

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing
5 Sections 6-9, 6-11, 6-74, 7-56, 7-58, 7-59, 7-60, 7-60.1,
6 7-63, 10-9, 10-10, 21-2, 22-1, 22-8, 22-9, 22-9.1, 22-12,
7 22-15, 22-17 and 22-18, 23-1.8a, 23-1.9a, and 23-1.10a and
8 adding Sections 1-8, 22-7.5 and 22-7.10 as follows:

9 (10 ILCS 5/1-8 new)

10 Sec. 1-8. Canvassing boards abolished. Notwithstanding
11 any other provision of this Code, local canvassing boards are
12 abolished. In this Code or any other law a reference to a
13 local or county canvassing board means (i) for elections in
14 which the the political subdivision that is choosing
15 candidates or submitting a public question is located
16 entirely within the jurisdiction of a single election
17 authority, that election authority and (ii) for elections in
18 which the political subdivision that is choosing candidates
19 or submitting a public question is located within the
20 jurisdiction 2 or more election authorities, the election
21 authority having jurisdiction over the location at which the
22 unit of local government has its principal office.

23 (10 ILCS 5/6-9) (from Ch. 46, par. 6-9)

24 Sec. 6-9. After ascertaining and announcing the result as
25 aforesaid, such judges shall make, fill up and sign duplicate
26 ~~triplicate~~ returns or statements of the votes cast for and
27 against such proposition as aforesaid, in the form found in
28 Section 6--3 of this Article, each of which shall be attested
29 by the other judges, and each of which shall then be enclosed
30 and sealed in an envelope, one of which shall be on the

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

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

26 (10 ILCS 5/6-11) (from Ch. 46, par. 6-11)

27 Sec. 6-11. The returns must be canvassed in the same
28 manner as any other referendum held in the municipality. On
29 ~~the sixth day after such election, the judge of the election~~
30 ~~court shall call to his assistance two well-known electors of~~
31 ~~integrity and character, one of whom voted for and one of~~
32 ~~whom voted against such proposition, who shall constitute the~~
33 ~~canvassing board to canvass the returns and votes so cast for~~

1 and against such proposition. Such canvass shall be conducted
2 in public in the room usually occupied by the circuit court.
3 The envelopes containing all the returns and all the tally
4 sheets shall, upon the demand of the judge of the court, be
5 delivered to said board by the officers, so having either of
6 them in his possession. Thereupon the same shall be opened in
7 order and the vote on such proposition ascertained and
8 announced. All of such returns and tallies may be used in
9 ascertaining the result, and when, in the opinion of said
10 board, any doubt exists as to what the actual vote was which
11 was cast for or against such proposition in any precinct, or
12 upon the written application of 2 persons who were at such
13 canvass and who shall make oath that they believe that the
14 returns of the said judges of election as to such proposition
15 are not correct, said judge shall demand of and receive
16 possession from such county clerk the ballots so cast in such
17 precinct at such election, and it shall then be the duty of
18 said board to open the envelope containing said ballots and
19 to recount the same, and to hear evidence of any person
20 present at such precinct canvass touching the same; and
21 thereupon, said board shall announce and declare the vote
22 cast for and against such proposition in such precinct, which
23 shall be conclusive as to the ballots so cast; and,
24 thereupon, the judge of the court, so having received
25 possession of such ballots, shall again place them upon a
26 string or twine and place them in the same envelope, or
27 another with like endorsements, and seal the same, and shall
28 write across the face thereof, "Opened by the judge of the
29 circuit court," and sign his name thereunder, and shall then
30 return such ballots to the possession of the county clerk.
31 Said returns and tallies shall also be returned to the
32 officers from whom received, who shall safely keep the same
33 for 6 months, and then destroy the same if there be no
34 contest. At the completion of the canvass of all the

1 precincts-in-such-city,--the-total-number-of--votes--cast--for
2 and---against--such--proposition--in--the--various--precincts
3 ascertained-as-aforesaid-shall--be--added--together--by--said
4 board,--who--shall--then--declare-the-total-result;--thereupon
5 said-court-shall-enter-an-order-declaring-the-number-of-votes
6 so-ascertained-cast-for,--and-the-number-of-votes-cast-against
7 such-proposition,--and-if-such-proposition-shall-have-received
8 a-majority-of-the-votes-cast-for-and-against-the-same-at-such
9 election,--the-court-shall,--by-its-order,--declare-this-Article
10 6-and-Articles-14-and-18-of-this-Act-adopted.-And-it-shall-be
11 the-duty-of-such-judge-to-file-a-copy-of-such--order--in--the
12 office-of-the-Secretary-of-State,--and-thereupon-said-Articles
13 of--this--act-shall-become-operative-and-binding,--and-the-law
14 for-all-elections-in-such-city,--and-for-the-electors-thereof,
15 and-all-courts-and-other-persons-shall-take-notice-thereof.
16 (Source: Laws 1965, p. 3481.)

17 (10 ILCS 5/6-74) (from Ch. 46, par. 6-74)
18 Sec. 6-74. The quadruple returns of the judges of
19 election of such village or incorporated town, mentioned in
20 the last section, in case of a village or town election for
21 any officer of such village or town, shall be made to the
22 same officer as otherwise required by law, who shall receipt
23 therefor; and all such returns shall be canvassed by the
24 election authority canvassing--board of such village or
25 incorporated town, as established by law, with the same
26 powers of investigation and examination by the election
27 authority such--board as is authorized by this act to the
28 canvassing board of any such city.
29 (Source: Laws 1957, p. 1450.)

30 (10 ILCS 5/7-56) (from Ch. 46, par. 7-56)
31 Sec. 7-56. As soon as complete returns are delivered to
32 the proper election authority, the returns shall be canvassed

1 for all primary elections, as follows:

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

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

7 3. In the case of nomination of candidates for township
8 offices, by the town supervisor, the town assessor and the
9 town clerk; in the case of nomination of candidates for
10 incorporated town offices, by the corporate authorities of
11 the incorporated town.

12 3.5. For multi-township assessment districts, by the
13 chairman, clerk, and assessor of the multi-township
14 assessment district.

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

17 5. The election authority acting as the canvassing board
18 pursuant to Section 1-8 of this Code The officers who are
19 charged by law with the duty of canvassing returns of general
20 elections made to the county clerk, shall also open and
21 canvass the returns of a primary made to such county clerk.
22 Upon the completion of the canvass of the returns by the
23 election authority county canvassing board, the election
24 authority said canvassing board shall make a tabulated
25 statement of the returns for each political party separately,
26 stating in appropriate columns and under proper headings, the
27 total number of votes cast in said county for each candidate
28 for nomination or election by said party, including
29 candidates for President of the United States and for State
30 central committeemen, and for delegates and alternate
31 delegates to National nominating conventions, and for
32 precinct committeemen, township committeemen, and for ward
33 committeemen. Within 48 hours after the election, the
34 election authority must transmit, by facsimile, e-mail, or

1 other electronic means, a preliminary statement of returns to
2 the State Board of Elections. The State Board of Elections
3 must use the preliminary statement to determine if a recount
4 under Section 22-7.10 is necessary. Within 2 two-(2) days
5 after the completion of said canvass by the election
6 authority said--canvassing-board the county clerk shall mail
7 to the State Board of Elections a certified copy of such
8 tabulated statement of returns. ~~Provided, however, that the~~
9 ~~number of votes cast for the nomination for offices, the~~
10 ~~certificates of election for which offices, under this Act or~~
11 ~~any other laws are issued by the county clerk shall not be~~
12 ~~included in such certified copy of said tabulated statement~~
13 ~~of returns, nor shall the returns on the election of~~
14 ~~precinct, township or ward committeemen be so certified to~~
15 ~~the State Board of Elections.~~ The election authority said
16 officers shall also determine and set down as to each
17 precinct the number of ballots voted by the primary electors
18 of each party at the primary.

