

September 2018

## **2019 CONSOLIDATED ELECTION CALENDAR**

### **...Deadlines on the horizon for local government elections on April 2, 2019**

The Consolidated Election in April 2019 will be the third election cycle since the Election Code was changed to make the county clerk's office (or the county board of election commissioners, as the case may be depending on the county) the place for filing nominating papers for board of education candidates as well as objections to nominating papers.

As with the last two Consolidated Elections, objections that challenge nominating papers of school board candidates are no longer heard by an education officers electoral board. Instead, they are heard by the county officers electoral board made up of the county clerk, the State's attorney and the clerk of the circuit court, or the individuals they respectively designate to serve in their place. In counties that have a board of election commissioners, that board sits as the county officers electoral board when objections are received. If a school district is located in two or more counties, the location of the school district's principal office determines which county electoral board hears the objections to nomination papers of candidates for the district's school board.

The school board secretary still has the duty to certify to the election authority (county clerk or board of election commissioners) any referendum questions initiated by resolution of the school board. The certification must include the exact form of the question to be placed on the ballot, and the date on which the question was initiated by resolution.

### **ELECTION DEADLINES DURING DECEMBER-JANUARY HOLIDAY PERIOD**

The December-January holiday period is once again a key interval in the current Consolidated Election cycle, inconveniently for many government offices that ordinarily close during all or part of that period. Given that several important deadlines fall in late December or early January, it is critical for local election officials to review this calendar carefully, accurately note deadlines and line up appropriate personnel to fulfill the assigned election duties.

The last day for filing nominating papers is December 17, 2018. Local election officials must by law keep their offices open on the last day of filing until 5:00 p.m. The deadline for objecting to nominating papers is five business days thereafter. Because what constitutes a "business day" varies depending on the local election authority's holiday schedule, the last day for filing objections could be December 24, 2018 at the earliest and January 2, 2019 at the latest. Also, certain dates fall on Saturdays, Sundays or legal holidays. The deadline for a particular act may be moved forward, backward or remain the same, depending on the law applicable to that deadline and whether the pertinent government office is open. See "WHAT IF OUR OFFICES ARE CLOSED DURING THE HOLIDAYS?" below.

While every effort has been made to provide accurate information in this Election Calendar, you should consult with legal counsel to verify the requirements and deadlines which apply to your particular circumstances. As noted above for the deadline for

filing objections, some deadlines “float” depending upon the date on which a particular prior act occurred. Further legislative or administrative action could change some of the deadline dates listed below, in which case we will issue a supplemental bulletin describing the changes.

Complete information and forms, including the *2019 Election and Campaign Finance Calendar, 2019 Candidate’s Guide* and *Local Election Officials Handbook for the 2019 Consolidated Election* are posted on the website of the State Board of Elections (“SBE”), [www.elections.il.gov](http://www.elections.il.gov).

**“WHAT IF OUR OFFICES ARE CLOSED DURING THE HOLIDAYS?”**

Objectors have five “business days” after the last day for filing nominating papers (12/17/18) to file objections. A “business day” means any day on which the office of a local election official is open to the public for at least seven hours. 10 ILCS 5/1-3. Monday 12/24/18 – which would ordinarily be the fifth business day after 12/17/18 – is also the day before Christmas. Many offices may be closed for part or all of 12/24/18 as well as on Tuesday 12/25/18. The SBE advises that if the office of the local election official (LEO) is closed for days that would normally be business days before Tuesday, December 25, 2018, the affected local government unit must extend the deadline for filing objections with the LEO beyond December 24, 2018.

Community colleges, for example, are typically closed during most of this time period. If offices are closed, say, from 12/24/18 through 1/2/19, may the fifth “business day” occur on 1/3/19 or later? The Election Code does not address this contingency. However, the Election Code does not effectively *fix* a date for filing objections by requiring that the action be performed by a specified number of days before the Consolidated Election (as it does for nominating petitions which must be filed no more than 113 nor less than 106 days before the election), or within a specified number of days after a date-specific deadline (as it does with respect to the lottery for ballot position for simultaneously filed nominating petitions, which must be held within nine days after the last date for petition filing).

