correctly detect Voting Defects and count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours before the test by publishing the notice in one or more newspapers within the election jurisdiction of the election authority, if a newspaper is published in that jurisdiction. If a newspaper is not published in that jurisdiction, notice shall be published in a newspaper of general circulation in that jurisdiction. Timely written notice stating the date, time, and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots having votes exceeding the number allowed by law to test the ability of the automatic tabulating equipment to reject the votes. The test shall also include producing an edit listing. In those election jurisdictions where in-precinct counting equipment is used, a public test of both the equipment and program shall be conducted as nearly as possible in the manner prescribed above. The State Board of Elections may select as many election jurisdictions as the Board deems advisable in the interests of the election process of this State, to order a special test of the automatic tabulating equipment and program before any regular election. The Board may order a special test in any election jurisdiction where, during the preceding 12 months, computer programming errors or other errors in the use of electronic voting systems resulted in vote tabulation errors. Not less than 30 days before any election, the State Board of Elections shall provide written notice to those selected jurisdictions of their intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days before the public test utilizing testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain sealed until the test is run again on election day. If any error is detected, the cause of the error shall be determined and corrected, and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested

program to be used within its jurisdiction at an election with the State Board of Elections before the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days following the canvass and proclamation of election results. At the expiration of that time, if no election contest or appeal is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. Except where in-precinct counting equipment is used, the test shall be repeated immediately before the start of the official counting of the ballots, in the same manner as set forth above. After the completion of the count, the test shall be re-run using the same program. Immediately after the re-run, all material used in testing the program and the programs shall be sealed and retained under the custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballots, together with all unused ballots returned from the precincts. Provided, if any contest of election is pending at the time in which the ballots may be required as evidence and the election authority has notice of the contest, the same shall not be destroyed until after the contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-9.1 Examination of Votes by Electronic Precinct Tabulation Optical Scan Technology Scanning Process

Sec. 24B-9.1. Examination of Votes by Electronic Precinct Tabulation Optical Scan Technology Scanning Process. Whenever a Precinct Tabulation Optical Scan Technology process is used to automatically examine and count the votes on ballot sheets, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot sheet by making a mark in the designated area for the casting of a vote for any party or candidate or for or against any proposition. For this purpose, a mark is an intentional darkening of the designated area on the ballot sheet, and not an identifying mark.

The election authority shall provide an envelope, sleeve or other device to each voter so the voter can deliver the voted ballot sheet to the counting equipment and ballot box without the votes indicated on the ballot sheet being visible to other persons in the polling place.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-10 Receiving, Counting, Tallying and Return of Ballots; Acceptance of Ballots by Election Authority

Sec. 24B-10. Receiving, Counting, Tallying and Return of Ballots; Acceptance of Ballots by Election Authority. (a) In an election jurisdiction which has

adopted an electronic Precinct Tabulation Optical Scan Technology voting system, the election official in charge of the election shall select one of the 3 following procedures for receiving, counting, tallying, and return of the ballots:

(1) Two ballot boxes shall be provided for each polling place. The first ballot box is for the depositing of votes cast on the electronic voting system; and the second ballot box is for all votes cast on other ballots, including absentee paper ballots and any other paper ballots required to be voted other than on the Precinct Tabulation Optical Scan Technology electronic voting system. Ballots, except absentee ballots for candidates and propositions which are listed on the Precinct Tabulation Optical Scan Technology electronic voting system, deposited in the second ballot box shall be counted, tallied, and returned as is elsewhere provided in this Code for the counting and handling of paper ballots. Immediately after the closing of the polls the absentee ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that the ballots comply with Sections 19-9 and 20-9 of this Code (10 ILCS 5/19-9 and 10 ILCS 5/20-9) and are entitled to be inserted into the counting equipment and deposited into the ballot box provided; those entitled to be deposited in this ballot box shall be initialed by the precinct judges of election and deposited. Those not entitled to be deposited in this ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9 and 20-9 (10 ILCS 5/19-9 and 10 ILCS 5/20-9). The precinct judges of election shall then open the second ballot box and examine all paper absentee ballots which are in the ballot box to determine whether the absentee ballots bear the initials of a precinct judge of election. If any absentee ballot is not so initialed, it shall be marked on the back "Defective", initialed as to the label by all judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". The judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall examine the paper absentee ballots which were in such ballot box and properly initialed to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark such paper absentee ballot "Objected To" on the back and write on its back the manner in which the ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee ballots, the judges of election, consisting in each case of at least one judge

of election of each of the 2 major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee ballot which was in the ballot box and properly initialed, by using the electronic Precinct Tabulation Optical Scan Technology voting system used in the precinct and one of the marking devices of the precinct to transfer the remaining valid votes of the voter on the paper absentee ballot to an official ballot or a ballot card of that kind used in the precinct at that election. The original paper absentee ballot shall be clearly labeled "Absentee Ballot" and the ballot card so produced "Duplicate Absentee Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" ballots and shall place them in the first ballot box provided for return of the ballots to be counted at the central counting location in lieu of the paper absentee ballots. The paper absentee ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots".

As soon as the absentee ballots have been deposited in the first ballot box, the judges of election shall make out a slip indicating the number of persons who voted in the precinct at the election. The slip shall be signed by all the judges of election and shall be inserted by them in the first ballot box. The judges of election shall thereupon immediately lock the first ballot box; provided, that if the box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose that shall be wrapped around the box lengthwise and crosswise, at least twice each way, and in a manner that the seal completely covers the slot in the ballot box, and each of the judges shall sign the seal. Two of the judges of election, of different political parties, shall by the most direct route transport both ballot boxes to the counting location designated by the county clerk or board of election commissioners.

Before the ballots of a precinct are fed to the electronic Precinct Tabulation Optical Scan Technology tabulating equipment, the first ballot box shall be opened at the central counting station by the 2 precinct transport judges. Upon opening a ballot box, the team shall first count the number of ballots in the box. If 2 or more are folded together to appear to have been cast by the same person, all of the ballots folded together shall be marked and returned with the other ballots in the same condition, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots are found to exceed the number of persons voting in the precinct as shown by the slip signed by the judges of election, the ballots shall be replaced in the box, and the box closed and well shaken and again opened and one of the precinct transport judges shall publicly draw out so many ballots unopened as are equal to the excess.

The excess ballots shall be marked "Excess-Not Counted" and signed by the 2 precinct transport judges and shall be placed in the "After 7:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots.

The precinct transport judges shall then examine the remaining ballots for write-in votes and shall count and tabulate the write-in vote.

(2) A single ballot box, for the deposit of all votes cast, shall be used. All ballots which are not to be tabulated on the electronic voting system shall be counted, tallied, and returned as elsewhere provided in this Code for the counting and handling of paper ballots.

All ballots to be processed and tabulated with the electronic Precinct Tabulation Optical Scan Technology voting system shall be processed as follows:

Immediately after the closing of the polls the absentee ballots delivered to the precinct judges of election by the election official in charge of the election shall be examined to determine that such ballots comply with Sections 19-9 and 20-9 of this Code [10 ILCS 5/19-9 and 10 ILCS 5/20-9] and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges of election and deposited in the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in Sections 19-9 and 20-9 [10 ILCS 5/19-9 and 10 ILCS 5/20-9]. The precinct judges of election then shall open the ballot box and canvass the votes polled to determine that the number of ballots agree with the number of voters voting as shown by the applications for ballot, or if the same do not agree the judges of election shall make such ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code [10 ILCS 5/17-18]. The judges of election shall then examine all paper absentee ballots and ballot envelopes which are in the ballot box to determine whether the ballots and ballot envelopes bear the initials of a precinct judge of election. If any ballot or ballot envelope is not initialed, it shall be marked on the back "Defective", initialed as to the label by all judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". The judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall examine the paper absentee ballots which were in the ballot box and properly initialed to determine whether the same contain write-in votes. Write-in votes, not causing an overvote for an office otherwise voted for on the paper absentee ballot, and otherwise properly voted, shall be counted, tallied and recorded on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the precinct judges shall mark the

paper absentee ballot "Objected To" on the back and write on its back the manner the ballot is counted and initial the same. An overvote for one office shall invalidate only the vote or count of that particular office. After counting, tallying and recording the write-in votes on absentee ballots, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of the remaining valid votes on each paper absentee ballot which was in the ballot box and properly initialed, by using the electronic voting system used in the precinct and one of the marking devices of the precinct to transfer the remaining valid votes of the voter on the paper absentee ballot to an official ballot of that kind used in the precinct at that election. The original paper absentee ballot shall be clearly labeled "Absentee Ballot" and the ballot so produced "Duplicate Absentee Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Absentee Ballot" ballots and shall place them in the box for return of the ballots with all other ballots to be counted at the central counting location in lieu of the paper absentee ballots. The paper absentee ballots shall be placed in an envelope provided for that purpose labeled "Duplicate Ballots".

In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on the ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices of the precinct to transfer all votes of the voter except for the office overvoted, to an official ballot of that kind used in the precinct at that election. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each shall bear the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The judges of election shall initial the "Duplicate Overvoted Ballot" ballots and shall place them in the box for return of the ballots. The "Overvoted Ballot" ballots shall be placed in the "Duplicate Ballots" envelope. The ballots except any defective or overvoted ballot shall be placed separately in the box for return of the ballots, along with all "Duplicate Absentee Ballots", and "Duplicate Overvoted Ballots". The judges of election shall examine the ballots to determine if any is damaged or defective so that it cannot be counted by the automatic tabulating equipment. If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall

make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices of the precinct. The original ballot and ballot envelope shall be clearly labeled "Damaged Ballot" and the ballot so produced "Duplicate Damaged Ballot", and each shall bear the same number which shall be placed thereon by the judges of election, commencing with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall place them in the box for return of the ballots. The "Damaged Ballot" ballots shall be placed in the "Duplicated Ballots" envelope. A slip indicating the number of voters voting in person, number of absentee votes deposited in the ballot box, and the total number of voters of the precinct who voted at the election shall be made out, signed by all judges of election, and inserted in the box for return of the ballots. The tally sheets recording the write-in votes shall be placed in this box. The judges of election immediately shall securely lock the ballot box or other suitable box furnished for return of the ballots by the election official in charge of the election; provided that if the box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box to cover any slot therein and to identify the box of the precinct; and if the box is sealed with filament tape as provided rather than locked, such tape shall be wrapped around the box as provided, but in such manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Two of the judges of election, of different major political parties, shall by the most direct route transport the box for return of the ballots and enclosed ballots and returns to the central counting location designated by the election official in charge of the election. If, however, because of the lack of adequate parking facilities at the central counting location or for any other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at the other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for such purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from the other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major

political parties, designated for the purpose by the election official in charge of elections from recommendations by the appropriate political party organizations.

The "Defective Ballots" envelope, and "Duplicated Ballots" envelope each shall be securely sealed and the flap or end of each envelope signed by the precinct judges of election and returned to the central counting location with the box for return of the ballots, enclosed ballots and returns.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall check the box returned containing the ballots to determine that all seals are intact, and shall open the box, check the voters' slip and compare the number of ballots so delivered against the total number of voters of the precinct who voted, remove the ballots and deliver them to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(3) A single ballot box, for the deposit of all votes cast, shall be used. Immediately after the closing of the polls the judges of election shall examine the absentee ballots received by the precinct judges of election from the election authority of voters in that precinct to determine that they comply with the provisions of Sections 19-9, 20-8 and 20-9 of this Code [10 ILCS 5/19-9, 5/20-8 and 10 ILCS 5/20-9] and are entitled to be deposited in the ballot box; those entitled to be deposited in the ballot box shall be initialed by the precinct judges and deposited in the ballot box. Those not entitled to be deposited in the ballot box, in accordance with Sections 19-9, 20-8 and 20-9 of this Code [10 ILCS 5/19-9, 5/20-8 and 10 ILCS 5/20-9] shall be marked "Rejected" and preserved in the manner provided in this Code for the retention and preservation of official ballots rejected at such election. Immediately upon the completion of the absentee balloting, the precinct judges of election shall securely lock the ballot box; provided that if such box is not of a type which may be securely locked, the box shall be sealed with filament tape provided for the purpose which shall be wrapped around the box lengthwise and crosswise, at least twice each way. A separate adhesive seal label signed by each of the judges of election of the precinct shall be affixed to the box to cover any slot therein and to identify the box of the precinct; and if the box is sealed with filament tape as provided rather than locked, such tape shall be wrapped around the box as provided, but in a manner that the separate adhesive seal label affixed to the box and signed by the judges may not be removed without breaking the filament tape and disturbing the signature of the judges. Two of the judges of election, of different major political parties, shall by the most direct route transport the box for return of the ballots and enclosed absentee ballots and returns to

the central counting location designated by the election official in charge of the election. If however, because of the lack of adequate parking facilities at the central counting location or for some other reason, it is impossible or impracticable for the boxes from all the polling places to be delivered directly to the central counting location, the election official in charge of the election may designate some other location to which the boxes shall be delivered by the 2 precinct judges. While at the other location the boxes shall be in the care and custody of one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of elections from recommendations by the appropriate political party organizations. As soon as possible, the boxes shall be transported from the other location to the central counting location by one or more teams, each consisting of 4 persons, 2 from each of the 2 major political parties, designated for the purpose by the election official in charge of the election from recommendations by the appropriate political party organizations.

At the central counting location there shall be one or more teams of tally judges who possess the same qualifications as tally judges in election jurisdictions using paper ballots. The number of the teams shall be determined by the election authority. Each team shall consist of 5 tally judges, 3 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the majority of members on the county board and 2 selected and approved by the county board from a certified list furnished by the chairman of the county central committee of the party with the second largest number of members on the county board. At the central counting location a team of tally judges shall open the ballot box and canvass the votes polled to determine that the number of ballot sheets therein agree with the number of voters voting as shown by the applications for ballot and for absentee ballot; and, if the same do not agree, the tally judges shall make such ballots agree with the number of applications for ballot in the manner provided by Section 17-18 of this Code [10 ILCS 5/17-18]. The tally judges shall then examine all ballot sheets that are in the ballot box to determine whether they bear the initials of the precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to that label by all tally judges immediately under the word "Defective", and not counted, but placed in the envelope provided for that purpose labeled "Defective Ballots Envelope". Write-in votes, not causing an overvote for an office otherwise voted for on the absentee ballot sheet, and otherwise properly voted, shall be counted, tallied, and recorded by the central counting location judges on the tally sheet provided for the record. A write-in vote causing an overvote for an office shall not be counted for that office, but the tally judges shall mark the

absentee ballot sheet "Objected To" and write the manner in which the ballot is counted on its back and initial the sheet. An overvote for one office shall invalidate only the vote or count for that particular office.

At the central counting location, a team of tally judges designated by the election official in charge of the election shall deliver the ballot sheets to the technicians operating the automatic Precinct Tabulation Optical Scan Technology tabulating equipment. Any discrepancies between the number of ballots and total number of voters shall be noted on a sheet furnished for that purpose and signed by the tally judges.

(b) Regardless of which procedure described in subsection (a) of this Section is used, the judges of election designated to transport the ballots properly signed and sealed, shall ensure that the ballots are delivered to the central counting station no later than 12 hours after the polls close. At the central counting station, a team of tally judges designated by the election official in charge of the election shall examine the ballots so transported and shall not accept ballots for tabulating which are not signed and sealed as provided in subsection (a) of this Section until the judges transporting the ballots make and sign the necessary corrections. Upon acceptance of the ballots by a team of tally judges at the central counting station, the election judges transporting the ballots shall take a receipt signed by the election official in charge of the election and stamped with the date and time of acceptance. The election judges whose duty it is to transport any ballots shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-10.1 In-Precinct Counting Equipment; Procedures for Counting and Tallying Ballots

Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures for Counting and Tallying Ballots. In an election jurisdiction where Precinct Tabulation Optical Scan Technology counting equipment is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, and before the ballots are entered into the automatic tabulating equipment, the judges of election shall be sure that the totals are all zeros in the counting column. Ballots may then be counted by entering each ballot into the automatic tabulating equipment. Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or proposition on the automatic tabulating equipment. Such automatic tabulating equipment shall be programmed so that no person may reset the equipment for refeeding of ballots unless provided a code from an authorized representative of

the election authority. At the option of the election authority, the ballots may be fed into the Precinct Tabulation Optical Scan Technology equipment by the voters under the direct supervision of the judges of elections.

Immediately after the closing of the polls, the absentee ballots delivered to the precinct judges of election by the election authority shall be examined to determine that the ballots comply with Sections 19-9 and 20-9 of this Code [10 ILCS 5/19-9 and 10 ILCS 5/20-9] and are entitled to be scanned by the Precinct Tabulation Optical Scan Technology equipment and then deposited in the ballot box; those entitled to be scanned and deposited in the ballot box shall be initialed by the precinct judges of election and then scanned and deposited in the ballot box. Those not entitled to be deposited in the ballot box shall be marked "Rejected" and disposed of as provided in said Sections 19-9 and 20-9 [10 ILCS 5/19-9 and 10 ILCS 5/20-9].

The precinct judges of election shall open the ballot box and count the number of ballots to determine if the number agrees with the number of voters voting as shown on the Precinct Tabulation Optical Scan Technology equipment and by the applications for ballot or, if the same do not agree, the judges of election shall make the ballots agree with the applications for ballot in the manner provided by Section 17-18 of this Code [10 ILCS 5/17-18]. The judges of election shall then examine all ballots which are in the ballot box to determine whether the ballots contain the initials of a precinct judge of election. If any ballot is not initialed, it shall be marked on the back "Defective", initialed as to such label by all judges immediately under the word "Defective" and not counted. The judges of election shall place an initialed blank official ballot in the place of the defective ballot, so that the count of the ballots to be counted on the automatic tabulating equipment will be the same, and each "Defective Ballot" and "Replacement" ballot shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The original "Defective" ballot shall be placed in the "Defective Ballot Envelope" provided for that purpose.

If the judges of election have removed a ballot pursuant to Section 17-18 [10 ILCS 5/17-18], have labeled "Defective" a ballot which is not initialed, or have otherwise determined under this Code to not count a ballot originally deposited into a ballot box, the judges of election shall be sure that the totals on the automatic tabulating equipment are reset to all zeros in the counting column. Thereafter the judges of election shall enter each ballot to be counted in the automatic tabulating equipment. Resetting the automatic tabulating equipment to all zeros and re-entering of ballots to be counted may occur at the precinct polling place, the office of the election authority, or any receiving station designated by the

election authority. The election authority shall designate the place for resetting and re-entering.

When a Precinct Tabulation Optical Scan Technology electronic voting system is used which uses a paper ballot, the judges of election shall examine the ballot for write-in votes. When the voter has cast a write-in vote, the judges of election shall compare the write-in vote with the votes on the ballot to determine whether the write-in results in an overvote for any office, unless the Precinct Tabulation Optical Scan Technology equipment has already done so. In case of an overvote for any office, the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot except for the office which is overvoted, by using the ballot of the precinct and one of the marking devices of the precinct so as to transfer all votes of the voter, except for the office overvoted, to a duplicate ballot. The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot", and each such "Overvoted Ballot" as well as its "Replacement" shall contain the same serial number which shall be placed thereon by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in that precinct. The "Overvoted Ballot" shall be placed in an envelope provided for that purpose labeled "Duplicate Ballot" envelope, and the judges of election shall initial the "Replacement" ballots and shall place them with the other ballots to be counted on the automatic tabulating equipment.

If any ballot is damaged or defective, or if any ballot contains a Voting Defect, so that it cannot properly be counted by the automatic tabulating equipment, the voter or the judges of election, consisting in each case of at least one judge of election of each of the 2 major political parties, shall make a true duplicate ballot of all votes on such ballot by using the ballot of the precinct and one of the marking devices of the precinct. If a damaged ballot, the original ballot shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Damaged Ballot" and the ballot so produced shall be clearly labeled "Duplicate Damaged Ballot", and each shall contain the same serial number which shall be placed by the judges of election, beginning with number 1 and continuing consecutively for the ballots of that kind in the precinct. The judges of election shall initial the "Duplicate Damaged Ballot" ballot and shall enter the duplicate damaged ballot into the automatic tabulating equipment. The "Damaged Ballots" shall be placed in the "Duplicated Ballots" envelope; after all ballots have been successfully read, the judges of election shall check to make certain that the Precinct Tabulation Optical Scan Technology equipment readout agrees with the number of voters making application for ballot in that precinct. The number shall be listed on

the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated; and 4 copies of a "Certificate of Results" shall be generated by the automatic tabulating equipment; one copy shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots; but in no case shall the number of copies to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

The judges of election shall count all unused ballots and enter the number on the "Statement of Ballots". All "Spoiled", "Defective" and "Duplicated" ballots shall be counted and the number entered on the "Statement of Ballots".

The precinct judges of election shall select a bipartisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose which shall be wrapped around the container lengthwise and crosswise, at least twice each way, in a manner that the ballots cannot be removed from the container without breaking the seal and filament tape and disturbing any signatures affixed by the election judges to the container, or which other approved sealing devices are affixed in a manner approved by the election authority. The election authority shall keep the office of the election authority or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots from all precincts with in-precinct counting equipment within the jurisdiction of the election authority have been returned to the election authority. Ballots returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots as provided shall, in the event the ballots cannot be found when needed, on proper request, produce the receipt which they are to take as above provided. The precinct judges of election shall also deliver the Precinct Tabulation Optical Scan Technology equipment to the election authority.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-11 Proceedings at Location for Central Counting; Employees; Approval of List

Sec. 24B-11. *Proceedings at Location for Central Counting; Employees; Approval of List.* All proceedings at the location for central counting shall be under the direction of the county clerk or board of election commissioners. Except for any specially trained technicians required for the operation of the automatic Precinct Tabulation Optical Scan Technology tabulating equipment, the employees at the counting station shall be equally divided between members of the 2 leading political parties and all duties performed by the employees shall be by teams consisting of an equal number of members of each political party. Thirty days before an election the county clerk or board of election commissioners shall submit to the chairman of each political party, for his or her approval or disapproval, a list of persons of his or her party proposed to be employed. If a chairman fails to notify the election authority of his or her disapproval of any proposed employee within a period of 10 days thereafter the list shall be deemed approved.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-13 Tabulating Votes; Direction; Presence of Public; Computer Operator's Log and Canvass

Sec. 24B-13. *Tabulating Votes; Direction; Presence of Public; Computer Operator's Log and Canvass.* The procedure for tabulating the votes by the automatic Precinct Tabulation Optical Scan Technology tabulating equipment shall be under the direction of the election authority and shall conform to the requirements of the automatic Precinct Tabulation Optical Scan Technology tabulating equipment. During any election-related activity using the automatic Precinct Tabulation Optical Scan Technology tabulating equipment, the election authority shall make a reasonable effort to dedicate the equipment to vote processing to ensure the security and integrity of the system.

A reasonable number of pollwatchers shall be admitted to the counting location. Persons may observe the tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.

The computer operator shall be designated by the election authority and shall be sworn as a deputy of the election authority. In conducting the vote tabulation and canvass, the computer operator must maintain a log which shall include the following information:

a. alterations made to programs associated with the vote counting process;

b. if applicable, console messages relating to the program and the respective responses made by the operator;

c. the starting time for each precinct counted, the number of ballots counted for each precinct, any equipment problems and, insofar as practicable, the number of invalid security designations encountered during that count; and

d. changes and repairs made to the equipment during the vote tabulation and canvass.

The computer operator's log and canvass shall be available for public inspection in the office of the election authority for a period of 60 days following the proclamation of election results. A copy of the computer operator's log and the canvass shall be transmitted to the State Board of Elections upon its request and at its expense.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-14 Damaged Ballots; Duplicates

Sec. 24B-14. *Damaged Ballots; Duplicates.* If any ballot is damaged or defective so that it cannot properly be counted by the automatic Precinct Tabulation Optical Scan Technology tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballots shall be clearly labeled "Duplicate", shall bear a serial number which shall be registered on the damaged or defective ballot, and shall be counted in lieu of the damaged or defective ballot.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-15 Official Return of Precinct; Check of Totals; Retabulation

Sec. 24B-15. *Official Return of Precinct; Check of Totals; Retabulation.* The precinct return printed by the automatic Precinct Tabulation Optical Scan Technology tabulating equipment shall include the number of ballots cast and votes cast for each candidate and proposition and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the write-in votes, the total number of ballots counted in each precinct for each political subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct retabulated to correct the return. The procedures for retabulation shall apply prior to and after the proclamation is completed; however, after the proclamation of results,

the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. In those election jurisdictions that use in-precinct counting equipment, the certificate of results, which has been prepared by the judges of election in the polling place after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals which has been affixed to the certificate of results, the ballots for that precinct shall be retabulated to correct the return. As an additional part of this check prior to the proclamation, in those jurisdictions where in-precinct counting equipment is used, the election authority shall retabulate the total number of votes cast in 5% of the precincts within the election jurisdiction. The precincts to be retabulated shall be selected after election day on a random basis by the election authority, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts which are to be retabulated, and the election authority shall be required to use that method. The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the random selection procedure and may be represented at the procedure. The retabulation shall consist of counting the ballots which were originally counted and shall not involve any determination of which ballots were, in fact, properly counted. The ballots from the precincts selected for the retabulation shall remain at all times under the custody and control of the election authority and shall be transported and retabulated by the designated staff of the election authority.

As part of the retabulation, the election authority shall test the computer program in the selected precincts. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots which have votes in excess of the number allowed by law to test the ability of the equipment to reject such votes. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the

retabulation and may be represented at the retabulation.

The results of this retabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code [10 ILCS 5/22-9.1]. Upon completion of the retabulation, the election authority shall print a comparison of the results of the retabulation with the original precinct return printed by the automatic tabulating equipment. The comparison shall be done for each precinct and for each office voted upon within that precinct, and the comparisons shall be open to the public. Upon completion of the retabulation, the returns shall be open to the public.

(Source: P.A. 89-394, § 5; 89-700, § 5.)

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 1, 1997, in the first paragraph, in the first sentence, deleted "straight party tickets," following "number of ballots cast", and deleted the second sentence which read, "Every ballot on which the voter has cast a vote for all candidates of one party and no votes for any other candidates shall be reported as a straight party ticket, and all other ballots shall be reported as split tickets."

10 ILCS 5/24B-15.01 Transporting Ballots to Central Counting Station; Container

Sec. 24B-15.01. Transporting Ballots to Central Counting Station; Container. Upon completion of the tabulation and retabulation of votes pursuant to Sections 24B-11 through 24B-15 [10 ILCS 5/24B-11 through 10 ILCS 5/24B-15], the ballots from each precinct shall be replaced in the container in which they were transported to the central counting station. If the container is not a type which may be securely locked, then each container, before being transferred from the counting station to storage, shall be sealed with filament tape wrapped around the container lengthwise and crosswise, at least twice each way, and in a manner that the ballots cannot be removed from the container without breaking the tape.

(Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-15.1 Discovery, Recounts and Election Contests

Sec. 24B-15.1. Discovery, Recounts and Election Contests. Except as provided, discovery recounts and election contests shall be conducted as otherwise provided for in this Code. The automatic Precinct Tabulation Optical Scan Technology tabulating equipment shall be tested prior to the discovery recount or election contest as provided in Section 24B-9 [10 ILCS 5/24B-9], and then the official ballots shall be recounted on the automatic tabulating equipment. In addition, (a) the ballots shall be checked for the presence or absence of judges' initials and other distinguishing marks, and (b) the ballots marked "Rejected", "Defective", "Objected To" and "Absentee Ballot" shall be examined to deter-

mine the propriety of the labels, and (c) 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.

Any person who has filed a petition for discovery recount may request that a redundant count be conducted in those precincts in which the discovery recount is being conducted. The additional costs of a redundant count shall be borne by the requesting party.

The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest. (Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-16 Approval of Precinct Tabulation Optical Scan Technology Voting Systems; Requisites

Sec. 24B-16. Approval of Precinct Tabulation Optical Scan Technology Voting Systems; Requisites. The State Board of Elections shall approve all Precinct Tabulation Optical Scan Technology voting systems provided by this Article.

No Precinct Tabulation Optical Scan Technology voting system shall be approved unless it fulfills the following requirements:

- (a) It enables a voter to vote in absolute secrecy;
- (b) (Blank);

(c) It enables a voter to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all parties, and in part from independent candidates, and in part of candidates whose names are written in by the voter;

(d) It enables a voter to vote a written or printed ticket of his or her own selection for any person for any office for whom he or she may desire to vote;

(e) It will reject all votes for an office or upon a proposition when the voter has cast more votes for the office or upon the proposition than he or she is entitled to cast; and

(f) It will accommodate all propositions to be submitted to the voters in the form provided by law or, where no form is provided, then in brief form, not to exceed 75 words.

The State Board of Elections is authorized to withdraw its approval of a Precinct Tabulation Optical Scan Technology voting system if the system fails to fulfill the above requirements.

No vendor, person or other entity may sell, lease or loan a voting system or Precinct Tabulation Optical Scan Technology voting system component to any election jurisdiction unless the voting system or voting system component is first approved by the State Board of Elections pursuant to this Section. (Source: P.A. 89-394, § 5; 89-700, § 5.)

Effect of Amendments.

The 1996 amendment by P.A. 89-700, effective January 17, 1997, in the second paragraph, deleted subsection (b) which read, "It enables a voter to vote a straight party ticket;".

10 ILCS 5/24B-17 Rules; Number of Voting Booths

Sec. 24B-17. Rules; Number of Voting Booths. The State Board of Elections may make reasonable rules for the administration of this Article and may prescribe the number of voting booths required for the various types of voting systems. (Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-18 Specimen Ballots; Publication

Sec. 24B-18. Specimen Ballots; Publication. When an electronic Precinct Tabulation Optical Scan Technology voting system is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true and legible copy of the specimen ballot containing the names of offices and candidates and statements of measures to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day. A true legible copy may be in the form of an actual size ballot and shall be published as required by this Section if distributed in 2 or more newspapers published and having a general circulation in the county as an insert. For each election prescribed in Article 2A of this Code [10 ILCS 5/2A-1 et seq.], specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the nonpartisan and consolidated elections shall be given as provided in Article 12 [10 ILCS 5/12-1 et seq.]. (Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-19 Additional Method of Voting

Sec. 24B-19. Additional Method of Voting. The foregoing Sections of this Article shall be deemed to provide a method of voting in addition to the methods otherwise provided in this Code. (Source: P.A. 89-394, § 5.)

10 ILCS 5/24B-20 Voting Defect Identification Capabilities

Sec. 24B-20. Voting Defect Identification Capabilities. An election authority is required to use the Voting Defect Identification capabilities of the automatic tabulating equipment when used in-precinct. (Source: P.A. 89-394, § 5.)

ARTICLE 25.

RESIGNATIONS AND VACANCIES

10 ILCS 5/25-1 [Elective offices]

Sec. 25-1. Except as otherwise provided in Section 25-2 [10 ILCS 5/25-2], resignations of elective offices

shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy.

(Source: Laws 1943, vol. 2, p. 1; P.A. 88-419, § 4.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-1.

Effect of Amendments.

The 1993 amendment by P.A. 88-419, effective August 20, 1993, added at the beginning "Except as otherwise provided in Section 25-2,".

10 ILCS 5/25-2 Events on which an elective office becomes vacant

Sec. 25-2. *Events on which an elective office becomes vacant.* Every elective office shall become vacant on the happening of any of the following events before the expiration of the term of such office:

- (1) The death of the incumbent.
- (2) His or her resignation.
- (3) His or her becoming a person under legal disability.
- (4) His or her ceasing to be an inhabitant of the State; or if the office is local, his or her ceasing to be an inhabitant of the district, county, town, or precinct for which he or she was elected; provided, that the provisions of this paragraph shall not apply to township officers whose township boundaries are changed in accordance with Section 10-20 of the Township Code [60 ILCS 1/10-20], nor to township or multi-township assessors elected under Sections 2-5 through 2-15 of the Property Tax Code [35 ILCS 200/2-5 through 35 ILCS 200/2-15].
- (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.

No elective office, except as herein otherwise provided, shall become vacant until the successor of the incumbent of such office has been appointed or elected, as the case may be, and qualified.

An unconditional resignation, effective at a future date, may not be withdrawn after it is received by the officer authorized to fill the vacancy. Such resignation shall create a vacancy in office for the purpose of determining the time period which would require an election. The resigning office holder may continue to hold such office until the date or event specified in such resignation, but no later than the date at which his or her successor is elected and qualified.

An admission of guilt of a criminal offense that would, upon conviction, disqualify the holder of an elective office from holding that office, in the form of

a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or federal law, shall constitute a resignation from that office, effective at the time the plea agreement is made. For purposes of this Section, a conviction for an offense that disqualifies the holder of an elective office from holding that office shall occur on the date of the return of a guilty verdict or, in the case of a trial by the court, the entry of a finding of guilt.

(Source: P.A. 86-1435; 88-419, § 4; 88-670, § 3-5; 90-707, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-2.

Cross References.

As to vacancy in the office of town assessor under the Revenue Act, see 35 ILCS 200/2-60.

As to resignations of elective offices, see 10 ILCS 5/25-1.

Effect of Amendments.

The 1993 amendment by P.A. 88-419, effective August 20, 1993, in the introductory language substituted "any of the following" for "either of the following"; in the listing inserted "or her" following "Fourth—His"; and added the last paragraph.

The 1994 amendment by P.A. 88-670, effective December 2, 1994, in subsection (4) substituted "10-20 of the Township Code" for "3-4 of the Township Law of 1874" and substituted "2-5 through 2-15 of the Property Tax Code" for "1.1 through 1.12 of the Revenue Act of 1939", filed May 17, 1939, as amended"; and made other minor stylistic changes.

The 1998 amendment by P.A. 90-707, effective August 7, 1998, added the section catchline; and added the last sentence to the last paragraph.

CASE NOTES

ANALYSIS

Applicability
Conviction
 —Infamous Crime
Resignation from Office
 —Immediate Vacancy
 —Salary Payment

Applicability

A prior similar provision only applied to those officers whose election was provided for in previous sections of the Act, and were by other express provisions required to take and subscribe an oath of office or to give or renew their official bond, or both, and those officers included all state and county officers, judges and clerks of courts, and members of the General Assembly. *People ex rel. Johnson v. Anderson*, 325 Ill. 464, 156 N.E. 471 (1927).

Conviction

—Infamous Crime

Where defendant's conduct in attempting to defraud both the federal and state governments certainly offended commonly accepted principles of honesty and decency, his subsequent conviction for the infamous crime rendered him ineligible to hold his office. *People ex rel. City of Kankakee v. Morris*, 126 Ill. App. 3d 722, 81 Ill. Dec. 718, 467 N.E.2d 589 (3 Dist. 1984).

Where public officers conspired against the political unit of which they were officials, the crime was infamous for the purposes of determining whether a vacancy had occurred under the Illinois Constitution and under this section. *People ex rel. Ward v. Tomek*, 54 Ill. App. 2d 197, 203 N.E.2d 744 (1 Dist. 1965).

When determining whether there is a vacancy in office due to the conviction of the office-holder of an infamous crime, the test is whether or not the act violated the commonly accepted principles of

Conviction (Cont'd)**—Infamous Crime (Cont'd)**

honesty and decency. *People ex rel. Ward v. Tomek*, 54 Ill. App. 2d 197, 203 N.E.2d 744 (1 Dist. 1965).

Where a county assessor was convicted of conspiracy to evade and evasion of personal and corporate income taxes, such a conviction constituted a conviction of an infamous crime, which caused a vacancy in his office as county assessor; and defendant's appeal from such conviction did not operate to stay the effect of such vacancy. *People ex rel. Keenan v. McGuane*, 13 Ill. 2d 520, 150 N.E.2d 168 (1958).

Resignation from Office**—Immediate Vacancy**

Where the Board of Town Auditors in a special meeting unanimously voted to accept plaintiff's resignation as tax assessor, the office was immediately vacant despite failure to fill the position for several months. *Gates v. Town of East Eldorado*, 54 Ill. App. 3d 293, 12 Ill. Dec. 85, 369 N.E.2d 582 (5 Dist. 1977).

—Salary Payment

Once an assessor resigned his office, he was no longer entitled to be paid his salary even though the evidence showed that he had completed all the assessments for that year's taxes. *Gates v. Town of East Eldorado*, 54 Ill. App. 3d 293, 12 Ill. Dec. 85, 369 N.E.2d 582 (5 Dist. 1977).

OPINIONS OF ATTORNEY GENERAL**Vacancy****—Community College District Trustee**

A vacancy in the office of community college district trustee occurs under 110 ILCS 805/3-7 when the officeholder ceases to be an actual resident to the board of which he or she was elected. 1996 Op. Atty. Gen. (96-012).

RESEARCH REFERENCES

What constitutes conviction within statutory or constitutional provision making conviction of crime ground for disqualification for, removal from, or vacancy in, public office. 10 ALR5th 139.

10 ILCS 5/25-3 [Authority to determine vacancy]

Sec. 25-3. (a) Whenever it is alleged that a vacancy in any office exists, the officer, body, or county board who has authority to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exist.

(b) On or before the 100th day previous to the day of election for which judicial candidates are to be nominated:

(1) the Chief Justice of the Supreme Court shall certify to the State Board of Elections the names of all judges who have died, resigned, retired or forfeited their office since the last general election and whose vacancies will be filled at the next general election.

(2) the secretary of the Illinois Courts Commission shall certify to the State Board of Elections the names of judges who have been removed from office and whose vacancies will be filled at the next general election.

(3) the Secretary of State shall certify to the State Board of Elections the names of judges who were

eligible to stand for retention at the next general election, but failed to file a declaration of candidacy to succeed themselves in office or, having timely filed such a declaration, withdrew it.

(4) the State Board of Elections shall determine whether the General Assembly has created new judgeships which are to be filled at the next general election. If one of the events described in subsection (a) of Section 2A-9 of this Code [10 ILCS 5/2A-9(a)] occurs between the 100th day and the 92nd day previous to the day of election for which judicial candidates are to be nominated, the appropriate aforementioned officer shall promptly certify the vacancy to the State Board of Elections.

(c) Except with regard to new judgeships which have been created by the General Assembly, the State Board of Elections may rely upon the certifications from the Supreme Court, the Illinois Courts Commission and the Secretary of State to determine (1) when vacancies in judicial office exist and (2) the judicial positions for which elections are to be held. (Source: P.A. 86-1348.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-3.

CASE NOTES**ANALYSIS**

Special Election
—Defined
Town Supervisors

Special Election**—Defined**

Every election called to fill a vacancy is a special election, and the fact that it is held on the same day as the general election does not change its character. *People ex rel. Anderson v. Czarnecki*, 312 Ill. 271, 143 N.E. 840 (1924).

Town Supervisors

A vacancy in the office of town supervisor could not be filled at an annual town meeting. *People v. Pillman et al.*, 284 Ill.App. 287, 1 N.E.2d 788 (4 Dist. 1936).

10 ILCS 5/25-4 [Governor and lieutenant-governor]

Sec. 25-4. In case of vacancies in the offices of Governor and Lieutenant-Governor, the officer performing the duties of the office of Governor, or if there is no such officer, the Secretary of State, shall issue a proclamation appointing a day for a special election to fill such vacancies, and shall issue a writ of election to the county clerks of the several counties in the state, and shall also, when necessary, call a special session of the General Assembly to canvass the votes cast at such election; but if such vacancy shall occur not more than ninety (90) days before a general election for members of the legislature, the vacancies shall be filled at such general election, in which case no special session of the General Assembly to canvass the votes shall be deemed necessary. (Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-4.

10 ILCS 5/25-5 [State offices]

Sec. 25-5. When a vacancy shall occur in the office of Secretary of State, State Comptroller, Treasurer or Attorney General, the Governor shall fill the same by appointment, and the appointee shall hold his office during the remainder of the term, and until his successor is elected and qualified.

(Source: P.A. 78-592.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-5.

10 ILCS 5/25-6 [State representatives]

Sec. 25-6. (a) When a vacancy occurs in the office of State Senator or Representative in the General Assembly, the vacancy shall be filled within 30 days by appointment of the legislative or representative committee of that legislative or representative district of the political party of which the incumbent was a candidate at the time of his election. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election, and shall be otherwise eligible to serve as a member of the General Assembly. The appropriate legislative or representative committee shall declare that a vacancy exists and notification thereof shall be given to the State Board of Elections, the Secretary of State, and the Clerk of the House of Representatives or the Secretary of the Senate, whichever is appropriate, within 3 days of the occurrence of the vacancy.

(b) When a vacancy occurs in the office of a legislator elected other than as a candidate of a political party, the vacancy shall be filled within 30 days of such occurrence by appointment of the Governor. The appointee shall not be a member of a political party, and shall be otherwise eligible to serve as a member of the General Assembly. Provided, however, the appropriate body of the General Assembly may, by resolution, allow a legislator elected other than as a candidate of a political party to affiliate with a political party for his term of office in the General Assembly. A vacancy occurring in the office of any such legislator who affiliates with a political party pursuant to resolution shall be filled within 30 days of such occurrence by appointment of the appropriate legislative or representative committee of that legislative or representative district of the political party with which the legislator so affiliates. The appointee shall be a member of the political party with which the incumbent affiliated.

(c) For purposes of this Section, a person is a member of a political party for 23 months after (i) signing a candidate petition, as to the political party whose nomination is sought; (ii) signing a statement of candidacy, as to the political party where nomination or election is sought; (iii) signing a Petition of

Political Party Formation, as to the proposed political party; (iv) applying for and receiving a primary ballot, as to the political party whose ballot is received; or (v) becoming a candidate for election to or accepting appointment to the office of ward, township, precinct or state central committeeman.

(d) In making appointments under this Section, each committeeman of the appropriate legislative or representative committee shall be entitled to one vote for each vote that was received, in that portion of the legislative or representative district which he represents on the committee, by the Senator or Representative whose seat is vacant at the general election at which that legislator was elected to the seat which has been vacated and a majority of the total number of votes received in such election by the Senator or Representative whose seat is vacant is required for the appointment of his successor; provided, however, that in making appointments in legislative or representative districts comprising only one county or part of a county other than a county containing 2,000,000 or more inhabitants, each committeeman shall be entitled to cast only one vote.

(e) Appointments made under this Section shall be in writing and shall be signed by members of the legislative or representative committee whose total votes are sufficient to make the appointments or by the Governor, as the case may be. Such appointments shall be filed with the Secretary of State and with the Clerk of the House of Representatives or the Secretary of the Senate, whichever is appropriate.

(f) An appointment made under this Section shall be for the remainder of the term, except that, if the appointment is to fill a vacancy in the office of State Senator and the vacancy occurs with more than 28 months remaining in the term, the term of the appointment shall expire at the time of the next general election at which time a Senator shall be elected for a new term commencing on the determination of the results of the election and ending on the second Wednesday of January in the second odd-numbered year next occurring. Whenever a Senator has been appointed to fill a vacancy and was thereafter elected to that office, the term of service under the authority of the election shall be considered a new term of service, separate from the term of service rendered under the authority of the appointment.

(Source: P.A. 85-958.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-6.

CASE NOTES**ANALYSIS**

Constitutionality
Authority to Determine Vacancy
—Governor

Mootness
Special Election
—Time

Constitutionality

This section meets the constitutional mandate that an appointment to fill a vacancy be made within 30 days after the vacancy occurs and that an appointee be of the same political party as the legislator whom the appointee succeeds pursuant to Ill. Const. (1970), Art. 4, § 2(d). *Kluk v. Lang*, 125 Ill. 2d 306, 126 Ill. Dec. 163, 531 N.E.2d 790 (1988).

This section does not represent an unconstitutional delegation of legislative power to private persons. *Kluk v. Lang*, 125 Ill. 2d 306, 126 Ill. Dec. 163, 531 N.E.2d 790 (1988).

Authority to Determine Vacancy

—Governor

The governor has the authority to determine whether a vacancy exists in either house of the General Assembly. *People ex rel. Anderson v. Czarnecki*, 312 Ill. 271, 143 N.E. 840 (1924).

Mootness

Where a defendant had been elected to serve as a member of the 81st General Assembly and had already begun her term as an elected official, declaratory and injunctive relief granted by the trial court extended only to defendant's appointment to serve as a member of the now dissolved 80th General Assembly, and was not reviewable as the controversy had become moot. *Bluthardt v. Breslin*, 74 Ill. 2d 246, 24 Ill. Dec. 151, 384 N.E.2d 1309 (1979).

Special Election

—Time

A prior similar provision did not purport to fix the time when the Governor should call a special election, but it did limit the right of the Governor to fix the day upon which the special election was to be held where the General Assembly was not in session at the time the vacancy occurred, and where there would be no session of the General Assembly between that time and the next succeeding general election. *People ex rel. Anderson v. Czarnecki*, 312 Ill. 271, 143 N.E. 840 (1924).

