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Be Careful What You Wish For: Candidate Petition Filing Deadline Moved Until Day After Christmas

Yielding to requests from municipal clerks, school board secretaries, and other local government officials, the General Assembly has acted quickly during its fall veto session to provide one-time relief to those offices which did not wish to stay open on Christmas Eve in order to accept candidate petitions for the April 9, 2013, consolidated election. Senate Bill 3338, signed into law by Governor Quinn as Public Act 97-1134, changes the filing deadline only for this year from the 106th day before the election (Monday, December 24) to the 104th day before the election (Wednesday, December 26). Because the only day in which offices are mandated by law to stay open during the election petition filing period is the final one, district offices may now be either open or closed on Christmas Eve, according to the district's discretion. **But the office**

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must be open until 5:00 p.m. on December 26 to accept candidate petitions.

Of course, this change may be more beneficial to municipalities, which are generally open more days during the holiday season and were planning to have their offices open on December 26 anyway. For school districts which may close their offices for certain days while the students are off, the effect of this legislative solution may be simply to exchange one inconvenience for another, and on short notice. In any event, this change applies only to the current election cycle. Whether the General Assembly comes up with a long-term solution remains to be seen.

A few other things should be clarified:

- The beginning of the filing period has not been changed. This year, the first day for filing is still Monday, December 17.
- While the office must stay open until 5:00 p.m. on December 26, there is no prescribed beginning time. Thus, a district may not open until, say, 1:00 p.m. or even 3:00 p.m. on that final day for filing. But we do recommend that you clearly publicize whatever those hours are at the

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district office and on your website.

- The time period for filing objections may be effectively pushed back. By law, the deadline for filing objections is the fifth business day after the deadline for filing petitions and that deadline has now been pushed back. The issue of whether the “business days” to count are those of the State or might be those of the local district has been the subject of some discussion. Our opinion is that you count only the days when the local district is actually open for business. In any event, we strongly advise that you clearly publicize which five days, and for what hours, the district office will be open to accept objections.

If you have questions about any of this, please contact one of our attorneys at 630/928-1200 (Oak Brook) or 708/799-6766 (Flossmoor).