19 6. In the case of the nomination or election of
20 candidates for offices, including President of the United
21 States and the State central committeemen, and delegates and
22 alternate delegates to National nominating conventions,
23 certified tabulated statement of returns for which are filed
24 with the State Board of Elections, said returns shall be
25 canvassed by the election authority board. Within 48 hours
26 after the election, the election authority must transmit, by
27 facsimile, e-mail or other electronic means, a preliminary
28 statement of results to the State Board of Elections. The
29 State Board of Elections must use the preliminary statement
30 to conduct a canvass to determine if a recount under Section
31 22-7.10 is necessary. And, provided, further, that within 5
32 days after said returns shall be canvassed by the said Board,
33 the Board shall cause to be published in one daily newspaper
34 of general circulation at the seat of the State government in

1 Springfield a certified statement of the returns filed in its
 2 office, showing the total vote cast in the State for each
 3 candidate of each political party for President of the United
 4 States, and showing the total vote for each candidate of each
 5 political party for President of the United States, cast in
 6 each of the several congressional districts in the State.

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

14 8. Within 48 hours of conducting a canvass, as required
 15 by this Code, the--delivery--of--complete--returns of the
 16 consolidated primary, to the election authority, the election
 17 authority shall deliver an original certificate of results to
 18 each local election official, with respect to whose political
 19 subdivisions nominations were made at such primary, for each
 20 precinct in his jurisdiction in which such nominations were
 21 on the ballot. Such original certificate of results need not
 22 include any offices or nominations for any other political
 23 subdivisions. The--local--election--official--shall--immediately
 24 transmit--the--certificates--to--the--canvassing--board--for--his
 25 political--subdivisions,--which--shall--open--and--canvass--the
 26 returns,--make--a--tabulated--statement--of--the--returns--for--each
 27 political--party--separately,--and--as--nearly--as--possible,--follow
 28 the--procedures--required--for--the--county--canvassing--board.
 29 Such--canvass--of--votes--shall--be--conducted--within--7--days--after
 30 the--close--of--the--consolidated--primary.

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

32 (10 ILCS 5/7-58) (from Ch. 46, par. 7-58)

33 Sec. 7-58. Each county clerk or board of election

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

20 The State Board of Elections shall issue a certificate of
21 election to each of the persons shown by the returns and the
22 proclamation thereof to be elected State central
23 committeemen, and delegates and alternate delegates to
24 National nomination conventions; and the county clerk shall
25 issue a certificate of election to each person shown by the
26 returns to be elected precinct, township or ward
27 committeeman. The certificate issued to such precinct
28 committeeman shall state the number of ballots voted in his
29 or her precinct by the primary electors of his or her party
30 at the primary at which he or she was elected. The
31 certificate issued to such township committeeman shall state
32 the number of ballots voted in his or her township or part of
33 a township, as the case may be, by the primary electors of
34 his or her party at the primary at which he or she was

1 elected. The certificate issued to such ward committeeman
2 shall state the number of ballots voted in his or her ward by
3 the primary electors of his or her party at the primary at
4 which he or she was elected.

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

6 (10 ILCS 5/7-59) (from Ch. 46, par. 7-59)

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

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

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

1 National nominating conventions of their party.

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

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

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

25 The person receiving the highest number of votes of his
26 party for township committeeman of his township or part of a
27 township as the case may be, shall be declared elected
28 township committeeman from said township or part of a
29 township as the case may be. In cities where ward
30 committeemen are elected, the person receiving the highest
31 number of votes of his party for ward committeeman of his
32 ward shall be declared elected ward committeeman from said
33 ward.

34 When two or more persons receive an equal and the highest

1 number of votes for the nomination for the same office or for
2 committeeman of the same political party, or where more than
3 one person of the same political party is to be nominated as
4 a candidate for office or committeeman, if it appears that
5 more than the number of persons to be nominated for an office
6 or elected committeeman have the highest and an equal number
7 of votes for the nomination for the same office or for
8 election as committeeman, the election authority board by
9 which the returns of the primary are canvassed shall decide
10 by lot which of said persons shall be nominated or elected,
11 as the case may be. In such case the election authority such
12 ~~canvassing--board~~ shall issue notice in writing to such
13 persons of such tie vote stating therein the place, the day
14 (which shall not be more than 5 ~~five~~ (5) days thereafter) and
15 the hour when such nomination or election shall be so
16 determined.

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

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

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

30 (c) (1) Notwithstanding any other provisions of this
31 Section, where the number of candidates whose names have been
32 printed on a party's ballot for nomination for or election to
33 an office at a primary is less than the number of persons the
34 party is entitled to nominate for or elect to the office at

1 the primary, a person whose name was not printed on the
2 party's primary ballot as a candidate for nomination for or
3 election to the office, is not nominated for or elected to
4 that office as a result of a write-in vote at the primary
5 unless the number of votes he received equals or exceeds the
6 number of signatures required on a petition for nomination
7 for that office; or unless the number of votes he receives
8 exceeds the number of votes received by at least one of the
9 candidates whose names were printed on the primary ballot for
10 nomination for or election to the same office.

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

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

18 (10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

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

29 Not less than 61 days before the date of the general
30 election, each county clerk shall certify the names of each
31 of the candidates for county offices who have been nominated
32 as shown by the proclamation of the election authority ~~county~~
33 ~~canvassing-board~~ or who have been nominated to fill a vacancy

1 in nomination and declare that the names of such candidates
2 for the respective offices shall be placed upon the official
3 ballot for the general election in the same manner and in the
4 same order as shown upon the certification, except as
5 otherwise provided by this Section. Each county clerk shall
6 place a copy of the certification on file in his or her
7 office and at the same time issue to the State Board of
8 Elections a copy of such certification. In addition, each
9 county clerk in whose county there is a board of election
10 commissioners shall, not less than 61 days before the date of
11 the general election, issue to such board a copy of the
12 certification that has been filed in the county clerk's
13 office, together with a copy of the certification that has
14 been issued to the clerk by the State Board of Elections,
15 with directions to the board of election commissioners to
16 place upon the official ballot for the general election in
17 that election jurisdiction the names of all candidates that
18 are listed on such certifications, in the same manner and in
19 the same order as shown upon such certifications, except as
20 otherwise provided in this Section.

