



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1951

Introduced 2/25/2005, by Sen. John O. Jones

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/2A-35.5 new	
70 ILCS 2105/4a	from Ch. 42, par. 386a
70 ILCS 2105/4b	from Ch. 42, par. 386b
70 ILCS 2105/5	from Ch. 42, par. 387

Amends the River Conservancy Districts Act and the Election Code. Provides for election, rather than appointment, of 7 trustees in certain districts that encompass 2 counties and have at least 3 municipalities each with a population of 5,000 or more. Provides for their nonpartisan election at the election in 2006 and at each subsequent consolidated election. Effective immediately.

LRB094 11446 AJO 42366 b

1 AN ACT in relation to river conservancy districts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section
5 2A-1.2 and adding Section 2A-35.5 as follows:

6 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

7 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
8 Designated.

9 (a) At the general election in the appropriate
10 even-numbered years, the following offices shall be filled or
11 shall be on the ballot as otherwise required by this Code:

12 (1) Elector of President and Vice President of the
13 United States;

14 (2) United States Senator and United States
15 Representative;

16 (3) State Executive Branch elected officers;

17 (4) State Senator and State Representative;

18 (5) County elected officers, including State's
19 Attorney, County Board member, County Commissioners, and
20 elected President of the County Board or County Chief
21 Executive;

22 (6) Circuit Court Clerk;

23 (7) Regional Superintendent of Schools, except in
24 counties or educational service regions in which that
25 office has been abolished;

26 (8) Judges of the Supreme, Appellate and Circuit
27 Courts, on the question of retention, to fill vacancies and
28 newly created judicial offices;

29 (9) (Blank);

30 (10) Trustee of the Metropolitan Sanitary District of
31 Chicago, and elected Trustee of other Sanitary Districts;

32 (11) Special District elected officers, not otherwise

1 designated in this Section, where the statute creating or
2 authorizing the creation of the district requires an annual
3 election and permits or requires election of candidates of
4 political parties.

5 (b) At the general primary election:

6 (1) in each even-numbered year candidates of political
7 parties shall be nominated for those offices to be filled
8 at the general election in that year, except where pursuant
9 to law nomination of candidates of political parties is
10 made by caucus.

11 (2) in the appropriate even-numbered years the
12 political party offices of State central committeeman,
13 township committeeman, ward committeeman, and precinct
14 committeeman shall be filled and delegates and alternate
15 delegates to the National nominating conventions shall be
16 elected as may be required pursuant to this Code. In the
17 even-numbered years in which a Presidential election is to
18 be held, candidates in the Presidential preference primary
19 shall also be on the ballot.

20 (3) in each even-numbered year, where the municipality
21 has provided for annual elections to elect municipal
22 officers pursuant to Section 6(f) or Section 7 of Article
23 VII of the Constitution, pursuant to the Illinois Municipal
24 Code or pursuant to the municipal charter, the offices of
25 such municipal officers shall be filled at an election held
26 on the date of the general primary election, provided that
27 the municipal election shall be a nonpartisan election
28 where required by the Illinois Municipal Code. For partisan
29 municipal elections in even-numbered years, a primary to
30 nominate candidates for municipal office to be elected at
31 the general primary election shall be held on the Tuesday 6
32 weeks preceding that election.

33 (4) in each school district which has adopted the
34 provisions of Article 33 of the School Code, successors to
35 the members of the board of education whose terms expire in
36 the year in which the general primary is held shall be

1 elected.

2 (c) At the consolidated election in the appropriate
3 odd-numbered years, the following offices shall be filled:

4 (1) Municipal officers, provided that in
5 municipalities in which candidates for alderman or other
6 municipal office are not permitted by law to be candidates
7 of political parties, the runoff election where required by
8 law, or the nonpartisan election where required by law,
9 shall be held on the date of the consolidated election; and
10 provided further, in the case of municipal officers
11 provided for by an ordinance providing the form of
12 government of the municipality pursuant to Section 7 of
13 Article VII of the Constitution, such offices shall be
14 filled by election or by runoff election as may be provided
15 by such ordinance;

16 (2) Village and incorporated town library directors;

17 (3) City boards of stadium commissioners;

18 (4) Commissioners of park districts;

19 (5) Trustees of public library districts;

20 (6) Special District elected officers, not otherwise
21 designated in this section, where the statute creating or
22 authorizing the creation of the district permits or
23 requires election of candidates of political parties;

24 (7) Township officers, including township park
25 commissioners, township library directors, and boards of
26 managers of community buildings, and Multi-Township
27 Assessors;

28 (8) Highway commissioners and road district clerks;

29 (9) Members of school boards in school districts which
30 adopt Article 33 of the School Code;

31 (10) The directors and chairman of the Chain O Lakes -
32 Fox River Waterway Management Agency;

33 (11) Forest preserve district commissioners elected
34 under Section 3.5 of the Downstate Forest Preserve District
35 Act;

36 (12) Elected members of school boards, school

1 trustees, directors of boards of school directors,
2 trustees of county boards of school trustees (except in
3 counties or educational service regions having a
4 population of 2,000,000 or more inhabitants) and members of
5 boards of school inspectors, except school boards in school
6 districts that adopt Article 33 of the School Code;

7 (13) Members of Community College district boards;

8 (14) Trustees of Fire Protection Districts;

9 (15) Commissioners of the Springfield Metropolitan
10 Exposition and Auditorium Authority;

11 (16) Elected Trustees of Tuberculosis Sanitarium
12 Districts;

13 (16.5) Elected Trustees of River Conservancy
14 Districts;

15 (17) Elected Officers of special districts not
16 otherwise designated in this Section for which the law
17 governing those districts does not permit candidates of
18 political parties.

