

THE NUTS & BOLTS OF TOWNSHIP ELECTIONS



TOWNSHIP OFFICIALS OF ILLINOIS 2020 EDUCATION SEMINARS

DISCLAIMER: The information contained within this handout is designed to provide timely advise on the township election process, but is not to be considered a substitute for legal advice. You are encouraged to work with your township attorney regarding the election process and/or to seek private legal counsel for any advice as a candidate for public office. All dates provided in this document are tentative and should be confirmed with the State Board of Elections.

PRELIMINARY STATUTORY ELECTION DEADLINES

Consolidated Primary Election: February 23, 2021

Consolidated General Election: April 6, 2021

Township Caucus

- ✓ Township Caucus: December 1, 2020
- ✓ Clerk's notice to central Committee: November 1, 2020
- ✓ Central Committee Chair's Notice on Caucus: November 11, 2020*
* *May be November 12, 2020 due to Veteran's Day holiday*
- ✓ Clerk Publishes Notice of Caucus: November 21, 2020
- ✓ Filing Period: December 14, 2020 – December 21, 2020

Independent / New Party Candidates

- ✓ First day to pass petitions: September 22, 2020
- ✓ Filing Period: December 14, 2020 – December 21, 2020

Established Party Candidates (Running in the Primary)

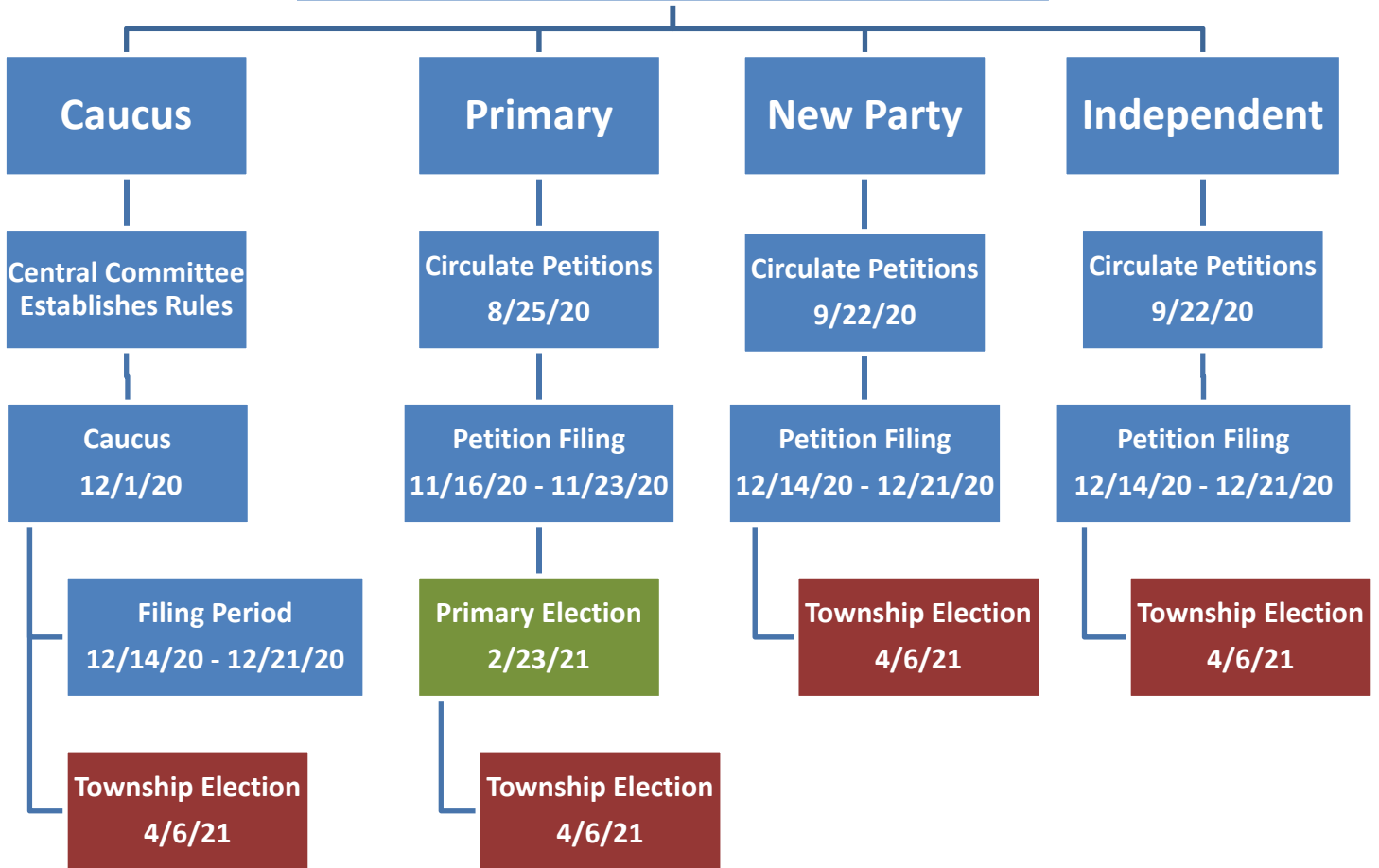
- ✓ First day to pass petitions: August 25, 2020
- ✓ Filing Period: November 16, 2020 – November 23, 2020