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

31 No person who is shown by the election authority's
32 ~~canvassing-board's~~ proclamation to have been nominated at the
33 primary as a write-in candidate shall have his or her name
34 certified unless such person shall have filed with the

1 certifying office or board within 10 days after the election
2 authority's ~~canvassing-board's~~ proclamation a statement of
3 candidacy pursuant to Section 7-10 and a statement pursuant
4 to Section 7-10.1.

5 Each county clerk and board of election commissioners
6 shall determine by a fair and impartial method of random
7 selection the order of placement of established political
8 party candidates for the general election ballot. Such
9 determination shall be made within 30 days following the
10 canvass and proclamation of the results of the general
11 primary in the office of the county clerk or board of
12 election commissioners and shall be open to the public.
13 Seven days written notice of the time and place of conducting
14 such random selection shall be given, by each such election
15 authority, to the County Chairman of each established
16 political party, and to each organization of citizens within
17 the election jurisdiction which was entitled, under this
18 Article, at the next preceding election, to have pollwatchers
19 present on the day of election. Each election authority
20 shall post in a conspicuous, open and public place, at the
21 entrance of the election authority office, notice of the time
22 and place of such lottery. However, a board of election
23 commissioners may elect to place established political party
24 candidates on the general election ballot in the same order
25 determined by the county clerk of the county in which the
26 city under the jurisdiction of such board is located.

27 Each certification shall indicate, where applicable, the
28 following:

- 29 (1) The political party affiliation of the candidates
30 for the respective offices;
- 31 (2) If there is to be more than one candidate elected to
32 an office from the State, political subdivision or district;
- 33 (3) If the voter has the right to vote for more than one
34 candidate for an office;

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

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

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

8 (10 ILCS 5/7-60.1) (from Ch. 46, par. 7-60.1)

9 Sec. 7-60.1. Certification of Candidates - Consolidated
10 Election. Each local election official of a political
11 subdivision in which candidates for the respective local
12 offices are nominated at the consolidated primary shall, no
13 later than 5 days following the canvass and proclamation of
14 the results of the consolidated primary, certify to each
15 election authority whose duty it is to prepare the official
16 ballot for the consolidated election in that political
17 subdivision the names of each of the candidates who have been
18 nominated as shown by the proclamation of the appropriate
19 election authority ~~canvassing--board~~ or who have been
20 nominated to fill a vacancy in nomination and direct the
21 election authority to place upon the official ballot for the
22 consolidated election the names of such candidates in the
23 same manner and in the same order as shown upon the
24 certification, except as otherwise provided by this Section.

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

1 the official election results.

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

10 Each board of election commissioners of the cities in
11 which established political party candidates for city offices
12 are nominated at the consolidated primary shall determine by
13 a fair and impartial method of random selection the order of
14 placement of the established political party candidates for
15 the consolidated ballot. Such determination shall be made
16 within 5 days following the canvass and proclamation of the
17 results of the consolidated primary and shall be open to the
18 public. Three days written notice of the time and place of
19 conducting such random selection shall be given, by each such
20 election authority, to the County Chairman of each
21 established political party, and to each organization of
22 citizens within the election jurisdiction which was entitled,
23 under this Article, at the next preceding election, to have
24 pollwatchers present on the day of election. Each election
25 authority shall post in a conspicuous, open and public place,
26 at the entrance of the election authority office, notice of
27 the time and place of such lottery.

28 Each local election official of a political subdivision
29 in which established political party candidates for the
30 respective local offices are nominated by primary shall
31 determine by a fair and impartial method of random selection
32 the order of placement of the established political party
33 candidates for the consolidated election ballot and, in the
34 case of certain municipalities having annual elections, on

1 the general primary ballot for election. Such determination
2 shall be made prior to the canvass and proclamation of
3 results of the consolidated primary or special municipal
4 primary, as the case may be, in the office of the local
5 election official and shall be open to the public. Three
6 days written notice of the time and place of conducting such
7 random selection shall be given, by each such local election
8 official, to the County Chairman of each established
9 political party, and to each organization of citizens within
10 the election jurisdiction which was entitled, under this
11 Article, at the next preceding election, to have pollwatchers
12 present on the day of election. Each local election official
13 shall post in a conspicuous, open and public place notice of
14 such lottery. Immediately thereafter, the local election
15 official shall certify the ballot placement order so
16 determined to the proper election authorities charged with
17 the preparation of the consolidated election, or general
18 primary, ballot for that political subdivision.

19 Not less than 61 days before the date of the consolidated
20 election, each local election official of a political
21 subdivision in which established political party candidates
22 for the respective local offices have been nominated by
23 caucus or have been nominated because no primary was required
24 to be held shall certify to each election authority whose
25 duty it is to prepare the official ballot for the
26 consolidated election in that political subdivision the names
27 of each of the candidates whose certificates of nomination or
28 nomination papers have been filed in his or her office and
29 direct the election authority to place upon the official
30 ballot for the consolidated election the names of such
31 candidates in the same manner and in the same order as shown
32 upon the certification. Such local election official shall,
33 prior to certification, determine by a fair and impartial
34 method of random selection the order of placement of the

1 established political party candidates for the consolidated
2 election ballot. Such determination shall be made in the
3 office of the local election official and shall be open to
4 the public. Three days written notice of the time and place
5 of conducting such random selection shall be given by each
6 such local election official to the county chairman of each
7 established political party, and to each organization of
8 citizens within the election jurisdiction which was entitled,
9 under this Article, at the next preceding election, to have
10 pollwatchers present on the day of election. Each local
11 election official shall post in a conspicuous, open and
12 public place, at the entrance of the office, notice of the
13 time and place of such lottery. The local election official
14 shall certify the ballot placement order so determined as
15 part of his official certification of candidates to the
16 election authorities whose duty it is to prepare the official
17 ballot for the consolidated election in that political
18 subdivision.

19 The certification shall indicate, where applicable, the
20 following:

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

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

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

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

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

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

1 (10 ILCS 5/7-63) (from Ch. 46, par. 7-63)

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

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

26 Authority and jurisdiction are hereby vested in the
27 circuit court, to hear and determine primary contests. When a
28 petition to contest a primary is filed in the office of the
29 clerk of the court, the petition shall forthwith be presented
30 to a judge thereof, who shall note thereon the date of
31 presentation, and shall note thereon the day when the
32 petition will be heard, which shall not be more than 10 days
33 thereafter.