19 (d) At the consolidated primary election in each
20 odd-numbered year, candidates of political parties shall be
21 nominated for those offices to be filled at the consolidated
22 election in that year, except where pursuant to law nomination
23 of candidates of political parties is made by caucus, and
24 except those offices listed in paragraphs (12) through (17) of
25 subsection (c).

26 At the consolidated primary election in the appropriate
27 odd-numbered years, the mayor, clerk, treasurer, and aldermen
28 shall be elected in municipalities in which candidates for
29 mayor, clerk, treasurer, or alderman are not permitted by law
30 to be candidates of political parties, subject to runoff
31 elections to be held at the consolidated election as may be
32 required by law, and municipal officers shall be nominated in a
33 nonpartisan election in municipalities in which pursuant to law
34 candidates for such office are not permitted to be candidates
35 of political parties.

36 At the consolidated primary election in the appropriate

1 odd-numbered years, municipal officers shall be nominated or
2 elected, or elected subject to a runoff, as may be provided by
3 an ordinance providing a form of government of the municipality
4 pursuant to Section 7 of Article VII of the Constitution.

5 (e) (Blank).

6 (f) At any election established in Section 2A-1.1, public
7 questions may be submitted to voters pursuant to this Code and
8 any special election otherwise required or authorized by law or
9 by court order may be conducted pursuant to this Code.

10 Notwithstanding the regular dates for election of officers
11 established in this Article, whenever a referendum is held for
12 the establishment of a political subdivision whose officers are
13 to be elected, the initial officers shall be elected at the
14 election at which such referendum is held if otherwise so
15 provided by law. In such cases, the election of the initial
16 officers shall be subject to the referendum.

17 Notwithstanding the regular dates for election of
18 officials established in this Article, any community college
19 district which becomes effective by operation of law pursuant
20 to Section 6-6.1 of the Public Community College Act, as now or
21 hereafter amended, shall elect the initial district board
22 members at the next regularly scheduled election following the
23 effective date of the new district.

24 (g) At any election established in Section 2A-1.1, if in
25 any precinct there are no offices or public questions required
26 to be on the ballot under this Code then no election shall be
27 held in the precinct on that date.

28 (h) There may be conducted a referendum in accordance with
29 the provisions of Division 6-4 of the Counties Code.

30 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
31 eff. 8-9-96; 90-358, eff. 1-1-98.)

32 (10 ILCS 5/2A-35.5 new)

33 Sec. 2A-35.5. River conservancy district; trustees; time
34 of election. Trustees of a river conservancy district that
35 elects its trustees shall be elected at the election in 2006

1 and at each consolidated election thereafter.

2 Section 10. The River Conservancy Districts Act is amended
3 by changing Sections 4a, 4b, and 5 as follows:

4 (70 ILCS 2105/4a) (from Ch. 42, par. 386a)

5 Sec. 4a. Every conservancy district so established shall be
6 governed by a board of trustees. In the statement finding the
7 results of the election to be favorable to the establishment of
8 the district, the circuit court shall determine and name each
9 municipality within the district having 5,000 or more
10 population according to the last preceding federal census.

11 (1) If in any district, on or after the effective date of
12 this amendatory Act of the 94th General Assembly, there is
13 wholly contained within it 2 counties, in which district there
14 are at least 3 municipalities each having a population of 5,000
15 or more within the district, the board shall consist of
16 trustees elected from the district as follows:

17 (a) The number of trustees elected in any district
18 described in subsection (1) shall be 7. Of the trustees
19 elected in any district described in subsection (1), 4
20 trustees shall be residents of and elected by the voters of
21 Franklin County and 3 trustees shall be residents of and
22 elected by the voters of Jefferson County.

23 (b) Should any trustee become a resident of any county
24 other than the county in which he or she was elected, then
25 the office of that trustee shall be deemed vacated and
26 shall be filled by appointment for the remainder of the
27 term as provided in this Act.

28 (c) Candidates for trustee in any district described in
29 subsection (1) shall be nominated in the same manner and
30 form as prescribed by the general election law, except that
31 (i) no party name or affiliation may appear on any
32 nominating petition, (ii) each nominating petition shall
33 contain the candidate's residence address which must
34 include the candidate's county of residence, and (iii)

1 nomination of candidates for the election of trustees in
2 any district described in subsection (1) shall be made by
3 petition signed for each candidate by not less than 100
4 qualified voters who shall reside within the county in
5 which the candidate seeks election. Candidates for
6 election as trustees shall, unless otherwise provided in
7 this amendatory Act of the 94th General Assembly, file
8 nomination petitions in the manner and at the time
9 prescribed by the general election law.