Multi-Township Assessor Candidates

- ✓ Multi-Township Caucus: December 2, 2020
- ✓ The notice requirements are also one day later
 - File with the County Clerk

DISCLAIMER: The dates contained within this document are preliminary and subject to change. Additional statutory changes could also modify the process prior to the Township election. Accordingly, this handout is provided for informational use only and is preliminary. In 2020, the State Board of Elections should publish a 2021 Election Calendar and related publications that provide further details on the Township election process.

Pathways To The Ballot



2021 TOWNSHIP ELECTIONS

FREQUENTLY ASKED QUESTIONS

1. What 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 6, 2021. At that time, the following offices will be up for election: supervisor, clerk, four trustees, assessor or multi-assessor, highway commissioner and collector where applicable. All of these officials, except the assessors and collectors, take office on the third Monday in May (i.e., May 17, 2021). Assessors and Collectors do not take office until January 1 the following year (i.e., January 1, 2022). 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 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 as a candidate in a caucus, primary, or general election 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 2020 for the 2021 election, participating in a 2020 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 in the 2021 Candidate's Guide (when available) published by the Illinois State Board of Elections. A link to this Guide (when available) may typically 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. These candidates can start collecting signatures on September 22, 2020, and the petition filing period is December 14, 2020 through December 21, 2020. 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 1, 2020, and any individual wishing 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 a primary, they can start circulating petitions on August 25, 2020. They file petitions between November 16, 2020 and November 23, 2020 and the Primary is on February 23, 2021.

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 towns under the commission form of government. Id. In addition, the political parties in townships with a population 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, 2020. Id. 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 1, 2020. 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 should be received by the township by November 11, 2020 (note this date may be moved to November 12, 2020 due to the Veteran's Day holiday). Finally, the township board must publish the time and place of the caucus in a newspaper by November 21, 2020. 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 County, the township central committee ("committee") is made up the elected or appointed precinct committeemen of each established political party within the township. 60 ILCS 1/45-15. In Cook County, the committee is made up of the elected or appointed township committeemen within each established political party. Id. The committee is responsible for organizing the caucus, providing notice of when and where the caucus will be held, drafting the initial rules of procedure for the caucus and canvassing and declaring the results of the caucus. Note the law provides if the Township Central Committee fails to provide notice of the time and location of the party's caucus by November 11, 2020 (note this date may be moved to November 12, 2020 due to the Veteran's Day holiday), 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 11, 2020, 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 1/45-15. These rules include provisions on judges for the caucus and their duties, that nominations must be accepted from any qualified participant at the caucus, determining the method of voting, whether slates will be allowed; and whether written notification to be a candidate will be required. 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 the person: (1) be registered to vote within the Township; (2) sign an affidavit attesting that registered voter and affiliated with the political 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 a caucus: (1) an elected or appointed public official of another political party; (2) an elected or appointed official of another political party; (3) a judge of election for another statewide political party; (4) a voter who voted in the March 17, 2020, general election primary of another established political party. 60 ILCS 1/45-50(a). If a person did not vote in the March 17, 2020, 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 17, 2020) are irrelevant for 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 established 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 an 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 who voted at the last township election). 10 ILCS 5/10-3. These candidates can start collecting these signatures on September 22, 2020 and will file their petitions, along with a statement of candidacy, loyalty oath (optional), and receipt from filing the Statement of Economic Interests, during the filing period between December 14, 2020 and December 21, 2020.