10 ILCS 5/25-7 [Representative in congress]

Sec. 25-7. When any vacancy shall occur in the office of representative in congress from this state more than 180 days before the next general election, the Governor shall issue a writ of election within 5 days after the occurrence of that vacancy to the county clerks of the several counties in the district where the vacancy exists, appointing a day within 115 days to hold a special election to fill such vacancy.

(Source: P.A. 78-781.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-7.

CASE NOTES

Special Election

—Duty of Governor

The Governor had the duty, at the time of the death of the state's representative in Congress, to issue a writ of election to fill the vacancy, and the fact that the successor could have served little more than 11 months at the most would not justify failure to issue the writ of election. *Jackson v. Ogilvie*, 426 F.2d 1333 (7th Cir.), cert. denied, 400 U.S. 833, 91 S. Ct. 66, 27 L. Ed. 2d 64 (1970).

In the case of Governor's failure to issue a writ of election, a mandatory injunction would be appropriate. *Jackson v. Ogilvie*, 426 F.2d 1333 (7th Cir.), cert. denied, 400 U.S. 833, 91 S. Ct. 66, 27 L. Ed. 2d 64 (1970).

10 ILCS 5/25-8 [United States senator]

Sec. 25-8. When a vacancy shall occur in the office of United States Senator from this state, the Governor shall make temporary appointment to fill such vacancy until the next election of representatives in Congress, at which time such vacancy shall be filled by election, and the senator so elected shall take office as soon thereafter as he shall receive his certificate of election.

(Source: Laws 1943, vol. 2, p. 1.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-8.

10 ILCS 5/25-10 [Office of the clerk of the circuit court]

Sec. 25-10. This Section applies only to counties of 3,000,000 or more population. When a vacancy occurs in the office of Clerk of the Circuit Court of any of the counties in this State, it shall be the duty of the Circuit Judges of the respective judicial circuit in which such vacancy may occur, to make an appointment to fill the vacancy for the remainder of the unexpired term. However, if more than 28 months remain in the term, the appointment shall be until the next general election, at which time a clerk of the circuit court shall be elected for the balance of the unexpired term. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve as Clerk of the Circuit Court. The Circuit Judges may appoint a Clerk Pro Tempore for whatever period is necessary while reviewing the qualifications of candidates for appointment to the office.

(Source: P.A. 86-875; 86-1348; 90-672, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-10.

Effect of Amendments.

The 1998 amendment by P.A. 90-672, effective July 31, 1998, added the first sentence.

10 ILCS 5/25-11 [Elective county office]

Sec. 25-11. When a vacancy occurs in any elective county office, or in a county of less than 3,000,000 population in the office of clerk of the circuit court, in a county which is not a home rule unit, the county board or board of county commissioners shall declare that such vacancy exists and notification thereof shall be given to the county central committee or the appropriate county board or board of county commissioners district committee of each established political party within 3 days of the occurrence of the vacancy. The vacancy shall be filled within 60 days by appointment of the chairman of the county board or board of county commissioners with the advice and consent of the county board or board of county commissioners. The appointee shall

be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve. 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 general election at which time the vacated office shall be filled by election for the remainder of the term. In the case of a vacancy in a seat on a county board or board of county commissioners which has been divided into districts under Section 2-3003 or 2-4006.5 of the Counties Code [55 ILCS 5/2-3003 or 55 ILCS 5/2-4006.5], the appointee must also be a resident of the county board or county commission district. If a county commissioner ceases to reside in the district that he or she represents, a vacancy in that office exists.

Except as otherwise provided by county ordinance or by law, in any county which is a home rule unit, vacancies in elective county offices, other than the office of chief executive officer, and vacancies in the office of clerk of the circuit court in a county of less than 3,000,000 population, shall be filled by the county board or board of county commissioners. (Source: P.A. 84-790; 90-672, § 5; 92-189, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-11.

"An Act relating to the composition and election of county boards in certain counties," referred to in this section, has been repealed. See now 55 ILCS 5/2-3001 et seq.

Effect of Amendments.

The 1998 amendment by P.A. 90-672, effective July 31, 1998, in the first paragraph, inserted "or in a county of less than 3,000,000 population in the office of clerk of the circuit court" in the first sentence, and deleted the word "county" following "vacated" in the third sentence; and inserted "and vacancies in the office of clerk of the circuit court in a county of less than 3,000,000 population" in the last paragraph.

The 2001 amendment by P.A. 92-189, effective August 1, 2001, inserted "or board of county commissioners" throughout the section; and in the first paragraph substituted "Section 2-3003 or 2-4006.5 of the Counties Code" for "An Act relating to the composition of an election of county boards in certain counties, approved October 2, 1969, as amended" and inserted "or county commission" in the next-to-last sentence, and added the last sentence.

CASE NOTES

ANALYSIS

Constitutionality
Court Reporters
Resignation of Officer

Constitutionality

An amendment which purported to transfer appointment power or the authority to fill vacancies in county offices and boards from county boards to county central committees of political party of which incumbent was candidate at time of his election was unconstitutional on its face and was an unlawful delegation of power. *People ex rel. Rudman v. Rini*, 64 Ill. 2d 321, 1 Ill. Dec. 4, 356 N.E.2d 4 (1976).

Court Reporters

The resignation of a judge was held to terminate the tenure of his court reporter. *People ex rel. McCarthy v. Barrett*, 365 Ill. 73, 5 N.E.2d 453 (1936).

Resignation of Officer

An officer may resign when neither the rights of creditors nor the public convenience prevents it, and upon such resignation, as declared by statute, the office becomes vacant. *People ex rel. McCarthy v. Barrett*, 365 Ill. 73, 5 N.E.2d 453 (1936).

OPINIONS OF ATTORNEY GENERAL

ANALYSIS

Appointment
Supervisor of Assessments
—Vacancy

Appointment

An appointment to fill a vacancy on the county board, made within 60 days of the occurrence of the vacancy by the chairman of the county board with the advice and consent of the county board, was made in accordance with provisions of this section, regardless of whether an election of county board members occurred between the time of the occurrence of the vacancy and the time an appointment to fill the vacancy was made. 1979 Op. Atty. Gen. 73.

Supervisor of Assessments

—Vacancy

In the absence of a statutory provision expressly pertaining to assessors who are elected pursuant to referendum, a vacancy in the office of supervisor should be filled in accordance with this section; therefore, when the office of elected supervisor of assessments becomes vacant with more than 28 months remaining in the term, it should be filled by election for the remainder of the term. 1996 Op. Atty. Gen. (96-023).

LEGAL PERIODICALS

For case note, "*People ex rel. Rudman v. Rini—Amendment Charging Method for Filling Vacancies in County Offices Is Unconstitutional*," see 1978 U. Ill. L.F. 158.

10 ILCS 5/25-11.1 [State's attorney or superintendent of an educational service]

Sec. 25-11.1. A vacancy in the office of a State's Attorney or superintendent of an educational service region who serves 2 or more counties shall be filled by joint appointment of the county boards of those counties until the next general election when a successor shall be elected for the balance of the unexpired term or for a full term, as the case may be. (Source: P.A. 84-861.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 25-11.1.

CASE NOTES

Quo Warranto

—Standing

Individual who was a citizen and a voter in county did not have the right to file a complaint in quo warranto on his own relation challenging the appointed State's attorney's title to office. *People ex rel. Turner v. Lewis*, 104 Ill. App. 3d 75, 59 Ill. Dec. 879, 432 N.E.2d 665 (4 Dist. 1982).

ARTICLES 26, 27.

[RESERVED]

ARTICLE 28.

SUBMITTING PUBLIC QUESTIONS

10 ILCS 5/28-1 [Applicability; ballot; number of questions]

Sec. 28-1. The initiation and submission of all public questions to be voted upon by the electors of the State or of any political subdivision or district or precinct or combination of precincts shall be subject to the provisions of this Article.

Questions of public policy which have any legal effect shall be submitted to referendum only as authorized by a statute which so provides or by the Constitution. Advisory questions of public policy shall be submitted to referendum pursuant to Section 28-5 [10 ILCS 5/28-5] or pursuant to a statute which so provides.

The method of initiating the submission of a public question shall be as provided by the statute authorizing such public question, or as provided by the Constitution.

All public questions shall be initiated, submitted and printed on the ballot in the form required by Section 16-7 of this Act [10 ILCS 5/16-7], except as may otherwise be specified in the statute authorizing a public question.

Whenever a statute provides for the initiation of a public question by a petition of electors, the provisions of such statute shall govern with respect to the number of signatures required, the qualifications of persons entitled to sign the petition, the contents of the petition, the officer with whom the petition must be filed, and the form of the question to be submitted. If such statute does not specify any of the foregoing petition requirements, the corresponding petition requirements of Section 28-6 [10 ILCS 5/28-6] shall govern such petition.

Irrespective of the method of initiation, not more than 3 public questions other than (a) back door referenda, (b) referenda to determine whether a disconnection may take place where a city 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 Law in the Property Tax Code [35 ILCS 200/1 et seq.] may be submitted to referendum with respect to a political subdivision at the same election.

If more than 3 propositions are timely initiated or certified for submission at an election with respect to a political subdivision, the first 3 validly initiated, by the filing of a petition or by the adoption of a resolution or ordinance of a political subdivision, as the case may be, shall be printed on the ballot and submitted at that election. However, except as expressly authorized by law not more than one proposition to change the form of government of a municipality pursuant to Article VII of the Constitution may be submitted at an election. If more than one such proposition is timely initiated or certified for

submission at an election with respect to a municipality, the first validly initiated shall be the one printed on the ballot and submitted at that 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 cast votes for any candidates for nomination for, election to or retention in public office, except that if, in any existing or proposed political subdivision in which the submission of a public question at a regularly scheduled election is desired, the voters of only a portion of such existing or proposed political subdivision are not scheduled to cast votes for nomination for, election to or retention in public office at such election, but the voters in one or more other portions of such existing or proposed political subdivision are scheduled to cast votes for nomination for, election to or retention in public office at such election, the public question shall be voted upon by all the qualified voters of the entire existing or proposed political subdivision at the election.

Not more than 3 advisory public questions may be submitted to the voters of the entire state at a general election. If more than 3 such advisory propositions are initiated, the first 3 timely and validly initiated shall be the questions printed on the ballot and submitted at that election; provided however, that a question for a proposed amendment to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution, or for a question submitted under the Property Tax Cap Referendum Law [35 ILCS 248/1-1 et seq.], shall not be included in the foregoing limitation.

(Source: P.A. 87-17; 87-919, § 15; 88-116, § 1-105; 89-510, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-1.

P.A. 87-1052, § 5-30 amended the Article head, which formerly read "Submitting Questions of Public Policy".

Cross References.

As to the requirements associated with submitting a public question to be voted upon which has been initiated and certified in accordance with this section, see 10 ILCS 5/16-7.

Illinois Jurisprudence. See Illinois Jur, Municip L § 2:53.

Effect of Amendments.

The 1992 amendment, effective August 15, 1992, added "or for a question submitted under the State Mandates Referendum Act," following "Article XIV of the Constitution" in the last sentence of the final paragraph.

The 1993 amendment by P.A. 88-116, effective July 23, 1993, in the last sentence of the last paragraph substituted "Property Tax Cap Referendum Law" for "State Mandates Referendum Act".

The 1996 amendment by P.A. 89-510, effective July 11, 1996, in the sixth paragraph substituted "Law in the Property Tax Code" for "Act".

CASE NOTES**ANALYSIS**

Constitutionality
In General

Applicability

—Election District

Library

—Library Construction

—Three Limitation Rule

Bond Propositions

Construction

—In General

—With Other Laws

Referenda

—No Fundamental Right

Three Question Limit

—De Minimus Burden

—Not Arbitrary

Constitutionality

Restrictions on citizen-initiated advisory questions, pursuant to 10 ILCS 5/28-1 and 10 ILCS 5/28-6, exclusive of the 25% signature requirement, did not unconstitutionally impair plaintiff's First or Fourteenth Amendment rights. *Georges v. Carney*, 546 F. Supp. 469 (N.D. Ill.), *aff'd*, 691 F.2d 297 (7th Cir. 1982).

Where a private group challenged the constitutionality of a provision of the Election Code [10 ILCS 5/1-1 et seq.] regarding binding and advisory questions as violative of the First and Fourteenth Amendments, the provisions were found not to be discriminatory either directly or indirectly against the free expression of controversial ideas; the state had no constitutional obligation to provide a forum for advocating ideas of any kind. *Georges v. Carney*, 691 F.2d 297 (7th Cir. 1982).

The preference given to binding questions placed before the voters reflects an arbitrary judgment, that it is more important to get before the electorate questions that it can answer with legal effect than to provide another soapbox for the advocates and opponents of great causes. *Georges v. Carney*, 691 F.2d 297 (7th Cir. 1982).

In General

The submission of binding questions to the electorate is a technique of direct, as distinct from representative, democracy; it allows the people to vote directly for a law rather than indirectly by voting for the lawmaker, but a state does not obligate itself to allow the ballot also to be used as a means of pure advocacy. *Georges v. Carney*, 691 F.2d 297 (7th Cir. 1982).

Direct democracy is not an interference with the marketplace of ideas; it therefore does not put the state under an obligation to compensate for such an interference by taking measures to promote or enlarge that marketplace, as by allowing the ballot to be used to take official polls on controversial issues of public policy. *Georges v. Carney*, 691 F.2d 297 (7th Cir. 1982).

Applicability**—Election District**

Limitation of three public questions per election does not apply to an election district or precinct but only applies to a political subdivision. *Chambers v. Board of Election Comm'rs*, 183 Ill. App. 3d 567, 131 Ill. Dec. 914, 539 N.E.2d 267 (1 Dist. 1989).

Library**—Library Construction**

Where village placed question of whether funds should be used to construct and equip a public library and voters approved, the village obtained approval of the measure "in accord with then applicable state and local laws". *Xinos v. Village of Oak Brook*, 298 Ill. App. 3d 520, 232 Ill. Dec. 576, 698 N.E.2d 667 (2 Dist. 1998), appeal denied, 182 Ill. 2d 573, 236 Ill. Dec. 676, 707 N.E.2d 1246 (1999).

—Three Limitation Rule

When the three limitation rule is read in conjunction with the other provisions of this section, it is clear that the legislature's intent was for it to apply only to political subdivisions and not to districts. *Foster v. Chicago Bd. of Elections Comm'rs*, 176 Ill. App. 3d 776, 126 Ill. Dec. 293, 531 N.E.2d 920 (1 Dist. 1988).

Bond Propositions

The provision which prohibits the submission of more than three

public policy questions at the same election did not make it illegal to submit several special propositions for bonds at one election. *Bilek v. City of Chicago*, 396 Ill. 445, 71 N.E.2d 789 (1947).

Construction**—In General**

Under former Ill.Rev.Stat., ch. 46, paras. 334, 335 (see now 10 ILCS 5/28-1 et seq.), the power to register an expression of opinion on questions of public policy was not analogous to the initiative and referendum. *City v. Hart*, 306 Ill.App. 621, 29 N.E.2d 678 (3 Dist. 1940).

—With Other Laws

Where, with respect to the three limitation rule, only the validity of an election itself was attacked and not its results, the 10-day contest period provided by the Liquor Control Act in 235 ILCS 5/9-19 applied. *Foster v. Chicago Bd. of Elections Comm'rs*, 176 Ill. App. 3d 776, 126 Ill. Dec. 293, 531 N.E.2d 920 (1 Dist. 1988).

Referenda**—No Fundamental Right**

Although the right to place a question on the ballot is not fundamental, once the state decided to confer such right, it became obligated to do so in a constitutional manner. *Georges v. Carney*, 546 F. Supp. 469 (N.D. Ill.), *aff'd*, 691 F.2d 297 (7th Cir. 1982).

There is no fundamental right to require a referendum whereby a citizen-initiated question of public policy may be submitted for voter consideration under Illinois law. *Georges v. Carney*, 546 F. Supp. 469 (N.D. Ill.), *aff'd*, 691 F.2d 297 (7th Cir. 1982).

Three Question Limit**—De Minimus Burden**

Limit of three public questions, in conjunction with the holdover clause, presented only a de minimus burden on a citizen's access to the ballot. *Georges v. Carney*, 546 F. Supp. 469 (N.D. Ill.), *aff'd*, 691 F.2d 297 (7th Cir. 1982).

—Not Arbitrary

The requirement that only the first three validly initiated questions gain a ballot slot was not improper, since by utilizing a first-come/first-serve procedure, a determination based on the content of the question or a weighing of its source was avoided. *Georges v. Carney*, 546 F. Supp. 469 (N.D. Ill.), *aff'd*, 691 F.2d 297 (7th Cir. 1982).

LEGAL PERIODICALS

For note, "The Election Ballot as a Forum for the Expression of Ideas — *Georges v. Carney*," see 32 De Paul L. Rev. 901 (1983).

10 ILCS 5/28-2 [Petition; time of filing; affidavit]

Sec. 28-2. (a) Except as otherwise provided in this Section, petitions for the submission of public questions to referendum must 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; and petitions for the submission of a question under Section 18-120 of the Property Tax Code [35 ILCS 200/18-120] must be filed with the appropriate officer or board not more than 10 months nor less than 6 months prior to the election at which such question is to be submitted to the voters.

(b) However, petitions for the submission of a public question to referendum which proposes the creation or formation of a political subdivision must be filed with the appropriate officer or board not less

than 108 days prior to a regular election to be eligible for submission on the ballot at such election.

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

(d) A petition, resolution or ordinance initiating the submission of a public question may specify a regular election at which the question is to be submitted, and must so specify if the statute authorizing the public question requires submission at a particular election. However, no petition, resolution or ordinance initiating the submission of a public question, other than a legislative resolution initiating an amendment to the Constitution, may specify such submission at an election more than one year after the date on which it is filed or adopted, as the case may be. A petition, resolution or ordinance initiating a public question which specifies a particular election at which the question is to be submitted shall be so limited, and shall not be valid as to any other election, other than an emergency referendum ordered pursuant to Section 2A-1.4 [10 ILCS 5/2A-1.4].

(e) If a petition initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 78 days after the filing of the petition, or not less than 108 days after the filing of a petition for referendum to create a political subdivision. If a resolution or ordinance initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 65 days after the adoption of the resolution or ordinance.

(f) In the case of back door referenda, any limitations in another statute authorizing such a referendum which restrict the time in which the initiating petition may be validly filed shall apply to such petition, in addition to the filing deadlines specified in this Section for submission at a particular election. In the case of any back door referendum, the publication of the ordinance or resolution of the political subdivision shall include a notice of (1) the specific number of voters required to sign a petition requesting that a public question be submitted to the voters of the subdivision; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The secretary or clerk of the political subdivision shall provide a petition form to any individual requesting one. As used herein, a "back door referendum" is the submission of a public question to the voters of a political subdivision, initiated by a petition of voters or residents of such political subdivision, to determine whether an action by the governing body of such subdivision shall be adopted or rejected.

(g) A petition for the incorporation or formation of a new political subdivision whose officers are to be

elected rather than appointed must have attached to it an affidavit attesting that at least 108 days and no more than 138 days prior to such election notice of intention to file such petition was published in a newspaper published within the proposed political subdivision, or if none, in a newspaper of general circulation within the territory of the proposed political subdivision in substantially the following form:

**NOTICE OF PETITION TO FORM
A NEW**

Residents of the territory described below are notified that a petition will or has been filed in the Office of requesting a referendum to establish a new, to be called the

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

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

(description of territory included in petition)
(signature)

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

★ Where applicable.

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

Notwithstanding the foregoing provisions of this subsection (g) or any other provisions of this Code, the publication of notice and affidavit requirements of this subsection (g) shall not apply to any petition filed under Article 7, 7A, 11A, 11B, or 11D of the School Code [105 ILCS 5/7-1 et seq., 105 ILCS 5/7A-1 et seq., 105 ILCS 5/11A-1 et seq., 105 ILCS 5/11B-1 et seq., or 105 ILCS 5/11D-1 et seq.] nor to any referendum held pursuant to any such petition, and neither any petition filed under any of those Articles nor any referendum held pursuant to any such petition shall be rendered null and void because of the failure to file an affidavit or publish a notice with respect to the petition or referendum as required under this subsection (g) for petitions that are not filed under any of those Articles of the School Code [105 ILCS 5/1-1 et seq.].

(Source: P.A. 86-1253; 87-185; 88-670, § 3-5; 90-459, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-2.

Cross References.

For provisions for the failure to publish notice of intention to file a petition or to attach to the petition an affidavit attesting to the publication of that notice as required under this section, see 105 ILCS 5/11D-2.

Illinois Jurisprudence. See Illinois Jur, Municip L § 2:19, § 13:50.

Effect of Amendments.

The 1994 amendment by P.A. 88-670, effective December 2, 1994, in subsection (a) substituted "18-120 of the Property Tax Code" for "162a of the 'Revenue Act of 1939', filed May 17, 1939, as amended".

The 1997 amendment by P.A. 90-459, effective August 17, 1997, in subsection (g), in the third paragraph inserted "7".

CASE NOTES

ANALYSIS

Construction
Legislative Intent
Notice
Petition
—Compliance
Time of Filing
—Park District
Validity of Election

Construction

Under former Ill.Rev.Stat., ch. 46, paras. 334, 335 (see now 10 ILCS 5/28-1 et seq.), the power to register an expression of opinion on questions of public policy was not analogous to the initiative and referendum. *City v. Hart*, 306 Ill.App. 621, 29 N.E.2d 678 (3 Dist. 1940).

This section does not conflict with 70 ILCS 1205/13-1, relating to a park district's designation of election. *Shick v. Dixmoor Park Dist.*, 184 Ill. App. 3d 513, 132 Ill. Dec. 691, 540 N.E.2d 431 (1 Dist. 1989).

Legislative Intent

The legislature in this section sought to avoid the confusion emanating from circulating a petition setting a proposition for consideration at one election which does not take place on the appointed day, as well as precluding the unfairness inherent in obscuring consideration of important questions by shifting the elections thereon from one date to another or still others. *Korte-Reinheimer v. City Council*, 94 Ill. App. 3d 219, 49 Ill. Dec. 763, 418 N.E.2d 783 (1 Dist. 1981).

Notice

Because the election of the municipal officers could occur at a subsequent date to the consideration of the referendum of incorporation, under 65 ILCS 5/2-3-7 of the Municipal Code, the requirement of simultaneous elections under 10 ILCS 5/2A-1.2(f) of the Election Code was not applicable; because simultaneous elections were not required, the notice provision of this section was likewise not applicable, therefore, the incorporators' notice was correct, and the petition and referendum on incorporation were valid. In re *Village of Godfrey*, 243 Ill. App. 3d 915, 183 Ill. Dec. 943, 612 N.E.2d 870 (5 Dist. 1993).

Petition

—Compliance

Election held pursuant to appellee's petition to disconnect certain territory from one park district and annex it to another complied with the requirements of this Act. *Chicago Ridge Park Dist. v. Oak Lawn Park Dist.*, 112 Ill. App. 3d 364, 68 Ill. Dec. 46, 445 N.E.2d 494 (1 Dist. 1983).

Time of Filing

—Park District

As long as the statutory requirements of this section and the Park District Code in 70 ILCS 1205/2-2 have been substantially met, a petition for formation of a park district may be filed with a circuit court prior to publication of notice to residents. *Widman v. Full*, 202 Ill. App. 3d 765, 147 Ill. Dec. 736, 559 N.E.2d 1076 (3 Dist. 1990).

Where a petition was filed with an affidavit attached which stated that a notice of intent to petition for the formation of a new park district had been delivered to newspaper, and where the

record showed that the notice to the residents was published exactly 138 days prior to the election, the filing of the petition with the affidavit and the subsequent publication substantially complied with this section and the Park District Code in 70 ILCS 1205/2-2. *Widman v. Full*, 202 Ill. App. 3d 765, 147 Ill. Dec. 736, 559 N.E.2d 1076 (3 Dist. 1990).

A petition for organization of a park district may be filed before its publication. *Citizens' Committee v. Village of Lake in the Hills*, 103 Ill. App. 3d 1056, 59 Ill. Dec. 722, 432 N.E.2d 306 (2 Dist. 1982).

Validity of Election

Generally, an election should be held at the time and in the place provided by law in order that it have validity. *Widman v. Village of Seneca*, 224 Ill. App. 3d 614, 167 Ill. Dec. 132, 587 N.E.2d 14 (3 Dist. 1992).

10 ILCS 5/28-3 Form of petition for public question

Sec. 28-3. *Form of petition for public question.* Petitions for the submission of public questions shall consist of sheets of uniform size and each sheet shall contain, above the space for signature, an appropriate heading, giving the information as to the question of public policy to be submitted, and specifying the state at large or the political subdivision or district or precinct or combination of precincts or other territory in which it is to be submitted and, where by law the public question must be submitted at a particular election, the election at which it is to be submitted. In the case of a petition for the submission of a public question described in subsection (b) of Section 28-6 [10 ILCS 5/28-6], the heading shall also specify the regular election at which the question is to be submitted and include the precincts included in the territory concerning which the public question is to be submitted, as well as a common description of such territory in plain and nonlegal language, such description to describe the territory by reference to streets, natural or artificial landmarks, addresses or any other method which would enable a voter signing the petition to be informed of the territory concerning which the question is to be submitted. The heading of each sheet shall be the same. Such petition shall be signed by the registered voters of the political subdivision or district or precinct or combination of precincts in which the question of public policy is to be submitted in their own proper persons only, and opposite the signature of each signer his residence address shall be written or printed, which residence address shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state; provided that the county or city, village or town, and state of residence of such electors may be printed on the petition forms where all of the such electors signing the petition reside in the same county or city, village or town, and state. Standard abbreviations may be used in writing the residence address, including street number, if any. No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this Section are complied with.

At the bottom of each sheet of such petition shall be added a circulator's statement, signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as the case may be, as well as the county, city, village or town, and state; certifying that the signatures on that sheet of the petition were signed in his or her presence and are genuine, and that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political subdivision or district or precinct or combination of precincts in which the question of public policy is to be submitted and that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

Such sheets, before being filed with the proper officer or board shall be bound securely and numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. All petition sheets which are filed with the proper local election officials, election authorities or the State Board of Elections shall be the original sheets which have been signed by the voters and by the circulator, and not photocopies or duplicates of such sheets. A petition, when presented or filed, shall not be withdrawn, altered, or added to, and no signature shall be revoked except by revocation in writing presented or filed with the board or officer with whom the petition is required to be presented or filed, and before the presentment or filing of such petition, except as may otherwise be provided in another statute which authorize the public question. Whoever forges any name of a signer upon any petition shall be deemed guilty of a forgery, and on conviction thereof, shall be punished accordingly.

In addition to the foregoing requirements, a petition proposing an amendment to Article IV of the Constitution pursuant to Section 3 of Article XIV of the Constitution or a petition proposing a question of public policy to be submitted to the voters of the entire State shall be in conformity with the requirements of Section 28-9 of this Article [10 ILCS 5/28-9].

If multiple sets of petitions for submission of the same public questions are filed, the State Board of Elections, appropriate election authority or local election official where the petitions are filed shall within 2 business days notify the proponent of his or her multiple petition filings and that proponent has 3 business days after receipt of the notice to notify the State Board of Elections, appropriate election authority or local election official that he or she may cancel prior sets of petitions. If the proponent notifies the State Board of Elections, appropriate election authority or local election official, the last set of petitions filed shall be the only petitions to be considered valid by the State Board of Elections, appropriate election authority or local election offi-

cial. If the proponent fails to notify the State Board of Elections, appropriate election authority or local election official then only the first set of petitions filed shall be valid and all subsequent petitions shall be void.

(Source: P.A. 86-867; 87-1052, § 3; 91-57, § 5; 92-129, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-3.

Cross References.

As to the application of this section see the following sections: as to a referendum to consolidate soil and water conservation districts, see 70 ILCS 405/26a.1; as to a referendum forming sub-districts of a soil and water conservation district, see 70 ILCS 405/26b.3; as to a referendum requesting disconnection from the Illinois Valley Regional Port Authority, see 70 ILCS 1815/3.1; as to a referendum on the adoption of a merit system for deputies in the office of the sheriff, see 55 ILCS 5/3-8002.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, inserted "who has been a registered voter at all times he or she circulated the petition" following "signed by a registered voter" near the beginning of the second paragraph; and added the last paragraph.

The 1999 amendment by P.A. 91-57, effective June 30, 1999, added the section heading; and substituted "county, and city, village or town, and state" for "city, village or town" in the first and second paragraphs.

The 2001 amendment by P.A. 92-129, effective July 20, 2001, in the first sentence of the second paragraph inserted "circulator's", substituted "person 18 years of age or older who is a citizen of the United States" for "registered voter, who has been a registered voter at all times he or she circulated the petition, of the political subdivision or district or precinct or combination of precincts in which the question of public policy is to be submitted" before "stating the street address", deleted "of the voter" following "rural route number", substituted "the county, city" for "the voter's county, and city" following "as well as the", and made gender-neutralizing changes.

CASE NOTES

ANALYSIS

Constitutionality
 Applicability
 —Park District
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 Headings
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 —Compliance
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 —Circuit Court Jurisdiction

Constitutionality

The penalty provision of former section 28-1.1 of this chapter (see now this section), which disqualified an entire sheet of 24 proper and valid signatures because the 25th was improper, was a constitutionally impermissible limitation upon the right of initiative contained in Ill. Const. (1970), Art. XIV, § 3. Coalition for Political Honesty v. State Bd. of Elections, 83 Ill. 2d 236, 47 Ill. Dec. 363, 415 N.E.2d 368 (1980).

Applicability

—Park District

A petition to form a new park district must comply with the

Applicability (Cont'd)**—Park District (Cont'd)**

mandatory certification and oath requirements of this section. In re New Park Dist., 182 Ill. App. 3d 973, 131 Ill. Dec. 474, 538 N.E.2d 849 (1 Dist. 1989).

This section does not govern the number of signatures and qualifications of persons entitled to sign a petition for a new park district since the Park District Code (70 ILCS 1205/1-1) provides more specific requirements on the same topic. Citizens' Committee v. Village of Lake in the Hills, 103 Ill. App. 3d 1056, 59 Ill. Dec. 722, 432 N.E.2d 306 (2 Dist. 1982).

—School District

The requirements of this section apply to a petition for consolidation of school districts. Adsit v. Sanders, 157 Ill. App. 3d 416, 109 Ill. Dec. 679, 510 N.E.2d 547 (4 Dist. 1987).

This section's requirements were not applicable in determining the validity of a petition for school district detachment brought pursuant to the School Code in 105 ILCS 5/7-6. Shapiro v. Regional Bd. of Sch. Trustees, 116 Ill. App. 3d 397, 71 Ill. Dec. 915, 451 N.E.2d 1282 (1 Dist. 1983).

Headings**—Adequacy**

A petition for the consolidation of school districts was dismissed where it did not comply with the provisions of this section requiring an informative heading on the petition. Adsit v. Sanders, 157 Ill. App. 3d 416, 109 Ill. Dec. 679, 510 N.E.2d 547 (4 Dist. 1987).

Jurat

While the statutory forms of jurat are sufficient for a local option referendum petition, those forms are merely directory and not mandatory. Cintuc, Inc. v. Kozubowski, 230 Ill. App. 3d 969, 172 Ill. Dec. 822, 596 N.E.2d 101 (1 Dist. 1992).

In a local option election, where it was undisputed that a petition circulator signed the certification on each petition sheet, but it was also undisputed that two notary publics erroneously completed the jurat, where one of the notaries printed his or her name in the space where the name of the circulator should appear and thus a notary's name appeared in the jurat twice where it should have appeared only once, and it was a consistent mistake that appeared on each of the petition's 39 sheets, this defect did not invalidate the petition. Cintuc, Inc. v. Kozubowski, 230 Ill. App. 3d 969, 172 Ill. Dec. 822, 596 N.E.2d 101 (1 Dist. 1992).

Local Option Elections

A petition for a local option election must meet the applicable requirements of Article 28 of the Election Code, specifically this section. Cintuc, Inc. v. Kozubowski, 230 Ill. App. 3d 969, 172 Ill. Dec. 822, 596 N.E.2d 101 (1 Dist. 1992).

Oath Requirements**—Substantial Compliance**

Although circulators of a petition took their oath before public notaries who had changed their place of residence to another county and were without "de jure" authority to administer the oath, there was substantial compliance with this section since circulators believed the notaries had the authority to administer the oath and the integrity of the political process was not harmed. Shipley v. Stephenson County Electoral Bd., 130 Ill. App. 3d 900, 85 Ill. Dec. 945, 474 N.E.2d 905 (2 Dist. 1985).

Petition**—Compliance**

The integrity of the electoral process was not in jeopardy and the address requirement of this section was substantially complied with when candidate's address, although not on petition sheets 50, 52, and 53, was available on sheet 51. Sakonyi v. Lindsey, 261 Ill. App. 3d 821, 199 Ill. Dec. 605, 634 N.E.2d 444 (5 Dist. 1994).

The evidence was sufficient to sustain the trial court's finding that a petition did not meet the requirements of former Ill.Rev.Stat., ch. 24, para. 19-58 (see now this section), since the right to contest an election was purely statutory and the procedure prescribed by statute was required to be strictly followed. City of Olney v. City of Olney, 322 Ill. App. 43, 53 N.E.2d 728 (4 Dist. 1944).

Residential Address**—Purpose**

One purpose of the address requirement is to protect the integrity of the electoral process by furnishing the circulator's address which enables the board to locate her, question her about the signatures, and hold her responsible for her oath. Sakonyi v. Lindsey, 261 Ill. App. 3d 821, 199 Ill. Dec. 605, 634 N.E.2d 444 (5 Dist. 1994).

—Rural Route Number

A particular rural route is a proper statement of address for a circulator of a petition. Board of Educ. v. Regional Bd. of Sch. Trustees, 247 Ill. App. 3d 555, 187 Ill. Dec. 234, 617 N.E.2d 442 (4 Dist.), appeal denied, 152 Ill. 2d 554, 190 Ill. Dec. 883, 622 N.E.2d 1200 (1993).

Withdrawal of Petitions**—Circuit Court Jurisdiction**

Circuit court was without jurisdiction to order withdrawal of petitions to place proposition on ballot. League of Women Voters v. Harkrader, 127 Ill. App. 3d 438, 82 Ill. Dec. 721, 469 N.E.2d 255 (3 Dist. 1984).

10 ILCS 5/28-4 [Objections to petitions]

Sec. 28-4. The provisions of Sections 10-8 through 10-10.1 [10 ILCS 5/10-8 through 10 ILCS 5/10-10.1] relating to objections to nominating petitions, hearings on objections, and judicial review, shall apply to and govern, insofar as may be practicable, objections to petitions for the submission of questions of public policy required to be filed with local election officials and election authorities, and to petitions for proposed Constitutional amendments and statewide advisory public questions required to be filed with the State Board of Elections, except that objections to petitions for the submission of proposed Constitutional amendments and statewide advisory public questions may be filed within 42 business days after the petition is filed.

The electoral board to hear and pass on objections shall be the electoral board specified in Section 10-9 [10 ILCS 5/10-9] to have jurisdiction over objections to the nominating petitions of candidates for offices of the political subdivision in which the question of public policy is proposed to be submitted to the electors. The electoral board to hear and pass upon objections to petitions for proposed Constitutional amendments or statewide advisory public questions shall be the State Board of Elections.

Objections to petitions for the submission of public questions which are required by law to be filed with the circuit court shall be presented to and heard by the court with which such petitions are filed. In such cases, unless otherwise provided in the statute authorizing the public question, the court shall (1) set a hearing on the petition, (2) cause notice of such hearing to be published, as soon as possible after the filing of the petition but not later than 14 days after such filing and not less than 5 days before the hearing, in a newspaper of general circulation published in the political subdivision to which the public question relates and if there is no such newspaper, then in one newspaper published in the county and having a general circulation in the political subdivision, (3) conduct such hearing and entertain all

objections as may be properly presented on or before such hearing date in the manner as provided in Article 10 [10 ILCS 5/10-1 et seq.] for the conduct of proceedings before electoral boards, insofar as practicable, (4) conduct further hearings as necessary to a decision on the objections properly raised, and (5) enter a final order not later than 7 days after the initial hearing.

Where a statute authorizing a public question specifies judicial procedures for the determination of the validity of such petition, or for the determination by the court as to any findings required prior to ordering the proposition submitted to referendum, the procedures specified in that statute shall govern. (Source: P.A. 83-999.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-4.

Cross References.

As to objections to petitions for the disconnection of a township from the Illinois Valley Regional Port Authority, see 70 ILCS 1815/3.1.

CASE NOTES

ANALYSIS

Constitutionality
Excusal of Members
Final Order
Incorporation of Village
Objections to Petition
—Standing
Personal Service
Publication
—Timeliness
Waiver

Constitutionality

Legislation establishing minor variances in the percentages of petitioning voters necessary to referenda on questions of home rule abandonment in Cook County, as contrasted to the other counties, neither impermissibly affected the right to vote of any citizen of the state nor created a classification that offended the traditional requirements of federal and state equal protection. *Mulligan v. Dunne*, 61 Ill. 2d 544, 338 N.E.2d 6 (1975).

Excusal of Members

Section 10-9 (10 ILCS 5/10-9), made applicable to the submission of referenda by this section, should have been used to excuse the members of the Electoral Board and to appoint disinterested members to hear the objections, because petitioner's referendum mounted a direct challenge to each member's position and continued employment. *Anderson v. McHenry Tp.*, 289 Ill. App. 3d 830, 225 Ill. Dec. 56, 682 N.E.2d 1133 (2 Dist. 1997).

Final Order

A "final order" issued pursuant to this section is a final order only as it relates to these procedural requirements; it does not necessarily constitute a final order for purposes of conferring jurisdiction on an appellate court. In re *Village of Greenwood*, 275 Ill. App. 3d 465, 211 Ill. Dec. 813, 655 N.E.2d 1196 (2 Dist. 1995), appeal denied, 164 Ill. 2d 565, 214 Ill. Dec. 321, 660 N.E.2d 1270 (1995).

Incorporation of Village

Even if a hearing on objections to petition under this section is required, the inquiry under 65 ILCS 5/2-3-18 into the determinations by the county board should be made before such a hearing. In re *Village of Homer Glen*, 288 Ill. App. 3d 1048, 224 Ill. Dec. 431, 681 N.E.2d 1052 (3 Dist. 1997).

This section, rather than excluding inquiry into the requirements

of 65 ILCS 5/2-3-18, may simply mean the entire objection procedure outlined in this section is not applicable to a petition to incorporate a village because 65 ILCS 5/2-3-6 specifies judicial procedures for the determination of the validity of such petition and 65 ILCS 5/2-3-18 provides the determination by the court as to any findings required prior to ordering the proposition submitted to referendum. In re *Village of Homer Glen*, 288 Ill. App. 3d 1048, 224 Ill. Dec. 431, 681 N.E.2d 1052 (3 Dist. 1997).

Objections to Petition

—Standing

This section rather than 10 ILCS 5/10-8, relating to objections to petitions required to be filed with an electoral board, was applicable in determining a party's standing to contest the formation of a new park district; therefore party did not have to be a legal voter to have standing. *Maywood Park Dist. v. Rivers*, 194 Ill. App. 3d 731, 141 Ill. Dec. 354, 551 N.E.2d 347 (1 Dist. 1990).

Plaintiff had no standing to challenge the legality of city referendum, primary, and general election where plaintiff knew or could have ascertained the irregularities he sought to assert in the conduct of the referendum and the primary election but waited until 95 days after the general election to file the action. *Boytor v. City of Aurora*, 70 Ill. App. 3d 303, 26 Ill. Dec. 734, 388 N.E.2d 449 (2 Dist. 1979), aff'd, 81 Ill. 2d 308, 43 Ill. Dec. 1, 410 N.E.2d 1 (1980).

Personal Service

Completion of personal service is of no consequence in the matter of satisfaction of the publication requirements of this section. In re *Voters*, 234 Ill. App. 3d 294, 176 Ill. Dec. 893, 602 N.E.2d 839 (2 Dist. 1992).

Publication

—Timeliness

The timely publication requirement in this section is mandatory. In re *Voters*, 234 Ill. App. 3d 294, 176 Ill. Dec. 893, 602 N.E.2d 839 (2 Dist. 1992).

Waiver

Objectors did not waive their objections when they did not file them, in writing, within five business days after the petition to place a referendum on the ballot was filed. Nothing within the Code article covering the manner of bringing this referendum question (10 ILCS 5/6A-1 et seq.) is inconsistent with the provision of 10 ILCS 5/28-4, that at the hearing on the petition, the court may entertain all objections properly presented on or before the hearing date. In re *Voters*, 234 Ill. App. 3d 294, 176 Ill. Dec. 893, 602 N.E.2d 839 (2 Dist. 1992).

10 ILCS 5/28-5 [Certification]

Sec. 28-5. Not less than 61 days before a regularly scheduled election, each local election official shall certify the public questions to be submitted to the voters of or within his political subdivision at that election which have been initiated by petitions filed in his office or by action of the governing board of his political subdivision.

Not less than 61 days before a regularly scheduled election, each circuit court clerk shall certify the public questions to be submitted to the voters of a political subdivision at that election which have been ordered to be so submitted by the circuit court pursuant to law. Not less than 30 days before the date set by the circuit court for the conduct of an emergency referendum pursuant to Section 2A-1.4 [10 ILCS 5/2A-1.4], the circuit court clerk shall certify the public question as herein required.

Local election officials and circuit court clerks shall make their certifications, as required by this Section, to each election authority having jurisdic-

tion over any of the territory of the respective political subdivision in which the public question is to be submitted to referendum.

Not less than 61 days before the next regular election, the county clerk shall certify the public questions to be submitted to the voters of the entire county at that election, which have been initiated by petitions filed in his office or by action of the county board, to the board of election commissioners, if any, in his county.

Not less than 67 days before the general election, the State Board of Elections shall certify any questions proposing an amendment to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution and any advisory public questions to be submitted to the voters of the entire State, which have been initiated by petitions received or filed at its office, to the respective county clerks. Not less than 61 days before the general election, the county clerk shall certify such questions to the board of election commissioners, if any, in his county.

The certifications shall include the form of the public question to be placed on the ballot, the date on which the public question was initiated by either the filing of a petition or the adoption of a resolution or ordinance by a governing body, as the case may be, and a certified copy of any court order or political subdivision resolution or ordinance requiring the submission of the public question. Certifications of propositions for annexation to, disconnection from, or formation of political subdivisions or for other purposes shall include a description of the territory in which the proposition is required to be submitted, whenever such territory is not coterminous with an existing political subdivision.

The certification of a public question described in subsection (b) of Section 28-6 [10 ILCS 5/28-6(b)] shall include the precincts included in the territory concerning which the public question is to be submitted, as well as a common description of such territory, in plain and nonlegal language, and specify the election at which the question is to be submitted. The description of the territory shall be prepared by the local election official as set forth in the resolution or ordinance initiating the public question.

Whenever a local election official, an election authority, or the State Board of Elections is in receipt of an initiating petition, or a certification for the submission of a public question at an election at which the public question may not be placed on the ballot or submitted because of the limitations of Section 28-1 [10 ILCS 5/28-1], such officer or board shall give notice of such prohibition, by registered mail, as follows:

(a) in the case of a petition, to any person designated on a certificate attached thereto as the proponent or as the proponents' attorney for purposes of notice of objections;

(b) in the case of a certificate from a local election authority, to such local election authority, who shall

thereupon give notice as provided in subparagraph (a), or notify the governing board which adopted the initiating resolution or ordinance;

(c) in the case of a certification from a circuit court clerk of a court order, to such court, which shall thereupon give notice as provided in subparagraph (a) and shall modify its order in accordance with the provisions of this Act.

If the petition, resolution or ordinance initiating such prohibited public question did not specify a particular election for its submission, the officer or board responsible for certifying the question to the election authorities shall certify or recertify the question, in the manner required herein, for submission on the ballot at the next regular election no more than one year subsequent to the filing of the initiating petition or the adoption of the initiating resolution or ordinance and at which the public question may be submitted, and the appropriate election authorities shall submit the question at such election, unless the public question is ordered submitted as an emergency referendum pursuant to Section 2A-1.4 [10 ILCS 5/2A-1.4] or is withdrawn as may be provided by law.

(Source: P.A. 86-875.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-5.

Cross References.

As to certification of question as to whether municipality shall impose a tax, see 65 ILCS 5/8-11-1.1.

As to certification of question as to whether municipality shall impose a motor fuel tax, see 65 ILCS 5/8-11-15.