We believe that a college or other district which customarily closes its offices during the holiday period may, if it chooses to do so, count “business

days” consistent with its regular schedule – as long as it gives ample advance notice by publication, and by posting at the location of the local election official’s office, of the December and/or early January dates and times when the office will be open for at least seven hours to receive objection filings. Also, the local election official may formally designate another individual as his or her delegee to receive objection filings, provided that the person designated to do so receives clear instructions concerning the procedures required to be followed in performing these responsibilities.

If you are concerned about your district’s situation, and alternatives to scheduling “business days” for the local election official during the holiday period, please contact a Robbins Schwartz attorney.

**OFFICIALS ELECTED AT THE APRIL 2, 2019 CONSOLIDATED ELECTION**

School officials, and most municipal officials, are elected at the Consolidated Election on the first Tuesday in April of odd-numbered years. Next year’s Consolidated Election will be held on April 2, 2019. The last day for your county clerk or board of election commissioners to canvass your election results is April 23, 2019.

The following schedule applies for school officials:

**4-YEAR TERM DISTRICTS**

Elected	Term Begins	Term Ends
April 2015	May 2015	May 2019
April 2017	May 2017	May 2021
April 2019	May 2019	May 2023

**6-YEAR TERM DISTRICTS**

Elected	Term Begins	Term Ends
April 2013	May 2013	May 2019
April 2015	May 2015	May 2021
April 2017	May 2017	May 2023
April 2019	May 2019	May 2025

This schedule is intended as a general guide for community college, school, municipal and township officials and candidates, with the caveat that it does not include information regarding the February 26, 2019 Consolidated Primary Election. If you have any questions concerning the Consolidated Primary Election, please contact a Robbins Schwartz attorney.

canvass of election results. Because the canvass may not take place until 21 days after the election, it is likely that most new municipal officials will assume office in the end of April. However, municipalities may adopt an ordinance setting a different transition date, but the substitute date must not be later than the first regular meeting in June. The following is a guide:

Municipal officials elected in April 2019 will take office at the first regular meeting following the

OFFICE	TERM BEGINS
Boards of Education	At the organizational meeting to be held within 28 days after the election (on or before April 30, 2019).
Community College Trustees	At the organizational meeting to be held within 28 days after the election (on or before April 30, 2019).
Cook County Township Trustees of Schools	Third Monday of May (May 20, 2019)
Regional Boards of School Trustees	Third Monday of May (May 20, 2019)
Municipal Officials	First regular or special board meeting following the canvass, except as otherwise provided by ordinance, but no later than the first regular or special meeting in June.

**2019 CONSOLIDATED ELECTION CALENDAR**

<b>DATE</b>	<b>DAYS BEFORE ELECTION</b>	<b>PERSON RESPONSIBLE</b>	<b>EVENT</b>
Tuesday, 9/18/18	196	Candidate	Candidates may begin circulating nominating petitions not more than 90 days preceding last day for filing nominating papers (12/17/18). (10 ILCS 5/10-4)
Tuesday, 10/2/18	182	Voter	<p>Deadline for voters within a school district that, for school year 2018-19 has more than 110% of funds needed to meet its State-defined “adequacy” funding target to file a petition for a referendum on the question of whether to reduce the 2019 tax extension for educational purposes.</p> <p>Such a petition must be filed with the election authority if the district is wholly within one county, or with the State Board of Elections if the district has territory in more than one county. (35 ILCS 200/18-206)</p>
Wednesday, 10/10/18	174	Objector	Objections to a petition for an “adequacy referendum” would also be heard and decided by the election authority or the SBE. The last day for filing objections to such a petition would be five business days after 10/2/18 – <i>i.e.</i> , by Wednesday, 10/10/18, as Monday 10/8/18 (Columbus Day) is a State legal holiday.
Friday, 11/30/18	123	County Clerk/Board of Election Commissioners (optional)	Deadline to publish notice, if desired, of petition filing period (not less than 10 days prior to first day of filing). (105 ILCS 5/9-10)
Friday, 11/30/18 (the last date actually falls on Saturday 12/1/18)	122	Secretary of Board (mandatory if applicable)	If Board passes resolution to take action subject to potential backdoor referendum ( <i>e.g.</i> , issuance of working cash fund bonds, <i>cf.</i> 105 ILCS 5/20-7), notice must be published no later than 109 days before election (79 days plus 30 days). Note: Election specified must be within 15 months of notice of publication. (10 ILCS 5/28-2(c) and /28-2(f))
Monday, 12/10/18	113	Community College Board Secretary, Municipal Clerk, or County Clerk/Board of Election Commissioners	<b>First day to file nominating petitions</b> in the office of the Community College Board Secretary, Municipal Clerk or County Clerk/Board of Election Commissioners. (10 ILCS 5/10-6) The Secretary or Clerk or his/her representative must tender notices of obligation to report campaign contributions to candidates who file in person. The Secretary or Clerk must send this notice by first-class mail (certified mail preferred) within 2 business days of the filing to any candidate who files by mail or by agent. (10 ILCS 5/9-16; 110 ILCS 805/3-7.10) Note: If the Secretary or Clerk is an incumbent board member seeking re-election, a disinterested person must be a witness to the filing of the incumbent’s petition. (110 ILCS 805/3-7.10)

