

CHAPTER 17

ELECTIONS

SECTION:

1-17-1: Elections

1-17-2: Trustee Election Contest

1-17-1: ELECTIONS: Elections for Municipal offices shall be held as provided by Statute and at the time prescribed by Statute. (1963 Code, 5.10)

1-17-2: TRUSTEE ELECTION CONTEST:

(A) **CONTEST OF ELECTION.** The election of any Trustee may be contested by any elector of the Village, and the proceeding shall be in accordance with the Illinois Revised Statutes regulating the mode of contesting elections of County officials, so far as the same may be applicable. The Board shall be the tribunal before which such contest shall be heard, and its decision shall be final.

(B) **STATEMENT OF CONTEST.** Whenever any person desires to contest the right of another to hold office of Trustee he shall, within thirty (30) days after the person whose election is to be contested is declared elected, file with the Clerk a statement in writing, briefly stating the points on which he will contest the election, which statement shall be verified by affidavit.

(C) **NOTICE TO RESPONDENT.** Upon filing such statement the contestant shall also serve a copy thereof upon the person whose election he intends to contest, and in case such person is absent from the Village and cannot be found, then by leaving a copy of the statement at his usual place of abode, with some member of his family of the age of ten (10) years upward, and informing such person of the contents thereof.

(D) **TAKING THE DEPOSITIONS OF WITNESSES.** At such time either party may proceed to take the testimony of any witness in the manner provided by law for taking depositions in courts of records, before any judge or notary public, at the time and place so fixed, and continue the same from day to day thereafter, until the testimony is taken.

(E) **PROOFS TAKEN AND FAILED.** In all cases of contested elections, the proofs shall be taken and filed with the Clerk within sixty (60) days from the day fixed by the Board. The Board may from time to time upon sufficient cause shown extend the time for taking and filing such proofs. No testimony shall be taken or proof received or produced on the hearing before the Board except upon the points set forth in the statement filed with the Clerk.

(F) **BOARD PROCEDURE.** When all the evidence has been taken, as provided in this Section, it shall be filed immediately in the office of the Clerk, who shall at once lay the same before the Board, which shall, without delay, refer the same to some appropriate committee to

examine and report thereon. Upon such report being made, the Board shall hear the case, and may require all the testimony and proofs taken to be read in open meeting, and shall, by a majority vote, upon a call of the "yeas" and "nays", declare as elected the person who shall appear by the evidence to have been elected; and the Clerk shall enter such decision and declaration in the journal of the Board.

(G) RESPONDENT NOT TO ACT. In any election contest the respondent or person whose election is the subject of the contest shall not take part in such contest, so far as the determination thereof is concerned, nor shall he cast any vote in connection therewith.

(H) LEGAL DISQUALIFICATION. Whenever it appears that the person receiving the highest number of votes is ineligible to the office because of any legal disqualification the Board shall declare such election null and void, and immediately call a special election to fill the office.

(I) COUNTING BALLOTS. In the case of a contested election, the parties thereto shall be entitled to have the packages of ballots which have been returned to the Clerk pursuant to law opened in the presence of a committee of the Board and the officer having the custody thereof, and to have said ballots counted; or the same may be brought into open Board meeting and then and there counted by a committee of three (3) members appointed for that purpose.

(J) BALLOTS TO BE PRESERVED. The Clerk shall preserve all ballots returned to him by the judges of any Village election for six (6) months thereafter and at the expiration of that time, if no contest has been instituted and is still pending, the Clerk shall burn the ballots under the direction of the Board. (1963 Code, 2.19)