CASE NOTES

ANALYSIS

Applicability
—Library Construction
Mandamus

Applicability

—Library Construction

Where village placed question of whether funds should be used to construct and equip a public library and voters approved, the village obtained approval of the measure "in accord with then applicable state and local laws". *Xinos v. Village of Oak Brook*, 298 Ill. App. 3d 520, 232 Ill. Dec. 576, 698 N.E.2d 667 (2 Dist. 1998), appeal denied, 182 Ill. 2d 573, 236 Ill. Dec. 676, 707 N.E.2d 1246 (1999).

Mandamus

Where plaintiffs put trial court in a position of violating the statutory notice provisions for an election if it issued a writ of mandamus to require a school board to hold an election on whether to close two schools, the trial court properly exercised its discretion by denying plaintiffs' petition for the writ of mandamus. *McRell v. Jackson*, 49 Ill. App. 3d 86, 7 Ill. Dec. 19, 363 N.E.2d 940 (3 Dist. 1977).

OPINIONS OF ATTORNEY GENERAL

Electronic Certification of Documents

Circuit clerks are not currently authorized to certify documents electronically. 1999 Op. Atty. Gen. (99-018).

10 ILCS 5/28-6 [Petitions signed by registered voters; filing]

Sec. 28-6. (a) On a written petition signed by 10% of the registered voters of any municipality, township, county or school district it shall be the duty of the proper election officers to submit any question of public policy so petitioned for, to the electors of such political subdivision at any regular election named in the petition at which an election is scheduled to be held throughout such political subdivision under Article 2A [10 ILCS 5/2A-1 et seq.]. Such petitions shall be filed with the local election official of the political subdivision or election authority, as the case may be. Where such a question is to be submitted to the voters of a municipality which has adopted Article 6 [10 ILCS 5/6-1 et seq.], or a township or school district located entirely within the jurisdiction of a municipal board of election commissioners, such petitions shall be filed with the board of election commissioners having jurisdiction over the political subdivision.

(b) In a municipality with more than 1,000,000 inhabitants, when a question of public policy exclusively concerning a contiguous territory included entirely within but not coextensive with the municipality is initiated by resolution or ordinance of the corporate authorities of the municipality, or by a petition which may be signed by registered voters who reside in any part of any precinct all or part of which includes all or part of the territory and who equal in number 10% of the total number of registered voters of the precinct or precincts the registered voters of which are eligible to sign the petition, it shall be the duty of the election authority having jurisdiction over such municipality to submit such question to the electors throughout each precinct all or part of which includes all or part of the territory at the regular election specified in the resolution, ordinance or petition initiating the public question. A petition initiating a public question described in this subsection shall be filed with the election authority having jurisdiction over the municipality. A resolution, ordinance or petition initiating a public question described in this subsection shall specify the election at which the question is to be submitted.

(c) Local questions of public policy authorized by this Section and statewide questions of public policy authorized by Section 28-9 [10 ILCS 5/28-9] shall be advisory public questions, and no legal effects shall result from the adoption or rejection of such propositions.

(d) This Section does not apply to a petition filed pursuant to Article IX of the Liquor Control Act of 1934 [235 ILCS 5/9-1 et seq.].
(Source: P.A. 84-1467.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-6.

CASE NOTES

ANALYSIS

Constitutionality

—Signature Requirement

Applicability

—School Closings

Placing Question on Ballot

Referenda

—No Fundamental Right

Constitutionality

Restrictions on citizen-initiated advisory questions, pursuant to 10 ILCS 5/28-1 and 10 ILCS 5/28-6, exclusive of the 25% signature requirement, did not unconstitutionally impair plaintiff's First or Fourteenth Amendment rights. *Georges v. Carney*, 546 F. Supp. 469 (N.D. Ill.), aff'd, 691 F.2d 297 (7th Cir. 1982).

A 25% signature requirement for an advisory question was overly burdensome and therefore unconstitutional. *Georges v. Carney*, 546 F. Supp. 469 (N.D. Ill.), aff'd, 691 F.2d 297 (7th Cir. 1982).

Where a private group challenged the constitutionality of a provision of this Act regarding binding and advisory questions as violative of the First and Fourteenth Amendments, the provisions were found not to be discriminatory either directly or indirectly against the free expression of controversial ideas; the state had no constitutional obligation to provide a forum for advocating ideas of any kind. *Georges v. Carney*, 691 F.2d 297 (7th Cir. 1982).

—Signature Requirement

A 25% signature requirement for an advisory question was overly burdensome and therefore unconstitutional. *Georges v. Carney*, 546 F. Supp. 469 (N.D. Ill.), aff'd, 691 F.2d 297 (7th Cir. 1982).

Applicability

—School Closings

The Board of Education of a Community Unit School District should have conducted an election asking whether two specific schools in the school district should be kept in operation. *McRell v. Jackson*, 49 Ill. App. 3d 86, 7 Ill. Dec. 19, 363 N.E.2d 940 (3 Dist. 1977).

Placing Question on Ballot

Where the public question to be placed on the ballot was that of closing places where liquor was sold on Sunday, it was one of public policy within the meaning of a prior similar provision; the election commissioners had no discretion in the matter, and it became their duty to submit it to be voted upon at the election. *People ex rel. Koelling v. Cannon*, 236 Ill. 179, 86 N.E. 215 (1908).

Referenda

—No Fundamental Right

Although the right to place a question on the ballot is not fundamental, once the state decided to confer such right, it became obligated to do so in a constitutional manner. *Georges v. Carney*, 546 F. Supp. 469 (N.D. Ill.), aff'd, 691 F.2d 297 (7th Cir. 1982).

There is no fundamental right to require a referendum whereby a citizen-initiated question of public policy may be submitted for voter consideration under Illinois law. *Georges v. Carney*, 546 F. Supp. 469 (N.D. Ill.), aff'd, 691 F.2d 297 (7th Cir. 1982).

OPINIONS OF ATTORNEY GENERAL

Referenda

—Advisory Questions

Referenda on advisory questions of public policy may be initiated by the county board of a non-home rule county only when express constitutional or statutory authority exists for such action; in the absence of such authority, such referenda may be initiated only by the method prescribed in this section. 1983 Op. Atty. Gen. 39.

LEGAL PERIODICALS

For note, "The Election Ballot as a Forum for the Expression of Ideas—Georges v. Carney," see 32 De Paul L. Rev. 901 (1983).

10 ILCS 5/28-7 [Initiation]

Sec. 28-7. In any case in which Article VII or paragraph (a) of Section 5 of the Transition Schedule of the Constitution authorizes any action to be taken by or with respect to any unit of local government, as defined in Section 1 of Article VII of the Constitution, by or subject to approval by referendum, any such public question shall be initiated in accordance with this Section.

Any such public question may be initiated by the governing body of the unit of local government by resolution or by the filing with the clerk or secretary of the governmental unit of a petition signed by a number of qualified electors equal to or greater than 10% of the number of registered voters in the governmental unit, requesting the submission of the proposal for such action to the voters of the governmental unit at a regular election.

If the action to be taken requires a referendum involving 2 or more units of local government, the proposal shall be submitted to the voters of such governmental units by the election authorities with jurisdiction over the territory of the governmental units. Such multi-unit proposals may be initiated by appropriate resolutions by the respective governing bodies or by petitions of the voters of the several governmental units filed with the respective clerks or secretaries.

This Section is intended to provide a method of submission to referendum in all cases of proposals for actions which are authorized by Article VII of the Constitution by or subject to approval by referendum and supersedes any conflicting statutory provisions except those contained in the "County Executive Act".

Referenda provided for in this Section may not be held more than once in any 23-month period on the same proposition, provided that in any municipality a referendum to elect not to be a home rule unit may be held only once within any 47-month period. (Source: P.A. 82-750.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-7.

The "County Executive Act," referred to in this section, has been repealed. See now 55 ILCS 5/2-5001 et seq.

Cross References.

As to initiation of a public question for consolidation of a municipality, see 65 ILCS 5/7-7-4.

CASE NOTES

Applicability**—Recall Referendum**

Ill. Const. (1970) Art. VII, § 7 which gave voters the power by referendum to adopt or alter forms of local government and

establish public offices, did not authorize the use of a referendum to establish a procedure for recall of elected officials. *Williamson v. Doyle*, 103 Ill. App. 3d 770, 59 Ill. Dec. 441, 431 N.E.2d 1198 (1 Dist. 1981).

OPINIONS OF ATTORNEY GENERAL

ANALYSIS

Number of Registered Voters

—Determination
Qualified Electors

Number of Registered Voters

—Determination

The appropriate date for determining the "number of registered voters in the governmental unit" is the date on which voter registration was terminated for the regular election next preceding the last date on which the petition can be filed. 1982 Op. Atty. Gen. 77.

Qualified Electors

"Qualified electors," within the meaning of this section, are persons who have met all of the statutory requirements for voting in the election for which the petition is submitted, including registration. 1982 Op. Atty. Gen. 77.

10 ILCS 5/28-8 [Home rule question]

Sec. 28-8. If a referendum to be held in accordance with Section 28-7 of this Act [10 ILCS 5/28-7] involves the question of whether a unit of local government shall become a home rule unit or shall cease to be a home rule unit, the clerk of that unit of local government shall, at least 20 days prior to the referendum, file with the Secretary of State a certified statement indicating when the referendum will be held. Within 30 days after the referendum such clerk shall file with the Secretary of State a certified statement showing the results of the referendum and the resulting status of the unit of local government as a home rule unit or a non-home rule unit. The Secretary of State shall maintain such certified statements in his office as a public record. (Source: P.A. 80-1469.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-8.

10 ILCS 5/28-8.1 Proposition publication

Sec. 28-8.1. *Proposition publication.* (a) Whenever any proposition required by law to be voted upon before its adoption, other than a constitutional amendment, is submitted to the people, it is the duty of the Secretary of State to prepare a statement setting forth in detail the section or sections of the law sought to be amended by the vote, together with statements and suggestions as may be necessary for a proper understanding of the proposition. The statements and suggestions shall be submitted to the Attorney General for his approval.

(b) It shall be the duty of the Secretary of State, after the amendments and suggestions shall have been approved by the Attorney General as provided

in subsection (a), to certify to each county clerk, under seal, the statements and suggestions.

(c) It is hereby made the duty of the county clerk to have the statements and suggestions published and posted at the same time, in the same manner and at the same places that the sample ballots and instructions to voters are required by law to be posted.

(Source: Laws 1899, p. 216; 1951, p. 204; P.A. 87-1052, § 5-30.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 1001.

This section was derived from former 10 ILCS 30/1 through 10 ILCS 30/3. The historical citations to the former sections have been retained.

P.A. 87-1052, § 5-30 added the section catchline; added the subsection (a) through (c) designations; in subsection (a) substituted "the vote" for "said vote", substituted "the proposition" for "said proposition" and created the last sentence by substituting "The" for "which said"; in subsection (b) substituted "the amendments" for "said amendments", substituted "subsection (a)" for "section 1 of this act" and substituted "the statements" for "said statements"; and in subsection (c) deleted "mentioned in sections one and two of this act" preceding "published and posted".

10 ILCS 5/28-9 [Constitutional amendment]

Sec. 28-9. Petitions for proposed amendments to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution shall be signed by a number of electors equal in number to at least 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election. Such petition shall have been signed by the petitioning electors not more than 24 months preceding the general election at which the proposed amendment is to be submitted and shall be filed with the Secretary of State at least 6 months before that general election.

Upon receipt of a petition for a proposed Constitutional amendment, the Secretary of State shall, as soon as is practicable, but no later than the close of the next business day, deliver such petition to the State Board of Elections.

Petitions for advisory questions of public policy to be submitted to the voters of the entire State shall be signed by at least 10% of the registered voters in the State. Such petition shall have been signed by said petitioners not more than 24 months preceding the date of the general election at which the question is to be submitted and shall be filed with the State Board of Elections at least 6 months before that general election.

The proponents of the proposed Constitutional amendment or statewide advisory public question shall file the original petition in bound election jurisdiction sections. Each section shall be composed of consecutively numbered petition sheets containing only the signatures of registered voters of a single election jurisdiction and, at the top of each petition sheet, the name of the election jurisdiction shall be typed or printed in block letters; provided that, if the name of the election jurisdiction is not so printed, the election jurisdiction of the circulator of

that petition sheet shall be controlling with respect to the signatures on that sheet. Any petition sheets not consecutively numbered or which contain duplicate page numbers already used on other sheets, or are photocopies or duplicates of the original sheets, shall not be considered part of the petition for the purpose of the random sampling verification and shall not be counted toward the minimum number of signatures required to qualify the proposed constitutional amendment or statewide advisory public question for the ballot.

Within 7 business days following the last day for filing the original petition, the proponents shall also file copies of the sectioned election jurisdiction petition sheets with each proper election authority and obtain a receipt therefor.

For purposes of this Act, the following terms shall be defined and construed as follows:

1. "Board" means the State Board of Elections.
 2. "Election Authority" means a county clerk or city or county board of election commissioners.
 3. "Election Jurisdiction" means (a) 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; (b) the territorial jurisdiction of a city board of election commissioners; and (c) 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.
 4. "Proponents" means any person, association, committee, organization or other group, or their designated representatives, who advocate and cause the circulation and filing of petitions for a statewide advisory question of public policy or a proposed constitutional amendment for submission at a general election and who has registered with the Board as provided in this Act.
 5. "Opponents" means any person, association, committee, organization or other group, or their designated representatives, who oppose a statewide advisory question of public policy or a proposed constitutional amendment for submission at a general election and who have registered with the Board as provided in this Act.
- (Source: P.A. 83-999; 87-1052, § 3.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-9.

Effect of Amendments.

The 1992 amendment, effective September 11, 1992, added the last sentence of the fourth paragraph.

10 ILCS 5/28-10 [Examination of petition]

Sec. 28-10. Upon receipt of an original petition for a proposed Constitutional amendment or statewide advisory public question, the designated Board staff shall examine the petition sheets in each election jurisdiction section for conformity with the single

jurisdiction signature requirement prescribed in Section 28-9 [10 ILCS 5/28-9]. The Board staff shall determine from the name of the election jurisdiction printed at the top of the petition sheet or from the election jurisdiction of the circulator of that petition sheet, as the case may be, whether any signatures on that sheet are not in conformity. If any signatures are determined to be nonconforming, the Board staff shall prepare, for each election jurisdiction section, a list by page and line number of purported nonconforming signatures and shall immediately transmit such lists to the Board Chairman and copies of such lists to the principal proponent of the proposed Constitutional amendment or statewide advisory public question, or the proponent's attorney, whichever is designated on the certificate attached to the petition, as provided in Section 10-8 of this Code [10 ILCS 5/10-8].

On the 10th business day following the last day for petition filing, the Board shall conduct a hearing at which the proponents may present arguments and evidence as to the conformity of any purported nonconforming signatures. At the conclusion of the hearing the Board shall make a final determination with respect to each purported nonconforming signature. Any signatures on petition sheets in an election jurisdiction section finally determined to be nonconforming shall not be considered part of the petition for the purpose of the random sample verification and shall not be counted toward the minimum number of signatures required to qualify the proposed Constitutional amendment or statewide advisory public question for the ballot. (Source: P.A. 83-999.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-10.

10 ILCS 5/28-11 [Verification of signatures]

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

Within 14 business days following the last day for the filing of the original petition as prescribed in Section 28-9 [10 ILCS 5/28-9], the Board shall apply its proven random sampling method to the petition sheets in each election jurisdiction section for the purpose of selecting and identifying the petition signatures to be included in the sample signature verification for the respective jurisdictions and shall prepare and transmit to each proper election authority a list by page and line number of the signatures from its election jurisdiction selected for verification.

For each election jurisdiction, the sample verification shall include an examination of either (a) 10% of the signatures if 5,010 or more signatures are in-

involved; or (b) 500 signatures if more than 500 but less than 5,010 signatures are involved; or (c) all signatures if 500 or less signatures are involved.

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

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

2. Determine if the signature of the person who signed the petition reasonably compares with the signature shown on that person's registration record card.

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

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

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

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-11.

10 ILCS 5/28-12 [Signatures; validity of petition]

Sec. 28-12. Upon receipt of the certificates of the election authorities showing the results of the sample signature verification, the Board shall:

1. Based on the sample, calculate the ratio of invalid or valid signatures in each election jurisdiction.

2. Apply the ratio of invalid to valid signatures in an election jurisdiction sample to the total number of petition signatures submitted from that election jurisdiction.

3. Compute the degree of multiple signature contamination in each election jurisdiction sample.

4. Adjust for multiple signature contamination and the invalid signatures, project the total number

of valid petition signatures submitted from each election jurisdiction.

5. Aggregate the total number of projected valid signatures from each election jurisdiction and project the total number of valid signatures on the petition statewide.

If such statewide projection establishes a total number of valid petition signatures not greater than 95.0% of the minimum number of signatures required to qualify the proposed Constitutional amendment or statewide advisory public question for the ballot, the petition shall be presumed invalid; provided that, prior to the last day for ballot certification for the general election, the Board shall conduct a hearing for the purpose of allowing the proponents to present competent evidence or an additional sample to rebut the presumption of invalidity. At the conclusion of such hearing, the Board shall issue a final order declaring the petition to be valid or invalid and shall, in accordance with its order, certify or not certify the proposition for the ballot.

If such statewide projection establishes a total number of valid petition signatures greater than 95.0% of the minimum number of signatures required to qualify the proposed Constitutional amendment or statewide advisory public question for the ballot, the results of the sample shall be considered inconclusive and, if no specific objections to the petition are filed pursuant to Section 10-8 of this Code [10 ILCS 5/10-8], the Board shall issue a final order declaring the petition to be valid and shall certify the proposition for the ballot.

In either event, the Board shall append to its final order the detailed results of the sample from each election jurisdiction which shall include: (a) specific page and line numbers of signatures actually verified or determined to be invalid by the respective election authorities, and (b) the calculations and projections performed by the Board for each election jurisdiction.

(Source: P.A. 82-750.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-12.

10 ILCS 5/28-13 [Signature verification; watcher]

Sec. 28-13. Each political party and civic organization as well as the registered proponents and opponents of a proposed Constitutional amendment or statewide advisory public question shall be entitled to one watcher in the office of the election authority to observe the conduct of the sample signature verification. However, in those election jurisdictions where a 10% sample is required, the proponents and opponents may appoint no more than 5 assistant watchers in addition to the 1 principal watcher permitted herein.

Within 7 days following the last day for filing of the original petition, the proponents and opponents

shall certify in writing to the Board that they publicly support or oppose the proposed Constitutional amendment or statewide advisory public question. The proponents and opponents of such questions shall register the name and address of its group and the name and address of its chairman and designated agent for acceptance of service of notices with the Board. Thereupon, the Board shall prepare a list of the registered proponents and opponents and shall adopt a standard proponents' and opponents' watcher credential form. A copy of such list and sufficient copies of such credentials shall be transmitted with the list for the sample signature verification to the appropriate election authorities. Those election authorities shall issue credentials to the permissible number of watchers for each proponent and opponent group; provided, however, that a prospective watcher shall first present to the election authority a letter of authorization signed by the chairman of the proponent or opponent group he or she represents.

Political party and qualified civic organization watcher credentials shall be substantially in the form and shall be authorized in the manner prescribed in Section 7-34 of this Code [10 ILCS 5/7-34].

The rights and limitations of pollwatchers as prescribed by Section 7-34 of this Code [10 ILCS 5/7-34], insofar as they may be made applicable, shall be applicable to watchers at the conduct of the sample signature verification.

The principal watcher for the proponents and opponents may make signed written objections to the Board relating to procedures observed during the conduct of the sample signature verification which could materially affect the results of the sample. Such written objections shall be presented to the election authority and a copy mailed to the Board and shall be attached to the certificate of sample results transmitted by the election authority to the Board.

(Source: P.A. 82-750.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 28-13.

ARTICLE 29.

PROHIBITIONS AND PENALTIES

10 ILCS 5/29-1 Vote buying

Sec. 29-1. *Vote buying.* Any person who knowingly gives, lends or promises to give or lend any money or other valuable consideration to any other person to influence such other person to vote or to register to vote or to influence such other person to vote for or against any candidate or public question to be voted upon at any election shall be guilty of a Class 4 felony.

(Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-1.

10 ILCS 5/29-2 Promise for vote

Sec. 29-2. *Promise for vote.* Any person who, in order to influence any other person to vote or register to vote or to vote for or against any candidate or public question to be voted upon at any election, knowingly promises to (a) cause or support the employment or appointment of any other person to any public office or public position or (b) perform or refrain from performing any official act, shall be guilty of a Class 4 felony.
(Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-2.

10 ILCS 5/29-3 Selling of vote

Sec. 29-3. *Selling of vote.* Any person who votes for or against any candidate or public question in consideration of any gift or loan of money or for any other valuable consideration, or for any promise to cause or support the employment or appointment of any person to any public office or public position, shall be guilty of a Class 4 felony.
(Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-3.

10 ILCS 5/29-4 Prevention of voting or candidate support

Sec. 29-4. *Prevention of voting or candidate support.* Any person who, by force, intimidation, threat, deception or forgery, knowingly prevents any other person from (a) registering to vote, or (b) lawfully voting, supporting or opposing the nomination or election of any person for public office or any public question voted upon at any election, shall be guilty of a Class 4 felony.
(Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-4.

10 ILCS 5/29-5 Voting more than once

Sec. 29-5. *Voting more than once.* Any person who, having voted once, knowingly on the same election day where the ballot or machine lists any of the same candidates and issues listed on the ballot or machine previously used for voting by that person, (a) files an application to vote in the same or another polling place, or (b) accepts a ballot or enters a voting machine (except to legally give assistance pursuant to the provisions of this Code), shall be guilty of a Class 3 felony; however, if a person has delivered a ballot or ballots to an election authority as an absentee voter and due to a change of circumstances is able to and does vote in the precinct of his residence on election day, shall not be deemed to be in violation of this Code.
(Source: P.A. 83-755.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-5.

10 ILCS 5/29-6 Mutilation of election materials

Sec. 29-6. *Mutilation of election materials.* Any person who knowingly destroys, mutilates, defaces, falsifies, forges, conceals or removes any record, register of voters, affidavit, return or statement of votes, certificate, tally sheet, ballot, or any other document or computer program which (a) is used or to be preserved for use in connection with registration, or (b) is used or to be preserved for use in connection with any election pursuant to this Code, except as permitted by provisions of this Code, shall be guilty of a Class 4 felony and shall also be ineligible for public employment for a period of 5 years immediately following the completion of his or her sentence.
(Source: P.A. 83-757.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-6.

Cross References.

As to loss of defendant's civil rights, see 730 ILCS 5/5-5-5.

CASE NOTES**ANALYSIS****Conviction**

- Evidence Held Sufficient
- Evidence Not Sufficient

Conviction**—Evidence Held Sufficient**

Evidence was sufficient to sustain a defendant's conviction of mutilation of election materials, where defendant temporarily concealed absentee ballots in her home, even though there were no allegations of tampering with the ballots and election authorities eventually received them. *People v. Henson*, 149 Ill. App. 3d 450, 102 Ill. Dec. 884, 500 N.E.2d 985 (5 Dist. 1986).

Defendants were properly found guilty upon an indictment which charged that, during the canvass of the votes cast at a special election, they willfully and fraudulently changed and altered certain ballots and certain markings placed on the ballots by the electors, where the evidence consisted of the original ballots, the testimony of an expert witness, and a judge up for election, who testified that during the progress of the canvass he saw each of the defendants making marks upon some of the judicial ballots. *People v. Hrdlicka*, 344 Ill. 211, 176 N.E. 308 (1931).

—Evidence Not Sufficient

Where defendant's hand-printing of information on the election materials was insufficient to show her requisite intent to knowingly falsify the election materials, defendant was not proven guilty of mutilation of election materials beyond a reasonable doubt. *People v. Jefferies*, 311 Ill. App. 3d 1014, 244 Ill. Dec. 651, 726 N.E.2d 626 (5 Dist. 2000), appeal denied, 189 Ill. 2d 694, 248 Ill. Dec. 605, 734 N.E.2d 896 (2000).

10 ILCS 5/29-7 Tampering with voting machines

Sec. 29-7. *Tampering with voting machines.* Any person who tampers with any machine or device used in connection with voting or the counting of

votes, or who knowingly allows another to tamper with such a machine or device, so as (a) to interfere with the proper operation of such machine or device, (b) to alter the results recorded on such machine or device or intended to be recorded thereon, or (c) to place votes on a machine which are not legally cast, shall be guilty of a Class 4 felony.
(Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-7.

10 ILCS 5/29-8 Ballot box stuffing

Sec. 29-8. *Ballot box stuffing.* Any person who, prior to, during, or after the counting of ballots or prior to, during, or after the final certification of the vote of any election, knowingly (a) places anything other than a ballot in a ballot box, (b) adds or mixes a forged ballot with other ballots, or (c) adds or mixes a forged application to vote with other applications to vote, shall be guilty of a Class 4 felony.
(Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-8.

10 ILCS 5/29-9 Unlawful observation of voting

Sec. 29-9. *Unlawful observation of voting.* Except as permitted by this Code, any person who knowingly marks his ballot or casts his vote on a voting machine or voting device so that it can be observed by another person, and any person who knowingly observes another person lawfully marking a ballot or lawfully casting his vote on a voting machine or voting device, shall be guilty of a Class 4 felony.
(Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-9.

10 ILCS 5/29-10 Perjury

Sec. 29-10. *Perjury.* (a) Any person who makes a false statement, material to the issue or point in question, which he does not believe to be true, in any affidavit, certificate or sworn oral declaration required by any provision of this Code shall be guilty of a Class 3 felony.

(b) Any person who is convicted of violating this Section shall be ineligible for public employment for a period of 5 years immediately following the completion of his sentence. For the purpose of this subsection, "public employment" shall mean any elected or appointed office created by the Constitution or laws of this State, or any ordinance of a unit of local government. "Public employment" shall also include any position as an employee of the State of Illinois, or a unit of local government or school district.

(Source: P.A. 83-1097.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-10.

10 ILCS 5/29-11 Failure to comply with order of election authority

Sec. 29-11. *Failure to comply with order of election authority.* Any person who knowingly fails or refuses to comply with any lawful order of an election authority issued by the election authority in the performance of the duties of the election authority, shall be guilty of a Class A misdemeanor.
(Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-11.

10 ILCS 5/29-12 Disregard of Election Code

Sec. 29-12. *Disregard of Election Code.* Any person who knowingly (a) does any act prohibited by or declared unlawful by, or (b) fails to do any act required by, this Code, shall, unless a different punishment is prescribed by this Code, be guilty of a Class A misdemeanor.
(Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-12.

CASE NOTES**ANALYSIS**

Knowing Violation
Soliciting Votes
—Evidence Held Sufficient

Knowing Violation

Doing any act prohibited or declared unlawful by, or the failure to do any act required by, this Act will not constitute a criminal offense under this section unless that act or failure to act is a knowing one, thus eliminating the risk of conviction for mere inadvertence. *People v. Hays*, 142 Ill. App. 3d 754, 97 Ill. Dec. 10, 492 N.E.2d 213 (5 Dist. 1986).

Soliciting Votes**—Evidence Held Sufficient**

Evidence was sufficient to sustain a defendant's conviction for soliciting votes within a polling place in violation of 10 ILCS 5/17-29. *People v. Ellis*, 74 Ill. 2d 489, 23 Ill. Dec. 537, 384 N.E.2d 331 (1978).

10 ILCS 5/29-13 Attempt, solicitation and conspiracy

Sec. 29-13. *Attempt, solicitation and conspiracy.* Each violation of this Code shall be an offense within the meaning of Section 2-12 of the Illinois Criminal Code of 1961, as amended [720 ILCS 5/2-12], so that the inchoate offenses of solicitation, conspiracy and attempt, and the punishment therefor, as provided in such Criminal Code [720 ILCS 5/1-1 et seq.] shall apply to solicitation, conspiracy and attempt to violate the provisions of this Code.

(Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-13.

10 ILCS 5/29-14: Repealed by P.A. 90-737, § 225, effective January 1, 1999.

10 ILCS 5/29-15 Conviction deemed infamous

Sec. 29-15. *Conviction deemed infamous.* Any person convicted of an infamous crime as such term is defined in Section 124-1 of the Code of Criminal Procedure of 1963, as amended, shall thereafter be prohibited from holding any office of honor, trust, or profit, unless such person is again restored to such rights by the terms of a pardon for the offense or otherwise according to law.

(Source: P.A. 83-1097.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-15.

Section 124-1 of the Code of Criminal Procedure, referred to in this section, has been repealed.

Cross References.

As to disqualification for public office, see Ill. Const. (1970), Art. XIII, § 1.

CASE NOTES**ANALYSIS**

Constitutionality
In General
Conviction
—Finding of Guilty
Infamous Crime
—Conspiracy
—Federal Offense
—Probation
—Tax Evasion
—Test
Restoration of Eligibility

Constitutionality

This section is not unconstitutional. People ex rel. Ryan v. Coles, 64 Ill. App. 3d 807, 21 Ill. Dec. 543, 381 N.E.2d 990 (2 Dist. 1978).

In General

A felony is infamous when it is inconsistent with commonly accepted principles of honesty and decency, or involves moral turpitude. People ex rel. City of Kankakee v. Morris, 126 Ill. App. 3d 722, 81 Ill. Dec. 718, 467 N.E.2d 589 (3 Dist. 1984).

Infamy arises because of the nature of the crime, not the punishment. People ex rel. City of Kankakee v. Morris, 126 Ill. App. 3d 722, 81 Ill. Dec. 718, 467 N.E.2d 589 (3 Dist. 1984).

Conviction**—Finding of Guilty**

Finding of guilty without an imposition of sentence did not constitute a conviction for purposes of ouster from an elective office. People ex rel. Grogan v. Lisinski, 113 Ill. App. 3d 276, 68 Ill. Dec. 854, 446 N.E.2d 1251 (1 Dist. 1983).

Infamous Crime**—Conspiracy**

Where public officers conspired against the political unit of which they were officials, the crime was infamous for the purposes of determining whether a vacancy had occurred under the Illinois Constitution and under this section. People ex rel. Ward v. Tomek, 54 Ill. App. 2d 197, 203 N.E.2d 744 (1 Dist. 1965).

—Federal Offense

Where conduct constituting the offense of extortion for which defendant was convicted under the laws of the United States would in substance have supported a conviction for bribery, then defendant was regarded as having been convicted of an infamous crime within the meaning of former Ill.Rev.Stat., ch. 38, para. 124-1 and he was prohibited from holding office. People ex rel. Ryan v. Coles, 64 Ill. App. 3d 807, 21 Ill. Dec. 543, 381 N.E.2d 990 (2 Dist. 1978).

—Probation

An alderman could be ousted from office for a felony theft conviction, even though the punishment imposed was probation rather than a penitentiary sentence. People ex rel. City of Kankakee v. Morris, 126 Ill. App. 3d 722, 81 Ill. Dec. 718, 467 N.E.2d 589 (3 Dist. 1984).

—Tax Evasion

Where a county assessor was convicted of conspiracy to evade and evasion of personal and corporate income taxes, such a conviction constituted a conviction of an infamous crime, which caused a vacancy in his office as county assessor; defendant's appeal from such conviction did not operate to stay the effect of such vacancy. People ex rel. Keenan v. McGuane, 13 Ill. 2d 520, 150 N.E.2d 168 (1958).

—Test

When determining whether there is a vacancy in office due to the conviction of the office-holder of an infamous crime, the test is whether or not the act violated the commonly accepted principles of honesty and decency. People ex rel. Ward v. Tomek, 54 Ill. App. 2d 197, 203 N.E.2d 744 (1 Dist. 1965).

The determination of what constitutes an infamous crime insofar as it effects a vacancy in office, is not exclusively a legislative function, but is subject to judicial decision in light of the common law. People ex rel. Keenan v. McGuane, 13 Ill. 2d 520, 150 N.E.2d 168 (1958).

Restoration of Eligibility

Disqualification of those persons convicted of infamous crimes from holding either a legislatively created or constitutionally created office is a reasonable means of furthering the legitimate state interest in safeguarding the honesty and integrity of those who exercise governmental power; however, placing more burdensome requirements on restoration of eligibility for an office created by the legislature than one created by the Constitution is an arbitrary classification and does not rationally further any legitimate state interest, and therefore, a former township supervisor, whose office was legislatively created, was denied equal protection when his eligibility to hold office was not restored after completion of his sentence. Coles v. Ryan, 91 Ill. App. 3d 382, 46 Ill. Dec. 879, 414 N.E.2d 932 (2 Dist. 1980).

RESEARCH REFERENCES

What constitutes conviction within statutory or constitutional provision making conviction of crime ground for disqualification for, removal from, or vacancy in, public office. 10 ALR5th 139.

10 ILCS 5/29-16 Contempt — Removal from office

Sec. 29-16. *Contempt — Removal from office.* Any person who is an officer of the Court pursuant to any provisions of this Code who does any act prohibited by, or fails to do any act required by, any provision of this Code may be punished for contempt by the Court in a summary proceeding and removed from office. Any person who violates any court order entered under any provision of this Code with actual knowledge of the existence and substance of such order may be punished for contempt by the appropriate court. Such punishment for contempt and

removal from office shall not bar prosecution and punishment for any criminal offense committed. (Source: P.A. 78-887.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-16.

CASE NOTES

ANALYSIS

Constitutionality
Appeal
—Supreme Court
Basis for Contempt
Disqualification of Judges
Due Process
Falsifying Records
Fraud and Misconduct
Purpose
Sentence
—Held Not Excessive
Standard of Proof
Venue

Constitutionality

The former contempt statute, Ill.Rev.Stat., ch. 46, para. 267, (see now this section) was constitutional. *People ex rel Rusch v. Saviano*, 293 Ill. App. 515, 13 N.E.2d 81 (1 Dist. 1938).

Appeal

—Supreme Court

Where the appellate court reversed on the ground that a county judge's failure to disqualify himself from judging an election deprived respondents of due process of law, the petitioner properly appealed to the Supreme Court in that a constitutional issue arose in the appellate court. *People ex rel. Przybylinski v. Scott*, 19 Ill. 2d 500, 167 N.E.2d 194 (1960).

Basis for Contempt

In an election discrepancy case, the respondents were officers of the county court and under the statute were amenable to contempt proceedings; a neglect of duty, or fraudulent or corrupt conduct, or any misbehavior in office in violation of the election laws could be made the basis of a contempt proceeding. *Dreman v. Fields*, 337 Ill. App. 335, 86 N.E.2d 121 (4 Dist. 1949), rev'd on other grounds, 58 Ill. 2d 20, 317 N.E.2d 39 (1974).

Disqualification of Judges

Respondents, who were charged with contempt for their alleged misconduct as election judges, were entitled to a trial before a judge who had not formed an opinion as to their guilt, and where the statement of the trial judge at the time the respondents were arraigned before him indicated that he had formed an opinion as to their guilt, the trial judge erred in declining to disqualify himself. *People ex rel. Przyblinski v. Scott*, 23 Ill. App. 2d 167, 161 N.E.2d 705 (1 Dist. 1959), aff'd, 19 Ill. 2d 500, 167 N.E.2d 194 (1960).

Due Process

A similar prior provision authorizing the court to hold judges and clerks of election in contempt on the basis of oral testimony in open court, without formal pleadings, did not violate due process. *Sherman v. People*, 210 Ill. 552, 71 N.E. 618 (1904).

Falsifying Records

Evidence that clerks conspired to falsify vote totals was sufficient to prove them guilty of contempt. *People ex rel. Rusch v. Rivlin*, 277 Ill. App. 183 (1 Dist. 1934).

Fraud and Misconduct

Evidence of fraud and misconduct by judges and clerks of election was sufficient to sustain the finding of the court that they were guilty of contempt. *People ex rel Rusch v. Saviano*, 293 Ill. App. 515, 13 N.E.2d 81 (1 Dist. 1938).

Purpose

Contempt is in the nature of a criminal contempt; the purpose of a contempt statute is that in case of its violation, the penalty provided may be imposed in order to vindicate the authority of the court with respect to matters connected with the holding of elections, and thus it is distinguished from the class of cases where the proceeding is remedial. *People ex rel Rusch v. Saviano*, 293 Ill. App. 515, 13 N.E.2d 81 (1 Dist. 1938).

Sentence

—Held Not Excessive

Jail sentences of 60 days and less, given to election officials found guilty of contempt for deliberate vote tampering, were not excessive. *People ex rel. Rusch v. Rivlin*, 277 Ill. App. 183 (1 Dist. 1934).

Standard of Proof

An election official need not be proven guilty of contempt beyond a reasonable doubt. *People ex rel. Rusch v. Rivlin*, 277 Ill. App. 183 (1 Dist. 1934).

Venue

Judges and clerks of elections were officers of the county court under a similar prior provision, and as such, liable in a proceeding for contempt for any misbehavior in their offices; there was no change of venue from the court trying its own officers for contempt. *People ex rel Rusch v. Saviano*, 293 Ill. App. 515, 13 N.E.2d 81 (1 Dist. 1938).

10 ILCS 5/29-17 Deprivation of Constitutional Rights — Liability

Sec. 29-17. Deprivation of Constitutional Rights — Liability. Any person who subjects, or causes to be subjected, a citizen of the State of Illinois or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States or of the State of Illinois, relating to registration to vote, the conduct of elections, voting, or the nomination or election of candidates for public or political party office, shall be liable to the party injured or any person affected, in any action or proceeding for redress. (Source: P.A. 79-1363.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-17.

Illinois Jurisprudence. See *Illinois Jur, Pers Inj & Torts* § 8:83, § 8:84.

10 ILCS 5/29-18 Conspiracy to prevent vote — Liability

Sec. 29-18. Conspiracy to prevent vote — Liability. If 2 or more persons conspire to prevent by force, intimidation, threat, deception, forgery or bribery any person from registering to vote, or preventing any person lawfully entitled to vote from voting, or preventing any person from supporting or opposing, in a legal manner, the nomination or election of any person for public or political party office, or a proposition voted upon at any election, or to injure any person or such person's property on account of such vote, support or advocacy, and if one or more persons so conspiring do, attempt or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property

or deprived of having or exercising any right, privilege or immunity secured by the Constitution or laws of the United States or the State of Illinois relating to the conduct of elections, voting, or the nomination or election of candidates for public or political party office, all persons engaged in such conspiracy shall be liable to the party injured or any person affected, in any action or proceeding for redress.

(Source: P.A. 79-1363.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-18.

10 ILCS 5/29-19 False information — liability

Sec. 29-19. *False information — liability.* Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register to vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be liable to the party injured or any other person affected, in an action or proceeding for redress.

(Source: P.A. 79-1363.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-19.

10 ILCS 5/29-20 Absentee ballots — violations

Sec. 29-20. *Absentee ballots — violations.* A person is guilty of a Class 3 felony who knowingly:

(1) Solicits another person, knowing that the person is not legally qualified to vote as an absent voter, to apply for an absentee ballot;

(2) Solicits another person, knowing that the person is not legally qualified to vote as an absent voter, to cast a ballot as an absent voter;

(3) Intimidates or unduly influences another person to cast an absentee ballot in a manner inconsistent with the voter's intent; or

(4) Marks or tampers with an absentee ballot of another person or takes an absentee ballot of another person in violation of Section 19-6 [10 ILCS 5/19-6] so that an opportunity for fraudulent marking or tampering is created.

(Source: P.A. 86-873; 89-653, § 5.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 29-20.

Effect of Amendments.

The 1996 amendment by P.A. 89-653, effective August 14, 1996, in the introductory language, substituted "A person" for "Any person", inserted "is guilty of a Class 3 felony" and added "knowingly" at the end; added subsections (1) and (2); added the subsection (3) designation; in subsection (3) inserted a semicolon; added the subsection (4) designation; in subsection (4) deleted "who" from

the beginning and substituted "or takes an absentee ballot of another person in violation of Section 19-6 so that an opportunity for fraudulent marking or tampering is created" for "shall be guilty of a Class 4 felony".

ARTICLE 29B.

FAIR CAMPAIGN PRACTICES

10 ILCS 5/29B-5 Purpose

Sec. 29B-5. *Purpose.* The Legislature hereby declares that the purpose of this Article is to encourage every candidate for public office in this State to subscribe to the Code of Fair Campaign Practices. It is the intent of the Legislature that every candidate for public office in this State who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty and fair play in order to encourage healthy competition and open discussion of issues and candidate qualifications and discourage practices that cloud the issues or unfairly attack opponents.

(Source: P.A. 86-873; 87-1052, § 5-30.)

Note.

P.A. 87-1052, effective September 11, 1992, enacted Article 29B of the Election Code to replace the former Fair Campaign Practices Act.

For table of corresponding sections of the former Fair Campaign Practices Act and Article 29B of the Election Code, see the table of comparable sections in Volume 50, the Tables volume.

Where appropriate, the historical citations to sections of the former Fair Campaign Practices Act have been added to corresponding sections in Article 29B of the Election Code.

This section was derived from 10 ILCS 55/2. P.A. 87-1052, § 5-30 added the Article head; substituted "this Article" for "this Act"; and substituted "that cloud" for "which cloud".

10 ILCS 5/29B-10 Code of Fair Campaign Practices

Sec. 29B-10. *Code of Fair Campaign Practices.* At the time a political committee, as defined in Article 9 [10 ILCS 5/9-1 et seq.], files its statements of organization, the State Board of Elections, in the case of a state political committee or a political committee acting as both a state political committee and a local political committee, or the county clerk, in the case of a local political committee, shall give the political committee a blank form of the Code of Fair Campaign Practices and a copy of the provisions of this Article. The State Board of Elections or county clerk shall inform each political committee that subscription to the Code is voluntary. The text of the Code shall read as follows:

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate for public office in the State of Illinois has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and

untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I will conduct my campaign openly and publicly, and limit attacks on my opponent to legitimate challenges to his record.

(2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his personal or family life.

(3) I will not use or permit any appeal to negative prejudice based on race, sex, sexual orientation, religion or national origin.

(4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opposition.

(5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections or that hampers or prevents the full and free expression of the will of the voters.

(6) I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

(7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this Code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Illinois or chairman of a political committee in support of or opposition to a question of public policy, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

_____	_____
Date	Signature

(Source: P.A. 86-873; 87-1052, § 5-30.)

Note.

This section was derived from 10 ILCS 55/3. P.A. 87-1052, § 5-30 deleted "of the Election Code" following "Article 9" in the first sentence; substituted "this Article" for "this Act" at the end of the first sentence; and substituted "that" for "which" throughout the section.

10 ILCS 5/29B-15 Responsibility of State Board of Elections for printing and supplying of forms

Sec. 29B-15. *Responsibility of State Board of Elections for printing and supplying of forms.* The State Board of Elections shall print, or cause to be printed, copies of the Code of Fair Campaign Practices. The State Board of Elections shall supply the forms to the county clerks in quantities and at times requested by the clerks.
(Source: P.A. 86-873; 87-1052, § 5-30.)

Note.

This section was derived from 10 ILCS 55/4.

10 ILCS 5/29B-20 Acceptance of completed forms; retentions for public inspection

Sec. 29B-20. *Acceptance of completed forms; retentions for public inspection.* The State Board of Elections and the county clerks shall accept, at all times prior to an election, all completed copies of the Code of Fair Campaign Practices that are properly subscribed to by a candidate or the chairman of a political committee in support of or opposition to a question of public policy, and shall retain them for public inspection until 30 days after the election.

(Source: P.A. 86-873; 87-1052, § 5-30.)

Note.

This section was derived from 10 ILCS 55/5.

P.A. 87-1052, § 5-30 substituted "that are properly subscribed" for "which are properly subscribed".

10 ILCS 5/29B-25 Subscribed forms as public records

Sec. 29B-25. *Subscribed forms as public records.* Every copy of the Code of Fair Campaign Practices subscribed to by a candidate or the chairman of a political committee in support of or opposition to a question of public policy under this Article is a public record open for public inspection.

(Source: P.A. 86-873; 87-1052, § 5-30.)

Note.

This section was derived from 10 ILCS 55/6.

P.A. 87-1052, § 5-30 substituted "under this Article" for "pursuant to this Act".

10 ILCS 5/29B-30 Subscription to Code voluntary

Sec. 29B-30. *Subscription to Code voluntary.* The subscription by a candidate or the chairman of a political committee in support of or opposition to a question of public policy is voluntary.

A candidate, or the chairman of a political committee, who has filed a copy of the Code of Fair Campaign Practices may so indicate on any campaign literature or advertising in a form to be determined by the State Board of Elections.

(Source: P.A. 86-873; 87-1052, § 5-30.)

Note.

This section was derived from 10 ILCS 55/7.