34 Summons shall forthwith issue to each defendant named in

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

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

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

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

31 If, in the opinion of the court, in which the petition is
32 filed, the grounds for contest alleged are insufficient in
33 law the petition shall be dismissed. If the grounds alleged
34 are sufficient in law, the court shall proceed in a summary

1 manner--and--may--hear--evidence,--examine--the--returns,--recount
2 the--ballots--and--make--such--orders--and--enter--such--judgment--as
3 justice--may--require.---In--the--case--of--a--contest--relating--to
4 nomination--for--the--office--of--Representative--in--the--General
5 Assembly--where--the--contestant--received--votes--equal--in--number
6 to--at--least--95%--of--the--number--of--votes--cast--for--any
7 apparently--successful--candidate--for--nomination--for--that
8 office--by--the--same--political--party,--the--court--may--order--a
9 recount--for--the--entire--district--and--may--order--the--cost--of
10 such--recount--to--be--borne--by--the--respective--counties. The
11 court shall ascertain and declare by a judgment to be entered
12 of record, the result of such election in--the--territorial
13 area--for--which--the--contest--is--made. The judgment of the court
14 shall be appealable as in other civil cases. A certified copy
15 of the judgment shall forthwith be made by the clerk of the
16 court and transmitted to the election authorities board
17 canvassing the returns for such office, and in case of
18 contest, if for nomination for an office, tabulated
19 statements of returns for which are filed with the State
20 Board of Elections, also in the office of the election
21 authorities having jurisdiction county-clerk-in-the-proper
22 county. The proper election authority or authorities
23 canvassing--board,--or--boards, as the case may be, shall
24 correct the returns or the tabulated statement of returns in
25 accordance with the judgment.

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

27 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

28 Sec. 10-9. The following electoral boards are designated
29 for the purpose of hearing and passing upon the objector's
30 petition described in Section 10-8.

31 1. The State Board of Elections will hear and pass upon
32 objections to the nominations of candidates for State
33 offices, nominations of candidates for congressional,

1 legislative and judicial offices of districts or circuits
2 situated in more than one county, nominations of candidates
3 for the offices of State's attorney or regional
4 superintendent of schools to be elected from more than one
5 county, and petitions for proposed amendments to the
6 Constitution of the State of Illinois as provided for in
7 Section 3 of Article XIV of the Constitution.

8 2. Except as provided in paragraph 2.5, the county
9 officers electoral board to hear and pass upon objections to
10 the nominations of candidates for county offices, for
11 congressional, legislative and judicial offices of a district
12 or circuit coterminous with or less than a county, for school
13 trustees to be voted for by the electors of the county or by
14 the electors of a township of the county, for the office of
15 multi-township assessor where candidates for such office are
16 nominated in accordance with this Code, and for all special
17 district offices, shall be composed of the county clerk, or
18 an assistant designated by the county clerk, the State's
19 attorney of the county or an Assistant State's Attorney
20 designated by the State's Attorney, and the clerk of the
21 circuit court, or an assistant designated by the clerk of the
22 circuit court, of the county, of whom the county clerk or his
23 designee shall be the chairman, except that in any county
24 which has established a county board of election
25 commissioners that board shall constitute the county officers
26 electoral board ex-officio.

27 3. The municipal officers electoral board to hear and
28 pass upon objections to the nominations of candidates for
29 officers of municipalities shall be composed of the mayor or
30 president of the board of trustees of the city, village or
31 incorporated town, and the city, village or incorporated town
32 clerk, and one member of the city council or board of
33 trustees, that member being designated who is eligible to
34 serve on the electoral board and has had the longest term of

1 continuous service served-the-greatest-number-of-years as a
2 member of the city council or board of trustees, of whom the
3 mayor or president of the board of trustees shall be the
4 chairman.

5 4. The township officers electoral board to pass upon
6 objections to the nominations of township officers shall be
7 composed of the township supervisor, the town clerk, and that
8 eligible town trustee elected in the township who has had the
9 longest term of continuous service as town trustee, of whom
10 the township supervisor shall be the chairman.

11 5. The education officers electoral board to hear and
12 pass upon objections to the nominations of candidates for
13 offices in school or community college districts shall be
14 composed of the presiding officer of the school or community
15 college district board, who shall be the chairman, the
16 secretary of the school or community college district board
17 and the eligible elected school or community college board
18 member who has the longest term of continuous service as a
19 board member.

20 6. In all cases, however, where the Congressional or
21 Legislative district is wholly within the jurisdiction of a
22 board of election commissioners, and in all cases where the
23 school district or special district is wholly within the
24 jurisdiction of a municipal board of election commissioners,
25 and in all cases where the municipality or township is wholly
26 or partially within the jurisdiction of a municipal board of
27 election commissioners, and in all cases in which a judicial
28 district, judicial subcircuit, or county board district is
29 located wholly within the jurisdiction of a Board of Election
30 Commissioners, the board of election commissioners shall
31 ex-officio constitute the electoral board.

32 For special districts situated in more than one county,
33 the county officers electoral board of the county in which
34 the principal office of the district is located has

1 jurisdiction to hear and pass upon objections. For purposes
2 of this Section, "special districts" means all political
3 subdivisions other than counties, municipalities, townships
4 and school and community college districts.

5 In the event that any member of the appropriate board is
6 a candidate for the office with relation to which the
7 objector's petition is filed, he shall not be eligible to
8 serve on that board and shall not act as a member of the
9 board and his place shall be filled as follows:

10 a. In the county officers electoral board by the
11 county treasurer, or his or her designee, and if he or
12 she is ineligible to serve, by the sheriff of the county
13 or his or her designee.

14 b. In the municipal officers electoral board by the
15 eligible elected city council or board of trustees member
16 who has served the second greatest number of years as a
17 city council or board of trustees member.

18 c. In the township officers electoral board by the
19 eligible elected town trustee who has had the second
20 longest term of continuous service as a town trustee.

21 d. In the education officers electoral board by the
22 eligible elected school or community college district
23 board member who has had the second longest term of
24 continuous service as a board member.

25 In the event that the chairman of the electoral board is
26 ineligible to act because of the fact that he is a candidate
27 for the office with relation to which the objector's petition
28 is filed, then the substitute chosen under the provisions of
29 this Section shall be the chairman; In this case, the officer
30 or board with whom the objector's petition is filed, shall
31 transmit the certificate of nomination or nomination papers
32 as the case may be, and the objector's petition to the
33 substitute chairman of the electoral board.

34 When 2 or more eligible individuals, by reason of their

1 terms of service on a city council or board of trustees,
2 township board of trustees, or school or community college
3 district board, qualify to serve on an electoral board, the
4 one to serve shall be chosen by lot by the local election
5 official with whom nomination papers are filed.

6 Any vacancies on an electoral board not otherwise filled
7 pursuant to this Section shall be filled by public members
8 appointed by the Chief Judge of the Circuit Court for the
9 county wherein the electoral board hearing is being held upon
10 notification to the Chief Judge of such vacancies. The Chief
11 Judge shall be so notified by a member of the electoral board
12 or the officer or board with whom the objector's petition was
13 filed. In the event that none of the individuals designated
14 by this Section to serve on the electoral board are eligible,
15 the chairman of an electoral board shall be designated by the
16 Chief Judge.

17 (Source: P.A. 87-570.)

