

In Brief

November 2011

2012 GENERAL PRIMARY ELECTION CALENDAR

CHANGES IN THE LAW FROM THE 97TH GENERAL ASSEMBLY

Senate Bill 1586, an omnibus election bill, was signed into law on July 5, 2011 as Public Act 97-81. Its provisions of note include the following items:

- The Act amended the School Code to authorize a board of education, to initiate an advisory public question to be placed on the ballot at the next regularly scheduled election, other than a consolidated primary election.
- An election authority may close an early voting polling place if the building in which the polling place is located has been closed due to a severe weather emergency. In the event of a closure, the election must conduct early voting on the 2nd day before election day, notify the State Board of Elections of the closing, and make reasonable efforts to provide notice to the public of the extended early voting period.
- The Act changes the general signature requirement for petitions for public questions from 11% of total ballots cast in the prior election by registered voters of the municipality, township, county or school district (as applicable) in the last election. Now the requirement is 8% of the total ballots cast in the last election for Governor by such registered voters. However, Election Code Section 28-1 continues to provide

that whenever a statute provides for initiation of a public question by a petition of electors, that statute's provisions govern the number of signatures required.

KEY DATES ON THE 2012 GENERAL PRIMARY ELECTION CALENDAR

Public Act 97-81 changed several key dates, so careful attention should be given to the timetable below. Calendars for previous years should not be relied upon. While every effort has been made to verify the information in this bulletin, you should consult with legal counsel regarding your particular circumstances. For instance, some deadlines can "float" depending upon the date on which a particular prior act occurred. If any dates shown below change due to legislative or administrative action, we will issue a supplemental bulletin describing the changes.

Also, certain dates fall on Saturdays, Sundays or legal holidays. The applicable deadline may be moved up or back, or remain the same depending on the law for that deadline and whether the pertinent government office is open. Action on referendum questions should be taken early to ensure that no challenge can be made to the timeliness of the action.

Complete information and forms are available on the State Board of Elections website, at www.elections.state.il.us. Chapter, Act and Section references are to the Illinois Compiled Statutes.

2012 GENERAL PRIMARY ELECTION CALENDAR – KEY DATES

Date	Days Before Election	Person Responsible	Event
Saturday 11/19/11	122	Board Secretary (mandatory if applicable)	If Board passes resolution to take action subject to potential back door referendum (e.g., issuance of working cash fund bonds, cf. 105 ILCS 5/20-7), notice must be published no later than 122 days before election (92 days plus 30 days). Note: The election specified must be within 15 months of notice of publication. (10 ILCS 5/28-2).
Monday, 12/19/11	92	Board Secretary or Municipal Clerk	Last day for electors to submit petitions for referendum questions to the Board Secretary or Municipal Clerk. (EXCEPTIONS: propositions to create a political subdivision and referenda held under the provisions of Liquor Control Act Article IX and Property Tax Code Section 18-120.) (10 ILCS 5/28-2(a), 28-6, 28-7).
Tuesday, 12/27/11* (See note below in "Event" column)	84* (See note below in "Event" column)	Objector	Last day to file objections to petitions to submit local public policy questions to referendum. (EXCEPTIONS: propositions to create a political subdivision and referenda held under provisions of Liquor Control Act Article IX and Property Tax Code Section 18-120). Objections to petitions for advisory referenda are filed with same office that received the petitions. (10 ILCS 5/10-8, 28-4). <i>*Note: Because the 5th business day following the last day for filing petitions falls on Saturday, December 24, 2011, the law permits filing of an objection on the next business day. Because of the Christmas holiday, the next business day could be either December 26, 2011 or December 27, 2011. This will depend on whether the office where objections are to be filed is open on December 26, 2011.</i>
Tuesday, 1/3/12* (See note below in "Event" column)	77* (See note below in "Event" column.)	Municipal or School Board	Last day for Board to adopt resolution for referendum on binding public policy question (not less than 65 days before election). (10 ILCS 5/28-2(c), 28-5). <i>*Note: Because the 79th day before the General Primary Election falls on Sunday, January 1, 2012, the law permits performance of the required action on the next business day. Because of the New Year's holiday, the next business day could be either January 2, 2012 or January 3, 2012. This will depend on whether the office of the local governing board is open on January 2, 2012.</i>