11. What if we want to 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 that the “new political party” must have a candidate 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 at the last township election. 10 ILCS 5/10-3. These signatures can start to be collected on September 22, 2020 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 Interests, are filed between December 14, 2020 and December 21, 2020.

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 to a candidate?

Yes. Upon receiving 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. All filings should also be stamped with the date and time of filing. Receipts should also be given to the candidates that identify what was filed (e.g., petitions, statement of candidacy, loyalty oath, receipt of statement of economic interests, etc.), including the date and time of the 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 place designated by the clerk. This notice should be published and posted so that all candidates know exactly when and where nomination papers can be filed.

OBJECTIONS IN TOWNSHIP ELECTIONS

Objection Requirements (see 10 ILCS 5/10-8):

1. Must contain the objector's name and residence address;
2. Must state fully the nature of the objections to the nomination papers;
3. Must state the interest of the objectors; and
4. Must state what relief is requested of the electoral board.

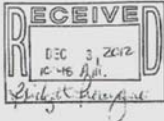
General Requirements (see 10 ILCS 5/10-8):

1. Must file within five business days after the last day for filing the petitions;
2. Filed at the place where the petitions were filed (i.e., the Township Clerk's Office);
3. Must be filed by a legal voter of the Township;
4. Must file an original and two copies.

Common Types of Objections:

1. Not enough / invalid signatures;
2. Circulator's signature on petitions not notarized;
3. Office not properly designated;
4. Candidate lacks qualifications;
5. Statement of Economic Interests / receipt not filed;
6. Incorrect election information;
7. Incorrect circulator's oath; and
8. Fraud.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF TOWNSHIP SUPERVISOR FOR NUNDA TOWNSHIP

Russell L. Scott)	
Petitioner-Objector,)	
vs.)	
John A. Heister,)	
Respondent-Candidate.)	

VERIFIED OBJECTORS' PETITION

Now comes Russell L. Scott (hereinafter referred to as the "Objector"), and states as follows:

1. Russell L. Scott resides at 3511 Forest Road, McHenry, Illinois 60050, in the County of McHenry and the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objection is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Township Supervisor for Nunda Township are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.
2. Your Objector makes the following objection to the nomination papers ("the Nomination Papers") of John A. Heister ("the Candidate") as a candidate for nomination of the Republican Party to the Office of Township Supervisor for Nunda Township, and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:
 3. Pursuant to State law, a candidate for office must file with his or her petitions a receipt indicating that he or she has filed a Statement of Economic Interests as required by the

PROCESSING AN OBJECTOR'S PETITION

Step One: Clerk receives Objector's Petition and notes the day and hour upon which the Objector's Petition was filed. 10 ILCS 5/10-8.

Step Two: Not later than 12:00 noon on the second business day after receipt of the objection, the clerk must transmit by registered mail (or receipted personal delivery) the nomination papers and the original objector's petition to the chairman of the electoral board (or his agent) and to the candidate whose nomination papers are objected to (at the address on the petitions designated as the place of residence). 10 ILCS 5/10-8.

Step Three: Within 24 hours after receipt of nomination papers and Objector's Petition, the chairman of the electoral board must send a call by registered or certified mail and personnel delivery by the sheriff of the county, to each of the members of the electoral board, the objector, and the candidate. 10 ILCS 5/10-10

The call shall set out: (1) the fact that the electoral board is required to meet to hear and pass upon the objections to nominations made for the office; (2) designating the electoral board; and (3) shall state the day, hour and place at which the electoral board shall meet for the purpose. The electoral board meeting place shall be in the county court house or the location where the township board holds its regular meetings.

