

June 2016

2016 GENERAL ELECTION CALENDAR

..Deadlines to mind, as Illinois House and Senate pass automatic voter registration legislation

Introduction

As the concluding section of this bulletin reports, with the General Assembly's passage of Senate Bill 250 on May 31, Illinois may soon join California, Oregon, Vermont and West Virginia as automatic voter registration states – though implementation logistics may pose short-term challenges, assuming that Governor Rauner signs the legislation.

Meanwhile, the countdown for placing public questions on the November 8, 2016 general election ballot begins in July. As the seemingly interminable State budget impasse continues in Springfield, some school districts and other governmental bodies which rely in part on state revenues to operate are weighing whether to ask voters in their communities to approve tax increases to avert or minimize future deficit spending. Others have already decided they have little choice but to do so.

The last day for governing boards to adopt resolutions or ordinances for November 2016 referenda on binding public policy questions is Monday, August 22 – *i.e.*, 79 days before the election. For districts subject to the Property Tax Extension Limitation Law (PTELL), such questions may include propositions to increase the limiting rate otherwise applicable under the PTELL “tax cap” formula, or the PTELL extension limitation indexed to the changes in the Consumer Price Index, or the district's debt service extension base.

Boards which adopt resolutions to take action potentially subject to backdoor referendum petitions must publish notice of their intended action even earlier – no later than Friday July 22, 109 days before

the election – to allow requisite 30 days for any voter-initiated referendum petitions to be filed and for the public question to be timely certified for placement on the ballot.

These and other key deadlines are summarized in the Election Calendar which begins on page 2 of this bulletin. Although every effort has been made to verify the information presented, readers should consult with legal counsel regarding their particular circumstances. For instance, some deadlines “float” depending upon the date on which a particular prior act occurred. If any dates shown below change due to legislative or administrative action, we will issue a supplemental bulletin describing the changes.

Also, certain due dates fall on Saturdays, Sundays or legal holidays. The applicable deadline may be moved forward or backward, or remain the same depending on the law for that deadline and whether the pertinent government office is open. Action on referendum questions should be taken early to ensure that no challenge can be made to the timeliness of that action.

Complete information and forms are available on the website of the State Board of Elections (SBOE) at www.elections.state.il.us. In addition to publications related to the November 8, 2016 General Election, the SBOE has at this writing also posted its *Local Election Official's Handbook for the 2017 Consolidated Elections* and the *Township Caucus Guide for 2017*. Chapter and Section references found in those publications and in this bulletin are to the Illinois Compiled Statutes.

2016 GENERAL ELECTION CALENDAR – KEY DATES

Date	Days Before Election	Person Responsible	Event
Friday, 7/22/16	109	Board Secretary	If Board passes resolution to take action subject to potential back door referendum (e.g., issuance of working cash fund bonds, cf. 105 ILCS 5/20-7), notice must be published no later than 109 days before election (79 days plus 30 days). Note: The election specified in the resolution must be within 15 months of notice of publication. (10 ILCS 5/28-2.)
Monday, 8/8/16	92	Board Secretary or Municipal Clerk	Last day to submit petitions for referendum questions of public policy to the Board Secretary or Municipal Clerk. (EXCEPTIONS: propositions to create a political subdivision and referenda held under the provisions of Liquor Control Act Article IX and Property Tax Code Section 18-120.) (10 ILCS 5/28-2(a), 28-6, 28-7.)
Monday, 8/15/16	85	Objector	Last day to file objections to petitions to submit local public policy questions to referendum. (EXCEPTIONS: propositions to create a political subdivision and referenda held under provisions of Liquor Control Act Article IX and Property Tax Code Section 18-120.) Objections to petitions for local referenda are filed with same office that received the original petitions. (10 ILCS 5/10-8, 28-4.)
Monday, 8/22/16	78* (See note to right in "Event" column.)	Municipal or School Board	Last day for Board to adopt resolution or ordinance for referendum on binding public policy question (not less than 79 days before election). (10 ILCS 5/28-2(c), 28-5.) <i>*Note: Because the 79th day before the election falls on Sunday, August 21, 2016, the law permits adoption of a resolution through Monday, August 22, 2016. We recommend taking action no later than Friday, August 19, 2016.</i>
Monday, 8/22/16	78* (See note to right in "Event" column.)	School Board and Municipal, County and Township Boards	Last day to place advisory referenda on the ballot by resolution. (not less than 79 days before election). (105 ILCS 5/9-1.5; 55 ILCS 5/5-1005.5; 60 ILCS 1/80-80; 65 ILCS 5/3.1-40-60; 70 ILCS 1205/8-30.) <i>*Note: Because the 79th day before the election falls on Sunday, August 21, 2016, the law permits adoption of a resolution through Monday, August 22, 2016. We recommend taking action no later than Friday, August 19, 2016.</i>
Thursday, 9/1/16	68	Board Secretary or Municipal or Township Clerk	Last day for local election official to certify all public questions to each election authority having jurisdiction over the political subdivision. (10 ILCS 5/28-5.)
Thursday, 9/29/16	40	Election Authority	First day for early voting at the office of the election authority and temporary locations designated by the election authority. Temporary polling locations for early voting can be established at the discretion of the election authority, and the dates and hours are also at the discretion of the election authority. (10 ILCS 5/19A-15, 19A-20.)