10 ILCS 5/29B-35 Failure to comply

Sec. 29B-35. *Failure to comply.* Any candidate or chairman of a political committee who subscribes to the Code of Fair Campaign Practices and fails to comply with any provision of the Code shall not be guilty of a criminal offense and nothing in this Article or any other law shall be construed to impose

any criminal penalty for noncompliance with this Article.

(Source: P.A. 86-1435; 87-1052, § 5-30.)

Note.

This section was derived from 10 ILCS 55/8.

P.A. 87-1052, § 5-30 added the section catchline; substituted "the Code" the second time for "such code"; and twice substituted "Article" for "Act".

ARTICLE 29C.

DIVISION OF LEGISLATIVE DISTRICTS

10 ILCS 5/29C-5 Three Groups of Legislative Districts

Sec. 29C-5. *Three Groups of Legislative Districts.* The 59 legislative districts of this State are divided into 3 groups for the purpose of establishing the terms of Senators elected from each group. The districts in each group are distributed substantially equally over the State. The 3 groups shall consist of 20, 20 and 19 legislative districts, respectively, with each group having as its first district number, one of the numbers 1, 2 or 3, and shall be comprised of other district numbers, as follows:

1	2	3
4	5	6
7	8	9
10	11	12
13	14	15
16	17	18
19	20	21
22	23	24
25	26	27
28	29	30
31	32	33
34	35	36
37	38	39
40	41	42
43	44	45
46	47	48
49	50	51
52	53	54
55	56	57
58	59	

(Source: P.A. 77-1701; 87-1052, § 5-30.)

Note.

This section was derived from 10 ILCS 85/1.

P.A. 87-1052, effective September 11, 1992, enacted Article 29C of the Election Code to replace the former Division of Legislative Districts Act.

For table of corresponding sections of the former Division of Legislative Districts Act and Article 29C of the Election Code, see the table of comparable sections in Volume 50, the Tables volume.

Where appropriate, the historical citations to sections of the former Division of Legislative Districts Act have been added to corresponding sections in Article 29C of the Election Code.

This section was derived from 10 ILCS 85/1.

CASE NOTES

ANALYSIS

Constitutionality
Construction
Validity of Prior Law

Constitutionality

The purpose of separate senatorial and representative districts under the former General Assembly Appointment (1955) Act, 10 ILCS 80/0.01 et seq., was to insure popular representation in one house, and insure downstate control in the other; where this was accomplished, and there was no evidence to indicate that it was attained in violation of the constitutional mandate, the Reapportionment Act was not void on its face. *Donovan v. Holzman*, 8 Ill. 2d 87, 132 N.E.2d 501 (1956).

Construction

There is a vast difference under the former General Assembly Appointment (1955) Act, 10 ILCS 80/0.01 et seq., between determining whether the principle of compactness of territory has been applied at all or not at all, and whether or not the nearest practical approximation to perfect compactness has been attained; the first is a question which the courts may finally determine, the latter is for the legislature. *Donovan v. Holzman*, 8 Ill. 2d 87, 132 N.E.2d 501 (1956).

Validity of Prior Law

A division regarding population was as fair and equal as the circumstances of such a vast territory, with different densities of population, would permit under the former General Assembly Appointment (1955) Act, 10 ILCS 80/0.01 et seq. *People ex rel. Barrett v. Anderson*, 398 Ill. 480, 76 N.E.2d 773 (1947).

Because the law was so well settled that boundaries of municipalities or counties would give way to the intention of the legislature when that intention could be known, citation of authority for each specific boundary misdescription enumerated in a redistricting case was unnecessary under the former General Assembly Appointment (1955) Act, 10 ILCS 80/0.01 et seq. *People ex rel. Barrett v. Anderson*, 398 Ill. 480, 76 N.E.2d 773 (1947).

The legislature is free to create districts without reference to equality in population. *People ex rel. Barrett v. Anderson*, 398 Ill. 480, 76 N.E.2d 773 (1947).

10 ILCS 5/29C-10 Terms of Senators in each group

Sec. 29C-10. *Terms of Senators in each group.* Senators shall be elected from districts in each group of legislative districts on the dates and for terms as follows:

First group — 1992 and 1996 for 4 years each, and in 2000 for 2 years;

Second group — 1992 for 4 years, 1996 for 2 years, and in 1998 for 4 years; and

Third group — 1992 for 2 years, and in 1994 and 1998 for 4 years each.

All 59 Senators, one from each of the 59 districts, shall be elected at the first general election of representatives next occurring after each decennial redistricting.

(Source: P.A. 87-827; 87-1052, § 5-30.)

Note.

This section was derived from 10 ILCS 85/2.

10 ILCS 5/29C-15 Determination of groups

Sec. 29C-15. *Determination of groups.* To determine which group of Legislative Districts shall be the "First group", "Second group", or "Third group"

for the purpose of establishing the terms for which Senators shall be elected in each group until the next decennial redistricting, as provided in Section 3 of Article IV of the Illinois Constitution of 1970, the Secretary of State, in the presence of the majority and minority leaders of the Senate, after due notice to them, shall, as soon as practicable after each redistricting finalized according to law, draw one card at random, from 3 cards bearing the numbers 1, 2 and 3, and then draw one card at random from the 2 remaining cards. The first number so drawn shall be the first number of the "First group" and Senators shall be elected from districts in that group for terms as provided in Section 29C-10 [10 ILCS 5/29C-10] for that group. The second number so drawn shall be the first number of the "Second group" and Senators shall be elected from districts in that group for terms as provided in Section 29C-10 [10 ILCS 5/29C-10] for that group. The number on the remaining card shall be the first number of the "Third group" and Senators shall be elected from districts in that group for terms as provided in Section 29C-10 [10 ILCS 5/29C-10] for that group.

(Source: P.A. 77-1701; 87-1052, § 5-30.)

Note.

This section was derived from 10 ILCS 85/3.
P.A. 87-1052, § 5-30 substituted "Section 29C-10" three times for "Section 2 of this Act".

CASE NOTES

Redistricting

A redistricting plan that had been filed with the Secretary of State by the Legislative Redistricting Commission was presumed to be constitutionally valid and had the force and effect of law, and a subsequent court holding that the Commission was not properly constituted, but which found no constitutional infirmity in the redistricting plan, did not affect the validity of the Act which provided for the election of senators for staggered terms. *People ex rel. Pierce v. Lavelle*, 56 Ill. 2d 278, 307 N.E.2d 115 (1974).

ARTICLE 30.

REPEAL AND SAVING

10 ILCS 5/30-2 [Repeal provisions]

Sec. 30-2. The provisions for repeal in this article shall not in any way:

(1) Affect any offense committed, an act done, a penalty, punishment or forfeiture incurred, or a claim, right, power or remedy accrued under any law in force prior to the effective date of this Act;

(2) Invalidate any act or proceeding that has been validated by any former law;

(3) Affect the adoption by any city, village, incorporated town or other governmental unit of any act in force prior to the effective date of this Act;

(4) Increase the penalty or punishment for any offense committed prior to the effective date hereof.
(Source: Laws 1943, Vol. 2, p. 253.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 30-2.

10 ILCS 5/30-3 [Severability]

Sec. 30-3. If any section, subdivision, sentence or clause of this Act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.
(Source: Laws 1943, Vol. 2, p. 253.)

Note.

This section was Ill.Rev.Stat., Ch. 46, para. 30-3.

ELECTION JUDGE COMPENSATION ACT

10 ILCS 25/0.01 through 10 ILCS

25/6: Repealed by P.A. 87-1052, § 5-35, effective September 11, 1992.

Cross References.

See now 10 ILCS 5/13-10a.

ELECTION PROPOSITION PUBLICATION ACT

10 ILCS 30/0.01 through 10 ILCS

30/3: Repealed by P.A. 87-1052, § 5-35, effective September 11, 1992.

Cross References.

See now 10 ILCS 5/28-8.1.

ELECTION INTERFERENCE PROHIBITION ACT

10 ILCS 35/1 through 10 ILCS 35/4: Repealed by P.A. 87-1052, § 5-35, effective September 11, 1992.

Cross References.

See now 10 ILCS 5/9-25.1.

FAIR CAMPAIGN PRACTICES ACT

10 ILCS 55/1 through 10 ILCS 55/8: Repealed by P.A. 87-1052, § 5-35, effective September 11, 1992.

Cross References.

See now 10 ILCS 5/29B-5 through 10 ILCS 5/29B-35.

CONGRESSIONAL APPORTIONMENT (1961) ACT

10 ILCS 75/0.01 through 10 ILCS

75/3: Repealed by P.A. 87-1052, § 5-35, effective September 11, 1992.

**ILLINOIS CONGRESSIONAL REAPPORTIONMENT ACT
OF 2001**

10 ILCS 76/1 Short title

Sec. 1. *Short title.* This Act may be cited as the Illinois Congressional Reapportionment Act of 2001.
(Source: P.A. 92-4, § 1.)

Effective Date.

Section 99 of P.A. 92-4 made this Act effective upon becoming law. The Act was approved May 31, 2001.

10 ILCS 76/5 Congressional districts

Sec. 5. *Congressional districts.* The State of Illinois is divided into 19 congressional districts as follows:

Congressional District No. 1 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Bremen: Tract/BNA(s): 824300, 824400, 824503, 824505, 824506, 824507, 824601, 824602, 824701, 824702; Within Tract/BNA 824800: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3007, 3008, 3009, 3010, 3011; Block group(s): 4; Within Tract/BNA 824900: Block groups: 1, 2; Within block group 3: Block(s): 3010, 3011, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034; Tract/BNA(s): 825000; Within Tract/BNA 825200: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2014, 2015; Block group(s): 3; Tract/BNA(s): 825301; Within Tract/BNA 825302: Block groups: 1; Within block group 2: Block(s): 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2040, 2041, 2042, 2043, 2044, 2045, 2046; Block group(s): 3, 4; Tract/BNA(s): 825400; Within Tract/BNA 825501: Within block group 2: Block(s): 2018, 2019, 2020; Within Tract/BNA 825505: Within block group 1: Block(s): 1009, 1010, 1013, 1014, 1015, 1016, 1017, 1032, 1033, 1034, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1999; Within Tract/BNA 825600: Within block group 2: Block(s): 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2026, 2027, 2028, 2029, 2030, 2031; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4045, 4046, 4047, 4048; Tract/BNA(s): 829901; Within the MCD/CCD of Calumet: Tract/BNA(s): 821200; Within Tract/BNA 821300: Block groups: 1; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031; Block group(s): 3; Within block group 4: Block(s): 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4995, 4996; Within Tract/BNA 821401: Within block group 1: Block(s): 1011; Within block group 4: Block(s): 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013; Within

Tract/BNA 821402: Within block group 3: Block(s): 3007, 3008, 3009, 3010, 3011; Within Tract/BNA 821500: Within block group 1: Block(s): 1010, 1011, 1012, 1013, 1014; Within the MCD/CCD of Chicago: Within Tract/BNA 350100: Within block group 1: Block(s): 1021; Tract/BNA(s): 350200; Within Tract/BNA 350300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008; Tract/BNA(s): 350500, 350600, 350700, 350800, 350900; Within Tract/BNA 351000: Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2007; Within block group 3: Block(s): 3003, 3004, 3005; Tract/BNA(s): 351100, 351200; Within Tract/BNA 351300: Within block group 1: Block(s): 1000, 1001, 1002, 1004; Within block group 2: Block(s): 2000, 2001, 2002; Within Tract/BNA 351400: Within block group 1: Block(s): 1001, 1003, 1004; Within block group 2: Block(s): 2001; Within Tract/BNA 360200: Within block group 1: Block(s): 1001, 1002, 1004, 1005, 1006, 1007, 1008; Within Tract/BNA 360300: Within block group 2: Block(s): 2001, 2002, 2003, 2004; Within Tract/BNA 360400: Within block group 2: Block(s): 2000; Within Tract/BNA 360500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006; Tract/BNA(s): 380100; Within Tract/BNA 380200: Within block group 1: Block(s): 1000; Within Tract/BNA 380900: Block groups: 1; Tract/BNA(s): 381000, 381100; Within Tract/BNA 381200: Within block group 1: Block(s): 1000, 1005; Within block group 2: Block(s): 2000, 2001, 2002; Within block group 3: Block(s): 3000; Within Tract/BNA 381900: Block groups: 1; Tract/BNA(s): 382000; Within Tract/BNA 390300: Within block group 2: Block(s): 2006, 2007, 2008; Tract/BNA(s): 390400, 390500, 390600, 390700; Within Tract/BNA 400100: Within block group 1: Block(s): 1000, 1001, 1002; Within Tract/BNA 400300: Within block group 1: Block(s): 1000, 1001, 1002, 1016, 1017, 1018, 1019, 1020, 1021, 1022; Block group(s): 2; Within Tract/BNA 400400: Block groups: 2; Within block group 3: Block(s): 3001, 3002; Within Tract/BNA 400500: Block groups: 2; Within block group 3: Block(s): 3004; Within Tract/BNA 400600: Within block group 1: Block(s): 1004, 1005, 1006; Block group(s): 2; Tract/BNA(s): 400700, 400800, 410100, 410200, 410300, 410400, 410500, 410600, 410700, 410800; Within Tract/BNA 410900: Within block group 1: Block(s): 1004, 1005, 1006, 1007; Within Tract/BNA 411000: Within block group 2: Block(s): 2002, 2003; Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005; Tract/BNA(s): 411100, 411200, 411300, 411400; Within Tract/BNA 420100: Block groups: 2, 3; Tract/BNA(s): 420200, 420300, 420400, 420500, 420600, 420700, 420800, 420900, 421000; Within Tract/BNA 421100: Block groups: 2, 3, 4; Tract/BNA(s): 421200; Within Tract/BNA 430200: Within block group 4: Block(s): 4001, 4002, 4003; Within block group 5: Block(s): 5001, 5002, 5003, 5004, 5005, 5006; Tract/BNA(s): 430300, 430400, 431000; Within Tract/BNA 431100: Block groups: 1,

3, 4; Tract/BNA(s): 440100, 440200, 440300, 440400, 440500, 440600, 440700, 440800, 440900, 450100, 450200; Within Tract/BNA 450300: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1021, 1022, 1023; Within block group 4: Block(s): 4001, 4002; Within block group 5: Block(s): 5001, 5002, 5005, 5006; Within Tract/BNA 460500: Within block group 5: Block(s): 5006; Within block group 6: Block(s): 6006, 6007; Within block group 7: Block(s): 7006, 7007, 7008, 7009; Tract/BNA(s): 470100, 480200, 480300; Within Tract/BNA 480400: Within block group 5: Block(s): 5007, 5008; Tract/BNA(s): 490100, 490200, 490300, 490400; Within Tract/BNA 490600: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1013, 1014, 1015; Block group(s): 2, 3; Within Tract/BNA 510300: Within block group 6: Block(s): 6005, 6006; Within Tract/BNA 530400: Within block group 1: Block(s): 1013; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2024, 2025, 2026, 2027, 2028, 2029; Within Tract/BNA 611600: Within block group 2: Block(s): 2000, 2001, 2002, 2004, 2005, 2006, 2007; Tract/BNA(s): 611700, 611800; Within Tract/BNA 611900: Within block group 3: Block(s): 3001, 3002, 3003, 3004; Within block group 4: Block(s): 4002, 4003, 4004, 4005; Tract/BNA(s): 660100, 660200; Within Tract/BNA 660600: Block groups: 1, 2, 3; Within block group 4: Block(s): 4005; Tract/BNA(s): 660700; Within Tract/BNA 660800: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4003, 4004, 4005; Within block group 5: Block(s): 5007; Within Tract/BNA 660900: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4011, 4012, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4992, 4993, 4998, 4999; Tract/BNA(s): 661000; Within Tract/BNA 661100: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2016, 2017; Block group(s): 3; Within Tract/BNA 670100: Within block group 1: Block(s): 1006, 1007, 1008, 1009, 1010, 1011; Within block group 2: Block(s): 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014; Within Tract/BNA 670200: Within block group 1: Block(s): 1002, 1003; Block group(s): 2; Within block group 3: Block(s): 3001, 3002, 3006, 3007, 3008, 3009, 3010, 3011; Tract/BNA(s): 670300, 670400, 670500, 670600, 670700, 670800, 670900, 671000, 671100, 671200, 671300, 671400, 671500, 671600, 671700, 671800, 671900, 672000; Within Tract/BNA 680100: Within block group 1: Block(s): 1003, 1004; Block group(s): 2, 3; Within Tract/BNA 680200: Within block group 1: Block(s): 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030; Block group(s): 2, 3; Within block group 4: Block(s): 4010, 4011, 4012, 4013, 4014; Within Tract/BNA 680300: Within block group

1: Block(s): 1004, 1005; Block group(s): 2; Within block group 3: Block(s): 3005, 3006; Within Tract/BNA 680400: Within block group 1: Block(s): 1006, 1007, 1008, 1009, 1010, 1011; Within block group 2: Block(s): 2006, 2007, 2008, 2009, 2010, 2011; Within Tract/BNA 680500: Within block group 1: Block(s): 1008; Block group(s): 2; Within block group 3: Block(s): 3008; Tract/BNA(s): 680600, 680700, 680800, 680900, 681000, 681100, 681200, 681300, 681400, 690100, 690200, 690300, 690400, 690500, 690600, 690700, 690800, 690900, 691000, 691100, 691200, 691300, 691400, 691500, 700100, 700400, 700500, 710100, 710200, 710300, 710400, 710500, 710600, 710700, 710800, 710900, 711000, 711100, 711200, 711300, 711400, 711500; Within Tract/BNA 720200: Within block group 1: Block(s): 1008, 1009; Within block group 2: Block(s): 2000, 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013; Within Tract/BNA 720700: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002; Tract/BNA(s): 730100, 730200, 730300, 730400; Within Tract/BNA 730500: Block groups: 1; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008; Block group(s): 5; Within Tract/BNA 730600: Within block group 1: Block(s): 1003; Block group(s): 3, 4, 5; Within Tract/BNA 730700: Within block group 2: Block(s): 2004; Within block group 3: Block(s): 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012; Within Tract/BNA 750100: Within block group 2: Block(s): 2003; Block group(s): 3, 4, 5, 6; Within Tract/BNA 750200: Block groups: 1; Within block group 2: Block(s): 2000, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014; Within Tract/BNA 750500: Block groups: 1, 2, 3, 4; Within Tract/BNA 750600: Within block group 1: Block(s): 1004, 1005; Block group(s): 2, 3, 4, 5; Within the MCD/CCD of Orland: Within Tract/BNA 824105: Within block group 1: Block(s): 1000, 1018, 1019, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1047, 1048; Block group(s): 2, 3; Within Tract/BNA 824106: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054; Tract/BNA(s): 824107; Within Tract/BNA 824108: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026; Within Tract/BNA 824109: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040; Within Tract/BNA 824110: Block groups: 1, 2;

Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3005; Within block group 4: Block(s): 4000, 4001, 4002, 4006, 4007, 4008; Within block group 5: Block(s): 5006, 5007, 5008, 5009; Within Tract/BNA 824112: Within block group 6: Block(s): 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6016, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6030, 6031, 6032, 6033, 6034; Within block group 7: Block(s): 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7019, 7020, 7021, 7022, 7023, 7024, 7025, 7026, 7027, 7999; Tract/BNA(s): 824503, 824506; Within the MCD/CCD of Palos: Tract/BNA(s): 823605; Within Tract/BNA 823903: Within block group 2: Block(s): 2032; Within block group 4: Block(s): 4000, 4001, 4002, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025; Within Tract/BNA 823904: Within block group 3: Block(s): 3009, 3010, 3011, 3012; Within block group 4: Block(s): 4000, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028; Within the MCD/CCD of Rich: Within Tract/BNA 829901: Within block group 5: Block(s): 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065; Within Tract/BNA 829902: Within block group 4: Block(s): 4016, 4017, 4021; Within the MCD/CCD of Thornton: Within Tract/BNA 826800: Within block group 1: Block(s): 1007, 1011, 1012, 1013, 1014, 1015, 1016; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3034; Block group(s): 4; Within block group 5: Block(s): 5028, 5029, 5030, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5050, 5051, 5052, 5055, 5056, 5057, 5058, 5061; Within the MCD/CCD of Worth: Tract/BNA(s): 821600, 821700, 821800, 821900; Within Tract/BNA 823101: Within block group 5: Block(s): 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019; Within Tract/BNA 823102: Within block group 2: Block(s): 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2994, 2995, 2996, 2997, 2998, 2999; Within Tract/BNA 823200: Within block group 1: Block(s): 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040; Block group(s): 2; Tract/BNA(s): 823302, 823303; Within Tract/BNA 823304: Within block group 3: Block(s): 3006, 3007; Within block group 4: Block(s): 4014, 4015, 4016, 4017; Within block group

5: Block(s): 5002, 5003, 5006, 5007, 5011, 5012; Block group(s): 6, 7; Tract/BNA(s): 823400, 823500, 823602, 823603, 823604, 823605.

Congressional District No. 2 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Undefined: Within Tract/BNA 000000: Within block group 0: Block(s): 0979, 0982; MCD/CCD(s): Bloom; Within the MCD/CCD of Bremen: Within Tract/BNA 824800: Within block group 3: Block(s): 3004, 3005, 3006, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034; Within Tract/BNA 824900: Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048; Within Tract/BNA 825200: Within block group 2: Block(s): 2013; Within Tract/BNA 825302: Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2021, 2022, 2023, 2024, 2025, 2039; Within Tract/BNA 825501: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030; Tract/BNA(s): 825503, 825504; Within Tract/BNA 825505: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1035, 1036, 1046, 1047, 1048; Block group(s): 2, 3, 4; Within Tract/BNA 825600: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040; Block group(s): 3; Within block group 4: Block(s): 4044; Within the MCD/CCD of Calumet: Within Tract/BNA 821300: Within block group 2: Block(s): 2000; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4997, 4998, 4999; Within Tract/BNA 821401: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010; Block group(s): 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4014, 4015, 4016, 4017, 4018; Within Tract/BNA 821402: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3012, 3013, 3014, 3015, 3016; Within Tract/BNA 821500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1994, 1995, 1996, 1997, 1998,

1999; Within the MCD/CCD of Chicago: Within Tract/BNA 410900: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1008, 1009, 1010, 1011; Within Tract/BNA 411000: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2004, 2005, 2006, 2007, 2998, 2999; Within block group 3: Block(s): 3000, 3006, 3007, 3008, 3009, 3010; Within Tract/BNA 420100: Block groups: 1; Within Tract/BNA 421100: Block groups: 1; Tract/BNA(s): 430100; Within Tract/BNA 430200: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4004, 4005; Within block group 5: Block(s): 5000; Tract/BNA(s): 430500, 430600, 430700, 430800, 430900; Within Tract/BNA 431100: Block groups: 2; Tract/BNA(s): 431200, 431300, 431400; Within Tract/BNA 450300: Within block group 1: Block(s): 1000, 1015, 1019, 1020; Block group(s): 2, 3; Within block group 4: Block(s): 4000, 4003, 4004, 4005, 4006, 4007; Within block group 5: Block(s): 5000, 5003, 5004, 5007; Tract/BNA(s): 460100, 460200, 460300, 460400; Within Tract/BNA 460500: Block groups: 1, 2, 3, 4; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5007, 5008; Within block group 6: Block(s): 6000, 6001, 6002, 6003, 6004, 6005; Within block group 7: Block(s): 7000, 7001, 7002, 7003, 7004, 7005; Tract/BNA(s): 460600, 460700, 460800, 460900, 461000, 480100; Within Tract/BNA 480400: Block groups: 1, 2, 3, 4; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5009, 5010; Block group(s): 6, 7; Tract/BNA(s): 480500, 490500; Within Tract/BNA 490600: Within block group 1: Block(s): 1009, 1010, 1011, 1012, 1016, 1017, 1018; Tract/BNA(s): 490700, 490800, 490900, 491000, 491100, 491200, 491300, 491400, 500100, 500200, 500300, 510100, 510200; Within Tract/BNA 510300: Block groups: 1, 2, 3, 4, 5; Within block group 6: Block(s): 6000, 6001, 6002, 6003, 6004, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018; Block group(s): 7; Tract/BNA(s): 510400, 510500, 520100, 520200, 520300, 520400, 520500, 520600, 530100, 530200, 530300; Within Tract/BNA 530400: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027; Within block group 2: Block(s): 2000, 2022, 2023; Tract/BNA(s): 530500, 530600, 540100, 550100, 550200; Within Tract/BNA 730500: Block groups: 2, 3; Within block group 4: Block(s): 4009, 4010, 4011, 4012, 4013; Within Tract/BNA 730600: Within block group 1: Block(s): 1000, 1001, 1002, 1004, 1005, 1006, 1007; Block group(s): 2; Within Tract/BNA 730700: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3013, 3014; Within Tract/BNA 750100: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010; Within Tract/BNA 750600: Within block group

1: Block(s): 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019; Within the MCD/CCD of Rich: Tract/BNA(s): 829800; Within Tract/BNA 829901: Block groups: 1, 2, 3, 4; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5009, 5010, 5011, 5033, 5034, 5046, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5075, 5076, 5077, 5078, 5079, 5080, 5081, 5082; Within Tract/BNA 829902: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4018, 4019, 4020, 4022, 4023, 4996, 4997, 4998, 4999; Tract/BNA(s): 830001, 830002, 830003, 830004, 830005, 830006, 830100, 830201, 830202, 830300, 830400; Within the MCD/CCD of Thornton: Tract/BNA(s): 550200, 825700, 825801, 825802, 825803, 825900, 826000, 826100, 826201, 826202, 826301, 826303, 826304, 826401, 826402, 826500, 826600, 826700; Within Tract/BNA 826800: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039; Within block group 3: Block(s): 3030, 3031, 3032, 3033, 3035, 3036; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5031, 5032, 5033, 5049, 5053, 5054, 5059, 5060, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5075, 5076, 5077, 5078, 5079, 5080, 5081, 5082; Tract/BNA(s): 826901, 826902, 827000, 827100, 827200, 827300, 827400, 827500, 827600, 827700, 827801, 827802, 827804, 827805, 827901, 827902, 828000, 828100, 828201, 828202, 828300, 828401, 828402; Within the County of Will: Within the MCD/CCD of Crete: Within Tract/BNA 883803: Within block group 2: Block(s): 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021; Within Tract/BNA 883804: Within block group 1: Block(s): 1031, 1032, 1033, 1034; Within the MCD/CCD of Monee: Tract/BNA(s): 883603; Within Tract/BNA 883604: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1062, 1063, 1067, 1998, 1999; Tract/BNA(s): 883807.

Congressional District No. 3 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Berwyn: Within Tract/BNA 814600: Within block group 1: Block(s): 1004, 1005, 1006, 1007; Block group(s): 2, 3; Within block group 4: Block(s): 4004, 4005, 4006, 4007; Within block group 5: Block(s): 5002, 5003,

5004, 5005, 5006, 5007; Within Tract/BNA 814700: Within block group 1: Block(s): 1004, 1005, 1006, 1007; Block group(s): 2, 3; Within block group 4: Block(s): 4004, 4005, 4006, 4007; Within block group 5: Block(s): 5002, 5003, 5004, 5005, 5006, 5007; Tract/BNA(s): 814800, 814900, 815000, 815100, 815200, 815300, 815400, 815500; Within the MCD/CCD of Chicago: Within Tract/BNA 311500: Within block group 1: Block(s): 1008; Within Tract/BNA 340500: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009; Within Tract/BNA 370200: Within block group 2: Block(s): 2004, 2005; Within block group 3: Block(s): 3013; Tract/BNA(s): 560100, 560200, 560300, 560400, 560500, 560600, 560700, 560800, 560900, 561000, 561100, 561200, 561300, 570200, 570300, 570500; Within Tract/BNA 590100: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008; Within Tract/BNA 590200: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1011, 1012, 1013, 1014; Block group(s): 2; Within block group 3: Block(s): 3009, 3010; Within Tract/BNA 590300: Within block group 1: Block(s): 1019; Within Tract/BNA 590500: Within block group 1: Block(s): 1000, 1001, 1002, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024; Tract/BNA(s): 590600, 590700, 600100, 600200, 600300, 600400, 600500; Within Tract/BNA 600600: Within block group 1: Block(s): 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008; Block group(s): 2, 3; Within Tract/BNA 600700: Block groups: 1; Within block group 2: Block(s): 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 2015, 2016, 2017; Block group(s): 3; Tract/BNA(s): 600800, 600900, 601000, 601100, 601200, 601300, 601400, 601500; Within Tract/BNA 601600: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013; Within Tract/BNA 610100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1021; Block group(s): 2; Within Tract/BNA 610200: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021; Tract/BNA(s): 610600, 610700, 610800; Within Tract/BNA 611000: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 2: Block(s): 2000, 2001, 2002; Tract/BNA(s): 611100; Within Tract/BNA 611200: Within block group 1: Block(s): 1004, 1005; Block group(s): 2; Within block group 3: Block(s): 3004, 3005, 3006, 3007; Within Tract/BNA 611300: Within block group 1: Block(s): 1004, 1005; Block group(s): 2; Within block group 3: Block(s): 3004, 3005, 3006, 3007; Within Tract/BNA 611400: Within block group 1: Block(s): 1004, 1005; Block group(s): 2; Within block group 3: Block(s): 3004, 3005; Within Tract/BNA 611500: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011; Within block group 2: Block(s): 2011, 2012, 2013; Within Tract/BNA 611600: Block

groups: 1; Within block group 2: Block(s): 2003; Tract/BNA(s): 620200, 620300; Within Tract/BNA 630100: Within block group 1: Block(s): 1000, 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1019, 1020, 1021, 1022, 1023, 1027, 1028, 1029, 1030; Tract/BNA(s): 630600; Within Tract/BNA 630700: Within block group 1: Block(s): 1000, 1003, 1004, 1005, 1006, 1007; Block group(s): 2; Within block group 3: Block(s): 3004, 3005, 3006; Within block group 4: Block(s): 4003, 4004, 4005, 4006; Within Tract/BNA 630800: Within block group 3: Block(s): 3000, 3001; Within block group 4: Block(s): 4000, 4001; Tract/BNA(s): 640100, 640200, 640300, 640400, 640500, 640600, 640700, 640800, 650100, 650200, 650300, 650400, 650500, 660300, 660400, 660500; Within Tract/BNA 660600: Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004; Block group(s): 5; Within Tract/BNA 660800: Within block group 4: Block(s): 4001, 4002; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006; Within Tract/BNA 660900: Within block group 4: Block(s): 4006, 4007, 4008, 4009, 4010, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4994, 4995, 4996, 4997; Within Tract/BNA 661100: Within block group 2: Block(s): 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015; Block group(s): 4, 5, 6; Tract/BNA(s): 700200, 700300, 720100; Within Tract/BNA 720200: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007; Within block group 2: Block(s): 2003, 2004, 2005; Block group(s): 3, 4, 5; Tract/BNA(s): 720300, 720400, 720500, 720600; Within Tract/BNA 720700: Within block group 2: Block(s): 2003, 2004, 2005; Block group(s): 3, 4; Tract/BNA(s): 740100, 740200, 740300, 740400; Within Tract/BNA 750200: Within block group 2: Block(s): 2001, 2002, 2003, 2012; Block group(s): 3, 4; Tract/BNA(s): 750300, 750400; Within Tract/BNA 750500: Block groups: 5, 6; Tract/BNA(s): 823304; Within the MCD/CCD of Cicero: Within Tract/BNA 814200: Within block group 2: Block(s): 2011, 2012, 2014; Within Tract/BNA 814300: Within block group 2: Block(s): 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016; Within Tract/BNA 814400: Block groups: 1, 2, 3, 4, 5; Within block group 6: Block(s): 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013; Within Tract/BNA 814500: Within block group 1: Block(s): 1008, 1009, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031; Block group(s): 2, 3; Within the MCD/CCD of Lyons: Tract/BNA(s): 819100, 819200, 819300, 819400, 819500, 819600, 819700, 819801, 819802, 819900; Within Tract/BNA 820101: Block groups: 1, 2, 5, 6; Tract/BNA(s): 820103, 820104, 820201, 820202, 820300, 820400, 820501, 820502, 820601, 820602; Within the MCD/CCD of Palos: Tract/BNA(s): 823702, 823703, 823704, 823705; Within Tract/BNA 823801: Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019,

2020, 2021, 2022, 2023, 2024, 2025, 2028, 2031, 2032, 2033, 2034, 2994, 2995, 2996, 2997, 2998, 2999; Tract/BNA(s): 823803, 823804; Within Tract/BNA 823901: Within block group 1: Block(s): 1000; Within block group 2: Block(s): 2000, 2001, 2002, 2017, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2993, 2994, 2995, 2996, 2997, 2998, 2999; Within Tract/BNA 823903: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1994, 1995, 1996, 1997, 1998, 1999; Within block group 3: Block(s): 3000, 3003, 3004, 3005, 3009, 3010, 3011, 3012, 3013; Within Tract/BNA 823904: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008; Within block group 4: Block(s): 4001, 4002; Within the MCD/CCD of Proviso: Within Tract/BNA 816100: Within block group 1: Block(s): 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017; Block group(s): 3, 4, 5; Within block group 6: Block(s): 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6008, 6009, 6010, 6011, 6018, 6019, 6020, 6021, 6022, 6023, 6028, 6029; Within Tract/BNA 818401: Within block group 1: Block(s): 1024; Within block group 3: Block(s): 3007, 3008, 3009, 3010, 3011, 3012, 3013; Block group(s): 4; Within Tract/BNA 818402: Block groups: 3; Tract/BNA(s): 818500; Within Tract/BNA 818600: Block groups: 1; Within block group 2: Block(s): 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045; Within Tract/BNA 818700: Within block group 1: Block(s): 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016; Block group(s): 2, 3, 4; Tract/BNA(s): 818800, 818900, 819000; Within the MCD/CCD of Riverside: Within Tract/BNA 815600: Block groups: 1, 2, 3; Tract/BNA(s): 815701, 815702; Within Tract/BNA 815800: Within block group 1: Block(s): 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043; MCD/CCD(s): Stickney; Within the MCD/CCD of Worth: Tract/BNA(s): 740400, 822000, 822101, 822102, 822200, 822301, 822302, 822400, 822500, 822601, 822602, 822701, 822702, 822801, 822802, 822900, 823001, 823002; Within Tract/BNA 823101: Block groups: 1, 2, 3, 4; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008; Within Tract/BNA 823102: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004,

2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013; Within Tract/BNA 823200: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1019, 1041, 1042; Within Tract/BNA 823304: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013; Within block group 5: Block(s): 5000, 5001, 5004, 5005, 5008, 5009, 5010, 5013, 5014.

Congressional District No. 4 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Berwyn: Within Tract/BNA 814600: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 4: Block(s): 4000, 4001, 4002, 4003; Within block group 5: Block(s): 5000, 5001; Within Tract/BNA 814700: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 4: Block(s): 4000, 4001, 4002, 4003; Within block group 5: Block(s): 5000, 5001; Within the MCD/CCD of Chicago: Within Tract/BNA 051400: Within block group 2: Block(s): 2003, 2005; Within Tract/BNA 051500: Within block group 1: Block(s): 1002, 1004, 1005, 1006, 1007, 1010, 1011; Within Tract/BNA 070700: Within block group 2: Block(s): 2008, 2009; Tract/BNA(s): 140700; Within Tract/BNA 140800: Within block group 3: Block(s): 3003, 3004; Block group(s): 4, 5; Tract/BNA(s): 160500; Within Tract/BNA 160600: Within block group 2: Block(s): 2003, 2004; Block group(s): 3, 4; Within block group 5: Block(s): 5001, 5002, 5005; Within Tract/BNA 160700: Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005; Block group(s): 4, 5; Within block group 6: Block(s): 6002, 6003; Tract/BNA(s): 160800; Within Tract/BNA 190100: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011; Within Tract/BNA 190200: Within block group 2: Block(s): 2000, 2007; Within block group 3: Block(s): 3000, 3007; Within block group 4: Block(s): 4000, 4007; Within Tract/BNA 190500: Within block group 1: Block(s): 1020; Within Tract/BNA 190600: Within block group 4: Block(s): 4005, 4006; Within block group 5: Block(s): 5004, 5007; Within Tract/BNA 190700: Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3006, 3007; Within block group 4: Block(s): 4002, 4003, 4004, 4005; Within Tract/BNA 190800: Within block group 1: Block(s): 1000, 1003, 1004; Within block group 2: Block(s): 2000, 2003, 2004, 2005; Block group(s): 3; Within block group 4: Block(s): 4004, 4005; Tract/BNA(s): 190900, 191000, 191100, 191200, 191300, 191400; Within Tract/BNA 200100: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008; Within block group 2: Block(s): 2002, 2003, 2004, 2005, 2006, 2007; Within block group 3: Block(s): 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011; Tract/BNA(s): 200200, 200300, 200400, 200500, 200600, 210100; Within Tract/BNA 210200: Within block group 1: Block(s):

1000, 1001, 1002, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1023, 1024; Within Tract/BNA 210400: Within block group 1: Block(s): 1003, 1004, 1005, 1006; Within block group 2: Block(s): 2000, 2001, 2002, 2004, 2005, 2006; Within Tract/BNA 210500: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3005, 3006, 3008, 3009; Tract/BNA(s): 210600, 210700, 210800, 210900, 220100, 220200, 220300, 220400, 220500, 220600, 220700, 220800, 220900, 221000, 221100, 221200, 221300, 221400, 221500, 221600, 221700, 221800, 221900, 222000, 222100, 222200, 222300, 222400, 222500, 222600, 222700, 222800, 222900, 230100, 230200, 230300, 230400; Within Tract/BNA 230500: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003; Within Tract/BNA 230600: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 3: Block(s): 3000, 3001, 3002; Within block group 4: Block(s): 4000, 4001; Within block group 6: Block(s): 6000; Within Tract/BNA 230700: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007; Within block group 3: Block(s): 3000, 3001, 3002; Block group(s): 4; Tract/BNA(s): 230800, 230900; Within Tract/BNA 231000: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1009, 1010, 1011; Within block group 2: Block(s): 2000; Within Tract/BNA 231100: Within block group 1: Block(s): 1000; Within Tract/BNA 231200: Within block group 1: Block(s): 1000; Within Tract/BNA 231800: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within Tract/BNA 240100: Within block group 1: Block(s): 1005, 1006, 1007; Tract/BNA(s): 240200, 240300, 240400, 240500, 240600, 240700, 240800, 240900, 241000, 241100, 241200, 241300, 241400, 241500, 241600; Within Tract/BNA 241700: Within block group 2: Block(s): 2002, 2003, 2004; Within Tract/BNA 241900: Within block group 1: Block(s): 1006; Within block group 2: Block(s): 2005, 2006, 2007, 2008, 2009, 2010, 2011; Within Tract/BNA 242000: Within block group 1: Block(s): 1002, 1003, 1004, 1006, 1007, 1008; Block group(s): 2; Tract/BNA(s): 242100, 242200; Within Tract/BNA 242300: Within block group 1: Block(s): 1000, 1001, 1003, 1004; Within block group 2: Block(s): 2000, 2003, 2004, 2007; Within Tract/BNA 242400: Within block group 1: Block(s): 1001; Within Tract/BNA 242500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1005, 1006; Within block group 2: Block(s): 2001, 2004, 2005; Tract/BNA(s): 242600; Within Tract/BNA 242700: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008; Within Tract/BNA 242900: Within block group 2: Block(s): 2000, 2001, 2002, 2003; Within block group 3: Block(s): 3000, 3003, 3004; Within Tract/BNA 243000: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003; Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3006; Within Tract/BNA 243100: Block groups: 1, 2; Within block group 3: Block(s): 3000,

3001, 3002, 3003; Within Tract/BNA 243200: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002; Block group(s): 4; Within Tract/BNA 243300: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004; Within Tract/BNA 243400: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009; Within block group 2: Block(s): 2000, 2003, 2004, 2007; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004; Within Tract/BNA 250100: Within block group 1: Block(s): 1000, 1001; Within Tract/BNA 250200: Within block group 1: Block(s): 1000; Within Tract/BNA 250500: Within block group 1: Block(s): 1000, 1001, 1011; Within block group 2: Block(s): 2006, 2007; Within block group 3: Block(s): 3005, 3006, 3007, 3008, 3009; Within block group 7: Block(s): 7010, 7011; Within Tract/BNA 300100: Within block group 1: Block(s): 1002, 1005, 1006, 1007, 1008, 1011, 1012, 1013; Within block group 2: Block(s): 2001, 2002, 2003, 2004; Within Tract/BNA 300200: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006; Within Tract/BNA 300300: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1008, 1010, 1011; Within Tract/BNA 300400: Within block group 1: Block(s): 1008, 1009; Within Tract/BNA 300500: Within block group 1: Block(s): 1002, 1003, 1004, 1005; Block group(s): 2; Within Tract/BNA 300600: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011; Block group(s): 2; Within Tract/BNA 300700: Within block group 1: Block(s): 1000, 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1011; Block group(s): 2; Tract/BNA(s): 300800, 300900, 301000; Within Tract/BNA 301100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1012; Within Tract/BNA 301200: Within block group 1: Block(s): 1001, 1002, 1003, 1004; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2011; Within Tract/BNA 301300: Within block group 1: Block(s): 1006, 1007, 1008, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1996, 1997, 1998, 1999; Tract/BNA(s): 301400, 301500, 301600, 301700, 301800, 301900, 302000; Within Tract/BNA 310100: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021; Tract/BNA(s): 310200, 310300, 310400, 310500, 310600, 310700, 310800; Within Tract/BNA 310900: Block groups: 1, 2; Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008; Within Tract/BNA 311000: Within block group 1: Block(s): 1003, 1004, 1005, 1006, 1007; Block group(s): 2, 3, 4; Within Tract/BNA 311300: Block groups: 1, 2; Within block group 3: Block(s): 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3996, 3997, 3998, 3999; Block group(s): 4, 5; Tract/BNA(s): 311400; Within Tract/BNA 311500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013,

1014, 1015, 1016, 1017, 1018, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999; Tract/BNA(s): 570100, 570400, 580100, 580200, 580300, 580400, 580500, 580600, 580700, 580800, 580900, 581000, 581100; Within Tract/BNA 590100: Within block group 1: Block(s): 1000, 1001; Within Tract/BNA 590200: Within block group 1: Block(s): 1000, 1001, 1006, 1007, 1008, 1009, 1010; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008; Within Tract/BNA 590300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018; Block group(s): 2; Tract/BNA(s): 590400; Within Tract/BNA 590500: Within block group 1: Block(s): 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1021; Within Tract/BNA 600600: Within block group 1: Block(s): 1001; Within Tract/BNA 600700: Within block group 2: Block(s): 2000, 2001, 2010, 2011; Within Tract/BNA 610200: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034; Block group(s): 2; Tract/BNA(s): 610300, 610400, 610500; Within Tract/BNA 611200: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 3: Block(s): 3000, 3001, 3002, 3003; Within Tract/BNA 611300: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 3: Block(s): 3000, 3001, 3002, 3003; Within Tract/BNA 611400: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 3: Block(s): 3000, 3001, 3002, 3003; Within Tract/BNA 611500: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010; Tract/BNA(s): 620100, 620400; Within Tract/BNA 630100: Within block group 1: Block(s): 1003, 1004, 1010, 1017, 1018, 1024, 1025, 1026; Tract/BNA(s): 630200, 630300, 630400, 630500; Within Tract/BNA 630700: Within block group 1: Block(s): 1001, 1002; Within block group 3: Block(s): 3000, 3001, 3002, 3003; Within block group 4: Block(s): 4000, 4001, 4002; Within Tract/BNA 630800: Block groups: 1, 2; Within block group 3: Block(s): 3002, 3003, 3004, 3005, 3006, 3007; Within block group 4: Block(s): 4002, 4003, 4004, 4005, 4006, 4007; Tract/BNA(s): 630900; Within the MCD/CCD of Cicero: Tract/BNA(s): 813300, 813400, 813500, 813600, 813700, 813800, 813900, 814000, 814100; Within Tract/BNA 814200: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2015, 2016; Block group(s): 3, 4, 5, 6; Within Tract/BNA 814300: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006; Block group(s): 3; Within Tract/BNA 814400: Within block group 6: Block(s): 6000, 6001, 6002, 6003, 6004; Within Tract/BNA 814500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1011, 1012, 1016, 1017; Within the

MCD/CCD of Leyden: Within Tract/BNA 810900: Within block group 4: Block(s): 4005, 4006, 4007, 4008, 4009; Within block group 5: Block(s): 5011; Within Tract/BNA 811000: Within block group 4: Block(s): 4006, 4007, 4008, 4009, 4010, 4011; Within block group 5: Block(s): 5003, 5004, 5006, 5007, 5008; Within the MCD/CCD of Proviso: Within Tract/BNA 816000: Within block group 3: Block(s): 3004, 3005, 3006, 3007, 3008; Within Tract/BNA 816100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1016; Within block group 2: Block(s): 2000, 2011, 2012; Within block group 6: Block(s): 6007, 6012, 6013, 6014, 6015, 6016, 6017, 6024, 6025, 6026, 6027; Within Tract/BNA 816200: Within block group 1: Block(s): 1000, 1001, 1004, 1010; Within Tract/BNA 816401: Within block group 1: Block(s): 1007, 1008, 1015, 1016; Within block group 2: Block(s): 2000, 2006, 2008, 2009, 2010, 2011; Within block group 3: Block(s): 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3016; Block group(s): 4; Within Tract/BNA 816402: Within block group 2: Block(s): 2003, 2004, 2010, 2017, 2018, 2019, 2022; Within block group 3: Block(s): 3016, 3017, 3023, 3024, 3025; Block group(s): 4; Within Tract/BNA 816500: Within block group 1: Block(s): 1005, 1006, 1011, 1012, 1013; Within block group 2: Block(s): 2000, 2001, 2002, 2014, 2015, 2016, 2022, 2023, 2024, 2025, 2026, 2027, 2028; Within Tract/BNA 816600: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016; Block group(s): 2, 3; Within Tract/BNA 816700: Within block group 2: Block(s): 2004; Within Tract/BNA 816800: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1042; Within block group 3: Block(s): 3009; Within block group 4: Block(s): 4002, 4013, 4014, 4015, 4018, 4019, 4020; Within Tract/BNA 817400: Within block group 1: Block(s): 1000, 1001; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2007, 2008, 2011; Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3008, 3009, 3010, 3012, 3013, 3014, 3015, 3018, 3019, 3020, 3021, 3022, 3026, 3027, 3028; Within Tract/BNA 817500: Within block group 1: Block(s): 1022, 1023; Within Tract/BNA 818000: Within block group 3: Block(s): 3018, 3019, 3021, 3027, 3034, 3036, 3043, 3055, 3056, 3057; Within Tract/BNA 818100: Within block group 1: Block(s): 1021; Within block group 2: Block(s): 2000, 2001, 2017, 2018, 2019, 2020; Within Tract/BNA 818401: Within block group 1: Block(s): 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025; Within block group 2: Block(s): 2006, 2013; Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3006; Within Tract/BNA 818402: Within block group 2: Block(s): 2008, 2009, 2010; Within Tract/BNA 818600: Within block group 2: Block(s): 2000, 2001, 2002; Within Tract/BNA 818700: Within block group 1: Block(s): 1000, 1001, 1003, 1010; Within the

MCD/CCD ofRiverside: Within Tract/BNA 815600: Within block group 5: Block(s): 5000, 5001, 5002; Within Tract/BNA 815800: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1009.

