

September 2020

2021 CONSOLIDATED ELECTION CALENDAR

With the ongoing pandemic, expect the April 6, 2021 Consolidated Election to be unlike any other...

The Covid-19 pandemic has touched nearly all aspects of daily life and as this *In Brief* goes out the county is less than two months away from a contentious federal election conducted under circumstances few imagined possible at the start of the year. Though the Consolidated Election is not until April 2021—a time some normalcy is hopefully starting to return to our lives—much of the process for nominating candidates and hearing objections occurs in the fall and winter of this year. There will surely be surprises and questions. We will be here to assist you as they come up.

ISSUES THAT HAVE ALREADY COME UP IN CONNECTION WITH THE NOVEMBER GENERAL ELECTION

For the November General Election, federal courts have already been asked to decide whether ballot access requirements should be relaxed given the realities of social distancing recommendations and restrictions on public gatherings. These decisions provide insight into how court decisions could possibly impact the April 2021 Consolidated Election.

In a Seventh Circuit decision from this spring, plaintiffs sought injunctive relief to modify or eliminate independent and third-party signature collection procedures and requirements given the COVID-19 health emergency. Judge Pallmeyer noted that a federal district court has broad equitable authority to fashion appropriate relief when an election procedure violates the Constitution, and noted that the court “has the power to order the state to take steps to bring its election procedures into

compliance with rights guaranteed by the federal Constitution, even if the order requires the state to disregard provisions of state law that otherwise might ordinarily apply.” The court found that the combined effect of the restrictions on public gatherings and the stay-at-home order on in-person signature requirements was a “nearly insurmountable hurdle” for new party and independent candidates. The district court then fashioned relief that reduced the signature requirement to 10% of the normal threshold for independents and new party candidates, eliminated the signature requirement for Green and Libertarian Party candidates for most races, ordered that physical or electronic copies of signatures are allowed, and extended the filing deadline for an additional month and a half. On appeal, the Seventh Circuit declined to change the trial court’s order.

This case could offer a preview of what is yet to come for the 2021 Consolidated Election gets going this fall. Since the General Assembly did not take up COVID-19 ballot access concerns during its 2020 special session, and is unlikely to do so, it seems that the courts will continue to be the forum where such concerns are vetted and modifications implemented. As of now, however, all requirements for signature gathering and ballot access for the 2021 Consolidated Election remain in place.

NON-COVID INCONVENIENCES REMAIN THE SAME: ELECTION DEADLINES DURING DECEMBER-JANUARY HOLIDAY PERIOD

Like other Consolidated Election cycles, and inconveniently for many government offices that are ordinarily closed in late December and early January, the December-January holiday period is once again a key interval in the 2020-2021 Consolidated Election cycle. 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. And while many aspects of business are taking place online or in a remote environment, at this time nominating papers will still have to be filed in person.

The last day for filing nominating papers is Monday December 21, 2020. 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. What constitutes a “business day” varies depending on the local election authority’s holiday schedule, but for many that deadline for objections will be December 29 or 30, 2020, though for some the deadline could be sometime the week of January 4, 2021. Also, certain dates on the below calendar 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 *2021 Election and Campaign Finance Calendar, 2021 Candidate’s Guide* and the *2021 Local Election*

Officials Handbook are posted on the website of the Illinois State Board of Elections (“SBE”), 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 (12/21/20) 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. This year, Christmas Eve and Christmas Day both occur during this five “business day” period. The SBE advises that if the office of the local election official is closed for days that would normally be business days the affected local government unit must extend the deadline for filing objections. For example, an office that is closed December 24 and 25 would need to accept objections until close of business on December 30, 2020.

Community colleges are typically closed during most of this time period. If offices are closed, say, from 12/24/20 and reopen 1/4/21, may the fifth “business day” occur on 1/4/21 or later? The Election Code does not clearly 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 designate another individual as his or her delegate 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 6, 2020 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 6, 2021. The last day for your county clerk or board of election commissioners to canvass your election results is April 27, 2021.

The following schedule applies for school officials:

4-YEAR TERM DISTRICTS

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

6-YEAR TERM DISTRICTS

Elected	Term Begins	Term Ends
April 2015	May 2015	May 2021
April 2017	May 2017	May 2023
April 2019	May 2019	May 2025
April 2021	May 2021	May 2027

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 23, 2021 Consolidated Primary Election. If you have any questions concerning the Consolidated Primary Election, please contact a Robbins Schwartz attorney.

