

CANVASS AND PROCLAMATION

Local Canvassing boards have been abolished as per PA 94-0647 and PA 95-0141. A reference to a local or county canvassing board means (i) for elections the political subdivision that are located entirely within the jurisdiction of a single election authority, that election authority and (ii) for election political subdivisions that are located within the jurisdiction of 2 or more election authorities, the election authority having jurisdiction over the location at which the political subdivision has its principal office.

[10 ILCS 5/1-8, 105 ILCS 5/9-18 rep.]

RECOUNTS AND CONTESTS

DISCOVERY RECOUNTS

[10 ILCS 5/22-9.1]

Within five days after the last day for proclaiming the results of the election, any losing candidate who received votes equal to 95% of the number of votes received by any successful candidate for the same office may file a petition for a discovery recount with the election authority. Any five electors of the same area in which votes cast for a public question may file a petition for discovery if the losing side of the question would have prevailed had it received an additional number of votes equal to 5% of the total votes cast.

The petition shall ask that ballot applications, voter affidavits, ballots, voting machines, or ballot cards be examined, that automatic tabulating equipment be tested, and that ballots, recorded votes, or ballot cards be counted in specified precincts not to exceed 25% of the total number of precincts within the jurisdiction. In jurisdictions having less than four precincts, a discovery recount is permitted in one of the precincts. The petition shall be accompanied by a fee of \$10.00 per precinct.

A three-day written notice to the successful candidate is required prior to the discovery recount. For questions of public policy the notice must inform interested individuals of the time and place of the discovery proceedings. Each candidate affected by the examination has the right to attend the discovery recount proceedings in person or by his representative. In the case of a discovery recount for a public question, equal numbers of acknowledged proponents and opponents must be allowed to attend. Upon completion of the discovery recount, the election authority shall reseal and secure the ballots for the remainder of the 60-day ballot preservation period.

[10 ILCS 5/22-9.1]

The election authority conducts the discovery recount. The results of a discovery recount are not certified and a discovery recount cannot be used to amend or change the abstract of votes or used to deny the successful candidate his election. A discovery recount does not change the results for candidate elections or questions of public policy. The recount is not a prerequisite for an election contest nor can it prevent an election contest.

ELECTION CONTESTS

[10 ILCS 5/17-30, 17-32, 17-33, 18-18, 23-20, 23-26]

Within 30 days after the canvassing board proclaims the results of the Consolidated Election for the political subdivision, any losing candidate for office or any qualified voter in that political subdivision may contest the election of the winning candidate by filing a petition with the clerk of the circuit court. [Exception: A contest for the office of alderman is filed and heard by the city council. (65 ILCS 5/3.1-40-10)] The deadline for filing a contest for the Consolidated Primary is 10 days following the proclamation [10 ILCS 5/7-63]. In the City of Chicago, [65 ILCS 20/21-27] the deadline for primary contests of aldermanic races is 5 days after the election. Copies of the petition for contest shall be delivered to each election authority having custody of any ballots involved in the contest.

The circuit court shall hear and determine the election contest. If the court enters judgment in favor of the plaintiff, it shall either declare the plaintiff duly elected or, if evidence of mistake or irregularity in the conduct of the election is so substantial that it is impossible to determine the true results of the election as a whole, it may void the election and order a new election without regard to the consolidated election schedule.

A court hearing an election contest shall grant a petition for recount properly filed where, based on facts alleged in such petition, there appears a reasonable likelihood the recount will change the results of the election.

If a new election is ordered as a result of an election contest, the affected political subdivision pays the cost for conducting the election if such special election is not conducted at the time of a regular election.

ELECTION CONTESTS - REFERENDA

[10 ILCS 5/23 – 24]

In the case of questions of public policy, any five electors of the political subdivision may contest the results within 30 days after the canvass and proclamation of results and the process is done in the same manner as in other cases of contested elections. The political subdivision is the defendant. Process is served against the political subdivision and the proceedings are held before the court.