**2019 CONSOLIDATED ELECTION CALENDAR**

<b>DATE</b>	<b>DAYS BEFORE ELECTION</b>	<b>PERSON RESPONSIBLE</b>	<b>EVENT</b>
			All petitions filed by persons waiting in line as of the designated opening hour, or petitions filed by mail and received after midnight of the first day of filing and delivered in first mail delivery, are deemed <b>simultaneously filed</b> . Also, two or more petitions filed within the last hour on the filing deadline date are deemed <b>simultaneously filed</b> . All other petitions filed shall be deemed filed in order of actual receipt. This order determines ballot position. For the first ballot position and the last ballot position, a random selection shall be made <b>within 9 days</b> following the last day for filing the petitions. Candidates must be sent <b>written notice</b> of the time and place of the lottery <b>7 days</b> prior to the <b>lottery</b> . (10 ILCS 5/10-6.2)
Monday, 12/10/18	113	Candidate	Nomination papers for the office of <b>Regional Board of School Trustees</b> in a <b>single county</b> are filed in the office of the County Clerk. Petitions for the office of <b>Multi-County</b> Regional Board of School Trustees are filed in the State Board of Elections' Springfield office. (10 ILCS 5/10-6; 105 ILCS 5/6-10)
Monday, 12/17/18	106	Candidate; Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	<b>Last day to file nominating petitions</b> in the office of the Community College Board Secretary or Municipal Clerk or County Clerk/Board of Election Commissioners (10 ILCS 5/10-6) Office must be kept open until at least 5 p.m. on this day for filing. (10 ILCS 5/1-4)
Monday, 12/17/18	106	Candidate; Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Last day for candidates to file <b>receipt for filing a Statement of Economic Interests</b> with the Community College Board Secretary or the Municipal Clerk or the County Clerk/Board of Election Commissioners (10 ILCS 5/10-5; 5 ILCS 420/4A-105)
Monday, 12/17/18	106	Community College Board Secretary; County Clerk/Board of Election Commissioners	Last day a Community College Board Secretary or County Clerk/Board of Election Commissioners may notify a candidate in writing of the <b>acceptance of his petition</b> . Acknowledgment of acceptance of petition must occur within 7 days of filing, or on the last day for filing, whichever is earlier. (105 ILCS 5/9-10; 110 ILCS 805/3-7.10)
Wednesday, 12/19/18	104	Community College Board Secretary; Municipal Clerk; County Clerk/Board	<b>Seven days' written notice</b> of lottery for first and last ballot position shall be given to all political party chairmen, civic organizations and candidates. Secretary must also publicly post time and place of lottery at the entrance of the office. (10 ILCS 5/10-6.2, 7-12(6))