Congressional District No. 5 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Undefined: Within Tract/BNA 000000: Within block group 0: Block(s): 0993; Within the MCD/CCD of Chicago: Within Tract/BNA 020700: Block groups: 3, 4; Within block group 5: Block(s): 5007, 5008, 5009, 5010, 5011, 5012; Within Tract/BNA 020800: Block groups: 3, 4, 5, 6; Within Tract/BNA 030900: Within block group 3: Block(s): 3003; Within Tract/BNA 031000: Within block group 1: Block(s): 1001, 1002, 1003; Within block group 2: Block(s): 2001, 2002; Block group(s): 3; Within Tract/BNA 031700: Within block group 1: Block(s): 1004; Within block group 2: Block(s): 2004; Within block group 3: Block(s): 3004; Within block group 4: Block(s): 4004; Tract/BNA(s): 031800, 031900, 040100, 040200, 040300, 040400, 040500, 040600, 040700, 040800, 040900, 041000, 050100, 050200, 050300, 050400, 050500, 050600, 050700, 050800, 050900, 051000, 051100, 051200, 051300; Within Tract/BNA 051400: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2004; Within Tract/BNA 051500: Within block group 1: Block(s): 1000, 1001, 1003, 1008, 1009; Tract/BNA(s): 060100, 060200, 060300, 060400, 060500; Within Tract/BNA 060600: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005; Within Tract/BNA 060700: Within block group 1: Block(s): 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010; Within Tract/BNA 060800: Within block group 1: Block(s): 1009, 1010, 1011; Within Tract/BNA 060900: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010; Block group(s): 2; Tract/BNA(s): 061000, 061100, 061200, 061300, 061400, 061500, 061600, 061700, 061800; Within Tract/BNA 061900: Within block group 1: Block(s): 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1022, 1023, 1028, 1029; Tract/BNA(s): 062000, 062100, 062200, 062300, 062400, 062500, 062600, 062700, 062800, 062900, 063000, 063100; Within Tract/BNA 063200: Block groups: 2; Within Tract/BNA 063300: Block groups: 2; Tract/BNA(s): 063400, 070100, 070200, 070300, 070400, 070500, 070600; Within Tract/BNA 070700: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2010, 2011, 2012, 2013; Within Tract/BNA 070800: Block groups: 1; Within block group 2: Block(s): 2001, 2002; Block group(s): 3; Within Tract/BNA 070900: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009; Within Tract/BNA 071000: Block groups: 1; Within Tract/BNA 071100: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 2: Block(s): 2000, 2001, 2002, 2003; Within Tract/BNA 071200: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3002, 3003;

Tract/BNA(s): 071300, 071400, 100100; Within Tract/BNA 100200: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5007, 5011, 5012, 5013, 5014, 5015, 5016; Within block group 6: Block(s): 6000, 6007, 6008; Block group(s): 7; Within Tract/BNA 100300: Block groups: 2; Within Tract/BNA 100600: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016; Block group(s): 2, 3, 4; Within block group 5: Block(s): 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020; Tract/BNA(s): 100700, 110100, 110200, 110300, 110400, 110500, 120100, 120200, 120300, 120400; Within Tract/BNA 130100: Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006; Block group(s): 4, 5; Tract/BNA(s): 130200, 130300, 130400, 130500, 140100, 140200, 140300, 140400, 140500, 140600; Within Tract/BNA 140800: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3005, 3006, 3007; Tract/BNA(s): 150100, 150200, 150300, 150400, 150500, 150600, 150700, 150800, 150900, 151000, 151100, 151200, 160100, 160200, 160300, 160400; Within Tract/BNA 160600: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002; Within block group 5: Block(s): 5000, 5003, 5004; Block group(s): 6; Within Tract/BNA 160700: Block groups: 1, 2; Within block group 3: Block(s): 3000; Within block group 6: Block(s): 6000, 6001, 6004, 6005; Tract/BNA(s): 160900, 161000, 161100, 161200, 161300, 170100, 170200, 170300, 170400, 170500, 170600, 170700, 170800, 170900, 171000, 171100, 180100, 180200, 180300; Within Tract/BNA 190100: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within Tract/BNA 190200: Block groups: 1; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006; Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3006; Within block group 4: Block(s): 4001, 4002, 4003, 4004, 4005, 4006; Tract/BNA(s): 190300, 190400; Within Tract/BNA 190500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019; Within Tract/BNA 190600: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4007; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5005, 5006; Block group(s): 6, 7; Within Tract/BNA 190700: Block groups: 1, 2; Within block group 3: Block(s): 3000; Within block group 4: Block(s): 4000, 4001; Block group(s): 5; Within Tract/BNA 190800: Within block group 1: Block(s): 1001, 1002, 1005; Within block group 2: Block(s): 2001, 2002; Within block group 4: Block(s): 4000, 4001, 4002, 4003; Block group(s): 5; Within Tract/BNA 200100: Within block group 1: Block(s): 1000; Within block group 2: Block(s): 2000, 2001; Within block group 3: Block(s): 3000, 3001,

3002; Within Tract/BNA 210200: Within block group 1: Block(s): 1003, 1004, 1005, 1022; Tract/BNA(s): 210300; Within Tract/BNA 210400: Within block group 1: Block(s): 1000, 1001, 1002; Within block group 2: Block(s): 2003; Within Tract/BNA 210500: Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3007; Within Tract/BNA 250500: Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004; Block group(s): 4, 5, 6; Within block group 7: Block(s): 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009; Within Tract/BNA 760800: Block groups: 2, 3; Within Tract/BNA 770800: Block groups: 1; Tract/BNA(s): 811600; Within the MCD/CCD of Leyden: Tract/BNA(s): 760900, 770800, 810701, 810702, 810800; Within Tract/BNA 810900: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010; Within Tract/BNA 811000: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005; Within block group 5: Block(s): 5000, 5001, 5002, 5005; Tract/BNA(s): 811100, 811200, 811301, 811302, 811401, 811402, 811500, 811600, 811701, 811702, 811800; Within the MCD/CCD of Proviso: Tract/BNA(s): 811302; Within Tract/BNA 816200: Within block group 1: Block(s): 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014; Block group(s): 2, 3, 4; Tract/BNA(s): 816300; Within Tract/BNA 816401: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 1017; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2007; Within block group 3: Block(s): 3000, 3001, 3006, 3011, 3012, 3013, 3014, 3015; Within Tract/BNA 816402: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2020, 2021, 2023; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3018, 3019, 3020, 3021, 3022; Within Tract/BNA 816500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1007, 1008, 1009, 1010, 1014, 1015, 1016, 1017, 1018; Within block group 2: Block(s): 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2017, 2018, 2019, 2020, 2021, 2029, 2030, 2031, 2032, 2033, 2034; Block group(s): 3; Within Tract/BNA 816600: Within block group 1: Block(s): 1004, 1005; Within Tract/BNA 816700: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013; Block group(s): 3; Within Tract/BNA 816800: Within block group 1: Block(s): 1004, 1005; Within Tract/BNA 817400: Within block group 2: Block(s): 2005, 2006; Within block group 3: Block(s): 3011.

Congressional District No. 6 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Chicago: Tract/BNA(s): 760900, 770500, 770600; Within

Tract/BNA 770700: Within block group 2: Block(s): 2013; Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3006, 3010; Within Tract/BNA 770800: Block groups: 2; Within the MCD/CCD of Elk Grove: Tract/BNA(s): 760900, 770200, 770300, 770400, 770500, 804901, 804902; Within Tract/BNA 805001: Block groups: 1, 3; Within block group 4: Block(s): 4000, 4001, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018; Tract/BNA(s): 805002, 805105; Within Tract/BNA 805106: Block groups: 1; Tract/BNA(s): 805107, 805108; Within Tract/BNA 805109: Within block group 4: Block(s): 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019; Tract/BNA(s): 805111, 805112; Within the MCD/CCD of Hanover: Within Tract/BNA 804304: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2074, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163; Tract/BNA(s): 804305, 804306, 804307; Within Tract/BNA 804401: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1020; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2043, 2044; Within block group 3: Block(s): 3000; Within Tract/BNA 804402: Within block group 5: Block(s): 5002, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028; Within block group 6: Block(s): 6000, 6004, 6005, 6006; Within Tract/BNA 804501: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2052, 2053, 2054, 2055, 2062, 2063, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105; Within block group 3: Block(s): 3000, 3001, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3999; Tract/BNA(s): 804503, 804504, 804505, 804701; Within the MCD/CCD of Maine: Tract/BNA(s): 760900; Within Tract/BNA 770600: Within block group 2: Block(s): 2009, 2010, 2011, 2015, 2016, 2017, 2018, 2019, 2020, 2021; Block group(s): 3, 4, 5; Tract/BNA(s): 770700; Within Tract/BNA 806501: Within block group 2: Block(s): 2001, 2007; Within the MCD/CCD of Schaumburg: Within Tract/BNA 804606: Block groups: 1; Within

block group 2: Block(s): 2000, 2001, 2004, 2005, 2006, 2007, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031; Within block group 3: Block(s): 3007, 3022; Tract/BNA(s): 804607; Within Tract/BNA 804803: Within block group 1: Block(s): 1000, 1051, 1052, 1093, 1094, 1095, 1102, 1103, 1104, 1105, 1106, 1107, 1108; Within the County of DuPage: MCD/CCD of: Addison, Bloomingdale, Chicago, Milton; Within the MCD/CCD of Wayne: Within Tract/BNA 841302: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1997, 1998, 1999; Block group(s): 3, 4; Tract/BNA(s): 841303, 841304; Within Tract/BNA 841305: Within block group 2: Block(s): 2000, 2001, 2002, 2034, 2035, 2036, 2045, 2046, 2047, 2049, 2050, 2051, 2052, 2061, 2062, 2063, 2064, 2065, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077; Tract/BNA(s): 841306, 841307; Within the MCD/CCD of Winfield: Within Tract/BNA 841401: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2021, 2022, 2023, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040; Within block group 3: Block(s): 3043; Within Tract/BNA 841402: Block groups: 1, 2, 3, 4; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5009, 5010, 5011, 5012, 5013, 5014, 5015; Within the MCD/CCD of York: Tract/BNA(s): 842800, 842900, 843000, 843100, 843200, 843300, 843400, 843500, 843600, 843700, 843800, 843900, 844000, 844100, 844201, 844202, 844301, 844302, 844303, 844401; Within Tract/BNA 844402: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1019, 1020, 1021, 1022, 1023, 1024, 1027, 1028, 1029, 1030, 1031, 1032, 1997, 1998, 1999; Block group(s): 2; Within block group 3: Block(s): 3006, 3007, 3008, 3009; Block group(s): 4, 5; Within Tract/BNA 844500: Block groups: 1, 2; Within block group 3: Block(s): 3004; Within Tract/BNA 844601: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2020, 2021, 2024, 2025, 2026, 2027, 2028, 2031; Within Tract/BNA 844602: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2032; Block group(s): 3.

Congressional District No. 7 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Undefined: Within Tract/BNA 000000: Within block group 0: Block(s): 0983, 0985, 0986, 0987, 0988, 0989, 0990, 0991; Within the MCD/CCD of Chicago: Within Tract/BNA 070800: Within block group 2: Block(s): 2000, 2003, 2004, 2005, 2006, 2007, 2008; Within Tract/BNA 070900: Within block group 1: Block(s): 1010; Block group(s): 2; Within Tract/BNA 071000: Block groups: 2; Within Tract/BNA 071100: Within block group 1: Block(s): 1004, 1005, 1006, 1007; Within block group 2: Block(s): 2004, 2005, 2006, 2007, 2008, 2009; Within Tract/BNA 071200: Within block group 3: Block(s): 3001; Tract/BNA(s): 071500, 071600, 071700, 071800, 071900, 072000, 080100, 080200, 080300, 080400, 080500, 080600, 080700, 080800, 080900, 081000, 081100, 081200, 081300, 081400, 081500, 081600, 081700, 081800, 081900; Within Tract/BNA 230500: Within block group 3: Block(s): 3004, 3005, 3006, 3007, 3008; Within Tract/BNA 230600: Within block group 1: Block(s): 1004, 1005; Block group(s): 2; Within block group 3: Block(s): 3003, 3004, 3005; Within block group 4: Block(s): 4002, 4003, 4004, 4005; Block group(s): 5; Within block group 6: Block(s): 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008; Within Tract/BNA 230700: Within block group 2: Block(s): 2008; Within block group 3: Block(s): 3003, 3004, 3005, 3006, 3007, 3008; Within Tract/BNA 231000: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; Within Tract/BNA 231100: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008; Within Tract/BNA 231200: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006; Block group(s): 2, 3, 4, 5; Tract/BNA(s): 231300, 231400, 231500, 231600, 231700; Within Tract/BNA 231800: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008; Within Tract/BNA 240100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015; Within Tract/BNA 241700: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015; Tract/BNA(s): 241800; Within Tract/BNA 241900: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2012, 2013, 2014, 2015, 2016; Within Tract/BNA 242000: Within block group 1: Block(s): 1000, 1001, 1005; Within Tract/BNA 242300: Within block group 1: Block(s): 1002, 1005, 1006, 1007; Within block group 2: Block(s): 2001, 2002, 2005, 2006; Within Tract/BNA 242400: Within block group 1: Block(s): 1000, 1002, 1003, 1004, 1005, 1006; Block group(s): 2; Within Tract/BNA 242500: Within block group 1: Block(s): 1004, 1007; Within block group 2: Block(s): 2000, 2002, 2003,

2006; Within Tract/BNA 242700: Within block group 1: Block(s): 1006; Tract/BNA(s): 242800; Within Tract/BNA 242900: Block groups: 1; Within block group 2: Block(s): 2004, 2005; Within block group 3: Block(s): 3001, 3002, 3005, 3006; Within Tract/BNA 243000: Within block group 2: Block(s): 2004, 2005; Within block group 3: Block(s): 3000; Within Tract/BNA 243100: Within block group 3: Block(s): 3004, 3005, 3006; Within Tract/BNA 243200: Within block group 3: Block(s): 3003, 3004, 3005, 3006, 3007; Within Tract/BNA 243300: Within block group 3: Block(s): 3005, 3006, 3007, 3008; Within Tract/BNA 243400: Within block group 1: Block(s): 1000, 1001; Within block group 2: Block(s): 2001, 2002, 2005, 2006, 2008, 2009, 2010; Within block group 3: Block(s): 3005, 3006, 3007, 3008, 3009, 3010, 3011; Tract/BNA(s): 243500, 243600; Within Tract/BNA 250100: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007; Within Tract/BNA 250200: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005; Block group(s): 2, 3; Tract/BNA(s): 250300, 250400; Within Tract/BNA 250500: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2010, 2011, 2012, 2013; Tract/BNA(s): 250600, 250700, 250800, 250900, 251000, 251100, 251200, 251300, 251400, 251500, 251600, 251700, 251800, 251900, 252000, 252100, 252200, 252300, 252400, 260100, 260200, 260300, 260400, 260500, 260600, 260700, 260800, 260900, 261000, 270100, 270200, 270300, 270400, 270500, 270600, 270700, 270800, 270900, 271000, 271100, 271200, 271300, 271400, 271500, 271600, 271700, 271800, 271900, 280100, 280200, 280300, 280400, 280500, 280600, 280700, 280800, 280900, 281000, 281100, 281200, 281300, 281400, 281500, 281600, 281700, 281800, 281900, 282000, 282100, 282200, 282300, 282400, 282500, 282600, 282700, 282800, 282900, 283000, 283100, 283200, 283300, 283400, 283500, 283600, 283700, 283800, 283900, 284000, 284100, 284200, 284300, 290100, 290200, 290300, 290400, 290500, 290600, 290700, 290800, 290900, 291000, 291100, 291200, 291300, 291400, 291500, 291600, 291700, 291800, 291900, 292000, 292100, 292200, 292300, 292400, 292500, 292600, 292700; Within Tract/BNA 300100: Within block group 1: Block(s): 1000, 1001, 1003, 1004, 1009, 1010; Within block group 2: Block(s): 2000; Within Tract/BNA 300200: Within block group 1: Block(s): 1000, 1001; Within Tract/BNA 300300: Within block group 1: Block(s): 1000, 1006, 1007, 1009; Within Tract/BNA 300400: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007; Within Tract/BNA 300500: Within block group 1: Block(s): 1000, 1001; Within Tract/BNA 300600: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within Tract/BNA 300700: Within block group 1: Block(s): 1003, 1004; Within Tract/BNA 301100: Within block group 1: Block(s): 1008, 1009, 1011, 1013, 1014, 1015; Within Tract/BNA 301200: Within block group 1: Block(s): 1000, 1005, 1006, 1007; Within block group 2: Block(s): 2010; Within Tract/BNA 301300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1009, 1010, 1011; Within Tract/BNA 310100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1014; Within Tract/BNA 310900: Within block group 3: Block(s): 3000; Within Tract/BNA 311000: Within block group 1: Block(s): 1000, 1001, 1002; Tract/BNA(s): 311100, 311200; Within Tract/BNA 311300: Within block group 3: Block(s): 3000, 3001, 3002; Tract/BNA(s): 320100, 320200, 320300, 320400, 320500, 320600, 330100, 330200, 330300, 330400, 330500, 340100, 340200, 340300, 340400; Within Tract/BNA 340500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018; Tract/BNA(s): 340600; Within Tract/BNA 350100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1999; Within Tract/BNA 350300: Within block group 1: Block(s): 1009, 1010, 1011, 1012; Tract/BNA(s): 350400; Within Tract/BNA 351000: Block groups: 1; Within block group 2: Block(s): 2006; Within block group 3: Block(s): 3000, 3001, 3002; Within Tract/BNA 351300: Within block group 1: Block(s): 1003; Within block group 2: Block(s): 2003; Within Tract/BNA 351400: Within block group 1: Block(s): 1000, 1002, 1005, 1006; Within block group 2: Block(s): 2000, 2002, 2003; Block group(s): 3, 4; Tract/BNA(s): 351500, 360100; Within Tract/BNA 360200: Within block group 1: Block(s): 1000, 1003; Within Tract/BNA 360300: Block groups: 1; Within block group 2: Block(s): 2000; Within Tract/BNA 360400: Block groups: 1; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007; Within Tract/BNA 360500: Within block group 1: Block(s): 1007, 1008, 1009, 1010; Block group(s): 2; Tract/BNA(s): 370100; Within Tract/BNA 370200: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012; Tract/BNA(s): 370300, 370400; Within Tract/BNA 380200: Within block group 1: Block(s): 1001, 1002, 1003, 1004; Block group(s): 2; Tract/BNA(s): 380300, 380400, 380500, 380600, 380700, 380800; Within Tract/BNA 380900: Block groups: 2; Within Tract/BNA 381200: Within block group 1: Block(s): 1001, 1002, 1003, 1004; Within block group 2: Block(s): 2003, 2004; Within block group 3: Block(s): 3001, 3002, 3003, 3004; Tract/BNA(s): 381300, 381400, 381500, 381600, 381700, 381800; Within Tract/BNA 381900: Block groups: 2; Tract/BNA(s): 390100, 390200; Within Tract/BNA 390300: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005; Within Tract/BNA 400100: Within block group 1: Block(s): 1003; Block group(s): 2; Tract/BNA(s): 400200; Within

Tract/BNA 400300: Within block group 1: Block(s): 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015; Within Tract/BNA 400400: Block groups: 1; Within block group 3: Block(s): 3000; Block group(s): 4; Within Tract/BNA 400500: Block groups: 1; Within block group 3: Block(s): 3000, 3001, 3002, 3003; Within Tract/BNA 400600: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within Tract/BNA 601600: Within block group 1: Block(s): 1011; Within Tract/BNA 610100: Within block group 1: Block(s): 1014, 1015; Tract/BNA(s): 610900; Within Tract/BNA 611000: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010; Within block group 2: Block(s): 2003, 2004, 2005, 2006, 2007, 2008; Within Tract/BNA 611900: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3005; Within block group 4: Block(s): 4000, 4001, 4006; Tract/BNA(s): 612000, 612100, 612200; Within Tract/BNA 670100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006; Within Tract/BNA 670200: Within block group 1: Block(s): 1000, 1001; Within block group 3: Block(s): 3000, 3003, 3004, 3005; Within Tract/BNA 680100: Within block group 1: Block(s): 1000, 1001, 1002; Within Tract/BNA 680200: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1021; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009; Within Tract/BNA 680300: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004; Within Tract/BNA 680400: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005; Within Tract/BNA 680500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007; MCD/CCD(s): Oak Park; Within the MCD/CCD of Proviso: Tract/BNA(s): 815900; Within Tract/BNA 816000: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3009, 3010, 3011, 3012, 3013, 3014; Within Tract/BNA 816800: Within block group 1: Block(s): 1021, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1043, 1044, 1045, 1046; Block group(s): 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3011, 3012, 3013, 3014, 3015, 3016; Within block group 4: Block(s): 4000, 4001, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4016, 4017; Tract/BNA(s): 816900, 817000, 817101, 817102, 817200, 817300; Within Tract/BNA 817400: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029; Within block group 2:

Block(s): 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029; Within block group 3: Block(s): 3000, 3006, 3007, 3016, 3017, 3023, 3024, 3025, 3029; Within Tract/BNA 817500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1024, 1025, 1026; Block group(s): 2, 3, 4; Tract/BNA(s): 817600, 817700, 817900; Within Tract/BNA 818000: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3020, 3022, 3023, 3024, 3025, 3026, 3028, 3029, 3030, 3031, 3032, 3033, 3035, 3037, 3038, 3039, 3040, 3041, 3042, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054; Within Tract/BNA 818100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020; Within block group 2: Block(s): 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2021, 2022, 2023; Tract/BNA(s): 818200, 818300; Within Tract/BNA 818401: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2014, 2015, 2016, 2017, 2018, 2019, 2020; Within block group 3: Block(s): 3000; Within Tract/BNA 818402: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007; MCD/CCD(s): River Forest; Within the MCD/CCD of Riverside: Within Tract/BNA 815600: Block groups: 4; Within block group 5: Block(s): 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022.

Congressional District No. 8 shall be comprised of the following units of census geography: Within the County of Cook: MCD/CCD of Barrington; Within the MCD/CCD of Hanover: Within Tract/BNA 804304: Within block group 2: Block(s): 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085; Within Tract/BNA 804401: Within block group 1: Block(s): 1017, 1018, 1019, 1021, 1022; Within block group 2: Block(s): 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2038, 2039, 2040, 2041, 2042, 2045,

2046, 2047; Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037; Within Tract/BNA 804402: Block groups: 1, 2, 3, 4; Within block group 5: Block(s): 5000, 5001, 5003, 5004, 5005; Within block group 6: Block(s): 6001, 6002, 6003, 6007, 6008, 6009; Block group(s): 7; Within Tract/BNA 804501: Within block group 2: Block(s): 2051, 2056, 2057, 2058, 2059, 2060, 2061, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2106, 2107; Within block group 3: Block(s): 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036; Within the MCD/CCD of Palatine: Within Tract/BNA 803006: Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3039, 3040, 3041; Tract/BNA(s): 803604, 803605, 803606; Within Tract/BNA 803607: Block groups: 1, 2; Within block group 4: Block(s): 4008, 4009, 4010, 4011, 4012, 4013; Within Tract/BNA 803608: Block groups: 2; Tract/BNA(s): 803609; Within Tract/BNA 803610: Block groups: 3; Within block group 4: Block(s): 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4022, 4023, 4024; Within Tract/BNA 803700: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017; Within block group 4: Block(s): 4000, 4001, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022; Within block group 5: Block(s): 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5026, 5027; Within Tract/BNA 803800: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3019; Block group(s): 4; Within Tract/BNA 803901: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087; Within Tract/BNA 803902: Block groups: 1; Within block group 2: Block(s): 2000, 2001; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3008; Block group(s): 4; Within Tract/BNA 804000: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012; Within block group 2: Block(s): 2002, 2003, 2011, 2012, 2021, 2022, 2023, 2024, 2025, 2026; Within Tract/BNA 804102: Within block group 3: Block(s): 3028, 3029; Within Tract/BNA 804104: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1025, 1026; Block group(s): 2; Within block group 3: Block(s): 3009, 3011; Within Tract/BNA 804105: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1036; Within Tract/BNA 804106: Within block group 1: Block(s): 1021, 1022, 1023, 1024, 1025, 1026; Block group(s): 2; Within block group 3: Block(s): 3001; Within block group 4: Block(s): 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4020, 4021, 4022; Within Tract/BNA 804107: Within block group 3: Block(s): 3005, 3006, 3010, 3011, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3044, 3045, 3048; Within the MCD/CCD of Schaumburg: Tract/BNA(s): 804603, 804604, 804605; Within Tract/BNA 804606: Within block group 2: Block(s): 2002, 2003, 2008, 2009, 2010; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3998, 3999; Block group(s): 4; Tract/BNA(s): 804701, 804705, 804706, 804707, 804708, 804709, 804710, 804711, 804712; Within Tract/BNA 804803: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1096, 1097, 1098, 1099, 1100, 1101; Block group(s): 2; Tract/BNA(s): 804804, 804805, 804806, 804807, 804808, 804809, 804810; Within the County of Lake: MCD/CCD of Antioch, Avon, Benton, Cuba, Ela, Fremont, Grant, Lake Villa; Within the MCD/CCD of Libertyville: Tract/BNA(s): 864001, 864002, 864106; MCD/CCD(s): Newport; Within the MCD/CCD of Warren: Tract/BNA(s): 861106, 861504, 861505, 861506, 861507, 861508, 861509, 861510; Within Tract/BNA 861603: Within block group 1: Block(s): 1015; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046; Tract/BNA(s): 861604; Within Tract/BNA 861605: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007,

1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1079, 1080, 1081, 1082, 1083, 1995, 1996, 1997, 1998, 1999; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2036, 2037, 2038, 2039, 2040, 2041; Within Tract/BNA 861607: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2020; Block group(s): 3; Within block group 4: Block(s): 4007; Within Tract/BNA 861608: Within block group 1: Block(s): 1002, 1006, 1007, 1008, 1009, 1010, 1011, 1012; Block group(s): 2; MCD/CCD(s): Wauconda, Zion; Within the County of McHenry: MCD/CCD of: Burton, Dorr, Greenwood, Hebron, McHenry; Within the MCD/CCD of Nunda: Within Tract/BNA 870803: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2013, 2014; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015; Within Tract/BNA 870808: Within block group 1: Block(s): 1000, 1001, 1002; Within Tract/BNA 870809: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2025, 2026, 2028, 2998, 2999; Within Tract/BNA 870810: Block groups: 1, 2; Tract/BNA(s): 870811; Within Tract/BNA 870812: Block groups: 1, 2; MCD/CCD(s): Richmond.

Congressional District No. 9 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Undefined: Within Tract/BNA 000000: Within block group 0: Block(s): 0994, 0995, 0996, 0997; Within the MCD/CCD of Chicago: Tract/BNA(s): 010100, 010200, 010300, 010400, 010500, 010600, 010700, 010800, 010900, 020100, 020200, 020300, 020400, 020500, 020600; Within Tract/BNA 020700: Block groups: 1, 2; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006; Block group(s): 6; Within Tract/BNA 020800: Block groups: 1, 2, 7, 8; Tract/BNA(s): 020900, 030100, 030200, 030300, 030400, 030500, 030600, 030700, 030800; Within Tract/BNA 030900: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3004, 3005; Block group(s): 4; Within Tract/BNA 031000: Within block group 1: Block(s): 1000, 1004; Within block group 2: Block(s): 2000, 2003, 2004; Tract/BNA(s): 031100, 031200, 031300, 031400, 031500, 031600; Within Tract/BNA 031700: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 2: Block(s): 2000, 2001, 2002, 2003; Within block

group 3: Block(s): 3000, 3001, 3002, 3003; Within block group 4: Block(s): 4000, 4001, 4002, 4003; Tract/BNA(s). 032000, 032100; Within Tract/BNA 060600: Within block group 1: Block(s): 1000; Within Tract/BNA 060700: Within block group 1: Block(s): 1001; Within Tract/BNA 060800: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008; Within Tract/BNA 060900: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1011, 1999; Within Tract/BNA 061900: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1015, 1020, 1021, 1024, 1025, 1026, 1027, 1030, 1999; Within Tract/BNA 063200: Block groups: 1; Within Tract/BNA 063300: Block groups: 1; Tract/BNA(s): 090100, 090200, 090300; Within Tract/BNA 100200: Within block group 4: Block(s): 4011, 4012; Within block group 5: Block(s): 5005, 5006, 5008, 5009, 5010; Within block group 6: Block(s): 6001, 6002, 6003, 6004, 6005, 6006, 6009, 6010; Within Tract/BNA 100300: Block groups: 1, 3, 4, 5, 6; Tract/BNA(s): 100400, 100500; Within Tract/BNA 100600: Within block group 1: Block(s): 1000; Within block group 5: Block(s): 5000; Within Tract/BNA 130100: Block groups: 1, 2; Within block group 3: Block(s): 3007; Within Tract/BNA 760800: Block groups: 1; Within Tract/BNA 770700: Block groups: 1; Within block group 2: Block(s): 2037; Within block group 3: Block(s): 3018, 3019; Tract/BNA(s): 770900, 808100, 810400; MCD/CCD(s): Evanston; Within the MCD/CCD of Leyden: Tract/BNA(s): 770700, 770900, 805702; Within the MCD/CCD of Maine: Tract/BNA(s): 090100, 090300; Within Tract/BNA 770600: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2012, 2013, 2014, 2022, 2023, 2024, 2025, 2026; Block group(s): 6; Tract/BNA(s): 805201, 805202, 805301, 805302, 805401, 805402, 805501, 805502, 805600, 805701, 805801, 805802, 805901, 805902, 806001, 806002, 806003, 806004, 806101, 806102, 806200, 806300, 806400; Within Tract/BNA 806501: Block groups: 1; Within block group 2: Block(s): 2000, 2002, 2003, 2004, 2005, 2006, 2008; Tract/BNA(s): 806502, 806600; Within the MCD/CCD of New Trier: Tract/BNA(s): 800900, 801000; Within Tract/BNA 801100: Within block group 2: Block(s): 2015, 2017, 2018, 2019, 2020, 2021, 2022; Block group(s): 3; Within Tract/BNA 801300: Within block group 1: Block(s): 1017, 1018, 1019; Within block group 2: Block(s): 2015; Within block group 3: Block(s): 3015; Tract/BNA(s): 801400; MCD/CCD(s): Niles, Norwood Park.

Congressional District No. 10 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Elk Grove: Within Tract/BNA 805001: Block groups: 2; Within block group 4: Block(s): 4002; Within Tract/BNA 805106: Block groups: 2, 3; Within Tract/BNA 805109: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009; Tract/BNA(s):

805110; Within the MCD/CCD of New Trier: Tract/BNA(s): 800100, 800200, 800300, 800400, 800500, 800600, 800700, 800800; Within Tract/BNA 801100: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016; Block group(s): 4; Tract/BNA(s): 801200; Within Tract/BNA 801300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1020; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014; Block group(s): 4; MCD/CCD(s): Northfield; Within the MCD/CCD of Palatine: Within Tract/BNA 803006: Within block group 3: Block(s): 3015; Tract/BNA(s): 803603; Within Tract/BNA 803607: Block groups: 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4014, 4015, 4016, 4017, 4018; Within Tract/BNA 803608: Block groups: 1; Within Tract/BNA 803610: Block groups: 1, 2; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4021, 4025; Within Tract/BNA 803700: Within block group 2: Block(s): 2018, 2019, 2020, 2021, 2022, 2023; Block group(s): 3; Within block group 4: Block(s): 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4023, 4024, 4025; Within block group 5: Block(s): 5000, 5001, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5028, 5029, 5030; Within Tract/BNA 803800: Within block group 3: Block(s): 3016, 3017, 3018, 3020, 3021, 3022, 3023, 3024; Within Tract/BNA 803901: Within block group 2: Block(s): 2069, 2070, 2071, 2072, 2073, 2074, 2075; Within Tract/BNA 803902: Within block group 2: Block(s): 2002, 2003, 2004, 2005; Within block group 3: Block(s): 3006, 3007; Within Tract/BNA 804000: Within block group 1: Block(s): 1013, 1014, 1015; Within block group 2: Block(s): 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2027, 2028; Within Tract/BNA 804102: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3998, 3999; Within Tract/BNA 804104: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1027, 1028, 1029; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3012; Within Tract/BNA 804105: Within block group 1: Block(s): 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1998, 1999; Block group(s): 2, 3, 4; Within Tract/BNA 804106: Within block group 1:

Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1027; Within block group 3: Block(s): 3000, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030; Within Tract/BNA 804107: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3007, 3008, 3009, 3012, 3013, 3042, 3043, 3046, 3047; MCD/CCD(s): Wheeling; Within the County of Lake: Within the MCD/CCD of Undefined: Within Tract/BNA 000000: Within block group 0: Block(s): 0994, 0995, 0996, 0997; Within the MCD/CCD of Libertyville: Tract/BNA(s): 861603, 863601, 863603, 863604, 863701, 863702, 863801, 863802, 863902, 863903, 863904; MCD/CCD(s): Moraine, Shields, Vernon; Within the MCD/CCD of Warren: Within Tract/BNA 861603: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1998, 1999; Within block group 2: Block(s): 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2999; Within Tract/BNA 861605: Within block group 1: Block(s): 1054, 1075, 1076, 1077, 1078; Within block group 2: Block(s): 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035; Within Tract/BNA 861607: Within block group 2: Block(s): 2018, 2019, 2021, 2022, 2023; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006; Within Tract/BNA 861608: Within block group 1: Block(s): 1000, 1001, 1003, 1004, 1005, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025; MCD/CCD(s): Waukegan, West Deerfield.

Congressional District No. 11 shall be comprised of the following units of census geography: Within the County of Bureau: MCD/CCD of: Arispie, Berlin, Bureau, Clarion, Concord, Dover; Within the MCD/CCD of Hall: Within Tract/BNA 965000: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2069, 2070, 2071, 2072, 2105; Within Tract/BNA 965100: Within block group 1: Block(s): 1000, 1001, 1002,

1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069; Block group(s): 2; Within block group 3: Block(s): 3007, 3008; Within Tract/BNA 965200: Within block group 4: Block(s): 4011, 4012; MCD/CCD(s): Indiantown, La Moille, Leepertown, Macon, Manlius, Mineral, Neponset, Ohio, Princeton, Selby, Walnut, Westfield, Wyanet; The County(s) of Grundy, Kankakee, La Salle; Within the County of Livingston: MCD/CCD of: Round Grove; Within the County of McLean: MCD/CCD of: Allin; Within the MCD/CCD of Bloomington: Tract/BNA(s): 000302, 001401, 001402, 002001; Within Tract/BNA 002002: Within block group 5: Block(s): 5005, 5006, 5015, 5016, 5019, 5022, 5023, 5024, 5026, 5027, 5028, 5029, 5030, 5034; Within Tract/BNA 002101: Within block group 1: Block(s): 1004, 1005, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1025, 1028, 1032, 1036, 1037, 1038, 1039, 1047, 1049, 1050, 1051; Within block group 2: Block(s): 2007, 2027, 2029, 2030, 2031, 2032, 2041, 2043, 2044; Within Tract/BNA 002102: Within block group 1: Block(s): 1026, 1027, 1028; Within the MCD/CCD of Bloomington City: Tract/BNA(s): 000301, 000302; Within Tract/BNA 001301: Block groups: 2; Within block group 3: Block(s): 3003, 3004, 3005, 3006, 3007, 3008, 3015, 3016, 3017; Tract/BNA(s): 001302, 001303, 001401, 001402, 001500, 001600; Within Tract/BNA 001700: Block groups: 1; Within block group 2: Block(s): 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019; Within block group 3: Block(s): 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021; Within Tract/BNA 001901: Within block group 3: Block(s): 3019; Tract/BNA(s): 002001; Within Tract/BNA 002002: Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5017, 5018, 5020, 5021, 5025, 5033; Within Tract/BNA 002101: Block groups: 1; Within block group 2: Block(s): 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2028, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054; Tract/BNA(s): 005201, 005301; MCD/CCD(s): Dale, Danvers, Downs, Dry Grove, Empire, Funks Grove, Gridley; Within the MCD/CCD of Hudson: Within Tract/BNA 005100: Within block group 4: Block(s): 4004, 4005, 4006, 4008, 4009, 4010, 4011, 4012, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049,

4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4986, 4987, 4988, 4989; Within block group 5: Block(s): 5000, 5001, 5063, 5064, 5065, 5066, 5067, 5068, 5069; MCD/CCD(s): Mount Hope; Within the MCD/CCD of Normal: Tract/BNA(s): 000102; Within Tract/BNA 000104: Block groups: 1; Within block group 2: Block(s): 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2026, 2072, 2073; Within Tract/BNA 000105: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045; Tract/BNA(s): 000200, 000301, 000302; Within Tract/BNA 000400: Within block group 1: Block(s): 1000, 1001, 1004, 1006, 1007, 1008, 1009, 1010; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043; Within block group 3: Block(s): 3000, 3001, 3003, 3004, 3005, 3006, 3007, 3008; Tract/BNA(s): 001401; MCD/CCD(s): Randolph, White Oak; Within the County of Will: MCD/CCD of: Channahon; Within the MCD/CCD of Crete: Tract/BNA(s): 883700; Within Tract/BNA 883803: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2022, 2023, 2024, 2025, 2026, 2027; Within Tract/BNA 883804: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1035, 1036, 1037, 1038; Tract/BNA(s): 883805, 883806, 883807; MCD/CCD(s): Custer, Florence, Frankfort, Green Garden, Jackson, Joliet, Manhattan; Within the MCD/CCD of Monee: Tract/BNA(s): 883602; Within Tract/BNA 883604: Within block group 1: Block(s): 1031, 1032, 1033, 1034, 1035, 1036, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1064, 1065, 1066, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079; MCD/CCD(s): New Lenox, Peotone; Within the MCD/CCD of Plainfield: Within Tract/BNA 880406: Block groups: 1, 2, 3; Within block group 4: Block(s): 4007, 4019, 4020, 4021, 4022, 4023, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4037, 4038, 4040, 4043, 4046, 4047, 4048, 4049, 4050, 4051; Tract/BNA(s): 880407; MCD/CCD(s): Reed, Troy, Washington, Wesley, Will, Wilmington, Wilton; Within the County of Woodford: MCD/CCD of: Kansas, Minonk, Panola.

Congressional District No. 12 shall be comprised of the following units of census geography: The County(s) of Alexander, Franklin, Jackson; Within the County of Madison: MCD/CCD of: Alton, Chouteau, Granite City, Nameoki, Venice, Wood River; The County(s) of Monroe, Perry, Pulaski, Randolph, St. Clair, Union; Within the County of Williamson: MCD/CCD of: Blairsville, Carterville,

Corinth, Crab Orchard; Within the MCD/CCD of Creal Springs: Within Tract/BNA 020800: Within block group 5: Block(s): 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5075, 5076, 5077, 5078, 5079, 5080, 5081, 5082, 5083, 5084, 5085, 5088, 5091, 5092, 5093, 5094, 5095, 5096, 5097, 5098, 5099, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5120, 5990, 5991, 5997, 5998; Tract/BNA(s): 021300; Within Tract/BNA 021400: Within block group 5: Block(s): 5000, 5001, 5093, 5094, 5095; MCD/CCD(s): East Marion, Grassy, Herrin, Lake Creek, Stonefort, West Marion.

Congressional District No. 13 shall be comprised of the following units of census geography: Within the County of Cook: MCD/CCD of: Lemont; Within the MCD/CCD of Lyons: Tract/BNA(s): 820000; Within Tract/BNA 820101: Block groups: 3, 4; Within the MCD/CCD of Orland: Tract/BNA(s): 824104; Within Tract/BNA 824105: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1043, 1044, 1045, 1046; Within Tract/BNA 824106: Within block group 2: Block(s): 2011, 2012; Within Tract/BNA 824108: Within block group 1: Block(s): 1010, 1013, 1014, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080; Block group(s): 2; Within Tract/BNA 824109: Within block group 1: Block(s): 1025, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145; Within Tract/BNA 824110: Within block group 3: Block(s): 3004, 3006, 3007, 3008; Within block group 4: Block(s): 4003, 4004, 4005; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026,

5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5998, 5999; Tract/BNA(s): 824111; Within Tract/BNA 824112: Block groups: 1, 2, 3, 4, 5; Within block group 6: Block(s): 6014, 6015, 6017, 6028, 6029; Within block group 7: Block(s): 7013, 7014, 7015, 7016, 7017, 7018; Tract/BNA(s): 825301, 825400; Within the MCD/CCD of Palos: Within Tract/BNA 823801: Block groups: 1; Within block group 2: Block(s): 2026, 2027, 2029, 2030, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2991, 2992, 2993; Within Tract/BNA 823901: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066; Within block group 2: Block(s): 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2992; Within Tract/BNA 823903: Within block group 1: Block(s): 1011, 1015, 1016, 1017, 1018, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2033; Within block group 3: Block(s): 3001, 3002, 3006, 3007, 3008, 3014, 3015, 3016, 3017; Within block group 4: Block(s): 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015; Within the County of DuPage: MCD/CCD of: Downers Grove, Lisle, Naperville; Within the MCD/CCD of Winfield: Within Tract/BNA 841602: Within block group 1: Block(s): 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1997, 1998, 1999; Block group(s): 2, 3; Within block group 4: Block(s): 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4029, 4030, 4031, 4032, 4033, 4034, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046; Within Tract/BNA 841603: Within block group 1: Block(s): 1034, 1037; Within block group 2: Block(s): 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2058, 2059, 2060, 2990; Within the MCD/CCD of York: Within Tract/BNA 844402: Within block group 1: Block(s): 1014, 1016, 1017, 1018, 1025, 1026; Within block

group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018; Within Tract/BNA 844500: Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029; Block group(s): 4, 5; Within Tract/BNA 844601: Within block group 2: Block(s): 2017, 2018, 2022, 2023, 2029, 2030, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2998, 2999; Within Tract/BNA 844602: Within block group 2: Block(s): 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031; Within the County of Will: MCD/CCD of: Du Page, Homer, Lockport; Within the MCD/CCD of Plainfield: Tract/BNA(s): 880404, 880405; Within Tract/BNA 880406: Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4024, 4025, 4033, 4034, 4035, 4036, 4039, 4041, 4042, 4044, 4045; MCD/CCD(s): Wheatland.

