

Client Alert

Current Issues Relevant to Our Clients

July 30, 2013

Changes to the Illinois Election Code

On July 29, 2013, Governor Quinn signed into law House Bill 2418, as amended by Senate Amendments 2 and 3; Public Act 98-0115 (collectively, the "Act"). The Act makes several changes to the Election Code, two of which are discussed below.

School Districts and the Electoral Board

Three school district borrowing alternatives are subject to backdoor referenda: working cash fund bonds, funding bonds and alternate bonds. A school district must adopt a resolution, and publish notice, of its intent to issue such bonds. If, within 30 days after publication of the notice, a valid petition is filed with the secretary of the board of education of the school district, the school district cannot issue such bonds without direct referendum approval.

A petition filed with the secretary in apparent conformity with the provisions of the Election Code is deemed valid unless it is objected to in writing within five business days after the last day for filing any petition. Any legal voter of the district may object to the petition within the five business day period and file an objector's petition with the applicable election authority (see below) or the secretary.

Currently, the electoral board charged with hearing and passing upon objections to petitions for the submission of public questions for school districts is the education officers electoral board. The education officers electoral board is composed of the president of the board of education (as chairman), the secretary and the member of the board of education having the longest term of continuous service.

The Act moves school districts from the jurisdiction of the education officers electoral board to the county officers electoral board. The county officers electoral board is comprised of the county clerk or an assistant designated by the county clerk (as chairman), state's attorney or an assistant state's attorney designated by the state's attorney and the circuit court clerk or an assistant designated by the circuit court clerk. If a school district is located in two or more counties, the county officers electoral board in the county in which the principal office of the school district is located will hear and pass upon the objection. If a county has established a county board of election commissioners, the county board of election commissioners constitutes the county officers electoral board for that county.

Board of Election Commissioners

In the Election Code, "election authority" means a county clerk or a board of election commissioners. The election authority for cities, villages or incorporated towns operating under Articles 6, 14 and 18 of the Election Code (the "City Election Law") is the municipal board of election commissioners. The election authority for counties operating under Article 6A of the Election Code is the county board of election commissioners.

Currently, Section 6A-1 of the Election Code prohibits a county which has a city, village or incorporated town operating under the City Election Law from establishing a county board of election commissioners. The City of Peoria is one of eight municipalities in Illinois which has adopted and is now operating under the provisions of the City Election Law. The Act amends Section 6A-1 of the Election Code and authorizes Peoria County, by referendum, to establish a county board of election commissioners. If the referendum is approved, the board of election commissioners of Peoria County will supersede the board of election commissioners of the City of Peoria.

The Act also amends Article 6A of the Election Code and establishes a county board of election commissioners for Lake County. The county board of election commissioners will replace the county clerk as the election authority in Lake County.

For More Information

For more information on any of the topics covered in this client alert, please contact any attorney in our Public Finance Department or visit us online at Chapman.com.

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