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

19 Sec. 10-10. Within 24 hours after the receipt of the
20 certificate of nomination or nomination papers or proposed
21 question of public policy, as the case may be, and the
22 objector's petition, the chairman of the electoral board
23 other than the State Board of Elections shall send a call by
24 registered or certified mail to each of the members of the
25 electoral board, and to the objector who filed the objector's
26 petition, and either to the candidate whose certificate of
27 nomination or nomination papers are objected to or to the
28 principal proponent or attorney for proponents of a question
29 of public policy, as the case may be, whose petitions are
30 objected to, and shall also cause the sheriff of the county
31 or counties in which such officers and persons reside to
32 serve a copy of such call upon each of such officers and
33 persons, which call shall set out the fact that the electoral

1 board is required to meet to hear and pass upon the
2 objections to nominations made for the office, designating
3 it, and shall state the day, hour and place at which the
4 electoral board shall meet for the purpose, which place shall
5 be in any public and convenient place ~~the-county-court--house~~
6 in the county in the case of the County Officers Electoral
7 Board, the Municipal Officers Electoral Board, the Township
8 Officers Electoral Board or the Education Officers Electoral
9 Board. ~~The-Township-Officers-Electoral-Board-may-meet-in-the~~
10 ~~township-offices, if they are available, rather than the~~
11 ~~county-courthouse.~~ In those cases where the State Board of
12 Elections is the electoral board designated under Section
13 10-9, the chairman of the State Board of Elections shall,
14 within 24 hours after the receipt of the certificate of
15 nomination or nomination papers or petitions for a proposed
16 amendment to Article IV of the Constitution or proposed
17 statewide question of public policy, send a call by
18 registered or certified mail to the objector who files the
19 objector's petition, and either to the candidate whose
20 certificate of nomination or nomination papers are objected
21 to or to the principal proponent or attorney for proponents
22 of the proposed Constitutional amendment or statewide
23 question of public policy and shall state the day, hour and
24 place at which the electoral board shall meet for the
25 purpose, which place may be in the Capitol Building or in the
26 principal or permanent branch office of the State Board. The
27 day of the meeting shall not be less than 3 nor more than 6 5
28 days after the receipt of the certificate of nomination or
29 nomination papers and the objector's petition by the chairman
30 of the electoral board.

31 The electoral board shall have the power to administer
32 oaths and to subpoena and examine witnesses and at the
33 request of either party the chairman may issue subpoenas
34 requiring the attendance of witnesses and subpoenas duces

1 tecum requiring the production of such books, papers, records
2 and documents as may be evidence of any matter under inquiry
3 before the electoral board, in the same manner as witnesses
4 are subpoenaed in the Circuit Court.

5 Service of such subpoenas shall be made by any sheriff or
6 other person in the same manner as in cases in such court and
7 the fees of such sheriff shall be the same as is provided by
8 law, and shall be paid by the objector or candidate who
9 causes the issuance of the subpoena. In case any person so
10 served shall knowingly neglect or refuse to obey any such
11 subpoena, or to testify, the electoral board shall at once
12 file a petition in the circuit court of the county in which
13 such hearing is to be heard, or has been attempted to be
14 heard, setting forth the facts, of such knowing refusal or
15 neglect, and accompanying the petition with a copy of the
16 citation and the answer, if one has been filed, together with
17 a copy of the subpoena and the return of service thereon, and
18 shall apply for an order of court requiring such person to
19 attend and testify, and forthwith produce books and papers,
20 before the electoral board. Any circuit court of the state,
21 excluding the judge who is sitting on the electoral board,
22 upon such showing shall order such person to appear and
23 testify, and to forthwith produce such books and papers,
24 before the electoral board at a place to be fixed by the
25 court. If such person shall knowingly fail or refuse to obey
26 such order of the court without lawful excuse, the court
27 shall punish him or her by fine and imprisonment, as the
28 nature of the case may require and may be lawful in cases of
29 contempt of court.

30 The electoral board on the first day of its meeting shall
31 adopt rules of procedure for the introduction of evidence and
32 the presentation of arguments and may, in its discretion,
33 provide for the filing of briefs by the parties to the
34 objection or by other interested persons.

1 In the event of a State Electoral Board hearing on
2 objections to a petition for an amendment to Article IV of
3 the Constitution pursuant to Section 3 of Article XIV of the
4 Constitution, or to a petition for a question of public
5 policy to be submitted to the voters of the entire State, the
6 certificates of the county clerks and boards of election
7 commissioners showing the results of the random sample of
8 signatures on the petition shall be prima facie valid and
9 accurate, and shall be presumed to establish the number of
10 valid and invalid signatures on the petition sheets reviewed
11 in the random sample, as prescribed in Section 28-11 and
12 28-12 of this Code. Either party, however, may introduce
13 evidence at such hearing to dispute the findings as to
14 particular signatures. In addition to the foregoing, in the
15 absence of competent evidence presented at such hearing by a
16 party substantially challenging the results of a random
17 sample, or showing a different result obtained by an
18 additional sample, this certificate of a county clerk or
19 board of election commissioners shall be presumed to
20 establish the ratio of valid to invalid signatures within the
21 particular election jurisdiction.

22 The electoral board shall take up the question as to
23 whether or not the certificate of nomination or nomination
24 papers or petitions are in proper form, and whether or not
25 they were filed within the time and under the conditions
26 required by law, and whether or not they are the genuine
27 certificate of nomination or nomination papers or petitions
28 which they purport to be, and whether or not in the case of
29 the certificate of nomination in question it represents
30 accurately the decision of the caucus or convention issuing
31 it, and in general shall decide whether or not the
32 certificate of nomination or nominating papers or petitions
33 on file are valid or whether the objections thereto should be
34 sustained and the decision of a majority of the electoral

1 board shall be final subject to judicial review as provided
 2 in Section 10-10.1. The electoral board must state its
 3 findings in writing and must state in writing which
 4 objections, if any, it has sustained.

5 Upon the expiration of the period within which a
 6 proceeding for judicial review must be commenced under
 7 Section 10--10.1, the electoral board shall, unless a
 8 proceeding for judicial review has been commenced within such
 9 period, transmit, by registered or certified mail, a
 10 certified copy of its ruling, together with the original
 11 certificate of nomination or nomination papers or petitions
 12 and the original objector's petition, to the officer or board
 13 with whom the certificate of nomination or nomination papers
 14 or petitions, as objected to, were on file, and such officer
 15 or board shall abide by and comply with the ruling so made to
 16 all intents and purposes.

17 (Source: P.A. 91-285, eff. 1-1-00.)

18 (10 ILCS 5/21-2) (from Ch. 46, par. 21-2)

19 Sec. 21-2. Within 48 hours after the election, the
 20 county clerk must transmit, by facsimile, e-mail, or other
 21 electronic means, a preliminary statement to the State Board
 22 of Elections. Within 72 hours after the close of the
 23 election, the State Board must conduct a preliminary canvass
 24 under Section 22-7.5 to determine if a recount is necessary.