The day of the meeting must not be less than 3 nor more than 5 days after the chairman receives the certificate of nomination papers and the objector's petition. 10 ILCS 5/10-10.

Findings & Decision

The electoral board must state its findings in writing and must state in writing which objections, if any, it has sustained. A copy of the decision must be served upon the parties to the proceedings in open proceedings before the electoral board. If a party does not appear for receipt of the decision, the decision shall be deemed to have been served on the absent party on the date when a copy of the decision is personally delivered or on the date when a copy of the decision is deposited in the U.S. mail, in a sealed envelope or package, with postage prepaid, addressed to each party affected by the decision (or their attorney of record) at the address on record for such person in the files of the electoral board. 10 ILCS 5/10-10.

Appeals of electoral board decisions must be made within 5 days after service of the decision. 10 ILCS 5/10-10.1.

MEMBERS OF TOWNSHIP ELECTORAL BOARD

The township electoral board is comprised of the following: (1) the township supervisor; (2) the township clerk; and (3) the township trustee who has served the longest continuous years as a township trustee. 10 ILCS 5/10-9(3). By statute, the township supervisor is the chairman of the electoral board.

In the event that any member of the township electoral board is a candidate for the office with relation to which the objector's petition is filed, he shall not be eligible to serve or act as a member of that electoral board. In such cases, his place shall be filled as follows: by the eligible elected board member who has served the second greatest number of consecutive years as a board member. If the township supervisor is unable to act, then the substitute shall be the chairman of the electoral board and all papers are served on the substitute. If two or more board members qualify to serve on the electoral board, the one to serve shall be chosen by lot.

All other vacancies shall be filled by public members appointed by the Chief Judge of the Circuit Court.



RESOURCES

ILLINOIS STATE BOARD OF ELECTIONS

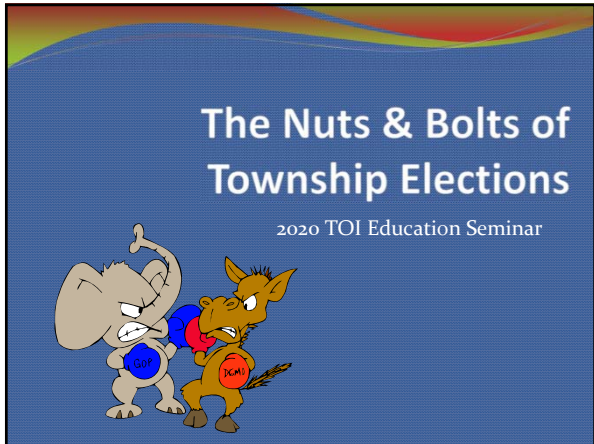
- WWW.ELECTIONS.IL.GOV
 - TOWNSHIP CAUCUS GUIDE
 - CANDIDATE GUIDE
 - 2021 ELECTION CALENDAR

TOWNSHIP OFFICIALS OF ILLINOIS

- WWW.TOI.ORG

GREGORY E. MOREDOCK, ESQ.

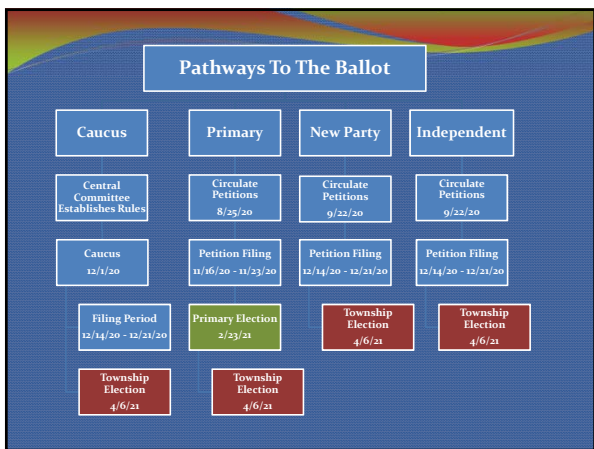
- SORLING NORTHRUP
 - PHONE: (217) 544-1144
 - EMAIL: GEMOREDOCK@SORLINGLAW.COM
-



