



Rep. Michael Tryon

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09400HB2930ham001

LRB094 05321 RCE 45392 a

1 AMENDMENT TO HOUSE BILL 2930

2 AMENDMENT NO. _____. Amend House Bill 2930 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 3.1-10-50 as follows:

6 (65 ILCS 5/3.1-10-50)

7 Sec. 3.1-10-50. Vacancies.

8 (a) A municipal officer may resign from office. A vacancy
9 occurs in an office by reason of resignation, failure to elect
10 or qualify (in which case the incumbent shall remain in office
11 until the vacancy is filled), death, permanent physical or
12 mental disability rendering the person incapable of performing
13 the duties of his or her office, conviction of a disqualifying
14 crime, abandonment of office, removal from office, or removal
15 of residence from the municipality or, in the case of aldermen
16 of a ward or trustees of a district, removal of residence from
17 the ward or district, as the case may be. An admission of guilt
18 of a criminal offense that would, upon conviction, disqualify
19 the municipal officer from holding that office, in the form of
20 a written agreement with State or federal prosecutors to plead
21 guilty to a felony, bribery, perjury, or other infamous crime
22 under State or federal law, shall constitute a resignation from
23 that office, effective at the time the plea agreement is made.
24 For purposes of this Section, a conviction for an offense that

1 disqualifies the municipal officer from holding that office
2 shall occur on the date of the return of a guilty verdict or,
3 in the case of a trial by the court, the entry of a finding of
4 guilt.

5 (b) If a vacancy occurs in an elective municipal office
6 with a 4-year term and there remains an unexpired portion of
7 the term of at least 28 months, and the vacancy occurs at least
8 130 days before the general municipal election next scheduled
9 under the general election law, the vacancy shall be filled for
10 the remainder of the term at that general municipal election.
11 Whenever an election is held for this purpose, the municipal
12 clerk shall certify the office to be filled and the candidates
13 for the office to the proper election authorities as provided
14 in the general election law. If the vacancy is in the office of
15 mayor, the city council shall elect one of their members acting
16 mayor; if the vacancy is in the office of president, the
17 vacancy shall be filled by the appointment by the trustees of
18 an acting president from the members of the board of trustees.
19 In villages with a population of less than 5,000, if each of
20 the members of the board of trustees either declines the
21 appointment as acting president or is not approved for the
22 appointment by a majority vote of the trustees presently
23 holding office, then the board of trustees may appoint as
24 acting president any other village resident who is qualified to
25 hold municipal office. The acting mayor or acting president
26 shall perform the duties and possess all the rights and powers
27 of the mayor or president until a successor to fill the vacancy
28 has been elected and has qualified. If the vacancy is in any
29 other elective municipal office, then until the office is
30 filled by election, the mayor or president shall appoint a
31 qualified person to the office subject to the advice and
32 consent of the city council or trustees.

33 (c) In a 2 year term, or if the vacancy occurs later than
34 the time provided in subsection (b) in a 4 year term, a vacancy

1 in the office of mayor shall be filled by the corporate
2 authorities electing one of their members acting mayor; if the
3 vacancy is in the office of president, the vacancy shall be
4 filled by the appointment by the trustees of an acting
5 president from the members of the board of trustees. In
6 villages with a population of less than 5,000, if each of the
7 members of the board of trustees either declines the
8 appointment as acting president or is not approved for the
9 appointment by a majority vote of the trustees presently
10 holding office, then the board of trustees may appoint as
11 acting president any other village resident who is qualified to
12 hold municipal office. The acting mayor or acting president
13 shall perform the duties and possess all the rights and powers
14 of the mayor or president until a mayor or president is elected
15 at the next general municipal election and has qualified. A
16 vacancy in any elective office other than mayor or president
17 shall be filled by appointment by the mayor or president, with
18 the advice and consent of the corporate authorities.

19 (d) The election of an acting mayor or acting president in
20 a municipality with a population under 500,000 does not create
21 a vacancy in the original office of the person on the city
22 council or as a trustee, as the case may be, unless the person
23 resigns from the original office following election as acting
24 mayor or acting president. If the person resigns from the
25 original office following election as acting mayor or acting
26 president, then the original office must be filled pursuant to
27 the terms of this Section and the acting mayor or acting
28 president shall exercise the powers of the mayor or president
29 and shall vote and have veto power in the manner provided by
30 law for a mayor or president. If the person does not resign
31 from the original office following election as acting mayor or
32 acting president, then the acting mayor or acting president
33 shall exercise the powers of the mayor or president but shall
34 be entitled to vote only in the manner provided for as the

1 holder of the original office and shall not have the power to
2 veto. If the person does not resign from the original office
3 following election as acting mayor or acting president, and if
4 that person's original term of office has not expired when a
5 mayor or president is elected and has qualified for office, the
6 acting mayor or acting president shall return to the original
7 office for the remainder of the term thereof.

8 (e) ~~(d)~~ Municipal officers appointed or elected under this
9 Section shall hold office until their successors are elected
10 and have qualified.

11 (f) ~~(e)~~ An appointment to fill a vacancy in the office of
12 alderman shall be made within 60 days after the vacancy occurs.
13 The requirement that an appointment be made within 60 days is
14 an exclusive power and function of the State and is a denial
15 and limitation under Article VII, Section 6, subsection (h) of
16 the Illinois Constitution of the power of a home rule
17 municipality to require that an appointment be made within a
18 different period after the vacancy occurs.

19 (Source: P.A. 90-429, eff. 8-15-97; 90-707, eff. 8-7-98;
20 91-357, eff. 7-29-99.)

21 Section 99. Effective date. This Act takes effect January
22 1, 2006."