



# from your Executive Director

By Bryan E. Smith

TOI Executive Director

**I**T IS HARD TO BELIEVE that another four-year term is coming to a close and the election process for the township officials for the new term has already begun.

At the 2016 Education District meetings, an excellent presentation on preparing for the 2017 Election was given by Attorney Jeff Jurgens of Sorling Northrup in Springfield. With his permission, I am reprinting his “2017 Township Elections: Frequently Asked Questions.”

## **1. Which township officials will be elected at the upcoming township election?**

Township officials are elected every four years. The next township election will be held on April 4, 2017. At that time, the following offices will be up for election: supervisor, clerk, four trustees, assessor or multi-assessor, and collector, where applicable. All of these officials, except the assessors and collectors, take office on the third Monday in May (i.e., May 15, 2017). Assessors and collectors do not take office until January 1, the following year (i.e., January 1, 2018). 60 ILCS 1/50-15.

## **2. What are the requirements to hold township office?**

For the offices of township trustee, supervisor, clerk, and highway commissioner, there are essentially two requirements: (1) be a resident of the township for at least one year prior to filing the nomination papers and/or being nominated at the caucus; and (2) be a registered voter within the township. 60 ILCS 1/55-5. For assessor, including candidates for township or multi-township assessor, all candidates must file a certificate of qualifications from the Illinois Department of Revenue or the qualifying organization with or prior to their filing of nomination papers pursuant to the provisions of Section 2-45 of the Property Tax Code, 35 ILCS 200/2-45. Candidates for township assessor or multi-township assessor cannot be appointed, file nomination papers or participate in as a candidate in the caucus unless a copy of the certificate of his/her qualifications is filed with the township clerk, board of election commissioners, or the election authority as required by the Election Code, 10, ILCS 5/1-1. Assessor candidates

who are filing nomination papers in the year 2016 for the 2017 election, participating in a 2016 caucus or participating as a write-in candidate must meet one of the minimum education requirements outlined in the Property Tax Code. The educational qualification for township or multi-township assessors is generally based upon the equalized assessed value (EAV) of the assessment jurisdiction and can be found on the TOI website. In addition, anyone with questions regarding the educational requirements for township or multi-township assessor may call the Illinois Department of Revenue at (217)782-2818 or (217)785-6636.

## **3. How do candidates for township office get on the ballot?**

There are essentially three different types of “candidates” that can be on the ballot for township office, including: (1) independent candidates; (2) new party candidates; and (3) established party candidates. Independent and new party candidates get on the ballot by collecting signatures and submitting nominating papers. The candidates can start collecting signatures on September 20, 2016. The filing period for these candidates is December 12 through December 19 of 2016. Established party candidates (e.g., those running as Republican or Democrat) get on the ballot either by collecting signatures or by getting nominated at a caucus. See Question 4, below, for more information on established party candidates. The caucus for established party candidates is December 6, 2016, and any individual wishing



Quality Products ... Unequaled Service  
Havana, IL – (309) 543-2271  
Monmouth, IL – (309) 734-4113  
Corporate Office – (800) 735-7312  
[www.metalculverts.com](http://www.metalculverts.com)

to be nominated at a caucus is not required to circulate or file petitions or pay a fee to be considered. 60 ILCS 1/45-50(e). For those established party candidates that run in the primary, they can start circulating petitions on August 30, 2016. They file petitions between November 21 and November 28 of 2016 and the Primary is on February 28, 2017.

#### **4. Does our township have a caucus?**

This depends on several factors. There is basically a default rule that all established political parties (e.g. Republicans and Democrats) must nominate by caucus. 60 ILCS 1/45-5. However, certain exceptions apply. For example, primaries are required for townships with a population over 5,000 whose boundaries are coextensive with or lie wholly within incorporated township under the commission form of government. In addition, the political parties in townships with a population of over 15,000 and in all townships within Cook County may determine to hold primaries instead of a caucus. 60 ILCS 1/45-55. The determination must be made, however, by November 15, 2016. Accordingly, to determine whether or not established party candidates are nominated by primary or caucus within your township, you should review the size of your township and speak with your political party officials.