25 The county clerks of the several counties shall, within 8
 26 days next after holding the election named in subsection (1)
 27 of Section 2A-1.2 and Section 2A-2 make 2 copies of the
 28 abstract of the votes cast for electors by each political
 29 party or group, as indicated by the voter, as aforesaid, by a
 30 cross in the square to the left of the bracket aforesaid, or
 31 as indicated by a cross in the appropriate place preceding
 32 the appellation or title of the particular political party or
 33 group, and transmit by mail one of the copies to the office

1 of the State Board of Elections and retain the other in his
2 office, to be sent for by the electoral board in case the
3 other should be mislaid. Within 10 20 days after the holding
4 of such election, and sooner if all the returns are received
5 by the State Board of Elections, the State Board of Elections
6 Election, shall proceed to open and canvass said election
7 returns and to declare which set of candidates for President
8 and Vice-President received, as aforesaid, the highest number
9 of votes cast at such election as aforesaid; and The electors
10 of that party whose candidates for President and
11 Vice-President received the highest number of votes so cast
12 shall be taken and deemed to be elected as electors of
13 President and Vice-President, but should 2 or more sets of
14 candidates for President and Vice-President be returned with
15 an equal and the highest vote, the State Board of Elections
16 shall cause a notice of the same to be published, which
17 notice shall name some day and place, not less than 5 days
18 from the time of such publication of such notice, upon which
19 the State Board of Elections will decide by lot which of the
20 sets of candidates for President and Vice-President so equal
21 and highest shall be declared to be highest. And upon the day
22 and at the place so appointed in the notice, the board shall
23 so decide by lot and declare which is deemed highest of the
24 sets of candidates for President and Vice-President so equal
25 and highest, thereby determining only that the electors
26 chosen as aforesaid by such candidates' party or group are
27 thereby elected by general ticket to be such electors.

28 (Source: P.A. 84-861.)

29 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

30 Sec. 22-1. Abstracts of votes. Within 48 hours after
31 the election, but in no case later than 7 days after the
32 close of the election at which candidates for offices
33 hereinafter named in this Section are voted upon, the

1 election authorities county---clerks--of--the--respective
 2 counties, with the assistance of the chairmen of the county
 3 central committees of the Republican and Democratic parties
 4 of the county, shall open the returns and make abstracts of
 5 the votes votes for each office or question voted on at the
 6 election. on a separate sheet for each of the following:

- 7 A.--For Governor and Lieutenant Governor;
- 8 B.--For State officers;
- 9 C.--For presidential electors;
- 10 D.--For United States Senators and Representatives to
- 11 Congress;
- 12 E.--For judges of the Supreme Court;
- 13 F.--For judges of the Appellate Court;
- 14 G.--For judges of the circuit court;
- 15 H.--For Senators and Representatives to the General
- 16 Assembly;
- 17 I.--For State's Attorneys elected from 2 or more
- 18 counties;
- 19 J.--For amendments to the Constitution, and for other
- 20 propositions submitted to the electors of the entire State;
- 21 K.--For county officers and for propositions submitted to
- 22 the electors of the county only;
- 23 L.--For Regional Superintendent of Schools;
- 24 M.--For trustees of Sanitary Districts; and
- 25 N.--For Trustee of a Regional Board of School Trustees.

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

33 Within 48 hours after the election, the county clerk must
 34 transmit, by facsimile, e-mail, or other electronic means, a

1 preliminary abstract of votes for State Officers, Senators
 2 and Representatives of the General Assembly, Judges of the
 3 Supreme, Appellate, and Circuit Courts, and United State
 4 Senators and Representatives of Congress to the State Board
 5 of Elections. Within 72 hours after the election, the State
 6 Board must conduct a preliminary canvass under Section 22-7.5
 7 to determine if a recount is necessary.

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

10 Whenever any ~~county-chairman--is--also~~ county clerk or
 11 whenever any county chairman is unable to canvass the vote,
 12 ~~serve-as-a-member-of-such-canvassing-board~~ the deputy county
 13 clerk or a designee of the county clerk or deputy county
 14 clerk vice-chairman--or--secretary--of--his--county--central
 15 committee, in that order, shall serve in his or her place as
 16 ~~member--of--such--canvassing-board;~~ provided, that if none of
 17 ~~these-persons-is-able--to--serve,~~ the county chairman may
 18 ~~appoint--a-member-of-his-county-central-committee-to-serve-as~~
 19 ~~a-member-of-such-canvassing-board.~~

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

31 (Source: P.A. 89-5, eff. 1-1-96.)

32 (10 ILCS 5/22-7.5 new)

33 Sec. 22-7.5. Preliminary canvass.

1 (a) The State Board of Elections must conduct a
2 preliminary canvass of the returns for candidates for State
3 offices, Senators and Representatives of the General
4 Assembly, judges of the Supreme, Appellate, and Circuit
5 Courts, and United States Senators and Representatives of
6 Congress. The preliminary canvass must be conducted in the
7 same manner as canvasses under Section 22-7.

8 The results of the preliminary canvass shall be used to
9 determine whether or not a recount must be conducted under
10 Section 22-7.10.

11 If the State Board determines that a recount is
12 necessary, the original canvass of the votes may not be
13 considered final until the recount is finished.

14 (b) Except for a preliminary canvass conducted under
15 subsection (a), each election authority must determine from
16 the results of the canvass of the votes if a recount is
17 necessary under Section 22-7.10. If an election authority
18 determines that a recount is necessary the original canvass
19 may not be considered final until the recount is finished.

20 (10 ILCS 5/22-7.10 new)

21 Sec. 22-7.10. Automatic recount. If the preliminary
22 canvass by the State Board of Elections or canvass by an
23 election authority shows that a candidate has a margin of
24 victory of, or if a referendum is approved by, less than 1%
25 of the votes cast for the nomination or office that the
26 candidate is seeking, or for the approval of the referendum,
27 the votes must be recounted as quickly as possible after the
28 date of the election. Ballots, voting machines, or ballot
29 cards, as the case may be, must be examined, any automatic
30 tabulating equipment must be tested, and ballots, recorded
31 votes, or ballot cards, as the case may be, must be counted
32 in specified precincts within the entire area in which the
33 votes were cast. The recount must include a hand count of all

1 punch or computer card ballots; provided, however, that only
2 those computer card ballots that did not register a vote on
3 the computer shall be counted by hand. The State Board of
4 Elections must adopt uniform standards for the counting of
5 ballots by hand, including what indications of voter intent
6 are to be counted and recorded. The results of the recount
7 shall be used to determine the winning candidate or whether
8 the referendum was approved.

9 In conducting a recount, any and all materials relevant
10 to the election may be examined. Candidates for any race
11 being recounted, and proponents and opponents of any
12 referendum being recounted, and a reasonable number of their
13 assistants, are entitled to attend the recount and to observe
14 all recount activities.