**2019 CONSOLIDATED ELECTION CALENDAR**

DATE	DAYS BEFORE ELECTION	PERSON RESPONSIBLE	EVENT
<p>(Date floats*) Monday 12/24/18 to Wednesday, 1/2/19 *See note at end of this item.</p>	<p>90-99*  *See note at end of this item.</p>	<p>of Election Commissioners  Objector; Community College Board Secretary; County Clerk/Board of Election Commissioners; Municipal Clerk; State Board of Elections</p>	<p>Last day for filing <b>objections to nomination papers</b> of candidate, along with two copies, in the office where the original nomination papers were filed. (10 ILCS 5/10-8) The Secretary or Clerk should note the day and time of filing of the objection. Objections must be filed within <b>5 business days</b> after the last day for filing. By <b>noon on the second business day</b> after receipt of the objections, the Board Secretary or Municipal Clerk or County Clerk/Board of Election Commissioners, as applicable, must send the objection via registered mail or receipted personal delivery to the Chairman of the Electoral Board, and a copy of the objections to the candidate. (10 ILCS 5/10-8)</p> <p>Within 24 hours of receiving these original documents, the Electoral Board Chairman must send a call by registered or certified mail to the members of the electoral board, the objector and the candidate. Notice must also be served by the County Sheriff. (10 ILCS 5/10-10) An Open Meetings Act notice and agenda must be posted 48 hours in advance of any electoral board meeting. Contact legal counsel for further direction and for preparation of the required notice and other documents. The initial Electoral Board meeting must be held not less than 3 days nor more than 5 days after receipt of the original documents by the Chairman. (10 ILCS 5/10-10)</p> <p>The Education Officers Electoral Board, which is responsible to hear and rule on objections to nominations to the office of community college board member is composed of the presiding officer of the college board, the secretary of the college board and the board member with the longest continuous service. (10 ILCS 5/10-9(5)) A Municipal Officers Electoral Board, to hear and rule on objections to nominations of candidates for municipal office, is composed of the mayor or president, the municipal clerk and the board member that has served the greatest number of years. (10 ILCS 5/10-9(3)) The County Officers Electoral Board, now required to hear and pass upon objections to nominations of candidates for school board, is composed of the county clerk, the clerk of the circuit court and the State’s attorney, or their designees. (10 ILCS 5/10-9(2))</p>

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			<p><i>*Note: Objectors have five “business days” after the last day for filing nominating papers (12/17/18) to file objections. A “business day” means any day in which the office of a local election official is open to the public for at least seven hours. 10 ILCS 5/1-3. Because Monday 12/24/18 is Christmas Eve, some governmental offices may be closed. Additionally, governmental offices will be closed on Tuesday 12/25/18 for Christmas Day. Under this scenario, the fifth “business day” following 12/17/18 would be Wednesday 12/26/18. However, this date would change if there are other days where offices are not open for at least seven hours on a single day. Furthermore, many community colleges close entirely during this time period. If you are concerned about your individual situation, please contact a Robbins Schwartz attorney.</i></p>
Monday, 12/24/18*  *But, see note above.	99* *See note above.	Candidate; Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Where a candidate has filed petitions for 2 or more <b>incompatible offices</b> , he/she must, within 5 <b>business days</b> following the last day for petition filing, <b>withdraw</b> as a candidate from all but one of such offices. Failure to do so will result in the candidate’s name not being certified for or printed on the ballot for any office. (10 ILCS 5/10-7)
Wednesday, 12/26/18	97	Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Last day to hold lottery. Where two or more petitions are filed or deemed filed at the opening hour of the filing period, or where two or more petitions are received within the last hour of the filing period, a <b>lottery</b> for ballot position shall be conducted within 9 days following the last day of filing. (10 ILCS 5/10-6.2)
Monday, 12/31/18	92	Secretary of Board or Municipal Clerk	Last day for submission by electorate of petitions for non-binding public policy questions and referenda to the Board Secretary or Municipal Clerk. (10 ILCS 5/28-2(a), 5/28-6, 5/28-7) Community college boards may not initiate advisory referenda.
Tuesday, 1/8/19	84	Objector	Last day to file objections to petitions for the submission of local public policy questions to referendum. (Except: propositions to create a political subdivision and referenda held under the provisions of Article IX of the Liquor Control Act and Section 18-120 of the Property Tax Code.) Objections to petitions for local referenda are filed with the same office that has the original petitions. (10 ILCS 5/10-8, 28-4)
Monday, 1/14/19	78	Municipal Boards; School Boards; Community College Boards	Last day for board to adopt resolution for a referendum on a binding <b>public policy question</b> . (10 ILCS 5/28-2, 5/28-5)