#### **5. What involvement does the township board have in the caucus process?**

The only role the township plays in the caucus process is to provide certain notices. The Township Code requires three notices be given for the caucuses. 60 ILCS 1/45-10. The first notice is sent from the township clerk to the chairman of the township central committee (the political party's precinct committeemen within the township). This notice must be sent by November 6, 2016. The second notice is then sent back to the township clerk from the chairman of the township central committee that advises what time and where the political party will hold the caucus. This notice shall be

received no later than November 16, 2016. Finally, the township board must publish the time and place of the caucus in a newspaper by November 26, 2016. Beyond these notice requirements, the township board does not play a role in running or holding the caucus. However, the costs of caucuses "shall be borne by the township." 60 ILCS 1/45-45.

#### **6. What is the township central committee?**

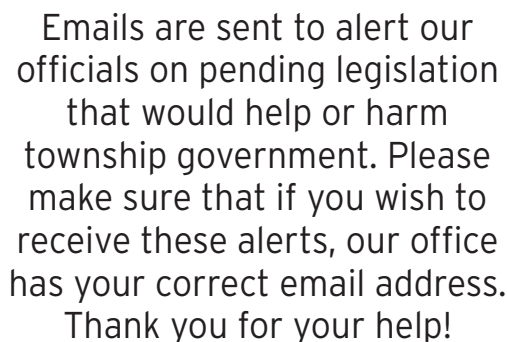
In all counties, except for Cook Counties, the township central committee ("committee") is made up of the elected or appointed precinct committeemen within each established political party. The committee is responsible for organizing the caucus, providing notice of when and where the caucus will be held, drafting initial rules of procedure for the caucus and canvassing and declaring the results of the caucus. Note under recent law, if the Township Central Committee fails to provide notice of the time and location of the party's caucus by November 16, 2016, the party foregoes any right to fill a vacancy in nomination. For example, if the Republican Township Central Committee chairman fails to give the required notice by November 16, 2016, then no caucus may be had and the Republican Township Central Committee cannot fill the vacancy by appointment or otherwise. Thus there would be no Republican candidate for any township office in that cycle. For established political parties, this makes it essential that the proper notice be given.

#### **7. How is the township caucus run?**

The township central committee ("committee") of the political party (e.g., either Republican or Democrat) is in charge of and runs the caucus. The committee decides where the caucus will be held and at what time, although no caucus can start prior to 6:00 p.m. In addition, the committee promulgates and drafts the initial rules for the caucus. 60 ILCS 1/45-50. However, it is important to note that the rules must be adopted and can be amended by the caucus participants at the caucus. Finally, the committee also canvasses the votes at the caucus and declares the results of the caucus.

#### **8. Who can attend a caucus?**

There are a variety of rules governing the qualifications a person must have to attend a caucus as well as numerous prohibiting factors. The two primary requirements to get in the door at a caucus include that person: (1) be registered to vote within the township; (2) sign an affidavit attesting that they are a registered voter and affiliated with the party holding the caucus. 60 ILCS 1/45-50 (c). However, even if the person is qualified to attend the caucus (i.e., a registered voter), the following people are prohibited from attending or participating in



Emails are sent to alert our officials on pending legislation that would help or harm township government. Please make sure that if you wish to receive these alerts, our office has your correct email address. Thank you for your help!

the caucus: (1) an elected or appointed public official of another party (2) a judge of election for another statewide political party; (3) a voter who voted in March 15, 2016, general election primary of another established political party. 60 ILCS 1/45-50(a). If a person did not vote in the March 15, 2016, general election primary, the person may participate in either caucus as long as they are otherwise qualified and eligible to participate. Voting histories beyond the last primary held (i.e., March 15, 2016) are irrelevant for the purposes of determining eligibility. It should also be noted that a voter may attend only one caucus. 60 ILCS 1/45-50(c) (4). Accordingly, a voter could not attend a Republican caucus at 6:00 p.m. and then attempt to participate in the Democrat's caucus at 7:00 p.m. Caucus participants are also prohibited from becoming independent candidates or candidates of another political party or new political party. 60 ILCS 1/45-50(c)(6).