15 (10 ILCS 5/22-8) (from Ch. 46, par. 22-8)

16 Sec. 22-8. In municipalities operating under Article 6 of
17 this Act, within 48 hours after the election, the board of
18 election commissioners must transmit, by facsimile, e-mail,
19 or other electronic means, a preliminary abstract or
20 statement of votes to the State Board of Elections. The
21 State Board of Elections must conduct a preliminary canvass
22 of the returns for State Officers, Senators and
23 Representatives of the General Assembly, judges of the
24 Supreme, Appellate, and Circuit Courts, and United States
25 Senators and Representatives to determine whether or not a
26 recount is needed. Within 48 hours after the election, but in
27 any case no later than 7 days after the close of such
28 election, a judge of the circuit court, with the assistance
29 of the city attorney and the board of election commissioners,
30 who are hereby declared a canvassing board for such city,
31 shall open all returns left respectively, with the election
32 commissioners, the county clerk, and city comptroller, and
33 shall make abstracts or statements of the votes for all

1 offices and questions voted on at the election in the
2 following manner, as the case may require, viz: All votes for
3 Governor and Lieutenant Governor on one sheet; all votes for
4 other State officers on another sheet; all votes for
5 presidential electors on another sheet; all votes for United
6 States Senators and Representatives to Congress on another
7 sheet; all votes for judges of the Supreme Court on another
8 sheet; all votes for judges of the Appellate Court on another
9 sheet; all votes for Judges of the Circuit Court on another
10 sheet; all votes for Senators and Representatives to the
11 General Assembly on another sheet; all votes for State's
12 Attorneys where elected from 2 or more counties on another
13 sheet; all votes for County Officers on another sheet; all
14 votes for City Officers on another sheet; all votes for Town
15 Officers on another sheet; and all votes for any other office
16 on a separate and appropriate sheet; all votes for any
17 proposition which may be submitted to a vote of the people,
18 on another sheet, and all votes against any proposition,
19 submitted to a vote of the people, on another sheet.

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

27 (Source: P.A. 77-2626.)

28 (10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

29 Sec. 22-9. It shall be the duty of the election authority
30 such Board of Canvassers to canvass, and add up and declare
31 the result of every election hereafter held within the
32 boundaries of such city, village or incorporated town,
33 operating under Article 6 of this Act, and the election

1 authority shall file judge--of--the--circuit--court--shall
 2 thereupon--enter--of--record--such--abstract--and--result, and a
 3 certified copy of the such record shall--thereupon--be--filed
 4 with the County Clerk of the county; and such abstracts or
 5 results shall be treated, by the County Clerk in all
 6 respects, as if made by the election authority Canvassing
 7 Board now provided by the foregoing sections of this law, and
 8 he shall transmit the same, by facsimile, e-mail, or any
 9 other electronic means, to the State Board of Elections, or
 10 other proper officer, as required hereinabove. And such
 11 abstracts or results so entered--and declared by--such--judge,
 12 and a certified copy thereof, shall be treated everywhere
 13 within the state, and by all public officers, with the same
 14 binding force and effect as the abstract of votes now
 15 authorized by the foregoing provisions of this Act.

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

17 (10 ILCS 5/22-9.1) (from Ch. 46, par. 22-9.1)

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

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

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

1 votes cast on the question.

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

15 A petition filed under this Section shall be accompanied
16 by the payment of a fee of \$25 \$10.00 per precinct specified.
17 All such fees shall be paid by the election authority into
18 the county or city treasury, as the case may be.

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

26 After 3 days notice in writing to all other candidates
27 the successful candidate for the same office or, in the case
28 of a question of public policy, such notice as will
29 reasonably inform interested persons of the time and place of
30 the discovery proceedings, the election authority such board
31 shall examine any and all materials relevant to the election
32 the ballots, voting machines, ballot cards, voter affidavits
33 and applications for ballot, test the automatic tabulating
34 equipment, and count the ballots, recorded votes, and ballot

1 eards in the specified election-districts-or precincts. At
 2 the--request--of-any-candidate-entitled-to-participate-in-the
 3 discovery-proceedings, the-election-authority-shall-also-make
 4 available-for-examination-the-ballot-applications--and--voter
 5 affidavits--for--the--specified--precincts. Each candidate
 6 affected by such examination shall have the right to attend
 7 the same in person or by his representative. In the case of
 8 a question of public policy, the board shall permit an equal
 9 number of acknowledged proponents and acknowledged opponents
 10 to attend the examination.

11 On completion of the count of any ballots in each
 12 district-or precinct, the ballots shall be secured and sealed
 13 in the same manner required of judges of election by Sections
 14 7-54 and 17-20 of the Election Code. The handling of the
 15 ballots in accord with this Section shall not of itself
 16 affect the admissibility in evidence of the ballots in any
 17 other proceedings, either legislative or judicial.

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

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

30 (10 ILCS 5/22-12) (from Ch. 46, par. 22-12)

31 Sec. 22-12. In the canvass of such votes by the election
 32 authority canvassing-board, provided in section 22-8 hereof,
 33 the election authority said--board shall declare who is

1 elected to any city or town office. In the case of a tie in
 2 the election to any city, or to any office voted for only
 3 within the territory of such city, it shall be determined by
 4 lot, in such manner as such canvassers shall direct, which
 5 candidate or candidates shall hold the office, and thereupon
 6 the person in whose favor it shall result, shall be declared
 7 elected by the order entered in the court as aforesaid.

8 (Source: Laws 1967, p. 3843.)

9 (10 ILCS 5/22-15) (from Ch. 46, par. 22-15)

10 Sec. 22-15. The election authority county-clerk-or--board
 11 of-election-commissioners shall, upon request, and by mail if
 12 so requested, furnish free of charge to any candidate for any
 13 State office, including-State-Senator-and-Representative-in
 14 the-General-Assembly,--and--any--candidate--for--congressional
 15 office, whose name appeared upon the ballot within the
 16 jurisdiction of the election authority county-clerk-or--board
 17 of-election-commissioners, a copy of the abstract of votes by
 18 precinct for all candidates for the office for which such
 19 person was a candidate. Such abstract shall be furnished no
 20 later than 2 days after the receipt of the request or 8 days
 21 after the completing of the canvass, whichever is later.

22 Within 48 hours after the election, each election
 23 authority must transmit, by facsimile, e-mail, or other
 24 electronic means, to the principal office of the State Board
 25 of Elections copies of the preliminary abstracts of votes by
 26 precincts for all candidates for State offices, Senators and
 27 Representatives of the General Assembly, Judges of the
 28 Supreme, Appellate, and Circuit Courts, and United States
 29 Senators and Representatives of Congress.

30 Within 10 days following the canvass and proclamation of
 31 each general primary election and general election, each
 32 election authority shall transmit to the principal office of
 33 the State Board of Elections copies of the abstracts of votes

1 by precinct for the above-named offices and for the offices
2 of ward, township, and precinct committeeman. Each election
3 authority shall also transmit to the principal office of the
4 State Board of Elections copies of current precinct poll
5 lists.

6 (Source: P.A. 83-880.)

7 (10 ILCS 5/22-17) (from Ch. 46, par. 22-17)

8 Sec. 22-17. (a) Except as provided in subsection (b),
9 the canvass of votes cast at the nonpartisan and consolidated
10 election elections shall be conducted by the election
11 authority within 48 hours after the election, but in any case
12 not later than following--canvassing--boards--within 7 days
13 after the close of such elections.†

14 1.--For--city--offices,--by--the--mayer,--the---city
15 attorney-and-the-city-clerk.

16 2.--For--village--and--incorporated-town-offices,--by
17 the-president-of-the-board-of-trustees,--one-member-of-the
18 board-of-trustees,--and-the-village-or--incorporated--town
19 clerk.

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

24 4.--For--road--district--offices,--by--the---highway
25 commissioner-and-the-road-district-clerk.

26 5.--For---school---district---or--community--college
27 district-offices,--by--the--school--or--community--college
28 district-board.