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Monday, 1/14/19	77	Municipal Boards; School Boards; Township Boards.	Last day for Municipal, School and Township Boards to place advisory referenda on the ballot by resolution. (60 ILCS 1/30-205; 65 ILCS 5/3.1-40-60; 105 ILCS 5/9-1.5).
Thursday, 1/24/19	68	Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Last day for local election official to <b>certify names</b> of candidates to each election authority with the term of office (vacancy), residency requirements, and number of candidates to be elected to office. (10 ILCS 5/10-15)
Thursday, 1/24/19	68	Candidate	Not later than the day the local election official certifies names of candidates, a candidate may file a signed and notarized <b>withdrawal</b> of nomination papers in the office of the Board Secretary. (10 ILCS 5/10-7, 5/10-15)  <i>Note: Court decisions have upheld the rights of candidates to withdraw at later dates. Whether to implement a late withdrawal is within the discretion of the election authority responsible for printing the ballots.</i>
Thursday 1/24/19	68	Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Last day for local election official to certify all <b>public questions</b> to each election authority having jurisdiction over the election authority. (10 ILCS 5/28-5)
Thursday, 1/31/19	61	Candidate	Last day a person may file with proper election authority by 5:00 pm a notarized declaration of intent to be a write-in candidate. (10 ILCS 5/17-16.1). Write-in votes shall only be counted for persons who have filed a declaration of intent.
Thursday, 2/14/19	47	County Clerk/Board of Election Commissioners	First day for election authority to publish (1) the location of each permanent and temporary site for early voting and the precincts served by each location, and (2) the dates and hours that early voting will be conducted at each location. (10 ILCS 19A-25(a))



**2019 CONSOLIDATED ELECTION CALENDAR**

<b>DATE</b>	<b>DAYS BEFORE ELECTION</b>	<b>PERSON RESPONSIBLE</b>	<b>EVENT</b>
Thursday, 2/21/19	40	Election Authority	<p>To be eligible to obtain <b><i>pollwatcher credentials</i></b>, last day for civic organizations and referendum proponents or opponents to register the names and addresses of their principal officers with the election authority. (10 ILCS 5/17-23, 5/18-6)</p> <p>First day for mailing or delivery of absentee ballot. (10 ILCS 5/19-4)</p> <p>First day for early voting at the office of the election authority and temporary locations designated by the election authority. (10 ILCS 5/19A-15, 19A-20)</p>
Tuesday, 3/5/19	28	Election Authority	<p>First day election authority can publish <b><i>Notice of Consolidated Election</i></b>. The notice must include the polling hours, and the offices for which candidates will be elected. Such notice must also include a list of precinct polling addresses unless published separately at least 10 days prior to Consolidated Election.</p> <p>First day election authority can publish <b><i>Notice of Referendum</i></b>. The election authority shall post a copy of the notice at its principal office. The Board Secretary or Municipal Clerk must post a copy of the notice at its principal office. (10 ILCS 5/12-4, 5/12-5)</p>
Tuesday, 3/5/19	28	Election Authority	Last day for registration or transfer of registration in the 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)
Sunday, 3/17/19	16	Voter	Last day for voters to register to vote through the State Board of Elections website. (10 ILCS 5/1A-16.5)
Monday, 3/18/19	15	Election Authority	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(b))
Tuesday, 3/19/19	14	Election Authority	Last day for the election authority to have <b><i>pollwatcher credentials</i></b> available for distribution. (10 ILCS 5/17-23, 5/18-6) Credentials may be distributed prior to this date, at the discretion of the election authority. Pollwatchers must meet certain qualifications.