### **9. What are the "lockout" rules?**

The Township Code and Election Code are designed to give candidates essentially only one chance to run for office. Accordingly, if you participate in a caucus (i.e., sign an affidavit and attend the caucus) and lose a nomination, you cannot then run as an independent candidate, new party candidate, or write-in candidate. Similar restrictions apply for those who run in an established party primary. See 60 ILCS 1/45-50(c)(6); 10 ILCS 5/7-61, 10-3,17-16,18-9.1.

### **10. What if the people in our township do not like to run under party labels?**

Although the election process allows for people to run as established party candidates (i.e., Republican or Democrat), people can also run as "independent" candidates with no party affiliation. To run as independent, the candidate must collect signatures (not less than 5% nor more than 8%—or 50 more than the minimum, whichever is greater—of the total number of persons that voted in the last township election) 10 ILCS 5/10-3. These candidates can start collecting these signatures on September 20, 2016 and will file their petitions, along with a statement of candidacy, loyalty oath (optional), and receipt from filing the Statement of Economic Interest, during the filing period between December 12, 2016 and December 19, 2016.

### **11. What if we create a new political party?**

In addition to running as independent candidates and established party candidates, people can also run as new party candidates. However, to run as a new political party candidate, a slate of candidates must be filed. This means the "new political party" must have a candidate up for each township office up for election (e.g.,

four trustee candidates, supervisor, clerk, highway commissioner, etc.). The slate must file signatures not less than 5% of the total number of people who voted in the last township election. 10 ILCS 5/10-3. These signatures can start to be collected on September 20, 2016 and the petitions, along with a statement of candidacy for each candidate, loyalty oath (optional), and receipt from each candidate from filing the Statement of Economic Interest, are filed between December 12, 2016 and December 19, 2016.

### **12. Does our township office have to be open to accept petition filings?**

The township clerk serves as the local election official for the township and in such capacity accepts the filings of nomination papers (except for multi-township assessor candidates, who file with the county clerk). While the dates are set by statute, the law provides that the filings are to be made in the clerk's customary office and within the customary office hours. However, on the last day for filing, the office must be open until 5 p.m. 10 ILCS 5/1-4.

### **13. Upon receiving the filings, does the clerk have to provide anything back to the candidate?**

Yes. Upon receiving the nomination papers from a candidate, the appropriate election official (typically the clerk, but also a board of commissioners, where applicable) must notify the candidate of their obligation to follow the Illinois Campaign Financing Act. 60 ILCS 1/45-35. While in some areas township elections do not generate sufficient contributions to trigger financial reporting obligations, an election official is not exempt from this requirement. Also, if nominating papers are mailed in, a notice outlining the requirements of the Act must be mailed to the candidate via first class mail. See 10 ILCS 5/7-12.7, 10 ILCS 5/9-16, 10 ILCS 5/10-6.1. The notice, known as a D-5, can be downloaded from the State Board of Elections' website at [www.elections.state.il.us](http://www.elections.state.il.us). All filings should also be stamped with the date and time of filing. Receipts should also be given to the candidate that identify what was filed (e.g., petitions, statement of candidacy, loyalty of oath, receipt of statement of economic interests, etc.), including the time and date of filing.

### **14. What if our township does not have an office for filing nomination papers?**

If your township has no office, the filing will be at the time and the place designated by the clerk. This notice should be published and posted so that all candidates know exactly when and where the nomination papers can be filed.