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Client Alert

To: Local Government Clients
From: Ancel Glink

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Governor Quinn Signs New Law Moving Last Day for Petition Filing for April Elections to December 26th

Last week, we reported that Senate Bill 3338 was passed by both houses of the General Assembly. Governor Quinn has now signed this bill into law. Public Act 97-1134, effective immediately, amends Section 1-4 of the Election Code to specify that, for the 2013 consolidated election period, local election officials have until December 26th to accept candidates' petitions or certificates of nomination. Under this amendment, all local governments must accept candidate petitions until December 26, 2012 at 5:00 p.m. Public bodies have no discretion to refuse to accept petitions on December 26th. The deadline is extended for all Illinois units of local government. We have received several questions related to this new law:

1. If we already published notice that we are accepting petitions on Christmas Eve, can we just leave it as it is and not accept petitions on December 26th if we are closed that day? No. If your governmental body is open on December 24th, you may remain open. However, this changes the last day for filing for everyone to December 26th.

2. Can we have reduced hours on December 26th or do we have to be open all day? The law does not require governments to be open all day but they are required to remain open until 5:00 p.m. on December 26th. You must remain open for some period of time until 5:00 p.m. If December 26th is a regular work day for your public body, you can be available during those hours, provided that you must remain open until 5:00 p.m. If your public body is closed on December 26th, you must open for a reasonable amount of time to accept petitions, and you must be available until 5:00 p.m. We believe it would be reasonable to be open from 3:00 p.m. to 5:00 p.m. It is important to provide advance notice of the hours you will be accepting filings.

3. Are we still required to be open on December 24th for any period of time? No. If your body is otherwise open, you can still accept petitions on the 24th just as you would accept them other days during the filing period.

4. How do we calculate the objection period since the New Year's holiday falls in the middle of it? Objections must be filed five **business days** after the last day for filing candidate petitions, which is now December 26th. The Election Code specifies that a "business day" is any day that your public body's office is open for at least 7 hours. Because New Years Eve and New Years Day fall within the objection calculation period, it is possible that different local governments may have different deadlines for objections, depending on whether your public body is open for 7 hours on Christmas Eve. School districts that are closed immediately after December 26th begin the calculation of the objection period when they return to school and their offices are open for at least 7 hours.

Our advice to local election officials is to issue a press release specifying the location, dates and hours that petitions will be accepted, as well as posting a notice of this information where they usually post this information. We recommend that you also publicize the last day for objections. In addition, we strongly encourage local election officials to provide all known candidates who will be filing for the consolidated elections with actual notice of the change in the filing periods. While none of these measures are required by the new law, we believe that greater dissemination of this information will result in less confusion to candidates.

For additional information regarding this new law, please contact Keri-Lyn J. Krafthefer at 312-604-9126.

This bulletin is provided as a service to our public sector clients and friends. It is intended to provide timely general information of interest, but should not be considered a substitute for legal advice. Be sure to consult with an attorney before taking action based on the contents. We welcome comments and questions. This may constitute advertising material as defined under the Illinois Rules of Professional Conduct.