1



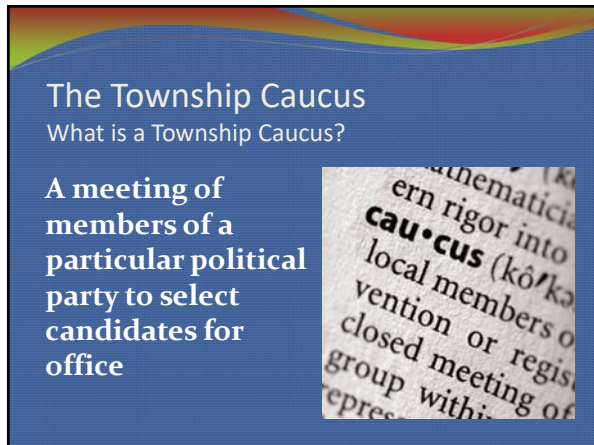
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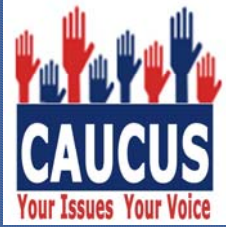


6

The Township Caucus


Who has a caucus?

- Political parties must nominate by caucus except as follows:
 - Primary elections are required for townships with populations over 5,000 whose boundaries are co-extensive with or lie wholly within incorporated towns not under the commission form of government.
 - Townships in Cook County and townships with a population over 15,000 may determine (by 11-15-12) to nominate candidates by primary.



7

Who is in charge of the Caucus?




8

The Township Caucus

Who is in charge of the caucus?

- Township Central Committee
 - All counties except Cook County: The elected or appointed precinct committeemen of each established political party within the township; or
 - Cook County: The elected or appointed township committeemen of each established political party.




9

The Township Caucus

What is the role of the central committee?

- Promulgate rules of procedure for the caucus;
- Provide notice of the caucus;
- Canvass and declare the results of the caucus




10

The Township Caucus

What are the caucus rules?

- Initially promulgated by township central committee
- Adopted (and may be amended) by the caucus participants
- Rules must include...
 - Caucus will not start earlier than 6:00 p.m.
 - Will commence at place specified in notice
 - Provisions on judges
 - Nomination procedures
 - Method of voting
 - Whether slates will be allowed
 - Whether written notice to be a candidate is required




11

The Township Caucus

Who can participate in the caucus?

Eligibility requirements include:

- Registered to vote;
- Registered within the township (or multi-township);
- Must sign an affidavit stating registered voter and affiliated with the political party holding the caucus;
- May not take part in another party's caucus;
- May not sign a petition of nomination for an independent or new political party candidate for the same election;
- Participant may not become an independent candidate or candidate of a new political party.*



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The Township Caucus

Who can participate in the caucus?

Certain individuals prohibited from participating if (within last 12 months):

- Elected or appointed public official of another party;
- Elected or appointed person of another established political party;
- Judge of election for another statewide established political party;
- Voter who voted in primary election of another statewide established political party




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The Township Caucus

The Lockout Rules

- Candidate who participates in the caucus and who is defeated for his or her nomination at the caucus
- Ineligible to be listed on the ballot as a candidate of another political party or as an independent candidate.

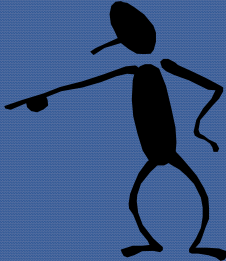


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The Township Caucus

Additional Issues

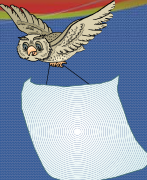
- Can only nominate one candidate per office
- Cannot require candidates to circulate petitions
- Cannot require candidates to pay a fee



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The Township Caucus
Notice Requirements


- Three Notice Requirements
 - Township Clerk to Chairman of obligation to report the time and location of the party's caucus (not less than 30 days before the caucus)
 - Chairman to Township Clerk on time and place of caucus
 - Township Board published notices of the times and places of the respective caucuses



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The Township Caucus
Notice Requirements


- First Notice
 - Township Clerk to Chairman of Township Central Committee
 - Notice is to advise Chairman of obligation to report the time and location of the party's caucus
 - Must be sent at least 30 days before the date of the caucus



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The Township Caucus
Notice Requirements

- Second Notice
 - Chairman to Township Clerk
 - Notifies of time and location of the party's caucus
 - Must be done at least 20 days before the caucus
 - Must be by first-class mail



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No Notice?