Congressional District No. 14 shall be comprised of the following units of census geography: Within the County of Bureau: MCD/CCD of: Fairfield, Gold, Greenville; Within the County of DeKalb: MCD/CCD of: Afton, Clinton, Cortland, DeKalb, Milan, Paw Paw, Pierce, Sandwich, Shabbona, Somonauk, Squaw Grove; Within the MCD/CCD of Sycamore: Within Tract/BNA 000400: Within block group 1: Block(s): 1028, 1029, 1030, 1031, 1032, 1037, 1038, 1039, 1040, 1041, 1044, 1045, 1051, 1053, 1054, 1056, 1057, 1058; Within block group 2: Block(s): 2061, 2062, 2079, 2080, 2081, 2082; Within Tract/BNA 000500: Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2036, 2037, 2038, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051; Tract/BNA(s): 000600, 000700; MCD/CCD(s): Victor; Within the County of DuPage: Within the MCD/CCD of Wayne: Tract/BNA(s): 841301; Within Tract/BNA 841302: Within block group 1: Block(s): 1015, 1017, 1018; Block group(s): 2; Within Tract/BNA 841305: Block groups: 1; Within block group 2: Block(s): 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2048, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2066, 2067, 2068, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087; Block group(s): 3; Within the MCD/CCD of Winfield: Within Tract/BNA 841401:

Within block group 1: Block(s): 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1050; Within block group 2: Block(s): 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2024, 2025, 2041; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042; Within Tract/BNA 841402: Within block group 5: Block(s): 5008; Tract/BNA(s): 841501, 841502, 841601; Within Tract/BNA 841602: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4035; Within Tract/BNA 841603: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2988, 2989, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999; Within the County of Henry: MCD/CCD of: Alba, Annawan, Atkinson, Burns, Cambridge, Cornwall, Edford, Geneseo, Hanna, Loraine, Munson, Osco, Phenix, Western, Yorktown; The County(s) of Kane, Kendall, Lee; Within the County of Whiteside: Within the MCD/CCD of Coloma: Within Tract/BNA 001400: Within block group 1: Block(s): 1009, 1010, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043; Within block group 2: Block(s): 2002, 2003, 2004, 2005, 2009, 2010, 2011, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2999; Within Tract/BNA 001700: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1989, 1996; Within block group 2: Block(s): 2012, 2013, 2014, 2016,

2017, 2018, 2019, 2020, 2021, 2022, 2023, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035; Within block group 3: Block(s): 3009, 3010, 3019, 3020, 3021, 3022, 3023, 3024, 3033, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049; Tract/BNA(s): 001800; MCD/CCD(s): Hahnman, Hume, Montmorency, Portland, Prophetstown, Tampico.

Congressional District No. 15 shall be comprised of the following units of census geography: The County(s) of Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar; Within the County of Edwards: MCD/CCD of: French Creek; The County(s) of Ford; Within the County of Gallatin: MCD/CCD of: Asbury, New Haven, Omaha; The County(s) of Iroquois; Within the County of Lawrence: MCD/CCD of: Allison, Bond, Denison; Within the MCD/CCD of Lawrence: Within Tract/BNA 980700: Block groups: 1; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4015, 4016, 4017, 4018, 4019, 4020, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4053, 4054, 4056, 4057, 4058, 4074, 4075; Within Tract/BNA 980800: Within block group 4: Block(s): 4009, 4011, 4012; Tract/BNA(s): 981000; Within Tract/BNA 981100: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3028, 3029, 3030, 3031; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4040, 4041, 4045, 4070, 4074, 4075, 4079, 4082, 4083, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4099, 4100, 4101, 4102; MCD/CCD(s): Russell; Within the County of Livingston: MCD/CCD of: Amity, Avoca, Belle Prairie, Broughton, Charlotte, Chatsworth, Dwight, Eppards Point, Esmen, Fayette, Forrest, Germanville, Indian Grove, Long Point, Nebraska, Nevada, Newtown, Odell, Owego, Pike, Pleasant Ridge, Pontiac, Reading, Rooks Creek, Saunemin, Sullivan, Sunbury, Union, Waldo; Within the County of McLean: MCD/CCD of: Anchor, Arrowsmith, Bellflower; Within the MCD/CCD of Bloomington: Tract/BNA(s): 001103, 001104, 001901; Within Tract/BNA 002002: Within block group 5: Block(s): 5035; Within Tract/BNA 002101: Within block group 1: Block(s): 1033, 1034, 1035, 1065, 1066; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2042, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064; Within Tract/BNA 002102: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023,

1024, 1025, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079; Within the MCD/CCD of Bloomington City: Tract/BNA(s): 000504, 000505, 001101, 001103, 001104, 001200; Within Tract/BNA 001301: Block groups: 1; Within block group 3: Block(s): 3000, 3001, 3002, 3009, 3010, 3011, 3012, 3013, 3014; Within Tract/BNA 001700: Within block group 2: Block(s): 2000, 2001, 2002; Within block group 3: Block(s): 3000, 3001, 3022, 3023, 3024; Tract/BNA(s): 001800; Within Tract/BNA 001901: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3038, 3039, 3040, 3041, 3042; Tract/BNA(s): 001902; Within Tract/BNA 002002: Within block group 5: Block(s): 5031, 5032; Within Tract/BNA 002101: Within block group 2: Block(s): 2065, 2066; Tract/BNA(s): 005100, 005400; MCD/CCD(s): Blue Mound, Cheney's Grove, Chenoa, Cropsey, Dawson; Within the MCD/CCD of Hudson: Within Tract/BNA 005100: Block groups: 3; Within block group 4: Block(s): 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4076, 4077, 4078, 4079, 4083, 4084, 4085, 4086, 4087, 4090, 4091, 4092, 4093, 4095, 4096, 4097, 4098, 4992, 4993, 4997; Within block group 5: Block(s): 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5070, 5071, 5072, 5073; MCD/CCD(s): Lawndale, Lexington, Martin, Money Creek; Within the MCD/CCD of Normal: Within Tract/BNA 000104: Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2024, 2025, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084; Within Tract/BNA 000105: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1046; Within Tract/BNA 000400: Within block group 1: Block(s): 1002, 1003, 1005; Within block group 2: Block(s): 2000, 2008, 2009, 2010, 2011, 2012, 2013,

2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032; Within block group 3: Block(s): 3002; Tract/BNA(s): 000501, 000502, 000504, 000505, 001101, 001200; MCD/CCD(s): Oldtown, Towanda, West, Yates; Within the County of Macon: Within the MCD/CCD of Decatur: Within Tract/BNA 000300: Within block group 4: Block(s): 4009, 4010; Within block group 5: Block(s): 5021, 5022, 5023, 5024; Within Tract/BNA 001200: Within block group 1: Block(s): 1020, 1021, 1022, 1023, 1024, 1025, 1027, 1028, 1029, 1030, 1994; Within Tract/BNA 001300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1998; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2010, 2011, 2017, 2018, 2019, 2020, 2024, 2025, 2026, 2027; 2028, 2029, 2030, 2998; Within Tract/BNA 001400: Within block group 1: Block(s): 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013; Tract/BNA(s): 002300; Within Tract/BNA 002401: Within block group 1: Block(s): 1001, 1002, 1014, 1015, 1016, 1018, 1019, 1025, 1026, 1995; Within Tract/BNA 002601: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010; Within block group 3: Block(s): 3008, 3009, 3995; Within the MCD/CCD of Long Creek: Within Tract/BNA 002300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1074, 1075, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1174, 1175, 1176, 1177, 1178, 1179; Within Tract/BNA 002401: Within block group 1: Block(s): 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1017, 1020, 1021, 1022, 1023, 1024, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1994; Within Tract/BNA 002402: Within block group 1: Block(s): 1009, 1010, 1011, 1013, 1014, 1996; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008; Within block group 3: Block(s): 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3033, 3034, 3035, 3036, 3997; MCD/CCD(s): Milam; Within the MCD/CCD of Mount Zion: Within Tract/BNA 002500: Within block group 1: Block(s): 1000, 1001, 1002, 1006, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019; 1020, 1021, 1022, 1023, 1024; Block group(s): 2; Within block group 3:

Block(s): 3000, 3001, 3002, 3003, 3034, 3035, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3073, 3074, 3077; MCD/CCD(s): South Macon; Within the MCD/CCD of South Wheatland: Within Tract/BNA 002601: Within block group 3: Block(s): 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3044, 3078, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3128, 3129, 3144, 3145, 3147, 3148, 3149, 3150, 3151, 3152, 3992, 3993, 3994; Within Tract/BNA 002602: Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3038, 3039, 3040, 3044, 3045, 3046, 3047, 3048, 3049; The County(s) of Moultrie, Piatt; Within the County of Saline: MCD/CCD of: East Eldorado, Rector; The County(s) of Vermilion; Within the County of Wabash: MCD/CCD of: Coffee, Compton, Mount Carmel, Wabash; Within the County of White: MCD/CCD of: Emma, Gray, Hawthorne, Heralds Prairie, Phillips.

Congressional District No. 16 shall be comprised of the following units of census geography: The County(s) of Boone, Carroll; Within the County of DeKalb: MCD/CCD of: Franklin, Genoa, Kingston, Malta, Mayfield, South Grove; Within the MCD/CCD of Sycamore: Within Tract/BNA 000400: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1033, 1034, 1035, 1036, 1042, 1043, 1046, 1047, 1048, 1049, 1050, 1052, 1055, 1067, 1068, 1072; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2024, 2025, 2026, 2027, 2028, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2051, 2052, 2053, 2054, 2056, 2057, 2058, 2059, 2060, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078; Within Tract/BNA 000500: Within block group 2: Block(s): 2014, 2017; The County(s) of Jo Davies; Within the County of McHenry: MCD/CCD of: Alden, Algonquin, Chemung, Coral, Dunham, Grafton, Hartland, Marengo; Within the MCD/CCD of Nunda: Within Tract/BNA 870803: Within block group 2: Block(s): 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025; Within block group 3: Block(s): 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046; Tract/BNA(s): 870807;

Within Tract/BNA 870808: Within block group 1: Block(s): 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057; Block group(s): 2; Within Tract/BNA 870809: Within block group 2: Block(s): 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062; Within Tract/BNA 870810: Block groups: 3; Within Tract/BNA 870812: Block groups: 3; Tract/BNA(s): 870902; MCD/CCD(s): Riley, Seneca; The County(s) of Ogle, Stephenson; Within the County of Whiteside: MCD/CCD of Clyde; Within the MCD/CCD of Coloma: Within Tract/BNA 001400: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1999; Within block group 2: Block(s): 2000, 2001, 2006, 2007, 2008, 2012, 2013, 2014, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2998; MCD/CCD(s): Fulton, Garden Plain, Genesee, Jordan, Mount Pleasant, Newton; Within the MCD/CCD of Sterling: Within Tract/BNA 000900: Within block group 2: Block(s): 2004, 2005, 2006, 2007, 2008, 2009, 2063, 2064, 2065; Within block group 3: Block(s): 3000, 3001, 3002, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3055; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4045, 4046, 4047, 4048, 4049, 4998, 4999; Within Tract/BNA 001200: Within block group 1: Block(s): 1000, 1009, 1010, 1011, 1012; Within block group 3: Block(s): 3998; Within Tract/BNA 001300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023; Block group(s): 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3021, 3022, 3023, 3024, 3025, 3026, 3043, 3044, 3045; MCD/CCD(s): Union Grove, Ustick; The County(s) of Winnebago.

Congressional District No. 17 shall be comprised of the following units of census geography: Within the County of Adams: MCD/CCD of: Ellington, Fall Creek, Lima, Melrose, Mendon, Quincy, Riverside, Ursa; The County(s) of Calhoun; Within the County

of Christian: MCD/CCD of: Pana; Within the County of Fayette: MCD/CCD of: Hurricane, Ramsey, South Hurricane; The County(s) of Fulton; Within the County of Greene: MCD/CCD of: Athensville, Bluffdale, Patterson, Roodhouse, Rubicon, Walkerville, White Hall, Woodville, Wrights; The County(s) of Hancock, Henderson; Within the County of Henry: MCD/CCD of: Andover, Clover, Colona, Galva, Kewanee, Lynn, Oxford, Weller, Wethersfield; Within the County of Jersey: MCD/CCD of: English, Otter Creek, Quarry, Richwood, Rosedale; Within the County of Knox: MCD/CCD of: Cedar, Chestnut, Elba, Galesburg, Galesburg City, Haw Creek, Henderson, Indian Point, Knox, Orange, Rio, Sparta; The County(s) of McDonough; Within the County of Macon: MCD/CCD of: Blue Mound; Within the MCD/CCD of Decatur: Tract/BNA(s): 000100, 000200; Within Tract/BNA 000300: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4011, 4012, 4013; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5025, 5026, 5027, 5028, 5999; Tract/BNA(s): 000400, 000500, 000600, 000700, 000800, 000900, 001000, 001100; Within Tract/BNA 001200: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1026, 1031, 1993, 1995, 1996, 1998, 1999; Block group(s): 2, 3; Within Tract/BNA 001300: Within block group 1: Block(s): 1007, 1009, 1010, 1011; Within block group 2: Block(s): 2007, 2008, 2009, 2012, 2013, 2014, 2015, 2016, 2021, 2022, 2023; Within Tract/BNA 001400: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1014, 1015, 1016, 1017, 1018, 1997, 1998, 1999; Block group(s): 2; Tract/BNA(s): 001500, 001600, 001700; Within Tract/BNA 001802: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2028, 2029, 2030, 2031, 2032, 2033, 2034; Tract/BNA(s): 001900, 002000, 002100; Within Tract/BNA 002401: Within block group 1: Block(s): 1028, 1997, 1999; Tract/BNA(s): 002402; Within Tract/BNA 002601: Within block group 1: Block(s): 1998, 1999; Within block group 3: Block(s): 3026, 3997, 3999; MCD/CCD(s): Harristown; Within the MCD/CCD of Hickory Point: Within Tract/BNA 002903: Within block group 1: Block(s): 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068; Within the MCD/CCD of Long Creek: Tract/BNA(s): 001100, 001200; Within Tract/BNA 002300: Within block group 1: Block(s): 1067, 1068, 1069, 1070,

1071, 1072, 1073, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1114, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1173, 1999; Within Tract/BNA 002401: Within block group 1: Block(s): 1027, 1996, 1998; Within Tract/BNA 002402: Within block group 1: Block(s): 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1012, 1997; Within block group 2: Block(s): 2000, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3029, 3030, 3031, 3032, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3998, 3999; Block group(s): 4; Within the MCD/CCD of Mount Zion: Within Tract/BNA 002500: Within block group 1: Block(s): 1003, 1004, 1005, 1007, 1008, 1009, 1010; Within block group 3: Block(s): 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3036, 3037, 3072, 3075, 3076; Within the MCD/CCD of Niantic: Within Tract/BNA 002800: Within block group 2: Block(s): 2054, 2055, 2060, 2061, 2062, 2063, 2064, 2065, 2081, 2082, 2083, 2084, 2085, 2086, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2110, 2111, 2994, 2995; Within block group 3: Block(s): 3005, 3006, 3007, 3028, 3029; MCD/CCD(s): Pleasant View; Within the MCD/CCD of South Wheatland: Tract/BNA(s): 001200, 001300; Within Tract/BNA 002601: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3022, 3023, 3024, 3025, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3079, 3092, 3110, 3111, 3112, 3113, 3114, 3122, 3123, 3124, 3125, 3126, 3127, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3146, 3996, 3998; Within Tract/BNA 002602: Within block group 3: Block(s): 3014, 3015, 3016, 3017, 3018; The County(s) of Macoupin; Within the County of Madison: MCD/CCD of: Olive; The County(s) of Mercer; Within the County of Montgomery: MCD/CCD of: East Fork, Fillmore, Grisham, Hillsboro; Within the MCD/CCD of North Litchfield: Within Tract/BNA 957600: Block groups: 3; Tract/BNA(s): 957800; MCD/CCD(s): South Fillmore, South Litchfield, Walshville, Witt; Within the County of Pike:

MCD/CCD of: Atlas, Cincinnati, Kinderhook, Levee, Pearl, Pleasant Hill, Pleasant Vale, Ross, Spring Creek; The County(s) of Rock Island; Within the County of Sangamon: Within the MCD/CCD of Auburn: Within Tract/BNA 003400: Within block group 4: Block(s): 4004, 4005, 4006, 4007, 4008, 4011, 4012, 4013, 4014, 4015, 4022, 4023, 4024, 4070, 4071, 4072, 4073, 4074; Within the MCD/CCD of Capital: Within Tract/BNA 000300: Within block group 1: Block(s): 1009, 1010, 1011, 1012, 1013, 1017, 1018, 1019, 1020, 1024; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2030; Within block group 3: Block(s): 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3024, 3026, 3027; Within Tract/BNA 000400: Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016; Within Tract/BNA 000503: Within block group 2: Block(s): 2012, 2013; Block group(s): 3; Within block group 4: Block(s): 4009; Within block group 5: Block(s): 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027; Within Tract/BNA 000600: Within block group 2: Block(s): 2003, 2004, 2005, 2006, 2008, 2011, 2012, 2015, 2017, 2018, 2020, 2021, 2022, 2023, 2024, 2025, 2027, 2028, 2029, 2030, 2031, 2033, 2034; Within block group 3: Block(s): 3009, 3016, 3026, 3027, 3028, 3029; Block group(s): 4, 5, 6; Tract/BNA(s): 000700; Within Tract/BNA 000800: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027; Block group(s): 2; Within block group 3: Block(s): 3000, 3001; Within Tract/BNA 000900: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1033, 1035; Block group(s): 2; Within Tract/BNA 001100: Within block group 2: Block(s): 2012, 2013, 2015, 2016; Within Tract/BNA 001200: Within block group 3: Block(s): 3007, 3008; Within Tract/BNA 001500: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052; Within Tract/BNA 001600: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027; Block group(s): 4; Within Tract/BNA 001700: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023,

1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034; Block group(s): 2; Within Tract/BNA 001800: Within block group 1: Block(s): 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1040; Within block group 2: Block(s): 2000, 2025; Within Tract/BNA 001900: Within block group 1: Block(s): 1010, 1011; Within block group 2: Block(s): 2013, 2014, 2015, 2016, 2017, 2018; Within Tract/BNA 002000: Within block group 2: Block(s): 2025; Within Tract/BNA 002100: Within block group 1: Block(s): 1033; Within Tract/BNA 002300: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020; Within Tract/BNA 002400: Block groups: 1, 2; Within block group 3: Block(s): 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3050, 3052, 3054; Block group(s): 4; Within Tract/BNA 002500: Within block group 1: Block(s): 1001, 1002, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014; Block group(s): 6; Within Tract/BNA 002600: Within block group 1: Block(s): 1001, 1002, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030; Within block group 2: Block(s): 2000, 2001, 2010, 2011; Within block group 3: Block(s): 3000, 3009; Within Tract/BNA 002700: Within block group 1: Block(s): 1014; Within Tract/BNA 002802: Within block group 1: Block(s): 1004; Within block group 2: Block(s): 2010, 2011, 2013, 2014, 2019, 2027, 2028, 2033; Block group(s): 3; Within Tract/BNA 002900: Within block group 1: Block(s): 1000, 1025; Within block group 2: Block(s): 2001, 2003, 2004, 2005; Within Tract/BNA 003000: Within block group 4: Block(s): 4058, 4059; Within Tract/BNA 003201: Within block group 1: Block(s): 1002, 1003, 1004, 1997, 1998; Within Tract/BNA 003603: Within block group 2: Block(s): 2042, 2043, 2048, 2049, 2051, 2053, 2054, 2055, 2056, 2059, 2060, 2061; Within Tract/BNA 003801: Block groups: 2; Tract/BNA(s): 003902; Within the MCD/CCD of Chatham: Within Tract/BNA 003202: Within block group 1: Block(s): 1007, 1008; Within block group 3: Block(s): 3002, 3003, 3004, 3005, 3006, 3007, 3012, 3013, 3015, 3016, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3032, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058; Within Tract/BNA 003400: Within block group 3: Block(s): 3004; Block group(s): 4; Tract/BNA(s): 003603; Within the MCD/CCD of Clear Lake: Within Tract/BNA 003801: Within block group 2: Block(s): 2003, 2004, 2005, 2008, 2009, 2010, 2011, 2012, 2013, 2020, 2021, 2022, 2023, 2024, 2030, 2034, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998; Block group(s): 3; Within Tract/BNA 003802: Within block group 4: Block(s): 4002, 4003, 4004, 4007, 4008, 4009, 4010, 4011, 4012, 4014, 4015, 4016, 4017, 4018, 4023, 4024, 4025, 4026, 4027, 4028,

4029, 4030, 4031, 4032, 4037, 4038, 4039, 4040, 4991, 4992, 4993, 4994, 4995, 4996, 4997, 4998, 4999; Within block group 5: Block(s): 5069; Within Tract/BNA 003902: Within block group 1: Block(s): 1001, 1002, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1995, 1996; Within block group 3: Block(s): 3010, 3011; Within the MCD/CCD of Curran: Tract/BNA(s): 003202; Within Tract/BNA 003603: Within block group 2: Block(s): 2050, 2052, 2062, 2063, 2067, 2068, 2069, 2070, 2071, 2072, 2073; Within block group 3: Block(s): 3024, 3025, 3026, 3027, 3028, 3029; Within the MCD/CCD of Illiopolis: Within Tract/BNA 004000: Within block group 2: Block(s): 2024, 2025, 2026, 2027, 2028, 2029, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2071, 2072, 2073, 2074, 2075, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2096, 2097, 2100; Within the MCD/CCD of Lanesville: Within Tract/BNA 004000: Within block group 2: Block(s): 2066, 2070, 2076, 2077, 2098, 2099; Within block group 3: Block(s): 3091, 3092, 3093, 3098, 3099, 3100; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5027, 5028, 5029, 5030, 5031, 5032, 5079; Within the MCD/CCD of Mechanicsburg: Within Tract/BNA 003802: Block groups: 4; Within Tract/BNA 004000: Within block group 3: Block(s): 3074, 3075, 3076, 3077, 3078; Within block group 4: Block(s): 4000, 4007, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4061, 4062; Within block group 5: Block(s): 5007, 5021, 5022, 5023, 5024, 5025, 5026, 5033, 5034, 5035, 5036; Within the MCD/CCD of Springfield: Within Tract/BNA 000600: Block groups: 2; Within block group 3: Block(s): 3010, 3013, 3014, 3015, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025; Block group(s): 4, 5, 6; Within Tract/BNA 000700: Within block group 1: Block(s): 1004, 1005, 1006, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1034, 1035; Tract/BNA(s): 001600, 002400, 003902; Within the MCD/CCD of Woodside: Within Tract/BNA 000600: Within block group 6: Block(s): 6011; Within Tract/BNA 001600: Within block group 3: Block(s): 3028; Within Tract/BNA 002000: Within block group 2: Block(s): 2026; Within Tract/BNA 002100: Within block group 1: Block(s): 1003, 1016, 1017, 1034, 1037; Within Tract/BNA 002400: Block groups: 2; Within block group 3: Block(s): 3003, 3004, 3049, 3051, 3053; Block group(s): 4; Within Tract/BNA 002500: Within block group 1: Block(s): 1000, 1003, 1004; Within Tract/BNA 002600: Within block group 1: Block(s): 1000; Within Tract/BNA 002700: Within block group 1: Block(s): 1000; Within

Tract/BNA 002801: Within block group 3: Block(s): 3011, 3012, 3022, 3023, 3024; Within Tract/BNA 002802: Within block group 2: Block(s): 2009, 2012, 2015, 2018, 2026, 2029, 2030, 2031, 2032, 2034; Within Tract/BNA 002900: Block groups: 1, 2; Within Tract/BNA 003000: Within block group 4: Block(s): 4057, 4060, 4061; Within Tract/BNA 003201: Within block group 1: Block(s): 1001, 1005; Within Tract/BNA 003603: Within block group 2: Block(s): 2038, 2040, 2041; Within the County of Shelby: MCD/CCD of: Cold Spring, Herrick, Oconee; The County(s) of Warren; Within the County of Whiteside: MCD/CCD of: Albany; Within the MCD/CCD of Coloma: Tract/BNA(s): 001500, 001600; Within Tract/BNA 001700: Within block group 1: Block(s): 1006, 1007, 1014, 1015, 1016, 1017, 1037, 1038, 1039, 1997, 1998, 1999; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2015, 2024, 2025; Within block group 3: Block(s): 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3034, 3035, 3036; MCD/CCD(s): Erie, Fenton, Hopkins, Lyndon; Within the MCD/CCD of Sterling: Tract/BNA(s): 000100; Within Tract/BNA 000900: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2010, 2011, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057; Within block group 3: Block(s): 3054; Within block group 4: Block(s): 4043, 4044, 4997; Tract/BNA(s): 001000, 001100; Within Tract/BNA 001200: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1013, 1014, 1015, 1016, 1017, 1018; Block group(s): 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3996, 3997, 3999; Block group(s): 4; Within Tract/BNA 001300: Within block group 1: Block(s): 1006, 1021, 1022, 1024, 1025, 1026, 1027; Within block group 3: Block(s): 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042.

Congressional District No. 18 shall be comprised of the following units of census geography: Within the County of Adams: MCD/CCD of: Beverly, Burton, Camp Point, Clayton, Columbus, Concord, Gilmer, Honey Creek, Houston, Keene, Liberty, McKee, Northeast, Payson, Richfield; The County(s) of Brown; Within the County of Bureau: Within the MCD/CCD of Hall: Within Tract/BNA 965000: Within block group 2: Block(s): 2065, 2066, 2067, 2068, 2106, 2113, 2114, 2999; Within Tract/BNA

965100: Within block group 1: Block(s): 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092; Within Tract/BNA 965200: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4998, 4999; MCD/CCD(s): Milo, Wheatland; The County(s) of Cass; Within the County of Knox: MCD/CCD of: Copley, Lynn, Maquon, Ontario, Persifer, Salem, Truro, Victoria, Walnut Grove; The County(s) of Logan; Within the County of Macon: MCD/CCD of: Austin; Within the MCD/CCD of Decatur: Tract/BNA(s): 001801; Within Tract/BNA 001802: Within block group 1: Block(s): 1006, 1007, 1008, 1009; Within block group 2: Block(s): 2005, 2008, 2009, 2026, 2027; MCD/CCD(s): Friends Creek; Within the MCD/CCD of Hickory Point: Tract/BNA(s): 002901, 002902; Within Tract/BNA 002903: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1044, 1045, 1046, 1047, 1048, 1049, 1069; Tract/BNA(s): 002904; MCD/CCD(s): Illini, Maroa; Within the MCD/CCD of Niantic: Within Tract/BNA 002800: Within block group 2: Block(s): 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027; MCD/CCD(s): Oakley, Whitmore; The County(s) of Marshall, Mason, Menard, Morgan, Peoria; Within the County of Pike: MCD/CCD of: Barry, Chambersburg, Derry, Detroit, Fairmount, Flint, Griggsville, Hadley, Hardin, Martinsburg, Montezuma, Newburg, New Salem, Perry, Pittsfield; The County(s) of Putnam; Within the County of Sangamon: MCD/CCD of: Buffalo Hart; Within the MCD/CCD of Capital: Tract/BNA(s): 000100, 000201, 000202; Within Tract/BNA 000300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1014, 1015, 1016, 1021, 1022, 1023; Within block group 2: Block(s):

2008, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040; Within block group 3: Block(s): 3003, 3004, 3008, 3009, 3012, 3023, 3025, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041; Within Tract/BNA 000400: Block groups: 1, 2, 3; Within block group 4: Block(s): 4004, 4005, 4006, 4007; Tract/BNA(s): 000501; Within Tract/BNA 000503: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4010, 4011, 4012, 4013, 4014; Within block group 5: Block(s): 5000; Tract/BNA(s): 000504; Within Tract/BNA 000600: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002; Within block group 3: Block(s): 3008; Within Tract/BNA 000800: Within block group 1: Block(s): 1028; Within block group 3: Block(s): 3002, 3003; Within Tract/BNA 000900: Within block group 1: Block(s): 1028, 1029, 1030, 1031, 1032, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1042; Tract/BNA(s): 001001, 001002; Within Tract/BNA 001100: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2014; Block group(s): 3; Within Tract/BNA 001200: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3009, 3010, 3011; Tract/BNA(s): 001300, 001400; Within Tract/BNA 001500: Within block group 1: Block(s): 1013, 1014, 1015, 1016, 1040, 1041, 1042, 1053, 1054; Within Tract/BNA 001700: Within block group 1: Block(s): 1004; Within Tract/BNA 001800: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021; Within Tract/BNA 001900: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2019; Within Tract/BNA 002000: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2029, 2030, 2031, 2032, 2033, 2034, 2035; Block group(s): 3, 4; Within Tract/BNA 002900: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1027, 1028; Within block group 2: Block(s): 2002, 2006, 2007, 2008, 2009, 2010, 2011; Block group(s): 3, 4; Tract/BNA(s): 003602; Within Tract/BNA 003603: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2016, 2017, 2019, 2022, 2023, 2029, 2030, 2033, 2034, 2035, 2036, 2037, 2045, 2047, 2074, 2075, 2076; Tract/BNA(s): 003604, 003700; Within Tract/BNA 003801: Block groups: 1; MCD/CCD(s): Cartwright; Within the MCD/CCD of Chatham: Within Tract/BNA 003202: Within block group 3: Block(s): 3017, 3018, 3019, 3020; Within the MCD/CCD of Clear Lake: Tract/BNA(s): 000100, 000501, 000600, 003700; Within Tract/BNA 003801: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2006, 2007, 2014, 2015, 2016, 2017, 2018, 2019, 2031, 2032, 2033, 2999; Within Tract/BNA 003802: Block groups: 1, 2, 3; Within block group 4: Block(s): 4005, 4006, 4013; Within block group 5: Block(s): 5001, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068; Within the MCD/CCD of Curran: Tract/BNA(s): 002000, 002900, 003601; Within Tract/BNA 003603: Block groups: 1; Within block group 2: Block(s): 2009, 2013, 2014, 2015, 2018, 2020, 2021, 2024, 2025, 2026, 2027, 2028, 2031, 2032, 2044, 2046, 2057, 2058, 2064, 2065, 2066, 2999; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3030; Tract/BNA(s): 003604; MCD/CCD(s): Fancy Creek, Gardner; Within the MCD/CCD of Illiopolis: Within Tract/BNA 004000: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2030, 2031, 2032, 2041, 2042, 2043, 2044, 2045; MCD/CCD(s): Island Grove; Within the MCD/CCD of Lanesville: Within Tract/BNA 004000: Within block group 2: Block(s): 2007, 2008, 2009, 2010, 2067, 2068, 2069; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3034, 3035, 3094, 3095, 3096, 3097; MCD/CCD(s): Loami, Maxwell; Within the MCD/CCD of Mechanicsburg: Within Tract/BNA 003802: Block groups: 5; Within Tract/BNA 004000: Within block group 3: Block(s): 3038, 3039, 3040, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3101, 3102, 3103; Within block group 4: Block(s): 4001, 4002, 4003, 4004, 4005, 4006, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019; MCD/CCD(s): New Berlin; Within the MCD/CCD of Springfield: Tract/BNA(s): 000100, 000201, 000202, 000300, 000400, 000501, 000504; Within Tract/BNA 000600: Block groups: 1; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3011, 3012; Within Tract/BNA 000700: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1007, 1008, 1009, 1010, 1011, 1012; Tract/BNA(s): 001001, 003601, 003602, 003700; MCD/CCD(s): Talkington, Williams; Within

the MCD/CCD of Woodside: Within Tract/BNA 002000: Within block group 2: Block(s): 2009, 2027, 2028; Block group(s): 3; Within Tract/BNA 002900: Block groups: 4; Within Tract/BNA 003603: Within block group 2: Block(s): 2039; The County(s) of Schuyler, Scott, Stark, Tazewell; Within the County of Woodford: MCD/CCD of: Cazenovia, Clayton, Cruger, El Paso, Greene, Linn, Metamora, Montgomery, Olio, Palestine, Partridge, Roanoke, Spring Bay, Worth.

Congressional District No. 19 shall be comprised of the following units of census geography: The County(s) of Bond; Within the County of Christian: MCD/CCD of: Assumption, Bear Creek, Buckhart, Greenwood, Johnson, King, Locust, May, Mosquito, Mount Auburn, Prairieton, Ricks, Rosamond, South Fork, Stonington, Taylorville; The County(s) of Clay, Clinton; Within the County of Edwards: MCD/CCD of: Albion No. 1, Albion No. 2, Albion No. 3, Bone Gap, Browns, Dixon, Ellery, Salem No. 1, Salem No. 2, Shelby No. 1, Shelby No. 2; The County(s) of Effingham; Within the County of Fayette: MCD/CCD of: Avena, Bear Grove, Bowling Green, Carson, Kaskaskia, La Clede, Lone Grove, Loudon, Otego, Pope, Sefton, Seminary, Shafter, Sharon, Vandalia, Wheatland, Wilberton; Within the County of Gallatin: MCD/CCD of: Bowlesville, Eagle Creek, Equality, Gold Hill, North Fork, Ridgway, Shawnee; Within the County of Greene: MCD/CCD of: Carrollton, Kane, Linder, Rockbridge; The County(s) of Hamilton, Hardin, Jasper, Jefferson; Within the County of Jersey: MCD/CCD of: Elsay, Fidelity, Jersey, Mississippi, Piasa, Ruyle; The County(s) of Johnson; Within the County of Lawrence: MCD/CCD of: Bridgeport, Christy; Within the MCD/CCD of Lawrence: Within Tract/BNA 980700: Within block group 4: Block(s): 4013, 4014, 4050, 4051, 4052, 4055, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073; Within Tract/BNA 980800: Block groups: 3; Within block group 4: Block(s): 4035, 4036, 4037, 4038, 4039, 4045, 4046; Tract/BNA(s): 980900; Within Tract/BNA 981100: Within block group 3: Block(s): 3026, 3027; Within block group 4: Block(s): 4036, 4037, 4038, 4039, 4042, 4043, 4044, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4071, 4072, 4073, 4076, 4077, 4078, 4080, 4081, 4084, 4085; MCD/CCD(s): Lukin, Petty; Within the County of Madison: MCD/CCD of: Alhambra, Collinsville, Edwardsville, Fort Russell, Foster, Godfrey, Hamel, Helvetia, Jarvis, Leef, Marine, Moro, New Douglas, Omphgent, Pin Oak, St. Jacob, Saline; The County(s) of Marion, Massac; Within the County of Montgomery: MCD/CCD of: Audubon, Bois D'Arc, Butler Grove, Harvel, Irving, Nokomis; Within the MCD/CCD of North Litchfield: Within Tract/BNA 957600: Block groups: 1, 2; Tract/BNA(s): 957700; MCD/CCD(s): Pitman, Raymond, Rountree, Zanesville; The County(s) of

Pope, Richland; Within the County of Saline: MCD/CCD of: Brushy, Carrier Mills, Cottage, Galatia, Harrisburg, Independence, Long Branch, Mountain, Raleigh, Stonefort, Tate; Within the County of Sangamon: Within the MCD/CCD of Auburn: Tract/BNA(s): 003300; Within Tract/BNA 003400: Block groups: 1, 2, 3; Within block group 4: Block(s): 4009, 4016, 4017, 4018, 4019, 4020, 4021, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4075, 4076, 4077, 4078, 4079; Block group(s): 5; MCD/CCD(s): Ball; Within the MCD/CCD of Capital: Within Tract/BNA 001100: Within block group 2: Block(s): 2017, 2018, 2019, 2020; Within Tract/BNA 001200: Within block group 3: Block(s): 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020; Block group(s): 4; Within Tract/BNA 001600: Within block group 3: Block(s): 3030, 3031; Within Tract/BNA 001800: Within block group 1: Block(s): 1025, 1026, 1027, 1034, 1035, 1036, 1037, 1038, 1039, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054; Within Tract/BNA 001900: Within block group 1: Block(s): 1012, 1013, 1014, 1015, 1016, 1017; Within block group 2: Block(s): 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036; Block group(s): 3; Within Tract/BNA 002100: Within block group 1: Block(s): 1000, 1001, 1004, 1005, 1006, 1007, 1009, 1026, 1027, 1028, 1029, 1030, 1032; Block group(s): 2, 3, 4; Tract/BNA(s): 002200; Within Tract/BNA 002300: Within block group 2: Block(s): 2006; Within block group 3: Block(s): 3007, 3008, 3009, 3010, 3011; Within Tract/BNA 002400: Within block group 3: Block(s): 3000, 3001, 3025, 3026, 3028, 3031, 3032, 3034, 3035, 3037, 3039, 3042, 3043, 3045, 3046, 3047, 3048; Within Tract/BNA 002500: Within block group 1: Block(s): 1016; Block group(s): 2, 3, 4, 5; Within Tract/BNA 002600: Within block group 1: Block(s): 1003, 1005, 1007, 1008, 1011, 1013, 1015, 1017, 1019, 1021; Within block group 2: Block(s): 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014; Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008; Block group(s): 4; Within Tract/BNA 002700: Within block group 1: Block(s): 1001, 1013, 1015, 1016, 1029, 1030, 1031, 1032, 1035, 1036, 1037, 1038, 1039, 1046; Block group(s): 2, 3, 4; Tract/BNA(s): 002801; Within Tract/BNA 002802: Within block group 1: Block(s): 1001; Within block group 2: Block(s): 2001, 2002, 2004, 2007, 2020, 2021; Within

Tract/BNA 003000: Block groups: 1, 2, 3; Within block group 4: Block(s): 4001, 4002, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4020, 4022, 4023, 4024, 4025, 4027, 4030, 4031, 4032, 4042, 4044, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4056; Tract/BNA(s): 003100; Within Tract/BNA 003201: Within block group 1: Block(s): 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1033, 1034, 1035, 1999; Block group(s): 2; Tract/BNA(s): 003203, 003901; Within the MCD/CCD of Chatham: Tract/BNA(s): 003201; Within Tract/BNA 003202: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016; Block group(s): 2; Within block group 3: Block(s): 3000, 3001, 3031, 3033, 3034, 3035, 3036, 3037, 3038; Tract/BNA(s): 003203, 003300; Within Tract/BNA 003400: Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3005; Within the MCD/CCD of Clear Lake: Within Tract/BNA 003902: Within block group 1: Block(s): 1000, 1999; Within block group 3: Block(s): 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3014, 3015, 3016, 3023, 3998; MCD/CCD(s): Cooper, Cotton Hill, Divernon; Within the MCD/CCD of Illiopolis: Within Tract/BNA 004000: Within block group 2: Block(s): 2093, 2094, 2095, 2101; Within the MCD/CCD of Lanesville: Within Tract/BNA 004000: Within block group 2: Block(s): 2102, 2103, 2104; Within block group 5: Block(s): 5076, 5077, 5078, 5080, 5081, 5083, 5084; Within the MCD/CCD of Mechanicsburg: Tract/BNA(s): 003902; Within Tract/BNA 004000: Within block group 4: Block(s): 4036, 4037, 4038, 4039, 4040, 4041; Within block group 5: Block(s): 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5075; MCD/CCD(s): Pawnee, Rochester; Within the MCD/CCD of Woodside: Within Tract/BNA 000600: Within block group 6: Block(s): 6013; Within Tract/BNA 001600: Within block group 3: Block(s): 3029; Tract/BNA(s): 001800; Within Tract/BNA 002100: Within block group 1: Block(s): 1002, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1031, 1035, 1036; Block group(s): 2, 3, 4; Within Tract/BNA 002400: Within block group 3: Block(s): 3002, 3005, 3024, 3027, 3029, 3030, 3033, 3036, 3038, 3040, 3041, 3044; Within Tract/BNA 002500: Within block group 1: Block(s): 1008, 1015, 1017; Block group(s): 2, 3, 4, 5; Within Tract/BNA 002600: Within block group 1: Block(s): 1004, 1006, 1009, 1010, 1012, 1014, 1016, 1018, 1020; Within Tract/BNA 002700: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1033, 1034, 1040, 1041, 1042, 1043, 1044, 1045, 1047;

Block group(s): 2, 3, 4; Within Tract/BNA 002801: Block groups: 1, 2; Within block group 3: Block(s): 3001, 3003, 3006, 3007, 3008, 3009, 3010, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3025, 3026; Within Tract/BNA 002802: Block groups: 1; Within block group 2: Block(s): 2000, 2003, 2005, 2006, 2008, 2016, 2017, 2022, 2023, 2024, 2025; Within Tract/BNA 003000: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4003, 4004, 4019, 4021, 4026, 4028, 4029, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4043, 4045, 4046, 4054, 4055; Tract/BNA(s): 003100; Within Tract/BNA 003201: Within block group 1: Block(s): 1000, 1007, 1015; Block group(s): 2; Tract/BNA(s): 003902; Within the County of Shelby: MCD/CCD of: Ash Grove, Big Spring, Clarksburg, Dry Point, Flat Branch, Holland, Lakewood, Moweaqua, Okaw, Penn, Pickaway, Prairie, Richland, Ridge, Rose, Rural, Shelbyville, Sigel, Todds Point, TowerHill, Windsor; Within the County of Wabash: MCD/CCD of: Belmont, Friendsville, Lancaster, Lick Prairie; The County(s) of Washington, Wayne; Within the County of White: MCD/CCD of: Burnt Prairie, Carmi, Enfield, Indian Creek, MillShoals; Within the County of Williamson: Within the MCD/CCD of Creal Springs: Within Tract/BNA 020800: Within block group 5: Block(s): 5089, 5090, 5119, 5121, 5122, 5123, 5124, 5125, 5126, 5127, 5128, 5129, 5130, 5131, 5132, 5133, 5134, 5135, 5988, 5989, 5992, 5993, 5994, 5995, 5996; Within Tract/BNA 021400: Within block group 5: Block(s): 5016, 5039, 5040, 5041, 5042, 5043, 5044, 5076, 5077, 5078, 5079, 5080, 5081, 5082, 5083, 5084, 5085, 5086, 5087, 5088, 5089, 5090, 5091, 5092, 5096, 5097, 5098, 5099, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5995, 5996, 5997, 5998; MCD/CCD(s): Southern.
(Source: P.A. 92-4, § 5.)

10 ILCS 76/10 Definitions and exceptions

Sec. 10. *Definitions and exceptions.* (a) All counties, townships, census tracts, block groups, and blocks are those that appear on maps published by the United States Bureau of the Census for the 2000 census. The term "tract" means census tract. Congressional districts created by this Act for the purpose of electing Representatives to the House of Representatives of the United States Congress shall not be altered by operation of any other statute, ordinance, or resolution.

(b) Any part of Illinois that has not been described as included in one of the districts described in this Act is included within the district that (i) is contiguous to the part and (ii) contains the least population of all districts contiguous to the part according to the 2000 decennial census of Illinois.

(c) If any part of Illinois is described in this Act as being in more than one district, the part is included within the district that (i) is one of the districts in

which that part is listed in this Act, (ii) is contiguous to that part, and (iii) contains the least population according to the 2000 decennial census of Illinois.

(d) If any part of Illinois (i) is described in this Act as being in one district and (ii) is entirely surrounded by another district, then the part shall be incorporated into the district that surrounds the part.

(e) If any part of Illinois (i) is described in this Act as being in one district and (ii) is not contiguous to another part of that district, then the part is included with the contiguous district that contains the least population according to the 2000 decennial census of Illinois.

(f) The Speaker of the House, the Minority Leader of the House, the President of the Senate, and the Minority Leader of the Senate shall by joint letter of transmittal present to the Secretary of State for deposit into the State Archives an official set of United States Bureau of the Census maps and descriptions used for conducting the 2000 census, and those maps shall serve as the official record of all counties, townships, census tracts, block groups, and blocks referred to in this Act.

(g) The State Board of Elections shall prepare and make available to the public a metes and bounds description of the congressional districts created under this Act.

(Source: P.A. 92-4, § 10.)

GENERAL ASSEMBLY APPORTIONMENT (1955) ACT

10 ILCS 80/0.01 through 10 ILCS 80/2: Repealed by P.A. 87-1052, § 5-35, effective September 11, 1992.

DIVISION OF LEGISLATIVE DISTRICTS ACT

10 ILCS 85/0.01 through 10 ILCS 85/3: Repealed by P.A. 87-1052, § 5-35, effective September 11, 1992.

Cross References.