**2019 CONSOLIDATED ELECTION CALENDAR**

<b>DATE</b>	<b>DAYS BEFORE ELECTION</b>	<b>PERSON RESPONSIBLE</b>	<b>EVENT</b>
Monday, 3/25/19	8	Election Authority, Secretary of Board or Municipal Clerk	Last day for election authority to publish <b>Notice of Consolidated Election</b> and <b>Notice of Referenda</b> (may include precinct polling place addresses). The election authority shall post a copy of the notice at its principal office. The Board Secretary must post a copy of the notice at the District's principal office. (10 ILCS 5/12-4, 5/12-5)
Thursday, 3/28/19	5	Election Authority	Last day for election authority to receive application by mail from any registered voter presently in the United States. (10 ILCS 5/19-2, 19-4)
Friday, 3/29/19	4	Election Authority	Last day election authority shall have ballots printed and available for inspection by candidates and their agents. (10 ILCS 5/16-5)
Monday, 4/1/19	1	Election Authority	Last day for election authority (except counties with populations of 500,000 or more) to publish a list of all nominations that are to be voted at the election. (10 ILCS 5/16-10)
Monday, 4/1/19	1	Election Authority, Voter	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)  Last day for any registered voter, presently within the confines of the United States, to request a vote by mail ballot in person at the office of the election authority. (10 ILCS 5/19-2)
Tuesday, 4/2/19	0	Election Authority	<b>ELECTION DAY – Consolidated Election. First Tuesday in April in odd-numbered years, unless delayed by Passover. Polls open from 6 a.m. to 7 p.m. (10 ILCS 5/2A-1.1(b))</b>

**2019 CONSOLIDATED ELECTION CALENDAR**

DATE	DAYS AFTER ELECTION	PERSON RESPONSIBLE	EVENT
Tuesday, 4/23/19	21	Election Authority (County Clerk or Board of Election Commissioners)	Within 21 days of election, election authorities <b>canvass</b> the election results and <b>proclaim</b> winners, and success or failure of public propositions. (10 ILCS 5/22-17)
Monday, 4/29/19	27*	Unsuccessful Candidate	<p>Within 5 days after the last day for proclamation of results, a <b>candidate</b> may file a petition with the election authority for a <b>discovery recount</b> of not more than 25% of precincts, if he/she received at least 95% of number of votes cast for any successful candidate for the same office. (10 ILCS 5/22-9.1) The petition for a discovery recount is filed with the County Clerk with a fee of \$10 per precinct. (10 ILCS 5/22-9.1)</p> <p><i>*Note: Because the precise date set by law falls on a Sunday, we recommend taking action no later than Friday, April 26, 2019.</i></p>
Monday, 4/29/19	27* See note above.	Write-in candidate	Within 5 days of the proclamation of results, a successful <b>write-in candidate</b> must file a Statement of Candidacy and <b>Receipt</b> for filing Statement of Economic Interest with the County Clerk. (10 ILCS 5/7-60.1, 5/10-5; 5 ILCS 420/4A-101; 10 ILCS 5/22-7)
Tuesday, 4/30/19	28	College or School Board	Within 28 days of the election date, the organizational meeting of college and school boards is held. Elect President, Vice President and Secretary to two-year terms. However, the Board may, by resolution, establish one-year terms for these officers. (105 ILCS 5/10-13, 5/10-13.1, 5/10-14, 5/10-16; 110 ILCS 805/3-8)
Thursday, 5/23/19	51	Unsuccessful Candidate	Unsuccessful candidate must, within 30 days after the proclamation of results by the canvassing agency, file any petition in the circuit court to contest the election. (10 ILCS 5/23-20)
Wednesday, 10/2/19	6 months	Secretary of Board	Nominating papers may be disposed of. (10 ILCS 5/10-7)

## CONSOLIDATED ELECTION – CANDIDATES’ GUIDE TO AVOIDING OBJECTIONS

The Election Code, School Code, Municipal Code and Community College Act set forth specific filing requirements for persons seeking election to School Board, Regional Board of School Trustees, Municipal Boards and Community College Board of Trustee offices. Care must be taken to comply with all filing deadlines and requirements to avoid objections.

### OFFICES

- ▶ Board of Education  
105 ILCS 5/10-10
- ▶ Regional Board of School Trustees  
105 ILCS 5/6-2
- ▶ Community College Board of Trustees  
110 ILCS 805/3-7
- ▶ Elective Municipal Office  
65 ILCS 5/3.1-10-5

### QUALIFICATIONS

U.S. citizen; 18 years of age; registered voter. (10 ILCS 5/3-1)

**School Board:** A resident of the territory of the district for at least one year immediately preceding this election. (105 ILCS 5/10-3, 5/10-10)

**Regional Trustee:** Qualified voter of the educational service region. (105 ILCS 5/6-10)

**College:** Resident for at least one year of the State and territory which on the date of the election is included in the community college district. (110 ILCS 805/3-7)

**Elective Municipal Office:** See 65 ILCS 5/3.1-10-5.

Notes: A school trustee or treasurer may not also serve as a school board member. (105 ILCS 5/10-10)

There may be residential restrictions for candidates in certain districts.