No notice from the committee, no caucus!
 No notice from the committee, cannot fill vacancies in nomination!




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The Township Caucus

Notice Requirements

- Third Notice
 - Township Board publishes in a newspaper of general circulation in township
 - Notice gives dates and locations of the caucus
 - Published at least 10 days before the caucus



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Caucus Notice Deadlines

November 1, 2020
 Township Clerk's
 Notice to
 Central
 Committee

▶

November 11, 2020
 Central
 Committee
 Chair's
 Notice on
 Caucus

▶

November 21, 2020
 Township
 Clerk Notice
 of Caucus
 Publication

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The Township Caucus

The Caucus Agenda


1. Sign-in
2. Call to Order
3. Elect Secretary
4. Review/Approve Rules
5. Overview Method of Voting
6. Call for Nominations
7. Declare Nominations Closed
8. Vote on Nominations
9. Tally Votes
10. Adjourn



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Primary Elections

- Established political parties select their candidates
- Primary is February 23, 2021
- Must file nominating petitions, statement of candidacy, statement of economic interests



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Primary Elections

- Signature Requirement
 - .5% of the qualified primary electors of the candidate's party.
- Can start circulating on August 25, 2020
- Filing Period: November 16, 2020 - November 23, 2020



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New Political Parties



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New Political Parties


- Requirements for Ballot Access
 - Individuals can create “new” political parties
 - Requires a full slate of candidates to run (e.g., supervisor, four trustees, clerk, highway commissioner, etc.)
 - Must file nominating petitions, statement of candidacy for each candidate, statement of economic interest for each candidate, certificate for stating party officers.
 - Signature requirement: Not less than 5% of the total number of persons who voted at the last township election.
 - If get more than 5% of the vote, become an “established” political party.



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New Political Parties

- Petition circulation starts: September 22, 2020
- Filing Period: December 14, 2020 – December 21, 2020



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Independent Candidates



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Independent Candidates


- Requirements for Ballot Access
 - Individuals who are not candidates of a political party, but who are candidates in an election where party candidates appear on the ballot.
 - File nominating petitions with Township Clerk
 - Signature requirement is not less than 5% nor more than 8% (or 50 more than the minimum whichever is greater) of the total number of persons who voted at the last township election.
 - Also must file statement of candidacy and statement of economic interests.



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Independent Candidates

- Petition circulation starts: September 22, 2020
- Filing Period: December 14, 2020 – December 21, 2020



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Where do all of these candidates file their petitions?



A cartoon illustration of a man in a light blue shirt and green pants standing next to a grey filing cabinet. He is reaching into one of the drawers, which is overflowing with papers. The cabinet has several drawers, some of which are also open, showing stacks of papers.

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Township Elections

Other issues

- Multi-Township Offices
- Dates of Office
 - Supervisor, Trustees, Clerk, Highway Commissioner: *May 17, 2021*
 - Assessors & Collectors: *January 1, 2022*
- Qualifications
 - Resident of the township for at least one year prior to filing petitions or caucus
 - Registered voter of the Township
 - Assessor has additional qualifications*



A close-up illustration of a checklist with several boxes. A blue pen is shown marking the boxes with blue checkmarks. The checklist is on a white background.

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Township Elections

Objections

- What if candidates don't comply with the legal requirements?




A cartoon illustration of a man in a blue suit and red tie, pointing his right index finger upwards. He has a serious expression on his face.

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Township Elections: Resources


- State Board of Elections
 - www.elections.il.gov
 - Township Caucus Guide
 - SBE Candidates Guide
 - SBE 2021 Calendar



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Questions

Gregory E. Moredock
Sorling Northrup
Phone: (217) 544-1144
Email: gemoredock@sorlinglaw.com



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