See now 10 ILCS 5/29C-5 through 10 ILCS 5/29C-15.

LEGISLATIVE DISTRICTS (1973) ACT

10 ILCS 90/0.01 through 10 ILCS 90/2: Repealed by P.A. 87-1052, § 5-35, effective September 11, 1992.

CITY ELECTION VALIDATION ACT

10 ILCS 100/0.01, 10 ILCS 100/1: Repealed by P.A. 87-1052, § 5-35, effective September 11, 1992.

Cross References.

See now 10 ILCS 5/6-19.1.

COOK COUNTY BOARD OF REVIEW DISTRICTS ACT

10 ILCS 105/1 Short Title

Sec. 1. *Short Title.* This Act may be cited as the Cook County Board of Review Districts Act. (Source: P.A. 89-563, § 1.)

Derivation.

Title: An Act concerning the election of assessment officials.

Cite: 10 ILCS 105/1 et seq.

Source: P.A. 89-563, effective July 26, 1996.

Date: Approved July 26, 1996.

Effective Date.

Section 99 of P.A. 89-563 made this Act effective upon becoming law. The Act was approved July 26, 1996.

10 ILCS 105/5 Definitions

Sec. 5. *Definitions.* As used in this plan, the following are the 1990 census geographic areas that appear in the TIGER/Line files and other official data products and shall be defined and construed as follows:

“Minor civil division (MCD)” means the legally defined subcounty area such as a town or township.

“Census county division (CCD)” means an area delineated by the Census Bureau in cooperation with State and local officials where Minor civil divisions do not exist or are not adequate for reporting subcounty statistics.

“Census tract” means a small locally delineated statistical area within selected counties generally having stable boundaries and, when first established by local committees, designed to have relatively homogeneous demographic characteristics. Census tracts do not cross county boundaries.

“Block numbering area (BNA)” means an area delineated cooperatively by the State and the Census Bureau for grouping and numbering blocks in areas where census tracts have not been established. Block numbering areas do not cross county boundaries.

“Block group” means a combination of census blocks sharing the same first digit in their identifying numbers within a census tract of BNA. Boundaries for block groups are not explicitly coded in the TIGER data base, but can be derived from it.

“Census block” means a small, usually compact area, bounded by streets and other prominent physical features as well as certain legal boundaries. Blocks do not cross BNA, census tract, or county boundaries. Blocks are assigned 3-digit numbers, with a possible single letter suffix.

(Source: P.A. 89-563, § 5.)

10 ILCS 105/10 Division of Board of Review Districts

Sec. 10. *Division of Board of Review Districts.* The County of Cook is divided into three Board of Review Districts as follows:

A. Representative district No. 1 shall be comprised of the following units of census geography: Within the County of Cook: The MCD/CCD(s) of: Barrington; Within the MCD/CCD of Berwyn: Within Tract/BNA 8148.00: Within block group 5: Block(s): 509, 510; Tract/BNA(s): 8152.00, 8153.00, 8154.00, 8155.00; The MCD/CCD(s) of Bloom; Within the MCD/CCD of Bremen: Within Tract/BNA 8244.00: Block group(s): 3; Tract/BNA(s): 8245.03, 8245.05, 8245.97, 8245.98, 8246.01, 8246.02, 8247.01, 8247.02, 8250.00; Within Tract/BNA 8251.00: Within block group 1: Block(s): 199, 101A, 102A, 101B, 102B, 103B, 101C, 102C, 103C; Tract/BNA(s): 8252.00, 8253.01, 8253.02, 8254.00; Within Tract/BNA 8255.01: Within block group 8: Block(s): 822B; Within Tract/BNA 8255.03: Block group(s): 3; Within block group 4: Block(s): 411, 423, 427, 428, 439, 440, 441, 442, 444, 445, 446, 406B; Within Tract/BNA 8256.00: Within block group 8: Block(s): 801E; Tract/BNA(s): 8299.01; Within the MCD/CCD of Chicago city: Within Tract/BNA 0901.00: Within block group 1: Block(s): 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113; block group(s): 2, 3, 4; Tract/BNA(s): 0902.00, 0903.00; Within Tract/BNA 1002.00: Block group(s): 4, 5, 6; Within block group 7: Block(s): 701, 706; Tract/BNA(s): 1003.00, 1004.00, 1005.00; Within Tract/BNA 1006.00: Within block group 1: Block(s): 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114; block group(s): 2, 3, 4, 5; Tract/BNA(s): 1007.00; Within Tract/BNA 1103.00: Within block group 5: Block(s): 512; Within Tract/BNA 1504.00: Block group(s): 7, 8; Within Tract/BNA 1505.00: Block group(s): 1, 2, 3, 4; Tract/BNA(s): 1701.00; Within Tract/BNA 7201.00: Block group(s): 1, 2; Within block group 3: Block(s): 301, 302, 303, 310, 311, 312, 313, 314, 315; block group(s): 4; Within Tract/BNA 7202.00: Within block group 3: Block(s): 307, 308, 309; Within block group 4: Block(s): 401, 402, 406, 407, 408, 409; Within block group 5: Block(s): 503, 504, 505, 506, 507, 508; Tract/BNA(s): 7203.00, 7204.00; Within Tract/BNA 7205.00: Block group(s): 1; Within block group 2: Block(s): 201, 204, 205, 207, 208; Within block group 3: Block(s): 303, 304, 305, 306, 307, 310; Within Tract/BNA 7206.00: Block group(s): 1; Within block group 2: Block(s): 201, 202, 203, 204, 205, 206, 207; Within Tract/BNA 7207.00: Within block group 4: Block(s): 405; Tract/BNA(s): 7401.00, 7402.00, 7403.00, 7404.00; Within Tract/BNA 7504.00: Block group(s): 2, 3; Within Tract/BNA 7608.00: Block group(s): 1; Within block group 9: Block(s): 901, 902, 903, 905, 907, 908; Tract/BNA(s): 7609.00, 7705.00, 7706.00, 7707.00, 7708.00, 7709.00, 8104.00, 8106.00, 8116.00, 8117.01, 8233.04; Within the MCD/CCD of Cicero: Within Tract/BNA 8133.00: Within block group 2: Block(s): 206, 207; Within block group 3: Block(s): 301, 302, 303, 305, 306; block group(s): 4, 5, 6; Tract/BNA(s): 8134.00, 8135.00, 8136.00; Within Tract/BNA 8137.00: Within block group 1: Block(s): 102, 103, 104, 105, 106; block group(s): 2, 3, 4, 5, 6;

Within Tract/BNA 8138.00: Block group(s): 3, 4, 5, 6, 7; Tract/BNA(s): 8139.00, 8140.00, 8141.00; Within Tract/BNA 8142.00: Block group(s): 3, 4, 5, 6; Tract/BNA(s): 8143.00, 8144.00, 8145.00; The MCD/CCD(s) of Elk Grove, Hanover, Lemont, Leyden; Within the MCD/CCD of Lyons: Within Tract/BNA 8191.00: Block group(s): 4; Within Tract/BNA 8192.00: Block group(s): 2, 3, 4, 5, 6, 7; Tract/BNA(s): 8193.00, 8194.00, 8195.00, 8196.00, 8197.00, 8198.01, 8198.02, 8199.00, 8200.00, 8201.01; Within Tract/BNA 8201.03: Block group(s): 1; Within block group 2: Block(s): 203, 202A, 202B; block group(s): 3, 4; Within Tract/BNA 8201.04: Block group(s): 2, 3, 4, 5; Tract/BNA(s): 8202.01; Within Tract/BNA 8202.02: Within block group 1: Block(s): 113, 114, 115, 116, 118; Within block group 4: Block(s): 413, 414, 416, 419, 422, 423, 499, 409A, 410A, 411A, 412A, 415A, 417A, 418A, 421A, 424A, 425A, 409B, 410B, 411B, 412B, 415B, 417B, 418B, 421B, 424B, 425B, 409C, 410C, 415C, 409D, 415D; Within Tract/BNA 8206.02: Within block group 4: Block(s): 404, 406, 407, 403A, 405A, 402B, 403B, 405B; block group(s): 5, 6, 7; Within the MCD/CCD of Maine: Tract/BNA(s): 0901.00, 0903.00, 7609.00, 7706.00, 7707.00; Within Tract/BNA 8054.01: Block group(s): 2, 3; Within Tract/BNA 8054.02: Within block group 3: Block(s): 304, 305, 306, 307, 308, 309, 310, 311, 312, 313; Within block group 4: Block(s): 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414; Within block group 5: Block(s): 503, 504, 505, 506, 507, 512; block group(s): 6; Tract/BNA(s): 8055.01, 8055.02, 8056.00, 8057.01, 8058.01, 8058.02, 8059.01, 8059.02; Within Tract/BNA 8060.01: Within block group 7: Block(s): 704, 703A, 705A, 706A, 703B, 705B, 706B, 703C, 705C, 705D; Within Tract/BNA 8060.02: Within block group 3: Block(s): 302, 303, 301A, 301D; block group(s): 9; Within Tract/BNA 8060.03: Block group(s): 7; Within Tract/BNA 8060.04: Within block group 4: Block(s): 410B; Tract/BNA(s): 8061.01, 8061.02, 8062.00, 8063.00, 8064.00, 8065.01, 8065.02, 8066.00; Within the MCD/CCD of New Trier: Tract/BNA(s): 8001.00, 8002.00, 8003.00, 8004.00, 8005.00, 8006.00, 8007.00, 8008.00; Within Tract/BNA 8010.00: Block group(s): 1, 2; Within Tract/BNA 8011.00: Block group(s): 1, 2; Within block group 3: Block(s): 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315, 316; block group(s): 4; Tract/BNA(s): 8012.00, 8013.00; Within Tract/BNA 8014.00: Block group(s): 1; Within the MCD/CCD of Niles: Within Tract/BNA 8081.00: Within block group 2: Block(s): 202, 203, 204, 210, 213, 214, 215; The MCD/CCD(s) of Northfield; Within the MCD/CCD of Norwood Park: Tract/BNA(s): 1005.00, 7709.00, 8104.00; Within Tract/BNA 8105.02: Block group(s): 3; Within block group 4: Block(s): 401, 402; Tract/BNA(s): 8106.00; The MCD/CCD(s) of Orland, Palatine, Palos; Within the MCD/CCD of Proviso: Tract/BNA(s): 8113.02; Within Tract/BNA 8162.00: Within block group 1: Block(s): 102, 104, 101A, 101B; Within Tract/BNA 8167.00: Block group(s): 2, 3, 4; Tract/BNA(s):

8168.00; Within Tract/BNA 8180.00: Within block group 2: Block(s): 210, 219, 220, 221; block group(s): 3, 4, 5; Tract/BNA(s): 8181.00, 8182.00; Within Tract/BNA 8183.00: Block group(s): 2, 3, 4, 5, 6; Tract/BNA(s): 8184.01, 8184.02, 8185.00, 8186.00, 8187.00, 8188.00, 8189.00, 8190.00; Within the MCD/CCD of Rich: Tract/BNA(s): 8298.00; Within Tract/BNA 8299.01: Within block group 5: Block(s): 501, 503, 504, 506, 507, 509, 512, 516, 517, 519, 520, 521, 522, 599, 502A, 510A, 511A, 513A, 514A, 515A, 518A, 502B, 505B, 508B, 510B, 511B, 513B, 514B, 515B, 518B, 510C, 513C, 514C, 515C, 510D, 514D; Within Tract/BNA 8299.02: Block group(s): 1; Within block group 2: Block(s): 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 299, 201A; block group(s): 3, 4; Tract/BNA(s): 8300.01, 8300.02, 8300.03, 8300.04, 8300.05, 8300.06, 8301.00, 8302.01, 8302.02, 8303.00, 8304.00, 8305.00; The MCD/CCD(s): River Forest, Riverside, Schaumburg; Within the MCD/CCD of Thornton: Within Tract/BNA 8263.01: Block group(s): 6, 7; Within Tract/BNA 8275.00: Block group(s): 1; Within block group 3: Block(s): 302, 303B; Tract/BNA(s): 8278.01, 8278.02, 8278.04, 8278.05, 8279.01; Within Tract/BNA 8279.02: Block group(s): 1, 3, 4, 5; Tract/BNA(s): 8280.00, 8281.00, 8282.01, 8282.02; Within Tract/BNA 8283.00: Block group(s): 1, 2, 3, 4, 5; Within block group 6: Block(s): 607, 608, 611, 601A, 602A, 603A, 605A, 606A, 609A, 610A, 601B, 602B, 603B, 604B, 605B, 606B, 609B, 610B, 601C, 602C, 603C, 606C, 610C, 610D; block group(s): 9; Tract/BNA(s): 8284.01; Within Tract/BNA 8284.02: Block group(s): 2, 3, 4; The MCD/CCD(s): Wheeling; Within the MCD/CCD of Worth: Tract/BNA(s): 7404.00, 8216.00, 8217.00, 8218.00, 8219.00; Within Tract/BNA 8221.01: Block group(s): 3, 4; Tract/BNA(s): 8221.02; Within Tract/BNA 8223.02: Block group(s): 2, 3, 4; Within Tract/BNA 8224.00: Block group(s): 3, 4; Tract/BNA(s): 8225.00, 8226.01, 8226.02, 8227.01, 8227.02, 8228.01, 8228.02, 8230.01, 8230.02, 8231.01, 8231.02, 8232.00, 8233.02, 8233.03, 8233.04, 8234.00, 8235.00, 8236.02; Within Tract/BNA 8236.03: Within block group 3: Block(s): 399, 301A, 334A, 301C; Tract/BNA(s): 8236.04, 8236.05.

Representative district No. 2 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Chicago city: Tract/BNA(s): 0101.00, 0102.00, 0103.00, 0104.00, 0105.00, 0106.00, 0107.00, 0108.00, 0109.00, 0201.00, 0202.00, 0203.00, 0204.00, 0205.00, 0206.00, 0207.00, 0208.00, 0209.00, 0301.00, 0302.00, 0303.00, 0304.00, 0305.00, 0306.00, 0307.00, 0308.00, 0309.00, 0310.00, 0311.00, 0312.00, 0313.00, 0314.00, 0315.00, 0316.00, 0317.00, 0318.00, 0319.00, 0320.00, 0321.00, 0401.00, 0402.00, 0403.00, 0404.00, 0405.00, 0406.00, 0407.00, 0408.00, 0409.00, 0410.00, 0501.00, 0502.00, 0503.00, 0504.00, 0505.00, 0506.00, 0507.00, 0508.00, 0509.00, 0510.00, 0511.00, 0512.00, 0513.00, 0514.00,

0515.00, 0601.00, 0602.00, 0603.00, 0604.00, 0605.00, 0606.00, 0607.00, 0608.00, 0609.00, 0610.00, 0611.00, 0612.00, 0613.00, 0614.00, 0615.00, 0616.00, 0617.00, 0618.00, 0619.00, 0620.00, 0621.00, 0622.00, 0623.00, 0624.00, 0625.00, 0626.00, 0627.00, 0628.00, 0629.00, 0630.00, 0631.00, 0632.00, 0633.00, 0634.00, 0701.00, 0702.00, 0703.00, 0704.00, 0705.00, 0706.00, 0707.00, 0708.00, 0709.00, 0710.00, 0711.00, 0712.00, 0713.00, 0714.00, 0715.00, 0716.00, 0717.00, 0718.00, 0719.00, 0720.00, 0801.00, 0802.00; Within Tract/BNA 0803.00: Within block group 1: Block(s): 101, 102, 103, 104, 105; Within block group 2: Block(s): 201, 202, 203, 204, 205, 209, 210; Tract/BNA(s): 0806.00; Within Tract/BNA 0807.00: Block group(s): 2; Tract/BNA(s): 0809.00, 0810.00, 0811.00, 0812.00, 0813.00, 0814.00, 0815.00, 0816.00, 0817.00; Within Tract/BNA 0818.00: Within block group 1: Block(s): 101, 102, 103, 104, 110, 111, 112, 113; block group(s): 2; Within block group 3: Block(s): 301, 302, 303, 304, 316; Within Tract/BNA 0901.00: Within block group 1: Block(s): 101; Tract/BNA(s): 1001.00; Within Tract/BNA 1002.00: Block group(s): 1, 2, 3; Within block group 7: Block(s): 702, 703, 704, 705, 707, 708, 709, 710, 711; Within Tract/BNA 1006.00: Within block group 1: Block(s): 106; Tract/BNA(s): 1101.00, 1102.00; Within Tract/BNA 1103.00: Block group(s): 1, 2, 3, 4; Within block group 5: Block(s): 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511; Tract/BNA(s): 1104.00, 1105.00, 1201.00, 1202.00, 1203.00, 1204.00, 1301.00, 1302.00, 1303.00, 1304.00, 1305.00, 1401.00, 1402.00, 1403.00, 1404.00, 1405.00, 1406.00, 1407.00, 1408.00, 1501.00, 1502.00, 1503.00; Within Tract/BNA 1504.00: Block group(s): 1, 2, 3, 4, 5, 6; Within Tract/BNA 1505.00: Block group(s): 5, 6, 7; Tract/BNA(s): 1506.00, 1507.00, 1508.00, 1509.00, 1510.00, 1511.00, 1512.00, 1601.00, 1602.00, 1603.00, 1604.00, 1605.00, 1606.00, 1607.00, 1608.00, 1609.00, 1610.00, 1611.00, 1612.00, 1613.00, 1702.00, 1703.00, 1704.00, 1705.00, 1706.00, 1707.00, 1708.00, 1709.00, 1710.00, 1711.00, 1801.00, 1802.00, 1803.00, 1901.00, 1902.00, 1903.00, 1904.00, 1905.00, 1906.00, 1907.00, 1908.00, 1909.00, 1910.00, 1911.00, 1912.00, 1913.00, 1914.00, 2001.00, 2002.00, 2003.00, 2004.00, 2005.00, 2006.00, 2101.00, 2102.00, 2103.00, 2104.00, 2105.00, 2106.00, 2107.00, 2108.00, 2109.00, 2201.00, 2202.00, 2203.00, 2204.00, 2205.00, 2206.00, 2207.00, 2208.00, 2209.00, 2210.00, 2211.00, 2212.00, 2213.00, 2214.00, 2215.00, 2216.00, 2217.00, 2218.00, 2219.00, 2220.00, 2221.00, 2222.00, 2223.00, 2224.00, 2225.00, 2226.00, 2227.00, 2228.00, 2229.00, 2301.00, 2302.00, 2303.00, 2304.00; Within Tract/BNA 2305.00: Block group(s): 1, 2; Within block group 3: Block(s): 302, 303, 307, 308; Within Tract/BNA 2306.00: Within block group 1: Block(s): 101, 102, 103, 104; Within block group 3: Block(s): 304, 305, 306; Within block group 4:

Block(s): 401, 402; Within block group 6: Block(s): 607; Within Tract/BNA 2307.00: Block group(s): 1; Within block group 2: Block(s): 201, 202, 203, 204, 205, 206, 207, 209; Within block group 3: Block(s): 307, 308, 309; block group(s): 4; Tract/BNA(s): 2308.00, 2309.00; Within Tract/BNA 2310.00: Within block group 1: Block(s): 101, 102, 103, 104, 110; Within block group 2: Block(s): 207; Within Tract/BNA 2311.00: Within block group 1: Block(s): 110; Within Tract/BNA 2312.00: Within block group 1: Block(s): 101; Within Tract/BNA 2317.00: Within block group 1: Block(s): 101; Within Tract/BNA 2318.00: Within block group 1: Block(s): 101, 102, 103, 104; Tract/BNA(s): 2401.00, 2402.00, 2403.00, 2404.00, 2405.00, 2406.00, 2407.00, 2408.00, 2409.00, 2410.00, 2411.00, 2412.00, 2413.00, 2414.00, 2415.00, 2416.00, 2417.00; Within Tract/BNA 2418.00: Block group(s): 1; Within block group 2: Block(s): 201, 202, 203, 204, 205, 206; Tract/BNA(s): 2419.00, 2420.00, 2421.00, 2422.00, 2423.00, 2424.00, 2425.00, 2426.00; Within Tract/BNA 2427.00: Within block group 1: Block(s): 101, 102, 103, 104, 105, 107, 108, 109; Within Tract/BNA 2428.00: Within block group 1: Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109; block group(s): 2; Within Tract/BNA 2429.00: Block group(s): 1; Within block group 2: Block(s): 202, 203, 204, 205; Within block group 3: Block(s): 303, 305, 306, 307; Within Tract/BNA 2430.00: Block group(s): 1; Within block group 2: Block(s): 201, 202, 206; block group(s): 3; Within Tract/BNA 2431.00: Block group(s): 1, 2; Within block group 3: Block(s): 301, 302, 303, 304, 305; Tract/BNA(s): 2432.00, 2433.00, 2434.00, 2435.00; Within Tract/BNA 2501.00: Within block group 1: Block(s): 101, 106; Tract/BNA(s): 2505.00, 2820.00; Within Tract/BNA 2826.00: Within block group 1: Block(s): 109, 110, 111, 112; Within Tract/BNA 2827.00: Within block group 3: Block(s): 302, 303, 306, 307, 308; Tract/BNA(s): 2828.00; Within Tract/BNA 2829.00: Block group(s): 4; Within Tract/BNA 2830.00: Block group(s): 2; Tract/BNA(s): 2834.00, 2835.00, 2836.00, 2837.00; Within Tract/BNA 2839.00: Block group(s): 3; Tract/BNA(s): 2842.00; Within Tract/BNA 2843.00: Within block group 1: Block(s): 101, 103, 104, 105, 106, 107, 108; Tract/BNA(s): 2916.00, 3001.00; Within Tract/BNA 3002.00: Within block group 1: Block(s): 102, 103, 104, 105; Within Tract/BNA 3003.00: Within block group 1: Block(s): 103, 104, 106; Within Tract/BNA 3004.00: Within block group 1: Block(s): 102, 103; Within Tract/BNA 3005.00: Within block group 1: Block(s): 103, 104; block group(s): 2; Within Tract/BNA 3006.00: Within block group 1: Block(s): 105, 106, 107, 108, 109, 110; block group(s): 2; Within Tract/BNA 3007.00: Within block group 1: Block(s): 101, 102, 103, 106, 107, 108, 109, 110; block group(s): 2; Tract/BNA(s): 3008.00, 3009.00, 3010.00, 3011.00, 3012.00, 3013.00, 3014.00, 3015.00, 3016.00, 3017.00, 3018.00, 3019.00, 3020.00, 3101.00, 3102.00, 3103.00, 3104.00, 3105.00, 3106.00, 3107.00, 3108.00, 3109.00, 3110.00, 3111.00, 3112.00, 3113.00, 3114.00, 3115.00, 3201.00; Within Tract/BNA 3202.00: Block group(s): 1, 2; Within block group 3: Block(s): 301, 304, 306, 308, 309, 316, 317, 318; Tract/BNA(s): 3203.00, 3204.00, 3205.00, 3206.00; Within Tract/BNA 3302.00: Block group(s): 1, 2, 3; Tract/BNA(s): 3401.00, 3402.00, 3403.00, 3404.00, 3405.00; Within Tract/BNA 3406.00: Block group(s): 2; Tract/BNA(s): 5601.00, 5604.00; Within Tract/BNA 5605.00: Within block group 1: Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 115; Within Tract/BNA 5613.00: Within block group 1: Block(s): 106, 107; Tract/BNA(s): 5701.00, 5702.00, 5703.00, 5704.00, 5705.00, 5801.00, 5802.00, 5803.00, 5804.00, 5805.00, 5806.00, 5807.00, 5808.00, 5809.00, 5810.00, 5811.00, 5901.00, 5902.00, 5903.00, 5904.00, 5905.00, 5906.00, 5907.00, 6001.00, 6002.00, 6003.00, 6004.00, 6005.00, 6006.00, 6007.00, 6008.00, 6009.00, 6010.00, 6011.00, 6012.00, 6013.00, 6014.00, 6015.00, 6016.00, 6101.00, 6102.00, 6103.00, 6104.00, 6105.00, 6106.00, 6107.00, 6108.00; Within Tract/BNA 6111.00: Block group(s): 1, 3; Within Tract/BNA 6112.00: Block group(s): 1, 3; Tract/BNA(s): 6113.00, 6114.00, 6115.00, 6201.00, 6202.00, 6203.00, 6204.00, 6301.00, 6302.00, 6303.00, 6304.00, 6305.00; Within Tract/BNA 6307.00: Block group(s): 1; Within block group 2: Block(s): 202, 203, 204, 205, 206, 207; block group(s): 3, 4; Tract/BNA(s): 6308.00, 6309.00, 6501.00; Within Tract/BNA 6502.00: Block group(s): 1, 2, 3, 4, 5; Within block group 6: Block(s): 601, 602, 603, 605, 606; Within Tract/BNA 6503.00: Block group(s): 1, 2; Within block group 3; Block(s): 305, 306, 307, 308, 309, 310; block group(s): 4; Within block group 5: Block(s): 501, 502, 507, 508; Within block group 6: Block(s): 601, 604; Within Tract/BNA 6602.00: Within block group 1: Block(s): 102, 103, 104; Within block group 3: Block(s): 302, 303, 304, 305, 306; block group(s): 4, 5; Tract/BNA(s): 6603.00, 6604.00; Within Tract/BNA 6605.00: Block group(s): 1; Within block group 2: Block(s): 201, 202, 203, 204, 205, 206, 208; Within block group 3: Block(s): 302, 303, 304, 305, 306, 309, 310; block group(s): 4; Within Tract/BNA 6606.00: Within block group 2: Block(s): 203, 206; block group(s): 3, 4, 5; Within Tract/BNA 6608.00: Within block group 2: Block(s): 206; Within block group 3: Block(s): 301, 304, 305, 306; block group(s): 4, 5; Within Tract/BNA 7608.00: Block group(s): 2; Within block group 9: Block(s): 904, 906, 999; The MCD/CCD(s): Evanston; Within the MCD/CCD of Maine: Tract/BNA(s): 8052.01, 8052.02, 8053.01, 8053.02; Within Tract/BNA 8054.01: Block group(s): 1; Within Tract/BNA 8054.02: Block group(s): 1, 2; Within block group 3: Block(s): 301, 302, 303; Within block group 4: Block(s): 401, 402, 415, 416; Within block group 5: Block(s) 501, 502, 508, 509, 510, 511, 513, 514; Within Tract/BNA 8060.01: Block group(s): 1, 2, 3, 4, 5, 6; Within block group 7: Block(s): 701, 702, 708, 709, 710, 711, 712, 707A, 707B; Within Tract/BNA

8060.02: Block group(s): 1, 2; Within block group 3: Block(s): 305, 399, 304A, 301B, 304B, 301C; block group(s): 4, 5, 6, 7, 8; Within Tract/BNA 8060.03: Block group(s): 1, 2, 3, 4, 5, 6; Within Tract/BNA 8060.04: Block group(s): 1, 2, 3; Within block group 4: Block(s): 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 413, 410A, 410C; Within the MCD/CCD of New Trier: Tract/BNA(s): 8009.00; Within Tract/BNA 8010.00: Block group(s): 3, 4; Within Tract/BNA 8011.00: Within block group 3: Block(s): 317; Within Tract/BNA 8014.00: Block group(s): 2; Within the MCD/CCD of Niles: Tract/BNA(s): 8067.00, 8068.01, 8068.02, 8069.00, 8070.00, 8071.00, 8072.00, 8073.00, 8074.00, 8075.00, 8076.00, 8077.00, 8078.00, 8079.00, 8080.01, 8080.02; Within Tract/BNA 8081.00: Block group(s): 1; Within block group 2: Block(s): 201, 205, 206, 207, 208, 209; block group(s): 3, 4; Tract/BNA(s): 8082.00, 8083.01, 8083.02, 8084.00, 8085.00, 8086.00; Within the MCD/CCD of Norwood Park: Tract/BNA(s): 8105.01; Within Tract/BNA 8105.02: Block group(s): 1, 2; Within block group 4: Block(s): 403, 404, 405, 406, 407, 408, 409, 410, 411; block group(s): 5; Within the MCD/CCD of Oak Park: Within Tract/BNA 8122.00: Block group(s): 3, 4; Within Tract/BNA 8123.00: Block group(s): 1.

Representative district No. 3 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Berwyn: Tract/BNA(s): 8146.00, 8147.00; Within Tract/BNA 8148.00: Block group(s): 1, 2, 3, 4; Within block group 5: Block(s): 501, 502, 503, 504, 505, 506, 507, 508; Tract/BNA(s): 8149.00, 8150.00, 8151.00; Within the MCD/CCD of Bremen: Tract/BNA(s): 8243.00; Within Tract/BNA 8244.00: Block group(s): 1, 2; Tract/BNA(s): 8248.00, 8249.00; Within Tract/BNA 8251.00: Within block group 1: Block(s): 103A; Within Tract/BNA 8255.01: Block group(s): 5, 6; Within block group 8: Block(s): 802, 801A, 819A, 822A, 823A, 824A, 801B, 819B, 823B, 824B, 801C, 823C, 824C, 823D, 824D, 824E; Within Tract/BNA 8255.03: Block group(s): 1, 2; Within block group 4: Block(s): 401, 402, 403, 404, 405, 416, 417, 418, 419, 420, 421, 429, 430, 431, 432, 434, 436, 437, 438, 499, 406A; Tract/BNA(s): 8255.04, 8255.05; Within Tract/BNA 8256.00: Block group(s): 1, 2, 3, 4, 5, 6, 7; Within block group 8: Block(s): 803, 804, 809, 810, 811, 812, 813, 814, 815, 816, 817, 820, 826, 827, 828, 801A, 802A, 806A, 801B, 802B, 806B, 801C, 802C, 806C, 801D, 802D, 806D, 802E, 806E, 802F, 802G; The MCD/CCD(s): Calumet; Within the MCD/CCD of Chicago city: Within Tract/BNA 0803.00: Within block group 1: Block(s): 106, 107; Within block group 2: Block(s): 206, 207, 208, 211; Tract/BNA(s): 0804.00, 0805.00; Within Tract/BNA 0807.00: Block group(s): 1; Tract/BNA(s): 0808.00; Within Tract/BNA 0818.00: Within block group 1: Block(s): 105, 106, 107, 108, 109, 114; Within block group 3: Block(s): 309, 310, 311, 312, 313, 314, 315; block group(s): 4; Tract/BNA(s): 0819.00; Within Tract/BNA 2305.00: Within block group 3: Block(s):

301, 304, 305, 306; Within Tract/BNA 2306.00: Within block group 1: Block(s): 105, 106; block group(s): 2; Within block group 3: Block(s): 301, 302, 303; Within block group 4: Block(s): 403, 404, 405, 406; block group(s): 5; Within block group 6: Block(s): 601, 602, 603, 604, 605, 606, 608, 609; Within Tract/BNA 2307.00: Within block group 2: Block(s): 208; Within block group 3: Block(s): 301, 302, 303, 304, 305, 306; Within Tract/BNA 2310.00: Within block group 1: Block(s): 105, 106, 107, 109; Within block group 2: Block(s): 201, 202, 203, 204, 205, 206, 208, 209, 210, 211; Within Tract/BNA 2311.00: Within block group 1: Block(s): 102, 104, 105, 106, 107, 108, 109, 111; Within Tract/BNA 2312.00: Within block group 1: Block(s): 102, 103, 104, 105, 106, 107; block group(s): 2, 3, 4, 5; Tract/BNA(s): 2313.00, 2314.00, 2315.00, 2316.00; Within Tract/BNA 2317.00: Within block group 1: Block(s): 102, 103, 104, 105, 106, 108, 109, 110, 111, 112; block group(s): 2; Within Tract/BNA 2318.00: Within block group 1: Block(s): 105, 106, 107, 108; Within Tract/BNA 2418.00: Within block group 2: Block(s): 211; Within Tract/BNA 2427.00: Within block group 1: Block(s): 106; Within Tract/BNA 2428.00: Within block group 1: Block(s): 110, 111, 112, 113; Within Tract/BNA 2429.00: Within block group 2: Block(s): 206, 207; Within block group 3: Block(s): 301, 302, 304; Within Tract/BNA 2430.00: Within block group 2: Block(s): 203, 204, 205; Within Tract/BNA 2431.00: Within block group 3: Block(s): 306, 307; Tract/BNA(s): 2436.00; Within Tract/BNA 2501.00: Within block group 1: Block(s): 102, 103, 104, 105, 107, 108; Tract/BNA(s): 2502.00, 2503.00, 2504.00, 2506.00, 2507.00, 2508.00, 2509.00, 2510.00, 2511.00, 2512.00, 2513.00, 2514.00, 2515.00, 2516.00, 2517.00, 2518.00, 2519.00, 2520.00, 2521.00, 2522.00, 2523.00, 2524.00, 2601.00, 2602.00, 2603.00, 2604.00, 2605.00, 2606.00, 2607.00, 2608.00, 2609.00, 2610.00, 2701.00, 2702.00, 2703.00, 2704.00, 2705.00, 2706.00, 2707.00, 2708.00, 2709.00, 2710.00, 2711.00, 2712.00, 2713.00, 2714.00, 2715.00, 2716.00, 2717.00, 2718.00, 2719.00, 2801.00, 2802.00, 2803.00, 2804.00, 2805.00, 2806.00, 2807.00, 2808.00, 2809.00, 2810.00, 2811.00, 2812.00, 2813.00, 2814.00, 2815.00, 2816.00, 2817.00, 2818.00, 2819.00, 2821.00, 2822.00, 2823.00, 2824.00, 2825.00; Within Tract/BNA 2826.00: Within block group 1: Block(s): 101, 102, 103, 104, 105, 106, 107, 108; Within Tract/BNA 2827.00: Block group(s): 1, 2; Within block group 3: Block(s): 301, 304, 305, 309; Within Tract/BNA 2829.00: Block group(s): 1, 2, 3; Within Tract/BNA 2830.00: Block group(s): 1; Tract/BNA(s): 2831.00, 2832.00, 2833.00, 2838.00; Within Tract/BNA 2839.00: Block group(s): 1, 2, 4; Tract/BNA(s): 2840.00, 2841.00; Within Tract/BNA 2843.00: Within block group 1: Block(s): 102; Tract/BNA(s): 2901.00, 2902.00, 2903.00, 2904.00, 2905.00, 2906.00, 2907.00, 2908.00, 2909.00, 2910.00, 2911.00, 2912.00, 2913.00, 2914.00, 2915.00,

2917.00, 2918.00, 2919.00, 2920.00, 2921.00, 2922.00, 2923.00, 2924.00, 2925.00, 2926.00, 2927.00; Within Tract/BNA 3002.00: Within block group 1: Block(s): 101; Within Tract/BNA 3003.00: Within block group 1: Block(s): 101, 102, 105; Within Tract/BNA 3004.00: Within block group 1: Block(s): 101, 104, 105, 106, 107; Within Tract/BNA 3005.00: Within block group 1: Block(s): 101, 102; Within Tract/BNA 3006.00: Within block group 1: Block(s): 101, 102, 103, 104; Within Tract/BNA 3007.00: Within block group 1: Block(s): 104, 105; Within Tract/BNA 3202.00: Within block group 3: Block(s): 302, 303, 310, 311, 312, 313, 314, 315, 319, 320, 321; Tract/BNA(s): 3301.00; Within Tract/BNA 3302.00: Block group(s): 4; Tract/BNA(s): 3303.00, 3304.00, 3305.00; Within Tract/BNA 3406.00: Block group(s): 1; Tract/BNA(s): 3501.00, 3502.00, 3503.00, 3504.00, 3505.00, 3506.00, 3507.00, 3508.00, 3509.00, 3510.00, 3511.00, 3512.00, 3513.00, 3514.00, 3515.00, 3601.00, 3602.00, 3603.00, 3604.00, 3605.00, 3701.00, 3702.00, 3703.00, 3704.00, 3801.00, 3802.00, 3803.00, 3804.00, 3805.00, 3806.00, 3807.00, 3808.00, 3809.00, 3810.00, 3811.00, 3812.00, 3813.00, 3814.00, 3815.00, 3816.00, 3817.00, 3818.00, 3819.00, 3820.00, 3901.00, 3902.00, 3903.00, 3904.00, 3905.00, 3906.00, 3907.00, 4001.00, 4002.00, 4003.00, 4004.00, 4005.00, 4006.00, 4007.00, 4008.00, 4101.00, 4102.00, 4103.00, 4104.00, 4105.00, 4106.00, 4107.00, 4108.00, 4109.00, 4110.00, 4111.00, 4112.00, 4113.00, 4114.00, 4201.00, 4202.00, 4203.00, 4204.00, 4205.00, 4206.00, 4207.00, 4208.00, 4209.00, 4210.00, 4211.00, 4212.00, 4301.00, 4302.00, 4303.00, 4304.00, 4305.00, 4306.00, 4307.00, 4308.00, 4309.00, 4310.00, 4311.00, 4312.00, 4313.00, 4314.00, 4401.00, 4402.00, 4403.00, 4404.00, 4405.00, 4406.00, 4407.00, 4408.00, 4409.00, 4501.00, 4502.00, 4503.00, 4601.00, 4602.00, 4603.00, 4604.00, 4605.00, 4606.00, 4607.00, 4608.00, 4609.00, 4610.00, 4701.00, 4801.00, 4802.00, 4803.00, 4804.00, 4805.00, 4901.00, 4902.00, 4903.00, 4904.00, 4905.00, 4906.00, 4907.00, 4908.00, 4909.00, 4910.00, 4911.00, 4912.00, 4913.00, 4914.00, 5001.00, 5002.00, 5003.00, 5101.00, 5102.00, 5103.00, 5104.00, 5105.00, 5201.00, 5202.00, 5203.00, 5204.00, 5205.00, 5206.00, 5301.00, 5302.00, 5303.00, 5304.00, 5305.00, 5306.00, 5401.00, 5501.00, 5502.00, 5602.00, 5603.00; Within Tract/BNA 5605.00: Within block group 1: Block(s): 110, 113, 114; Tract/BNA(s): 5606.00, 5607.00, 5608.00, 5609.00, 5610.00, 5611.00, 5612.00; Within Tract/BNA 5613.00: Within block group 1: Block(s): 108, 109; Tract/BNA(s): 6109.00, 6110.00; Within Tract/BNA 6111.00: Block group(s): 2; Within Tract/BNA 6112.00: Block group(s): 2; Tract/BNA(s): 6116.00, 6117.00, 6118.00, 6119.00, 6120.00, 6121.00, 6122.00, 6306.00; Within Tract/BNA 6307.00: Within block group 2: Block(s): 201; Tract/BNA(s): 6401.00, 6402.00, 6403.00, 6404.00, 6405.00, 6406.00, 6407.00, 6408.00; Within Tract/BNA 6502.00: Within block group 6: Block(s): 604; Within Tract/BNA 6503.00: Within block group 3: Block(s): 301, 302, 303, 304, 311; Within block group 5: Block(s): 503, 504, 505, 506; Within block group 6: Block(s): 602, 603, 605, 606, 607; block group(s): 7, 8; Tract/BNA(s): 6504.00, 6505.00, 6601.00; Within Tract/BNA 6602.00: Within block group 1: Block(s): 101, 105, 106; block group(s): 2; Within block group 3: Block(s): 301; Within Tract/BNA 6605.00: Within block group 2: Block(s): 207; Within block group 3: Block(s): 301, 307, 308; Within Tract/BNA 6606.00: Block group(s): 1; Within block group 2: Block(s): 201, 202, 204, 205; Tract/BNA(s): 6607.00; Within Tract/BNA 6608.00: Block group(s): 1; Within block group 2: Block(s): 201, 202, 203, 204, 205; Within block group 3: Block(s): 302, 303; Tract/BNA(s): 6609.00, 6610.00, 6611.00, 6701.00, 6702.00, 6703.00, 6704.00, 6705.00, 6706.00, 6707.00, 6708.00, 6709.00, 6710.00, 6711.00, 6712.00, 6713.00, 6714.00, 6715.00, 6716.00, 6717.00, 6718.00, 6719.00, 6720.00, 6801.00, 6802.00, 6803.00, 6804.00, 6805.00, 6806.00, 6807.00, 6808.00, 6809.00, 6810.00, 6811.00, 6812.00, 6813.00, 6814.00, 6901.00, 6902.00, 6903.00, 6904.00, 6905.00, 6906.00, 6907.00, 6908.00, 6909.00, 6910.00, 6911.00, 6912.00, 6913.00, 6914.00, 6915.00, 7001.00, 7002.00, 7003.00, 7004.00, 7005.00, 7101.00, 7102.00, 7103.00, 7104.00, 7105.00, 7106.00, 7107.00, 7108.00, 7109.00, 7110.00, 7111.00, 7112.00, 7113.00, 7114.00, 7115.00; Within Tract/BNA 7201.00: Within block group 3: Block(s): 304, 305, 306, 307, 308, 309, 316, 317, 318; Within Tract/BNA 7202.00: Block group(s): 1, 2; Within block group 3: Block(s): 301, 302, 303, 304, 305, 306; Within block group 4: Block(s): 403, 404, 405, 410, 411; Within block group 5: Block(s): 501, 502, 509; Within Tract/BNA 7205.00: Within block group 2: Block(s): 202, 203, 206, 209, 210; Within block group 3: Block(s): 301, 302; Within Tract/BNA 7206.00: Within block group 2: Block(s): 208, 209, 210, 211, 212, 213, 214; Within Tract/BNA 7207.00: Block group(s): 1, 2, 3; Within block group 4: Block(s): 401, 402, 403, 404, 406, 407, 408, 409; Tract/BNA(s): 7301.00, 7302.00, 7303.00, 7304.00, 7305.00, 7306.00, 7307.00, 7501.00, 7502.00, 7503.00; Within Tract/BNA 7504.00: Block group(s): 1; Tract/BNA(s): 7505.00, 7506.00, 8209.02; Within the MCD/CCD of Cicero: Within Tract/BNA 8133.00: Block group(s): 1; Within block group 2: Block(s): 201, 202, 203, 204, 205, 208; Within block group 3: Block(s): 304; Within Tract/BNA 8137.00: Within block group 1: Block(s): 101; Within Tract/BNA 8138.00: Block group(s): 1, 2; Within Tract/BNA 8142.00: Block group(s): 1, 2; Within the MCD/CCD of Lyons: Within Tract/BNA 8191.00: Block group(s): 1, 2, 3; Within Tract/BNA 8192.00: Block group(s): 1; Within Tract/BNA 8201.03: Within block group 2: Block(s): 201, 204, 205, 206, 207, 208, 209; Within Tract/BNA 8201.04: Block group(s): 1; Within Tract/BNA 8202.02: Within

block group 1: Block(s): 101, 103, 104, 105, 106, 107, 108, 109, 111, 112, 119, 120, 121, 122, 123, 124, 125, 133, 134, 135, 136, 137, 102A, 110A, 117A, 126A, 127A, 128A, 129A, 130A, 131A, 132A, 199A, 102B, 110B, 117B, 126B, 127B, 128B, 129B, 130B, 131B, 132B, 199B, 102C, 126C, 128C, 199C, 199D, 199E, 199F; block group(s): 2, 3; Within block group 4: Block(s): 401, 402, 403, 404, 405, 406, 407, 408, 420; Tract/BNA(s): 8203.00, 8204.00, 8205.01, 8205.02, 8206.01; Within Tract/BNA 8206.02: Block group(s): 1, 2, 3; Within block group 4: Block(s): 401, 402A; Within the MCD/CCD of Oak Park: Tract/BNA(s): 8121.00; Within Tract/BNA 8122.00: Block group(s): 1, 2; Within Tract/BNA 8123.00: Block group(s): 2, 3, 4, 5; Tract/BNA(s): 8124.00, 8125.00, 8126.00, 8127.00, 8128.00, 8129.00, 8130.00, 8131.00, 8132.00; Within the MDC/CCD of Proviso: Tract/BNA(s): 8159.00, 8160.00, 8161.00; Within Tract/BNA 8162.00: Within block group 1: Block(s): 105, 106, 107, 108, 109, 110, 111, 103A, 103B; block group(s): 2, 3, 4, 5; Tract/BNA(s): 8163.00, 8164.01, 8164.02, 8165.00, 8166.00; Within Tract/BNA 8167.00: Block group(s): 1; Tract/BNA(s): 8169.00, 8170.00, 8171.01, 8171.02, 8172.00, 8173.00, 8174.00, 8175.00, 8176.00, 8177.00, 8178.00, 8179.00; Within Tract/BNA 8180.00: Block group(s): 1; Within block group 2: Block(s): 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218; Within Tract/BNA 8183.00: Block group(s): 1; Within the MCD/CCD of Rich: Within Tract/BNA 8299.01: Block group(s): 1, 2, 3, 4; Within block group 5: Block(s): 523, 524; Within Tract/BNA 8299.02: Within block group 2: Block(s): 201B; The MCD/CCD(s): Stickney; Within the MCD/CCD of Thornton: Tract/BNA(s): 5502.00, 8257.00, 8258.01, 8258.02, 8258.03, 8259.00, 8260.00, 8261.00, 8262.01, 8262.02; Within Tract/BNA 8263.01: Block group(s): 5; Tract/BNA(s): 8263.03, 8263.04, 8264.01, 8264.02, 8265.00, 8266.00, 8267.00, 8268.00, 8269.01, 8269.02, 8270.00, 8271.00, 8272.00, 8273.00, 8274.00; Within Tract/BNA 8275.00: Block group(s): 2; Within block group 3: Block(s): 301, 307, 308, 310, 311, 312, 313, 314, 315, 316, 317, 318, 320, 303A, 303C; block group(s): 4, 5; Tract/BNA(s): 8276.00, 8277.00; Within Tract/BNA 8279.02: Block group(s): 2; Within Tract/BNA 8283.00: Within block group 6: Block(s): 604A; Within Tract/BNA 8284.02: Block group(s): 1; Within the MCD/CCD of Worth: Tract/BNA(s): 8220.00; Within Tract/BNA 8221.01; Block group(s): 1, 2; Tract/BNA(s): 8222.00, 8223.01; Within Tract/BNA 8223.02: Block group(s): 1; Within Tract/BNA 8224.00: Block group(s): 1, 2; Tract/BNA(s): 8229.00; Within Tract/BNA 8236.03: Block group(s): 1, 2; Within block group 3: Block(s): 302, 303, 304, 305, 306, 307, 308, 309, 311, 314, 331, 332A, 301B, 332B, 334B, 332C.
(Source: P.A. 89-563, § 10.)