### DEFINITIONS

**Local Election Official:** The Secretary of a school/college board or his/her designee or municipal clerk.

**Election Authority:** A County Clerk and/or Board of Election Commissioners.

**Electoral Board:** A three-member board that hears and decides objections to nomination papers or petitions.

**Canvassing Agency:** The election authority for the jurisdiction in which your main office is located.

### WHERE TO FILE

For community college board positions, candidates file in the office of the community college district with the local election official (usually Secretary of Board or designee). Candidates for municipal office file with the municipal clerk. Candidates for school board now file with the county clerk or the county board of election commissioners, as the case may be, of the county in which the principal office of the school district is located. On the last filing day, the office must be open until at least 5:00 p.m. to accept filings.

### WHAT TO FILE

1. **Statement of candidacy.** (10 ILCS 5/10-5)  
Designate whether filing for a full-term or to fill an unexpired term arising due to a vacancy. (105 ILCS 5/10-10; 110 ILCS 805/3-7) *When both full-term seats and short-term seats (due to vacancies) seats are available, candidates should be careful to indicate “full-term,” “four-year term,” “two-year term,” or “to fill vacancy” on each petition sheet as part of the title of the office, on the Statement of Candidacy, and on all other election documents. Failure to do so may result in invalidation of the nomination papers.*
2. **Petition for nomination.** (10 ILCS 5/10-4, 5/10-5)  
Most successful election objections are based on errors in a candidate’s nominating petition. Thus, you must strictly adhere to the rules governing nominating petitions.

**Form of petition.** The petition signature sheets must be in the form required by law. The heading on each page must be identical. Each page of the

petition must also contain a “circulator’s affidavit” stating his/her address and that he/she circulated the petition; certifying that the signatures on that page of the petition were signed in his/her presence, and the signatures are genuine; and either (1) indicating the dates on which that page of the petition was circulated, (2) indicating the first and last dates on which the petition sheet was circulated, or (3) certifying that none of the signatures were signed more than 90 days preceding the last day for filing of the petition. (10 ILCS 5/10-4) **Do not** use old petition forms which refer to the circulator being a registered voter in the district and which fail to indicate that the circulator is over 18 years of age and a U.S. citizen.

The original petitions with accompanying documents must be neatly fastened together at the top in a secure and suitable manner in book form. Do not use paper clips or staples, but instead punch holes at the top edge and bind through the holes. **Each petition signature page must be numbered consecutively.**

The importance of strict compliance with the Election Code’s requirements for the form of petitions cannot be overemphasized. Many types of deficiencies have been found to be cause for invalidating a nominating petition. The following are just a few examples:

- ▶ Failure to consecutively number petition pages. *El-Aboudi v. Thompson*, 293 Ill. App. 3d 191, 687 N.E.2d 1166 (2d Dist. 1997) (citing cases).
- ▶ Failure to bind the nomination papers securely. *Girov v. Keith*, 341 Ill. App. 3d 902, 793 N.E.2d 935 (3d Dist. 2003).
- ▶ One complete set of original nominating papers must be submitted. A petition, once filed, cannot be withdrawn from the Secretary’s office or supplemented by additional sheets. See, *WITHDRAWAL OF CANDIDACY* below.
- ▶ The petition circulator must personally appear before the notary public who notarizes the circulator’s affidavit. *Bowe v. Chicago Electoral Board*, 79 Ill.2d 469, 404 N.E.2d 180 (1980). We strongly recommend that school staff and board members do not notarize candidate petitions,

especially while on government-owned property or while on duty as a government employee.