Municipal officials elected in April 2021 will take office at the first regular meeting following the 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 chart on the next page is a guide:

OFFICE	TERM BEGINS
Boards of Education	At the organizational meeting to be held within 28 days after the election (on or before May 4, 2021).
Community College Trustees	At the organizational meeting to be held within 28 days after the election (on or before May 4, 2021).
Cook County Township Trustees of Schools	Third Monday of May (May 17, 2021)
Regional Boards of School Trustees	Third Monday of May (May 17, 2021)
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.
Township Supervisor, Clerk, Highway Commissioner and Trustees	Third Monday of May (May 17, 2021)
Township Assessor	January 1 following election (January 1, 2022)

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DATE	DAYS BEFORE ELECTION	PERSON RESPONSIBLE	EVENT
Tuesday, 9/22/20	196	Candidate	Candidates may begin circulating nominating petitions not more than 90 days preceding last day for filing nominating papers (12/21/20). (10 ILCS 5/10-4)
Tuesday, 10/6/20	182	Voter	<p>Deadline for voters within a school district that, for school year 2020-21 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 2021 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 and 10 ILCS 5/28-2)</p>
Sunday, 11/1/20	156	Township Clerk	Last day for Township Clerk to notify the chair or membership of each township central committee by first-class mail of the chair’s or membership’s obligation to report the time and location of the political party caucus. (60 ILCS 1/45-10)
Wednesday, 11/11/20	146	Township Central Committee	Last day for each chairman of township central committee to notify the township clerk by first-class mail of the time and location of their political party’s caucus. (60 ILCS 1/45-25(a))
Sunday, 11/15/20	142	Township Central Committee	Last day for the township central committees having a population of over 3,000,000 and in townships having a population over 15,000 in counties other than Cook County, to notify the appropriate election authority that their specific party will nominate candidates by primary election. (60 ILCS 1/45-55)
Saturday, 11/21/20	136	Township Board	Last day for a township board to publish a notice stating the time and location of the caucus for each political party. (60 ILCS 1/45-25(a))
Tuesday, 12/1/20	126	Township	Date on which the Township caucus shall be held. (60 ILCS 1/45-10)
Friday, 12/4/20	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)
Monday, 12/14/20	113	Community College Board Secretary, Municipal Clerk, or County Clerk/Board of Election Commissioners	First day to file nominating petitions 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

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DATE	DAYS BEFORE ELECTION	PERSON RESPONSIBLE	EVENT
			<p>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)</p> <p>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 simultaneously filed. Also, two or more petitions filed within the last hour on the filing deadline date are deemed simultaneously filed. 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 within 9 days following the last day for filing the petitions. Candidates must be sent written notice of the time and place of the lottery 7 days prior to the lottery. (10 ILCS 5/10-6.2)</p>
Monday, 12/14/20	113	Township	First day the established political party Certificate of Nomination by Caucus form may be filed in the office of the local election official, or board of election commissioners, with a Statement of Candidacy, Loyalty Oath (optional), and a receipt for filing a Statement of Economic Interest for each candidate. (60 ILCS 1/45-20, 45-25(e), 45-30)
Monday, 12/14/20	113	Candidate	Nomination papers for the office of Regional Board of School Trustees in a single county are filed in the office of the County Clerk. Petitions for the office of Multi-County 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)
Friday, 12/18/20	109	Secretary of Board (mandatory if applicable)	If Board passes resolution to take action subject to potential backdoor 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: Election specified must be within 15 months of notice of publication. (10 ILCS 5/28-2(c) and /28-2(f))
Monday, 12/21/20	106	Township	Last day the established political party Certificate of Nomination by Caucus form may be filed in the office

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DATE	DAYS BEFORE ELECTION	PERSON RESPONSIBLE	EVENT
			of the local election official, or the appropriate board of election commissioners, with a Statement of Candidacy, Loyal Oath (optional), and a receipt for filing a Statement of Economic Interests for each candidate. (60 ILCS 1/45-20, 45-25(e), 45-30)
Monday, 12/21/20	106	Candidate; Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Last day to file nominating petitions 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, 12/21/20	106	Candidate; Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Last day for candidates to file receipt for filing a Statement of Economic Interests 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, 12/21/20	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 acceptance of his petition . 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, 12/23/20	104	Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Seven days' written notice 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))
(Date floats*) Tuesday, 12/29/20 to Monday, 1/4/21 *See note at end of this item.	92-98* *See note at end of this item.	Objector; Community College Board Secretary; County Clerk/Board of Election Commissioners; Municipal Clerk; State Board of Elections	Last day for filing objections to nomination papers 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 5 business days after the last day for filing. By noon on the second business day 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)

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DATE	DAYS BEFORE ELECTION	PERSON RESPONSIBLE	EVENT
			<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> <p><i>*Note: Objectors have five “business days” after the last day for filing nominating papers (12/21/20) 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 Thursday 12/24/20 is Christmas Eve, some governmental offices may be closed. Additionally, governmental offices will be closed on Friday 12/25/20 for Christmas Day. Under this scenario, the fifth “business day” following 12/21/20 would be Wednesday 12/30/20. 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</i></p>