Note.

This section was enacted by P.A. 89-563 with only a subsection A.

10 ILCS 105/15 Applicability

Sec. 15. *Applicability.* This Act does not apply to the election of members of the board of review in Cook County in 2002 or any election thereafter.
(Source: P.A. 92-462, § 95.)

Effective Date.

Section 99 of P.A. 92-462 made this section effective upon becoming law. The Act was approved August 22, 2001.

10 ILCS 105/99 [Effective date]

Sec. 99. This Act is effective upon becoming law.
(Source: P.A. 89-563, § 99.)

Note.

The Act was approved July 26, 1996.

**COOK COUNTY BOARD OF REVIEW DISTRICTS
ACT OF 2001**

10 ILCS 106/1 Short title

Sec. 1. *Short title.* This Act may be cited as the Cook County Board of Review Districts Act of 2001.
(Source: P.A. 92-462, § 1.)

Effective Date.

Section 99 of P.A. 92-462 made this Act effective upon becoming law. The Act was approved August 22, 2001.

10 ILCS 106/5 Applicability

Sec. 5. *Applicability.* This Act applies to the election of members of the board of review in Cook County beginning with members elected in 2002.
(Source: P.A. 92-462, § 5.)

10 ILCS 106/10 Districts created

Sec. 10. *Districts created.* Cook County is divided into 3 board of review districts as follows:

District No. 1 shall be comprised of the following units of census geography: Within the County of Cook: MCD/CCD of Barrington; Within the MCD/CCD of Berwyn: Within Tract/BNA 815200: Within block group 3: Block(s): 3012, 3014, 3015, 3016, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029; Within block group 4: Block(s): 4013; Within Tract/BNA 815400: Block groups: 1, 2, 3; Within block group 4: Block(s): 4010; Tract/BNA(s): 815500; Within the MCD/CCD of Bloom: Tract/BNA(s): 828503, 828504, 828505, 828506, 828601, 828602; Within Tract/BNA 828701: Block groups: 1, 2; Within block group 3: Block(s): 3004, 3005, 3006, 3007, 3008, 3009; Within block group 4: Block(s): 4007, 4008, 4009, 4010, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4027, 4028, 4029, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047; Within Tract/BNA 828702: Within block group 3: Block(s):

3072, 3073; Tract/BNA(s): 828801, 828802, 828900; Within Tract/BNA 829000: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1026, 1027, 1028, 1029; Within block group 2: Block(s): 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018; Within Tract/BNA 829100: Within block group 1: Block(s): 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055; Within block group 2: Block(s): 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056; Tract/BNA(s): 829200, 829301, 829302, 829401, 829402, 829500, 829600; Within Tract/BNA 829700: Within block group 2: Block(s): 2020, 2021, 2022, 2024, 2025, 2026, 2027, 2028; Within block group 4: Block(s): 4024, 4025, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114; Within the MCD/CCD of Bremen: Within Tract/BNA 824400: Block groups: 2; Tract/BNA(s): 824503, 824505, 824506, 824507, 824601, 824602, 824701, 824702; Within Tract/BNA 824800: Block groups: 4; Within Tract/BNA 824900: Block groups: 1, 2; Tract/BNA(s): 825000, 825200, 825301, 825302, 825400; Within Tract/BNA 825503: Block groups: 3, 4; Tract/BNA(s): 829901; Within the MCD/CCD of Chicago: Within Tract/BNA 090100: Within block group 3: Block(s): 3007; Within Tract/BNA 090200: Within block group 2: Block(s): 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; Block group(s): 3; Within block group 4: Block(s): 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018; Tract/BNA(s): 090300; Within Tract/BNA 100200: Within block group 2: Block(s): 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010; Block group(s): 3, 4, 5, 6; Within block group 7: Block(s): 7006, 7007, 7008, 7009, 7010; Tract/BNA(s): 100300, 100400, 100500, 100600; Within Tract/BNA 100700: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002; Within block group 4: Block(s): 4000, 4001, 4002; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004; Within Tract/BNA 110300: Within block group 5: Block(s): 5011; Within Tract/BNA 720300: Within block group 1: Block(s): 1004, 1005, 1006,

1007; Within block group 2: Block(s): 2001, 2002, 2003, 2004; Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010; Block group(s): 4; Within block group 5: Block(s): 5002, 5003, 5008, 5009; Tract/BNA(s): 720400; Within Tract/BNA 720500: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009; Within Tract/BNA 740100: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2007; Within Tract/BNA 740200: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2009, 2010; Block group(s): 3, 4, 5, 6; Within Tract/BNA 740300: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007; Block group(s): 2, 3, 4, 5, 6; Within Tract/BNA 740400: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005; Block group(s): 2, 3, 4, 5; Within Tract/BNA 750400: Block groups: 2; Within block group 3: Block(s): 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013; Within Tract/BNA 760800: Block groups: 1; Tract/BNA(s): 760900, 770500, 770600, 770700, 770800, 770900, 810400, 811600; Within the MCD/CCD of Cicero: Tract/BNA(s): 813300, 813700, 813800; Within Tract/BNA 814100: Block groups: 3; Tract/BNA(s): 814200, 814300, 814400, 814500; MCD/CCD(s): Elk Grove; Within the MCD/CCD of Evanston: Within Tract/BNA 808800: Within block group 1: Block(s): 1000, 1001, 1012, 1013; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2027; Within Tract/BNA 808900: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022; Within Tract/BNA 809000: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2014; Block group(s): 3; Within block group 4: Block(s): 4015, 4016; Within Tract/BNA 809100: Within block group 1: Block(s): 1001, 1002, 1003; Within block group 2: Block(s): 2006, 2007, 2008, 2009; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3014, 3015, 3016; MCD/CCD(s): Hanover, Lemont; Within the MCD/CCD of Leyden: Tract/BNA(s): 760900, 770700; Within Tract/BNA 770800: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1041, 1043; Block group(s): 2; Within Tract/BNA 770900: Within block group 6: Block(s): 6006, 6009, 6021; Tract/BNA(s): 805702, 810701, 810702, 810800, 810900, 811000, 811100,

811200, 811301, 811302, 811401, 811402, 811500, 811600, 811701, 811702, 811800; Within the MCD/CCD of Lyons: Tract/BNA(s): 819100, 819200, 819300, 819400, 819500, 819600, 819700, 819801, 819802, 819900, 820000, 820101, 820103, 820104, 820201; Within Tract/BNA 820202: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1139, 1140, 1141, 1142, 1143, 1144, 1146, 1147, 1148, 1149, 1150, 1974, 1975, 1976, 1977, 1978, 1979, 1986, 1987, 1988, 1989, 1990, 1991, 1999; Block group(s): 2, 3; Within Tract/BNA 820300: Within block group 1: Block(s): 1000, 1001, 1999; Within Tract/BNA 820501: Within block group 6: Block(s): 6016; Within Tract/BNA 820601: Within block group 2: Block(s): 2010, 2049, 2050, 2051, 2052, 2053, 2055, 2056, 2065, 2067, 2068, 2069, 2070, 2071, 2072, 2996, 2997, 2998; Within Tract/BNA 820602: Within block group 1: Block(s): 1015, 1016, 1017, 1018, 1019, 1023, 1026, 1027, 1028, 1029, 1030, 1031; Block group(s): 2; Within the MCD/CCD of Maine: Tract/BNA(s): 090100, 090300, 760900, 770600, 770700, 805201, 805202; Within Tract/BNA 805301: Within block group 2: Block(s): 2007; Within block group 3: Block(s): 3001, 3002, 3003, 3004; Within block group 4: Block(s): 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014; Within Tract/BNA 805302: Within block group 4: Block(s): 4012, 4013; Tract/BNA(s): 805401, 805402, 805501, 805502, 805600, 805701, 805801, 805802, 805901, 805902, 806001, 806002, 806003; Within Tract/BNA 826004: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021; Block group(s): 2, 3; Tract/BNA(s): 806101, 806102, 806200, 806300, 806400, 806501, 806502, 806600; Within the MCD/CCD of New Trier: Tract/BNA(s): 800100, 800200, 800300, 800400, 800500, 800600, 800700, 800800; Within Tract/BNA 800900: Block group: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009; Block group(s): 3, 4; Tract/BNA(s): 801000, 801100, 801200, 801300, 801400; Within the MCD/CCD of Niles: Within Tract/BNA 808600: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029; Block group(s): 2; MCD/CCD(s): Northfield; Within the MCD/CCD of Norwood Park: Tract/BNA(s): 100500, 810400; MCD/CCD(s): Orland, Palatine, Palos;

Within the MCD/CCD of Proviso: Within Tract/BNA 816200: Within block group 1: Block(s): 1000, 1001, 1002, 1004, 1010; Within Tract/BNA 816700: Block groups: 2, 3; Tract/BNA(s): 816800; Within Tract/BNA 816900: Within block group 4: Block(s): 4007, 4008, 4009, 4010, 4013, 4014, 4015, 4016, 4021, 4022; Within Tract/BNA 817400: Within block group 1: Block(s): 1000, 1001, 1002; Within Tract/BNA 818000: Within block group 1: Block(s): 1041, 1042, 1043, 1044, 1045; Block group(s): 2, 3; Tract/BNA(s): 818100, 818200; Within Tract/BNA 818300: Block groups: 2; Within block group 3: Block(s): 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3018, 3019, 3020, 3021, 3022; Block group(s): 4, 5; Tract/BNA(s): 818401, 818402, 818500, 818600, 818700, 818800, 818900, 819000; Within the MCD/CCD of Rich: Tract/BNA(s): 829800; Within Tract/BNA 829901: Within block group 2: Block(s): 2000; Within block group 5: Block(s): 5006, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065; Within Tract/BNA 829902: Within block group 1: Block(s): 1016, 1017, 1018, 1019; Within block group 2: Block(s): 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044; Within block group 4: Block(s): 4016, 4017, 4019, 4021; Tract/BNA(s): 830001, 830002, 830003, 830004, 830005, 830006, 830100, 830201, 830202, 830300, 830400; MCD/CCD(s): River Forest, Riverside, Schaumburg; Within the MCD/CCD of Thornton: Within Tract/BNA 827902: Within block group 1: Block(s): 1006, 1007; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012; Within block group 4: Block(s): 4008; Within Tract/BNA 828000: Block groups: 1, 2; Within block group 3: Block(s): 3027; Block group(s): 4; Tract/BNA(s): 828100; Within Tract/BNA 828201: Within block group 1: Block(s): 1005, 1006, 1007, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1069, 1070, 1071, 1072, 1073, 1074, 1075; Block group(s): 2, 3; Tract/BNA(s): 828202; Within Tract/BNA 828401: Within block group 1: Block(s): 1011, 1012, 1013, 1014, 1015, 1016, 1020, 1021, 1022, 1023, 1024, 1025, 1026,

1027, 1028, 1029, 1030, 1031, 1032; Within block group 2: Block(s): 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030; Block group(s): 3, 4; MCD/CCD(s): Wheeling; Within the MCD/CCD of Worth: Tract/BNA(s): 740400, 821600, 821700, 821800, 821900; Within Tract/BNA 822101: Within block group 2: Block(s): 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019; Block group(s): 3, 4; Tract/BNA(s): 822102; Within Tract/BNA 822200: Block groups: 2, 3; Within Tract/BNA 822301: Block groups: 2; Tract/BNA(s): 822302; Within Tract/BNA 822400: Within block group 2: Block(s): 2014; Block group(s): 3, 4; Tract/BNA(s): 822500, 822601, 822602, 822701, 822702, 822801, 822802, 823001, 823002, 823101, 823102, 823200, 823302, 823303; Within Tract/BNA 823304: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010; Block group(s): 2, 3, 4, 5, 6, 7; Tract/BNA(s): 823400, 823500, 823602; Within Tract/BNA 823603: Within block group 2: Block(s): 2993; Tract/BNA(s): 823604, 823605.

District No. 2 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Undefined: Within Tract/BNA 000000: Within block group 0: Block(s): 0986, 0987, 0988, 0989; Within the MCD/CCD of Chicago: Tract/BNA(s): 010100, 010200, 010300, 010400, 010500, 010600, 010700, 010800, 010900, 020100, 020200, 020300, 020400, 020500, 020600, 020700, 020800, 020900, 030100, 030200, 030300, 030400, 030500, 030600, 030700, 030800, 030900, 031000, 031100, 031200, 031300, 031400, 031500, 031600, 031700, 031800, 031900, 032000, 032100, 040100, 040200, 040300, 040400, 040500, 040600, 040700, 040800, 040900, 041000, 050100, 050200, 050300, 050400, 050500, 050600, 050700, 050800, 050900, 051000, 051100, 051200, 051300, 051400, 051500, 060100, 060200, 060300, 060400, 060500, 060600, 060700, 060800, 060900, 061000, 061100, 061200, 061300, 061400, 061500, 061600, 061700, 061800, 061900, 062000, 062100, 062200, 062300, 062400, 062500, 062600, 062700, 062800, 062900, 063000, 063100, 063200, 063300, 063400, 070100, 070200, 070300, 070400, 070500, 070600, 070700, 070800, 070900, 071000, 071100, 071200, 071300, 071400, 071500, 071600, 071700, 071800, 071900, 072000, 080100, 080200; Within Tract/BNA 080300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004; Within block group 2: Block(s): 2000, 2001, 2002, 2006, 2009, 2010; Tract/BNA(s): 080600; Within Tract/BNA 080700: Block groups: 2; Within Tract/BNA 080900: Within block group 1: Block(s): 1000, 1001, 1006, 1007, 1008; Within block group 2: Block(s): 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008; Tract/BNA(s): 081000, 081100, 081200, 081300, 081400, 081500, 081600, 081700; Within Tract/BNA 081800: Within block group 1: Block(s): 1000, 1001, 1002, 1006, 1007, 1008, 1009, 1010,

1011, 1013, 1014, 1015, 1016; Block group(s): 2; Within block group 3: Block(s): 3000, 3001, 3003, 3004, 3008, 3009, 3010, 3012; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4006, 4007, 4008, 4009, 4010, 4012, 4013; Within Tract/BNA 081900: Within block group 1: Block(s): 1011, 1012; Within Tract/BNA 090100: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3009, 3010, 3011; Block group(s): 4; Within Tract/BNA 090200: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010; Block group(s): 5; Tract/BNA(s): 100100; Within Tract/BNA 100200: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002; Within block group 7: Block(s): 7000, 7001, 7002, 7003, 7004, 7005; Within Tract/BNA 100700: Within block group 3: Block(s): 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012; Within block group 4: Block(s): 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011; Within block group 5: Block(s): 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017; Tract/BNA(s): 110100, 110200; Within Tract/BNA 110300: Block groups: 1, 2, 3, 4; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010; Tract/BNA(s): 110400, 110500, 120100, 120200, 120300, 120400, 130100, 130200, 130300, 130400, 130500, 140100, 140200, 140300, 140400, 140500, 140600, 140700, 140800, 150100, 150200, 150300, 150400, 150500, 150600, 150700, 150800, 150900, 151000, 151100, 151200, 160100, 160200, 160300, 160400, 160500, 160600, 160700, 160800, 160900, 161000, 161100, 161200, 161300, 170100, 170200, 170300, 170400, 170500, 170600, 170700, 170800, 170900, 171000, 171100, 180100, 180200, 180300, 190100, 190200, 190300, 190400, 190500; Within Tract/BNA 190600: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 2: Block(s): 2000, 2001, 2002, 2003; Within block group 3: Block(s): 3000, 3001, 3002, 3003; Within block group 4: Block(s): 4000, 4001, 4002, 4003; Within block group 5: Block(s): 5000, 5001, 5002, 5003; Block group(s): 6, 7; Tract/BNA(s): 190700, 190800, 190900, 191000; Within Tract/BNA 191100: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004; Block group(s): 4, 5; Within block group 6: Block(s): 6000, 6001, 6002, 6003; Within Tract/BNA 191200: Block groups: 1; Within block group 2: Block(s): 2000, 2002, 2003, 2004; Tract/BNA(s): 191400, 200100, 200200, 200300, 200400, 200500, 200600, 210100, 210200, 210300, 210400, 210500, 210600, 210700, 210800, 210900, 220100, 220200, 220300, 220400, 220500, 220600, 220700, 220800, 220900, 221000, 221100, 221200, 221300, 221400, 221500, 221600, 221700, 221800, 221900, 222000, 222100, 222200, 222300, 222400, 222500, 222600, 222700, 222800, 222900, 230100, 230200, 230300, 230400; Within Tract/BNA 230500: Block groups: 1, 2; Within block group 3:

Block(s): 3000, 3001, 3002, 3003, 3004; Within Tract/BNA 230600: Within block group 1: Block(s): 1000, 1001, 1002, 1003; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004; Block group(s): 4; Within block group 5: Block(s): 5000; Within block group 6: Block(s): 6000; Within Tract/BNA 230700: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007; Within block group 3: Block(s): 3000, 3001, 3002; Block group(s): 4; Tract/BNA(s): 230800, 230900; Within Tract/BNA 231000: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1010, 1011; Within block group 2: Block(s): 2000, 2002, 2003, 2004; Within Tract/BNA 231100: Within block group 1: Block(s): 1000; Within Tract/BNA 231200: Within block group 1: Block(s): 1000; Within Tract/BNA 231700: Within block group 1: Block(s): 1002; Tract/BNA(s): 231800, 240100, 240200, 240300, 240400, 240500, 240600, 240700, 240800, 240900, 241000, 241100, 241200, 241300, 241400, 241500, 241600, 241700; Within Tract/BNA 241800: Block groups: 1; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021; Tract/BNA(s): 241900, 242000, 242100, 242200, 242300, 242400, 242500, 242600, 242700; Within Tract/BNA 242800: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1016; Block group(s): 2; Within Tract/BNA 242900: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002; Within block group 3: Block(s): 3000, 3001, 3003; Within Tract/BNA 243000: Block groups: 1; Within block group 2: Block(s): 2000, 2001; Block group(s): 3; Within Tract/BNA 243100: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001; Within Tract/BNA 243200: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3006, 3007; Block group(s): 4; Tract/BNA(s): 243300, 243400; Within Tract/BNA 243500: Within block group 2: Block(s): 2009, 2010, 2011, 2012, 2013, 2014; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014; Within block group 4: Block(s): 4002, 4004, 4005, 4006, 4007, 4008, 4009, 4011, 4012, 4013, 4014, 4015, 4016; Within Tract/BNA 250100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005; Tract/BNA(s): 250500, 282000; Within Tract/BNA 282600: Within block group 1: Block(s): 1013, 1015, 1016, 1017; Tract/BNA(s): 282800; Within Tract/BNA 282900: Block groups: 4; Within Tract/BNA 283000: Within block group 1: Block(s): 1006, 1007; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007; Tract/BNA(s): 283400, 283500, 283600, 283700; Within Tract/BNA 283800: Within block group 2: Block(s): 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013; Within Tract/BNA 283900: Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006; Block group(s): 3; Tract/BNA(s): 284200; Within Tract/BNA 291400: Within block group 1: Block(s):

1009, 1010, 1011; Tract/BNA(s): 291600; Within Tract/BNA 291700: Within block group 1: Block(s): 1000, 1001, 1010; Tract/BNA(s): 300100, 300200; Within Tract/BNA 300300: Within block group 1: Block(s): 1000, 1006, 1007; Tract/BNA(s): 300700, 300800, 300900, 301000, 301100, 301200, 301300, 301400, 301500, 301600; Within Tract/BNA 301700: Block groups: 1, 2, 3; Within Tract/BNA 302000: Block groups: 1, 3; Tract/BNA(s): 310100, 310200, 310300, 310400, 310500, 310600, 310700, 310800, 310900, 311000, 311100, 311200, 311300, 311400, 311500, 320100; Within Tract/BNA 320200: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3003, 3004, 3005, 3006, 3007, 3012, 3013, 3017, 3018; Within Tract/BNA 320300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1010; Within Tract/BNA 320400: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013; Block group(s): 2; Within Tract/BNA 320500: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4005, 4006, 4007, 4012, 4018, 4019, 4020, 4023; Tract/BNA(s): 320600; Within Tract/BNA 330100: Block groups: 1; Within block group 2: Block(s): 2004, 2005; Within block group 3: Block(s): 3006, 3007, 3008, 3009, 3010, 3011; Within Tract/BNA 330200: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003; Within Tract/BNA 340100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030; Within Tract/BNA 340200: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1024, 1025, 1026, 1027, 1028; Block group(s): 2; Within block group 3: Block(s): 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024; Block group(s): 4; Tract/BNA(s): 340300, 340400, 340500; Within Tract/BNA 340600: Within block group 1: Block(s): 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016; Block group(s): 2; Within Tract/BNA 370200: Within block group 2: Block(s): 2004, 2005; Within block group 3: Block(s): 3013; Within Tract/BNA 560100: Within block group 1: Block(s): 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031; Within Tract/BNA 560200: Within block group 3: Block(s): 3000, 3001, 3002, 3003; Block group(s): 4; Tract/BNA(s): 560300, 560400, 560500, 560600, 560700; Within Tract/BNA 560800: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3005, 3010, 3011; Within Tract/BNA 561100: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4004, 4005, 4006, 4010, 4011; Tract/BNA(s): 561200, 561300, 570100, 570300, 570400, 570500, 580100, 580200, 580300, 580400, 580500, 580600, 580700, 580800, 580900, 581000, 581100, 590100, 590200,

590300, 590400, 590500, 590600, 590700, 600100, 600200, 600300, 600400, 600500, 600600, 600700, 600800, 600900, 601000, 601100, 601200, 601300, 601400, 601500, 601600; Within Tract/BNA 610100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1021; Block group(s): 2; Tract/BNA(s): 610200, 610300, 610400, 610500, 610600, 610700, 610800; Within Tract/BNA 610900: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011; Within Tract/BNA 611500: Block groups: 2; Tract/BNA(s): 620100, 620200, 620300, 620400, 630200, 630300, 630400, 630500, 630800, 630900, 640100, 640200; Within Tract/BNA 640300: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4004, 4005, 4006, 4007, 4008; Within block group 5: Block(s): 5000, 5001, 5002, 5005, 5006, 5007; Within block group 6: Block(s): 6000, 6004; Tract/BNA(s): 650100, 650200, 660200, 660300, 660400; Within Tract/BNA 660500: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3009, 3010; Block group(s): 4; Tract/BNA(s): 660600; Within Tract/BNA 760800: Block groups: 2, 3; Tract/BNA(s): 808100; Within the MCD/CCD of Evanston: Tract/BNA(s): 806700, 808702; Within Tract/BNA 808800: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030; Within block group 2: Block(s): 2014, 2024, 2025, 2026, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041; Within Tract/BNA 808900: Within block group 3: Block(s): 3023, 3024, 3025, 3026; Within Tract/BNA 809000: Within block group 1: Block(s): 1007, 1008, 1009, 1010, 1011; Within block group 2: Block(s): 2010, 2011, 2012, 2013, 2015; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014; Within Tract/BNA 809100: Within block group 1: Block(s): 1000, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2010, 2011, 2012, 2013, 2014, 2015; Within block group 3: Block(s): 3010, 3011, 3017; Tract/BNA(s): 809200, 809300, 809400, 809500, 809600, 809700, 809800, 809900, 810000, 810100, 810200, 810301, 810302; Within the MCD/CCD of Leyden: Within Tract/BNA 770800: Within block group 1: Block(s): 1000, 1001, 1024; Within Tract/BNA 770900: Block groups: 5; Within block group 6: Block(s): 6000, 6001, 6002, 6003, 6004, 6005, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6022, 6023; Within the MCD/CCD of Maine: Within Tract/BNA 805301: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2009; Within block group 3: Block(s): 3000; Within block group 4: Block(s): 4000, 4001, 4002, 4003; Within Tract/BNA 805302: Block groups: 1, 2,

3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4014, 4015, 4016, 4017, 4018, 4019; Within Tract/BNA 806004: Within block group 1: Block(s): 1006, 1007, 1008, 1009, 1010, 1011; Within the MCD/CCD of NewTrier: Within Tract/BNA 800900: Within block group 2: Block(s): 2010, 2011; Within the MCD/CCD of Niles: Tract/BNA(s): 020700, 806700, 806801, 806802, 806900, 807000, 807100, 807200, 807300, 807400, 807500, 807600, 807700, 807800, 807900, 808001, 808002, 808100, 808200, 808301, 808302, 808400, 808500; Within Tract/BNA 808600: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1030, 1031, 1032; Tract/BNA(s): 809200; Within the MCD/CCD of Norwood Park: Tract/BNA(s): 770900, 810501, 810502, 810600.

District No. 3 shall be comprised of the following units of census geography: Within the County of Cook: Within the MCD/CCD of Undefined: Within Tract/BNA 000000: Within block group 0: Block(s): 0979, 0982, 0983, 0985; Within the MCD/CCD of Berwyn: Tract/BNA(s): 814600, 814700, 814800, 814900, 815000, 815100; Within Tract/BNA 815200: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3013, 3017, 3018, 3019, 3030, 3031; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012; Block group(s): 5; Tract/BNA(s): 815300; Within Tract/BNA 815400: Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4011, 4012, 4013; Within the MCD/CCD of Bloom: Within Tract/BNA 828701: Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4011, 4025, 4026, 4030, 4031; Within Tract/BNA 828702: Block groups: 1, 2; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071; Block group(s): 4, 5; Within Tract/BNA 829000: Within block group 1: Block(s): 1000, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026; Within Tract/BNA 829100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010; Within block group 2: Block(s): 2000, 2001,

2002, 2003, 2011, 2012; Within Tract/BNA 829700: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2023; Block group(s): 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4026, 4027; Within the MCD/CCD of Bremen: Tract/BNA(s): 824300; Within Tract/BNA 824400: Block groups: 1; Within Tract/BNA 824800: Block groups: 1, 2, 3; Within Tract/BNA 824900: Block groups: 3; Tract/BNA(s): 825501; Within Tract/BNA 825503: Block groups: 1, 2; Tract/BNA(s): 825504, 825505, 825600; MCD/CCD(s): Calumet; Within the MCD/CCD of Chicago: Within Tract/BNA 080300: Within block group 1: Block(s): 1005, 1006, 1007; Within block group 2: Block(s): 2003, 2004, 2005, 2007, 2008; Tract/BNA(s): 080400, 080500; Within Tract/BNA 080700: Block groups: 1; Tract/BNA(s): 080800; Within Tract/BNA 080900: Within block group 1: Block(s): 1002, 1003, 1004, 1005; Within block group 2: Block(s): 2002; Within Tract/BNA 081800: Within block group 1: Block(s): 1003, 1004, 1005, 1012; Within block group 3: Block(s): 3002, 3005, 3006, 3007, 3011; Within block group 4: Block(s): 4004, 4005, 4011; Within Tract/BNA 081900: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010; Within Tract/BNA 190600: Within block group 1: Block(s): 1004, 1005, 1006, 1007; Within block group 2: Block(s): 2004, 2005, 2006, 2007; Within block group 3: Block(s): 3004, 3005, 3006, 3007; Within block group 4: Block(s): 4004, 4005, 4006, 4007; Within block group 5: Block(s): 5004, 5005, 5006, 5007; Within Tract/BNA 191100: Within block group 3: Block(s): 3005; Within block group 6: Block(s): 6004, 6005; Within Tract/BNA 191200: Within block group 2: Block(s): 2001, 2005, 2006, 2007, 2008, 2009; Tract/BNA(s): 191300; Within Tract/BNA 230500: Within block group 3: Block(s): 3005, 3006, 3007, 3008; Within Tract/BNA 230600: Within block group 1: Block(s): 1004, 1005; Block group(s): 2; Within block group 3: Block(s): 3005; Within block group 5: Block(s): 5001, 5002, 5003, 5004, 5005; Within block group 6: Block(s): 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008; Within Tract/BNA 230700: Within block group 2: Block(s): 2008; Within block group 3: Block(s): 3003, 3004, 3005, 3006, 3007, 3008; Within Tract/BNA 231000: Within block group 1: Block(s): 1004, 1005, 1006, 1007, 1008, 1009; Within block group 2: Block(s): 2001, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; Within Tract/BNA 231100: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008; Within Tract/BNA 231200: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1006; Block group(s): 2, 3, 4, 5; Tract/BNA(s): 231300, 231400, 231500, 231600; Within Tract/BNA 231700: Within block group 1: Block(s): 1000, 1001, 1003, 1004, 1005, 1006, 1007,

1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026; Block group(s): 2; Within Tract/BNA 241800: Within block group 2: Block(s): 2000, 2022; Within Tract/BNA 242800: Within block group 1: Block(s): 1009, 1010, 1011, 1012, 1013, 1014, 1015; Within Tract/BNA 242900: Within block group 2: Block(s): 2003, 2004, 2005; Within block group 3: Block(s): 3002, 3004, 3005, 3006; Within Tract/BNA 243000: Within block group 2: Block(s): 2002, 2003, 2004, 2005; Within Tract/BNA 243100: Within block group 3: Block(s): 3002, 3003, 3004, 3005, 3006; Within Tract/BNA 243200: Within block group 3: Block(s): 3001, 3002, 3003, 3004, 3005; Within Tract/BNA 243500: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008; Within block group 3: Block(s): 3006; Within block group 4: Block(s): 4000, 4001, 4003, 4010; Block group(s): 5; Tract/BNA(s): 243600; Within Tract/BNA 250100: Within block group 1: Block(s): 1006, 1007; Tract/BNA(s): 250200, 250300, 250400, 250600, 250700, 250800, 250900, 251000, 251100, 251200, 251300, 251400, 251500, 251600, 251700, 251800, 251900, 252000, 252100, 252200, 252300, 252400, 260100, 260200, 260300, 260400, 260500, 260600, 260700, 260800, 260900, 261000, 270100, 270200, 270300, 270400, 270500, 270600, 270700, 270800, 270900, 271000, 271100, 271200, 271300, 271400, 271500, 271600, 271700, 271800, 271900, 280100, 280200, 280300, 280400, 280500, 280600, 280700, 280800, 280900, 281000, 281100, 281200, 281300, 281400, 281500, 281600, 281700, 281800, 281900, 282100, 282200, 282300, 282400, 282500; Within Tract/BNA 282600: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014; Tract/BNA(s): 282700; Within Tract/BNA 282900: Block groups: 1, 2, 3; Within Tract/BNA 283000: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1009; Within block group 2: Block(s): 2000; Tract/BNA(s): 283100, 283200, 283300; Within Tract/BNA 283800: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2003, 2004; Within Tract/BNA 283900: Block groups: 1; Within block group 2: Block(s): 2000; Block group(s): 4; Tract/BNA(s): 284000, 284100, 284300, 290100, 290200, 290300, 290400, 290500, 290600, 290700, 290800, 290900, 291000, 291100, 291200, 291300; Within Tract/BNA 291400: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008; Block group(s): 2; Tract/BNA(s): 291500; Within Tract/BNA 291700: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009; Tract/BNA(s): 291800, 291900, 292000, 292100, 292200, 292300, 292400, 292500, 292600, 292700; Within Tract/BNA 300300: Within block group 1: Block(s): 1001, 1002, 1003, 1004, 1005, 1008, 1009, 1010, 1011; Tract/BNA(s): 300400, 300500, 300600; Within Tract/BNA 301700: Block groups: 4, 5, 6; Tract/BNA(s): 301800, 301900; Within Tract/BNA 302000: Block groups: 2; Within

Tract/BNA 320200: Within block group 3: Block(s): 3001, 3002, 3008, 3009, 3010, 3011, 3014, 3015, 3016; Within Tract/BNA 320300: Within block group 1: Block(s): 1005, 1006, 1007; Within Tract/BNA 320400: Within block group 1: Block(s): 1999; Within Tract/BNA 320500: Within block group 4: Block(s): 4001, 4002, 4003, 4004, 4008, 4009, 4010, 4011, 4013, 4014, 4015, 4016, 4017, 4021, 4022; Within Tract/BNA 330100: Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041; Block group(s): 4; Within Tract/BNA 330200: Within block group 4: Block(s): 4004, 4005; Tract/BNA(s): 330300, 330400, 330500; Within Tract/BNA 340100: Within block group 1: Block(s): 1028; Within Tract/BNA 340200: Within block group 1: Block(s): 1000, 1001, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023; Within block group 3: Block(s): 3000, 3001, 3025; Within Tract/BNA 340600: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005; Tract/BNA(s): 350100, 350200, 350300, 350400, 350500, 350600, 350700, 350800, 350900, 351000, 351100, 351200, 351300, 351400, 351500, 360100, 360200, 360300, 360400, 360500, 370100; Within Tract/BNA 370200: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012; Tract/BNA(s): 370300, 370400, 380100, 380200, 380300, 380400, 380500, 380600, 380700, 380800, 380900, 381000, 381100, 381200, 381300, 381400, 381500, 381600, 381700, 381800, 381900, 382000, 390100, 390200, 390300, 390400, 390500, 390600, 390700, 400100, 400200, 400300, 400400, 400500, 400600, 400700, 400800, 410100, 410200, 410300, 410400, 410500, 410600, 410700, 410800, 410900, 411000, 411100, 411200, 411300, 411400, 420100, 420200, 420300, 420400, 420500, 420600, 420700, 420800, 420900, 421000, 421100, 421200, 430100, 430200, 430300, 430400, 430500, 430600, 430700, 430800, 430900, 431000, 431100, 431200, 431300, 431400, 440100, 440200, 440300, 440400, 440500, 440600, 440700, 440800, 440900, 450100, 450200, 450300, 460100, 460200, 460300, 460400, 460500, 460600, 460700, 460800, 460900, 461000, 470100, 480100, 480200, 480300, 480400, 480500, 490100, 490200, 490300, 490400, 490500, 490600, 490700, 490800, 490900, 491000, 491100, 491200, 491300, 491400, 500100, 500200, 500300, 510100, 510200, 510300, 510400, 510500, 520100, 520200, 520300, 520400, 520500, 520600, 530100, 530200, 530300, 530400, 530500, 530600, 540100, 550100, 550200; Within Tract/BNA 560100: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1998, 1999; Within Tract/BNA 560200: Block groups: 1, 2; Within block group 3: Block(s): 3004, 3005, 3006, 3007; Within Tract/BNA 560800: Within block group 3: Block(s): 3003, 3004, 3006, 3007, 3008, 3009; Block group(s): 4, 5; Tract/BNA(s): 560900, 561000; Within Tract/BNA 561100: Within block group 4: Block(s): 4003, 4007, 4008, 4009; Block group(s): 5, 6; Tract/BNA(s): 570200; Within Tract/BNA 610100: Within block group 1: Block(s): 1014, 1015; Within Tract/BNA 610900: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1012, 1013, 1014, 1015, 1016, 1017, 1018; Tract/BNA(s): 611000, 611100, 611200, 611300, 611400; Within Tract/BNA 611500: Block groups: 1; Tract/BNA(s): 611600, 611700, 611800, 611900, 612000, 612100, 612200, 630100, 630600, 630700; Within Tract/BNA 640300: Within block group 4: Block(s): 4003, 4009; Within block group 5: Block(s): 5003, 5004; Within block group 6: Block(s): 6001, 6002, 6003, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015; Block group(s): 7; Tract/BNA(s): 640400, 640500, 640600, 640700, 640800, 650300, 650400, 650500, 660100; Within Tract/BNA 660500: Within block group 3: Block(s): 3007, 3008; Tract/BNA(s): 660700, 660800, 660900, 661000, 661100, 670100, 670200, 670300, 670400, 670500, 670600, 670700, 670800, 670900, 671000, 671100, 671200, 671300, 671400, 671500, 671600, 671700, 671800, 671900, 672000, 680100, 680200, 680300, 680400, 680500, 680600, 680700, 680800, 680900, 681000, 681100, 681200, 681300, 681400, 690100, 690200, 690300, 690400, 690500, 690600, 690700, 690800, 690900, 691000, 691100, 691200, 691300, 691400, 691500, 700100, 700200, 700300, 700400, 700500, 710100, 710200, 710300, 710400, 710500, 710600, 710700, 710800, 710900, 711000, 711100, 711200, 711300, 711400, 711500, 720100, 720200; Within Tract/BNA 720300: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1008, 1009, 1010, 1011; Within block group 2: Block(s): 2000, 2005, 2006, 2007, 2008, 2009; Within block group 3: Block(s): 3000, 3011; Within block group 5: Block(s): 5000, 5001, 5004, 5005, 5006, 5007, 5010, 5011; Within Tract/BNA 720500: Within block group 2: Block(s): 2009, 2010, 2011, 2012, 2013; Within block group 3: Block(s): 3010, 3011; Tract/BNA(s): 720600, 720700, 730100, 730200, 730300, 730400, 730500, 730600, 730700; Within Tract/BNA 740100: Within block group 2: Block(s): 2004, 2005, 2006; Block group(s): 3, 4; Within Tract/BNA 740200: Within block group 2: Block(s): 2007; Within Tract/BNA 740300: Within block group 1: Block(s): 1000, 1008, 1009; Within Tract/BNA 740400: Within block group 1: Block(s): 1000; Tract/BNA(s): 750100, 750200, 750300; Within Tract/BNA 750400: Block groups: 1; Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005; Tract/BNA(s): 750500, 750600, 823304; Within the MCD/CCD of Cicero: Tract/BNA(s): 813400, 813500, 813600, 813900, 814000; Within Tract/BNA 814100: Block groups: 1, 2; Within the MCD/CCD of Lyons: Within Tract/BNA 820202:

Within block group 1: Block(s): 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1067, 1068, 1069, 1070, 1071, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1096, 1097, 1098, 1137, 1138, 1145, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1980, 1981, 1982, 1983, 1984, 1985, 1992, 1993, 1994, 1995, 1996, 1997, 1998; Within Tract/BNA 820300: Within block group 1: Block(s): 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1997, 1998; Block group(s): 2, 3, 4; Tract/BNA(s): 820400; Within Tract/BNA 820501: Block groups: 1, 2, 3, 4, 5; Within block group 6: Block(s): 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015; Tract/BNA(s): 820502; Within Tract/BNA 820601: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2054, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2066, 2073, 2074, 2075, 2999; Blockgroup(s): 3, 4; Within Tract/BNA 820602: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1020, 1021, 1022, 1024, 1025, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073; MCD/CCD(s): Oak Park; Within the MCD/CCD of Proviso: Tract/BNA(s): 811302, 815900, 816000, 816100; Within Tract/BNA 816200: Within block group 1: Block(s): 1003, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014; Block group(s): 2, 3, 4; Tract/BNA(s): 816300, 816401, 816402, 816500, 816600; Within Tract/BNA 816700: Block groups: 1; Within Tract/BNA 816900: Block groups: 1, 2, 3; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4011, 4012, 4017, 4018, 4019, 4020, 4023, 4024; Tract/BNA(s): 817000, 817101, 817102, 817200, 817300; Within Tract/BNA 817400: Within block group 1: Block(s): 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029; Block group(s): 2, 3; Tract/BNA(s): 817500, 817600, 817700, 817900; Within Tract/BNA 818000: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1046, 1047; Within Tract/BNA 818300:

Block groups: 1; Within block group 3: Block(s): 3000, 3001, 3002, 3017; Within the MCD/CCD of Rich: Within Tract/BNA 829901: Block groups: 1; Within block group 2: Block(s): 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013; Block group(s): 3, 4; Within block group 5: Block(s): 5000, 5001, 5002, 5003, 5004, 5005, 5033, 5034, 5046, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5075, 5076, 5077, 5078, 5079, 5080, 5081, 5082; Within Tract/BNA 829902: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2997, 2998, 2999; Within block group 3: Block(s): 3019; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4018, 4020, 4022, 4023, 4996, 4997, 4998, 4999; MCD/CCD(s): Stickney; Within the MCD/CCD of Thornton: Tract/BNA(s): 550200, 825700, 825801, 825802, 825803, 825900, 826000, 826100, 826201, 826202, 826301, 826303, 826304, 826401, 826402, 826500, 826600, 826700, 826800, 826901, 826902, 827000, 827100, 827200, 827300, 827400, 827500, 827600, 827700, 827801, 827802, 827804, 827805, 827901; Within Tract/BNA 827902: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005; Block group(s): 2; Within block group 3: Block(s): 3007; Within block group 4: Block(s): 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016; Block group(s): 5; Within Tract/BNA 828000: Within block group 3: Block(s): 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026; Within Tract/BNA 828201: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1025, 1026, 1038, 1039, 1068, 1999; Tract/BNA(s): 828300; Within Tract/BNA 828401: Within block group 1: Block(s): 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1017, 1018, 1019; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2009; Tract/BNA(s): 828402; Within the MCD/CCD of Worth: Tract/BNA(s): 822000; Within Tract/BNA 822101: Block groups: 1; Within block group 2: Block(s): 2003; Within Tract/BNA 822200: Block groups: 1; Within Tract/BNA 822301: Block groups: 1, 3, 4; Within Tract/BNA 822400: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026; Tract/BNA(s): 822900; Within Tract/BNA 823304: Within block group 1: Block(s): 1000, 1002, 1003; Within Tract/BNA 823603: Block groups: 1; Within block group 2: Block(s): 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,

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(Source: P.A. 92-462, § 10.)

10 ILCS 106/15 Definitions and exceptions

Sec. 15. *Definitions and exceptions.* (a) All counties, townships, census tracts, block groups, and blocks are those that appear on maps published by the United States Bureau of the Census for the 2000 census. The term "tract" means census tract. Districts created by this Act for the purpose of electing members of the board of review in Cook County shall not be altered by operation of any other statute, ordinance, or resolution.

(b) Any part of Cook County that has not been described as included in one of the districts described in this Act is included within the district that (i) is contiguous to the part and (ii) contains the least population of all districts contiguous to the part according to the 2000 decennial census of Illinois.

(c) If any part of Cook County is described in this Act as being in more than one district, the part is included within the district that (i) is one of the districts in which that part is listed in this Act, (ii) is contiguous to that part, and (iii) contains the least population according to the 2000 decennial census of Illinois.

(d) If any part of Cook County (i) is described in this Act as being in one district and (ii) is entirely surrounded by another district, then the part shall be incorporated into the district that surrounds the part.

(e) If any part of Cook County (i) is described in this Act as being in one district and (ii) is not contiguous to another part of that district, then the part is included with the contiguous district that contains the least population according to the 2000 decennial census of Illinois.

(f) The Speaker of the House, the Minority Leader of the House, the President of the Senate, and the Minority Leader of the Senate shall by joint letter of transmittal present to the Secretary of State for deposit into the State Archives an official set of United States Bureau of the Census maps and descriptions used for conducting the 2000 census, and those maps shall serve as the official record of all counties, townships, census tracts, block groups, and blocks referred to in this Act.

(g) The State Board of Elections shall prepare and make available to the public a metes and bounds description of the districts created under this Act. (Source: P.A. 92-462, § 15.)

10 ILCS 106/99 Effective date

Sec. 99. *Effective date.* This Act takes effect upon becoming law. (Source: P.A. 92-462, § 99.)

Note.

P.A. 92-462 was approved August 22, 2001.

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