Sunday, 10/9/16	30	Election Authority, Board Secretary, or Municipal or Township Clerk	<p>First day for election authority to publish Notice of Referenda. (10 ILCS 5/12-1 and 12-5.) The election authority shall post a copy of the notice at its principal office.</p> <p>First day for Board Secretary or Municipal or Township Clerk as local election official to post, at the principal office of the District, Municipality or Township, a copy of the notice of any referenda to be submitted to the voters of the political subdivision. (10 ILCS 5/12-5.)</p>
Tuesday, 10/11/16	28*	Election Authority	<p>Last day for election authority to publish Notice of General Election. (10 ILCS 5/12-1 and 12-5.)</p> <p><i>*Note: Because the 30th day before the election falls on Sunday, October 9, 2016, and October 10, 2016 is a holiday, the law permits this publication through Tuesday, October 11, 2016.</i></p>
Tuesday, 10/11/16	28	Election Authority	<p>Last day for voter registration or transfer of registration in office of the election authority. Exception: grace period registrants. (10 ILCS 5/4-6, 4-16; 5-5, 5-23; 6-29, 6-50, 6-53, 6-54.)</p> <p>Last day for registration of voters by deputy registrars, including municipal, township and road district clerks and precinct committeemen. (10 ILCS 5/4-6.2, 5-16.2, 6-50.2.)</p>
Monday, 10/24/16	15	Board Secretary, Municipal, Township, or Road District Clerk	<p>First day for early voting at permanent polling places other than the office of the election authority. These permanent polling places are to be open on holidays, Saturdays and Sundays. (10 ILCS 5/19A-15.)</p>
Monday, 10/31/16	10* (See note at right in "Event" column.)	Election Authority, Board Secretary, or Municipal or Township Clerk	<p>Last day for election authority to publish Notice of Referenda. 10 ILCS 5/12-5. The election authority shall post a copy of the notice at its principal office.</p> <p>Last day for Board Secretary or Municipal or Township Clerk as local election official to post, at the principal office of the District, Municipality, or Township, a copy of the notice of any referendum to be submitted to the voters of the political subdivision. (10 ILCS 5/12-5.)</p> <p><i>*Note: Because the 10th day before the election falls on Saturday, October 29, 2016, the law permits publication of the notices through Monday, October 31, 2016. We recommend the local election official post no later than Friday, October 28, 2016.</i></p>
Thursday, 11/3/16	5	Election Authority	<p>Last day for the election authority to publish the specimen ballots, as near as may be in the form in which they will appear on the official ballots on Election Day. (10 ILCS 5/24A-18, 24B-18, 24C-18.)</p>
Friday, 11/4/16	4	Election Authority	<p>Last day for the election authority to have official ballots available for inspection by candidates or their agents. (10 ILCS 5/16-5.)</p>
Monday, 11/7/16	1	Election Authority, Voter	<p>Last day for early voting at the office of the election authority and locations designated by the election authority. (10 ILCS 5/19A-15, 19A-20.)</p>

Date	Days After Election	Person Responsible	Event
Tuesday, 11/8/16	0	Election Authority	GENERAL ELECTION Polls open 6:00 a.m. to 7:00 p.m.
Tuesday, 11/29/16	21	Election Authority	Last day for canvassing of election results, including referenda results, by proper canvassing board. (EXCEPTION: State Board of Elections as canvassing board.) (10 ILCS 5/7-56, 18A-15(a); 22-17)

AUTOMATIC VOTER REGISTRATION BILL HEADS TO GOVERNOR

Automatic voter registration is on the horizon in Illinois, if the Governor signs legislation approved by both the Illinois House and Senate on May 31 in the waning hours of the General Assembly’s spring session. Sponsorship of the bill was by Democratic legislators exclusively, but the vote to pass drew some bipartisan support.

Senate Bill 250 would enable an eligible individual to electronically apply to register to vote, or to update his or her registration, whenever the person conducts business with a “designated government agency”. In addition to the Illinois Secretary of State’s Office (and its well-trafficked Driver Services centers), the initially designated state agencies able to add eligible people to voter rolls are the Department on Aging, and the Human Services, Healthcare and Family Services, and Employment Security Departments.

The legislation directs that when employees of these agencies serve a member of the public, they are to inform that person in writing of the qualifications for registering to vote in Illinois, and of penalties for submitting a false voter registration application. They are also to give each person an opportunity to attest that he or she meets the qualifications. The agency will inform the individual that the personal information provided will be transferred to the State Board of Elections (SBOE) for the purpose of creating

an electronic voter registration application, and that the individual will be registered to vote only if he or she meets the qualifications for doing so.

Then, it’s up to the State Board of Elections and local election authorities such as county clerks to check other records in order to verify eligibility of “automatic” applicants, update existing files, and send out new voter applications telling potential voters that they are registered unless they affirmatively opt out of registration. The SBOE has stated that it supports automatic voter registration, but expressed serious concern that the cost of programming needed to implement SB250 is unaffordable, absent an appropriation to fund development of the programming.

An individual may decline to have a designated government agency transfer his or her personal information to the SBOE for voter registration purposes, and will not be required to disclose his or her citizenship status or any other reason for declining. The agency must also inform the individual in writing that declining to have his or her personal information transferred to the SBOE for voter registration purposes is confidential, and will not affect any services the person is seeking from the agency.

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