**Number of signatures.** Candidate petitions for boards of education or community college boards must be signed by at least 50 voters or 10% of the registered voters, whichever is less, residing within the district. Petitions for candidates for the office of school director must be signed by at least 25 voters or 5% of the registered voters, whichever is less, residing within the district. We recommend that candidates obtain at least three times the required minimum number of signatures.

Requirements that a petition contain the signatures of a certain number or percentage of a district’s registered voters also apply to voter-initiated petitions for referendums on public questions. In this context, too, there is safety in surplus numbers. See *Let Forest Park Vote on Video Gaming v. Village of Forest Park Municipal Officers Electoral Board*, 101 N.E.2d 152 (1st Dist. 2018) (upholding validity of referendum petition seeking to place a public question regarding video gaming on the November 2016 General Election ballot despite non-conforming headings on six of a total 276 petition sheets, where the number of signatures on the remaining 270 sheets contained more the statutory minimum number of signatures needed to place the question before voters).

3. **Receipt for filing a Statement of Economic Interests.** (5 ILCS 420/4A-101 *et seq.*)

Note: The actual Statement of Economic Interests is filed with the County Clerk of the county in which the principal office of the unit of government is located. (5 ILCS 420/4A-106) Both the statement and the receipt should indicate the **full title** of the office sought, including the name of the school district and vacancy, if any. (*E.g.*, “Member of the Board of Education of Apple School District 12, Lincoln County, Illinois, full term.”)

- ▶ The receipt **must** be for a Statement of Economic Interests **filed in calendar year 2018**. Filing a Statement of Economic Interests receipt from a previous year invalidates the nomination papers. *Jenkins v. McIlvain*, 338 Ill. App. 3d 113, 788 N.E.2d 62 (1st Dist. 2003).

## HOW TO FILE

The candidate may file by mail or in person commencing during the normal opening hour starting Monday, December 10, 2018, through 5:00 p.m., Monday, December 17, 2018. (10 ILCS 5/10-6) All candidates who file as of the normal opening hour of the first day shall be deemed simultaneously filed. Similarly, nominating papers delivered in the first mail of the first filing day are also considered simultaneously filed. All other candidates are listed in order of actual receipt, except that candidates that file within the final hour on the last day of the filing period (*i.e.*, the last hour on December 17, 2018) are deemed simultaneous. If a simultaneous filing occurs at the opening moment of the filing period, or in the last hour of the last day of the filing period the order of filing for the first and last positions is determined by public lottery. Each candidate who simultaneously filed must receive seven days' prior written notice of the time and place of the lottery. A candidate may send a representative to file his/her petitions.

## WITHDRAWAL OF CANDIDACY

On or before January 24, 2019, any candidate may withdraw his or her candidacy by submitting a notarized statement of withdrawal to the local election official. (10 ILCS 5/10-7)

## BOARD MEMBERS / TRUSTEES FILLING VACANCIES

**Boards of Education.** Within five days of a vacancy on a board of education, the board must notify the Regional Superintendent of the vacancy. Within 45 days, the board must appoint someone to fill the vacancy until the next regularly scheduled election. If the vacancy occurs with less than 868 days remaining in the term, **or** fewer than 88 days before the next regularly scheduled election), the board of education can appoint a member to fill the full **unexpired term**; no election to fill the unexpired term for that vacancy is required. (105 ILCS 5/10-10) The term's expiration date will vary depending on when the organizational meeting is held.

**College Boards of Trustees.** Whenever a vacancy occurs, the remaining trustees appoint a person to fill the vacancy. If the remaining trustees fail to fill the vacancy within 60 days after the vacancy occurs, the chairman of the Illinois Community College Board appoints a person to fill the vacancy. The person appointed serves until a successor is elected and certified in accordance with the Election Code. If the vacancy occurs with less than four months remaining before the next scheduled consolidated election, and the term of office of the trustee vacating the position is not scheduled to expire at that election, then the appointee's term shall extend through that election and until the succeeding consolidated election. If the term of office of the trustee vacating the position is scheduled to expire at the upcoming consolidated election, the appointed member shall serve only until a successor member is elected and qualified at that election. (110 ILCS 805/3-7)

## PETITION CIRCULATORS

Petition circulators need not be registered voters or even reside in the district. They must, however, be at least 18 years of age and be U.S. citizens.

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