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DATE	DAYS BEFORE ELECTION	PERSON RESPONSIBLE	EVENT
			<i>your individual situation, please contact a Robbins Schwartz attorney.</i>
Tuesday, 12/29/20	98	Candidate; Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Where a candidate has filed petitions for 2 or more incompatible offices , he/she must, within 5 business days following the last day for petition filing, withdraw 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, 12/30/20	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 lottery for ballot position shall be conducted within 9 days following the last day of filing. (10 ILCS 5/10-6.2)
Monday, 1/4/21	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, 1/11/21	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 20 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)
Tuesday, 1/19/21	77	Municipal Boards; School Boards; Community College Boards	Last day for board to adopt resolution for a referendum on a binding public policy question . (10 ILCS 5/28-2, 5/28-5)
Tuesday, 1/19/21	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, 1/28/21	68	Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Last day for local election official to certify names 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, 1/28/21	68	Candidate	Not later than the day the local election official certifies names of candidates, a candidate may file a signed and notarized withdrawal of nomination papers in the office of the Board Secretary. (10 ILCS 5/10-7, 5/10-15)

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DATE	DAYS BEFORE ELECTION	PERSON RESPONSIBLE	EVENT
			<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, 1/28/21	68	Community College Board Secretary; Municipal Clerk; County Clerk/Board of Election Commissioners	Last day for local election official to certify all public questions to each election authority having jurisdiction over the election authority. (10 ILCS 5/28-5)
Thursday, 1/28/21	68	Township Clerk	Last day for the township clerk to hold the party placement lottery and file the Certification of Political Party Ballot Placement Lottery with the election authority. (10 ILCS 5/7-60, 7-60.1, 10-6.2)
Thursday, 1/28/21	68	Township Clerk	Last day that the township clerk can certify to the election authority a Certification of Ballot. This certificate must list the offices and names of the nominees for each office as they appear upon the Certificate of Nomination by Caucus that was filed with their office. (10 ILCS 5/7-13.1; 60 ILCS 1/45-20)
Thursday, 2/4/21	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.
Friday 2/5/21	60	Election Authority	First day election authority can publish Notice of Referendum . 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 5/12-5)
Thursday, 2/18/21	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))

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DATE	DAYS BEFORE ELECTION	PERSON RESPONSIBLE	EVENT
Thursday, 2/25/21	40	Election Authority	To be eligible to obtain <i>pollwatcher credentials</i> , 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) First day for mailing or delivery of absentee ballot. (10 ILCS 5/19-4) 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)
Monday, 3/8/21	29	Election Authority	First day election authority can publish <i>Notice of Consolidated Election</i> . 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. (10 ILCS 5/12-4)
Tuesday, 3/9/21	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, 3/21/21	16	Voter	Last day for voters to register to vote through the State Board of Elections website. (10 ILCS 5/1A-16.5)
Monday, 3/22/21	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, 3/23/21	14	Election Authority	Last day for the election authority to have <i>pollwatcher credentials</i> 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.
Monday, 3/29/21	8	Election Authority, Secretary of Board or Municipal Clerk	Last day for election authority to publish <i>Notice of Consolidated Election</i> and <i>Notice of Referenda</i> (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)

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DATE	DAYS BEFORE ELECTION	PERSON RESPONSIBLE	EVENT
Thursday, 4/1/21	5	Election Authority	Last day for election authority to receive application by mail from any registered voter presently in the United States. (10 ILCS 5/19-12.2)
Friday, 4/2/21	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, 4/5/21	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, 4/5/21	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, 4/6/21	0	Election Authority	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))
DATE	DAYS AFTER ELECTION	PERSON RESPONSIBLE	EVENT
Tuesday, 4/27/21	21	Election Authority (County Clerk or Board of Election Commissioners)	Within 21 days of election, election authorities canvass the election results and proclaim winners, and success or failure of public propositions. (10 ILCS 5/22-17)
Monday, 5/3/21	27*	Unsuccessful Candidate	Within 5 days after the last day for proclamation of results, a candidate may file a petition with the election authority for a discovery recount 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) <i>*Note: Because the precise date set by law falls on a Sunday, we recommend taking action no later than Friday, April 30, 2021.</i>
Monday, 5/3/21	27* See note above.	Write-in candidate	Within 5 days of the proclamation of results, a successful write-in candidate must file a Statement of Candidacy and Receipt 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)

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DATE	DAYS BEFORE ELECTION	PERSON RESPONSIBLE	EVENT
Tuesday, 5/4/21	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, 5/27/21	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, 10/6/21	6 months	Secretary of Board	Nominating papers may be disposed of. (10 ILCS 5/10-7)

CONSOLIDATED ELECTION – CANDIDATE 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) are available, candidates should be especially mindful of the need to designate the correct term. Newly revised SBE forms have made it so that a full-term is the default selection unless an unexpired term is specifically noted in the designated area of the form.*
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 2020**. 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 14, 2020, through 5:00 p.m., Monday, December 21, 2020. (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 21, 2020) 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 28, 2021, any candidate may withdrawal 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.

Although the information contained herein is considered accurate, it is not, nor should it be construed to be legal advice.
If you have an individual problem or incident that involves a topic covered in this document, please seek
a legal opinion that is based upon the facts of your particular case.
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