Tuesday, 1/3/12* (See note below in "Event" column)	77* (See note below in "Event" column.)	Municipal or Township Board	Last day for County, Municipal, School, Township and Park Boards to place advisory referenda on the ballot by resolution. (55 ILCS 5/5-1005.5; 60 ILCS 1/80-80; 65 ILCS 5/3.1-40-60; 70 ILCS 1205/8-30; 105 ILCS 5/9-1.5). <i>*Note: Because the 79th day before the General Primary Election falls on Sunday, January 1, 2012, the law permits performance of the required action on the next business day. Because of the New Year's holiday, the next business day could be either January 2, 2012 or January 3, 2012. This will depend on whether the office of the local governing board is open on January 2, 2012.</i>
Thursday, 1/12/12	68	Board Secretary or Municipal or Township Clerk	Last day for local election official to certify all public questions to each election authority. (10 ILCS 5/28-5)
Thursday, 2/9/12	40	Election Authority	First day for registered voters to apply for an absentee ballot. (10 ILCS 5/19-2).
Tuesday, 2/21/12	28	Election Authority, Board Secretary, or Municipal or Township Clerk	First day for election authority to publish Notice of General Primary Election and Notice of Referenda . (10 ILCS 5/12-4 and 12-5). The election authority shall post a copy of the notice at its principal office. First day for Board Secretary or Municipal or Township Clerk as local election official to post, at the principal office of the District, Municipality or Township, a copy of the notice of any referenda to be submitted to the voters of the political subdivision. (10 ILCS 5/12-5).
Tuesday, 2/21/12	28	Election Authority	Last day for registration or transfer of registration in 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). Last day for registration of voters by deputy registrars, including municipal, township and road district clerks and precinct committeemen. (10 ILCS 5/4-6.2, 5-16.2, 6-50.2).
Sunday, 2/26/12	23	Election Authority	Suggested last day for municipal, township and road district clerks to receive absentee ballot materials from the election authority for in-person absentee voting. (10 ILCS 5/19-2.1).
Monday, 2/27/12	22	Municipal, Township, or Road District Clerk	First day for local election officials who are authorized to do so by election authority, to conduct in-person absentee voting. (10 ILCS 5/19-2.1). First day for early voting at the office of the election authority and locations designated by the election authority. (10 ILCS 5/19A-15).

Saturday, 3/10/12	8* (See note at right in "Event" column.)	Election Authority, Board Secretary, or Municipal or Township Clerk	Last day for election authority to publish Notice of General Primary Election and Notice of Referenda . 10 ILCS 5/12-4 and 12-5. The election authority shall post a copy of the notice at its principal office. Last day for Board Secretary or Municipal or Township Clerk as local election official to post, at the principal office of the District, Municipality, or Township, a copy of the notice of any referendum to be submitted to the voters of the political subdivision. (10 ILCS 5/12-5). *Note: Because the 10th day before the election falls on Saturday, March 10, the law may permit publication and posting of the notices by Monday, March 12, 2012. However, caution dictates that these actions be taken no later than Saturday, March 10.
Tuesday, 3/20/12	0	Election Authority	GENERAL PRIMARY ELECTION *Note: Primary election returns are to be immediately delivered to the election authority from whom the General Primary Election ballots were obtained.
Date	Days After Election	Person Responsible	Event
Tuesday, 4/10/12	21	Election Authority	Last day for canvassing of election results by proper canvassing board. (EXCEPTION: State Board of Elections as canvassing board.) (10 ILCS 5/7-56, 18A-15(a).)

This Client In Brief was prepared by M. Neal Smith of the firm's Joliet office.

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