29 6.--For--special--district--elected--offices,--by--the
30 board-of-the-special-district.

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

33 8.--For---township---trustee---of--schools--or--land

1 commissioner, by the township trustees of schools or land
2 commissioners.

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

6 10. For multi-township assessment districts, by the
7 chairman, clerk, and assessor of the multi-township
8 assessment district.

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

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

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

7 (Source: P.A. 87-738; 87-1052.)

8 (10 ILCS 5/22-18) (from Ch. 46, par. 22-18)

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

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

29 Whenever an election authority ~~a---canvassing---board~~
 30 canvasses the votes cast upon a public question submitted to
 31 referendum pursuant to a court order, the election authority
 32 ~~board~~ shall immediately transmit a signed copy or an original
 33 duplicate of its completed abstract of the votes to the court

1 which ordered the referendum.

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

3 (10 ILCS 5/23-1.8a) (from Ch. 46, par. 23-1.8a)

4 Sec. 23-1.8a. Election contest - Statewide - Procedures
5 for recount and initial hearing. In all cases for which the
6 Supreme Court finds it appropriate that there be conducted a
7 ~~recount-or-partial-recount-of-ballots-east--in--any--election~~
8 ~~jurisdiction,~~--or a hearing regarding the conduct of the
9 election within any election jurisdiction, the Supreme Court
10 shall, in consultation with the Chief Judge of the Judicial
11 Circuit in which each such election jurisdiction is located,
12 assign a Circuit Judge of that Judicial circuit to preside
13 over the ~~recount--or~~ hearing. If more than one election
14 jurisdiction within a single Judicial circuit is subject to
15 ~~recount--or~~ hearing, the Supreme Court may assign a different
16 Circuit Judge to preside over the ~~recount-or~~ hearing for each
17 such election jurisdiction. The State Board of Elections
18 must be appointed to conduct any necessary recount of ballots
19 or votes conducted under the direction of the Supreme Court
20 or the the Circuit Judge.

21 Each Circuit Judge appointed pursuant to this Section
22 shall supervise the examination of the records or equipment
23 of the election authority whose jurisdiction is subject to
24 the ~~recount--or~~ hearing, and shall take evidence in the same
25 manner and upon like notice as in other civil cases. At the
26 conclusion of the recount or hearing, the Circuit Judge shall
27 make a recommendation as to the assessment of the costs of
28 any examination of records and equipment of the election
29 authority against the party requesting the examination;
30 provided that such recommendation shall not call for the
31 assessment of more than \$50 per precinct. If one party
32 requests the right to examine some but not all records and
33 equipment in one precinct and another party requests the

1 right to examine other records or equipment in the same
 2 precinct, the Circuit Judge shall recommend an appropriate
 3 apportionment of the costs between the parties. During any
 4 recount or hearing presided over by a Circuit Judge, or the
 5 State Board of Elections, pursuant to this Section the
 6 Supreme Court shall retain jurisdiction over the contest, and
 7 may issue procedural orders or interim rulings regarding the
 8 recount or hearing, either upon motion of a party or upon its
 9 own motion.

10 (Source: P.A. 86-873.)

11 (10 ILCS 5/23-1.9a) (from Ch. 46, par. 23-1.9a)

12 Sec. 23-1.9a. Election contest - Statewide - Recommended
 13 findings of State Board of Elections or Circuit Judge. Each
 14 recount or hearing presided over by the State Board of
 15 Elections or a Circuit Judge pursuant to Section 23-1.8a and
 16 23-1.8b shall be concluded as soon as possible after the
 17 election ~~,--as-to-a-general-election,-on-or-before-the-150th~~
 18 ~~day-after-the-election,-and,-as-to-a-primary-election,-on--or~~
 19 ~~before--the-87th-day-after-the-election,~~ by the State Board's
 20 or Circuit Judge's issuance of written Recommended Findings
 21 of Fact on all disputed issues, including a proposed
 22 statement of the correct tally of votes for the contested
 23 election in each election jurisdiction in question. The
 24 Recommended Findings of Fact shall be forwarded immediately
 25 to the Supreme Court.

26 (Source: P.A. 86-873.)

27 (10 ILCS 5/23-1.10a) (from Ch. 46, par. 23-1.10a)

28 Sec. 23-1.10a. Election contest - Statewide - Final
 29 Decision by Supreme Court. Within 15 days of the issuance of
 30 Recommended Findings of Fact by the State Board of Elections
 31 or a Circuit Judge, any party may serve and file with the
 32 Clerk of the Supreme Court written objections to the

1 Recommended Findings. Subsequent to the time that all
 2 challenges to Recommended Findings of Fact by the State Board
 3 of Elections or a Circuit Judge are required to be filed, the
 4 Supreme Court shall determine the contest, either annulling
 5 the contested election or declaring the correct results
 6 thereof. The Supreme Court may make a de novo determination
 7 of those portions of the Recommended Findings to which
 8 objection is made. The Supreme Court may accept, reject, or
 9 modify, in whole or in part, any of the findings recommended
 10 by the State Board of Elections or a Circuit Judge, and may
 11 hear witnesses and examine physical evidence to the extent it
 12 deems necessary for such determination.

13 (Source: P.A. 86-873.)

14 (10 ILCS 5/22-1.2 rep.)

15 (10 ILCS 5/22-14 rep.)

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

18 Section 15. The Revised Cities and Villages Act of 1941
 19 is amended by changing Section 21-17 as follows:

20 (65 ILCS 20/21-27) (from Ch. 24, par. 21-27)

21 Sec. 21-27. Election contest-Complaint. Any candidate
 22 whose name appears on the ballots used in any ward of the
 23 city at any election for alderman, may contest the election
 24 of the candidate who appears to be elected from such ward on
 25 the face of the returns, or may contest the right of the
 26 candidates who appear to have received the highest and second
 27 highest number of votes to places on the official ballot at
 28 any supplementary election in accordance with the Election
 29 Code, ~~by filing within 5 days after such election with the~~
 30 ~~Clerk of the Circuit Court of Cook County, a complaint in~~
 31 ~~writing, verified by the candidate making the contest,~~

1 setting forth the grounds of the contest. The contestant in
2 each contest shall also serve notice on all persons who were
3 candidates for alderman of such ward at the election, within
4 such 5 days, informing them that such complaint has been or
5 will be filed. The Circuit Court of Cook County shall have
6 jurisdiction to hear and determine such contest. All
7 proceedings in relation to such contest after the filing of
8 such complaint shall be the same, as near as may be, as
9 provided for in the case of a contest at a primary election
10 in such city. In case the court shall decide that the
11 complaint is insufficient in law, or that the candidate who
12 appears to have been elected on the face of the return has
13 been duly elected, the complaint shall be dismissed. If it
14 shall appear to the satisfaction of the court that the face
15 of the returns are not correct, and that the candidate who
16 appears thereby to have been elected was not in fact elected,
17 then the candidates having the highest and second highest
18 number of votes as determined by such contest shall be
19 candidates at the subsequent supplementary election as
20 provided for in section 21-26.

21 (Source: P.A. 83-334.)

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