10 At all elections for trustee or trustees held under
11 this Section the ballot shall disclose the number of
12 candidates to be elected. The candidates names shall appear
13 on the ballot in the order in which the nomination
14 petitions are filed beginning with the first petition to be
15 filed. The candidates receiving the highest and second
16 highest number of votes within each county at each election
17 shall be declared elected, except that the candidates
18 receiving the 4 highest numbers of votes within each county
19 at the initial election after this amendatory Act of the
20 94th General Assembly shall be declared elected.

21 (d) Trustees from any district described in subsection
22 (1) shall be elected initially on the date of the election
23 in 2006, and the trustees initially elected from any such
24 district shall meet within 21 days after the election and
25 determine by lot the terms for which they each shall serve.
26 Of the trustees initially elected in any such district, 2
27 from each county shall each serve for 4 years and the
28 remainder from each county shall each serve for 2 years. At
29 each election thereafter each trustee elected to succeed a
30 trustee whose term expires shall hold office for a term of
31 4 years. The term of office of each trustee elected under
32 this Section shall commence on the 1st Monday of the month
33 following the month of that trustee's election, and each
34 trustee shall serve until her or his successor is elected
35 and has qualified.

36 Appointed trustees incumbent in any district described

1 in subsection (1) on the effective date of this amendatory
2 Act of the 94th General Assembly shall continue to
3 constitute the board of trustees in that district until the
4 1st Monday in May following the initial election of
5 trustees in that district, at which time the terms of all
6 those appointed trustees shall terminate; provided that if
7 the term of any appointed incumbent trustee expires, or if
8 a vacancy in the office of any appointed trustee occurs
9 after the effective date of this amendatory Act of the 94th
10 General Assembly but before the date of the initial
11 election of trustees in that district, the authority which
12 originally appointed that trustee under any succeeding
13 subsection of this Section shall appoint a successor
14 trustee to serve until the 1st Monday in May following the
15 initial election of trustees in that district, at which
16 time the term of that appointed successor trustee shall
17 terminate.

18 (e) Except as provided in paragraph (d) of subsection
19 (1) of this Section relative to filling a vacancy in the
20 office of an appointed trustee if the vacancy occurs before
21 the date of the initial election of trustees in the
22 district, whenever a vacancy in the board of trustees in
23 any district occurs, either by death, resignation, failure
24 to qualify, change of residence as provided in paragraph
25 (b) of subsection (1) of this Section or for any other
26 reason, a majority of the remaining members of the board
27 shall fill the vacancy by appointment. The person so
28 appointed shall qualify for office in the manner provided
29 in this Section and shall thereupon assume the duties of
30 the office for the unexpired term to which the person was
31 appointed.

32 (2) Except in those river conservancy districts in which
33 trustees are required to be elected as provided in subsection
34 (1) of this Section, if ~~(1) In case~~ there is one or more
35 municipalities having a population of 5,000 or more within a
36 river conservancy ~~the~~ district, the trustees shall be appointed

1 as follows:

2 (a) In districts organized prior to July 1, 1961, where
3 there is only one such municipality, 3 trustees shall be
4 appointed from such municipality, and one trustee shall be
5 appointed from the area within the district outside of such
6 municipality, and one trustee shall be appointed at large.
7 In districts organized on and after July 1, 1961, where
8 there is only one such municipality one trustee shall be
9 appointed from such municipality, and one trustee shall be
10 appointed from each county in the district, except that
11 where the district is wholly contained within a single
12 county, one trustee shall be appointed from that county and
13 one additional trustee shall be appointed from the
14 municipality, and, in any case, 2 trustees shall be
15 appointed at large. A trustee appointed from a county in
16 the district shall be appointed from the area outside any
17 such municipality. If the district is located wholly within
18 the corporate limits of such municipality, 3 of the
19 trustees of the district shall be appointed from such
20 municipality, and 2 trustees shall be appointed at large.
21 In a district wholly contained within a single county of
22 between 60,500 and 70,000 population and having no more
23 than one municipality of 5,000 or more population,
24 regardless of the date of organization, 3 trustees shall be
25 appointed from that municipality, 2 trustees shall be
26 appointed from the district outside that municipality, and
27 2 trustees shall be appointed at large. No more than 2
28 appointments by each appointing authority may be from the
29 same political party.

30 (b) Where there are 2 or more such municipalities, one
31 trustee shall be appointed from each such municipality, one
32 trustee shall be appointed from each county in the district
33 for each 50,000 population or part thereof within the
34 district in such county according to the last preceding
35 federal census, and 2 trustees shall be appointed at large.
36 A trustee appointed from a county in the district shall be

1 appointed from the area outside any such municipality. If
2 the district is located wholly within the corporate limits
3 of such municipalities, 2 trustees shall be appointed from
4 the one of such municipalities having the largest
5 population, and one trustee shall be appointed from each of
6 the other such municipalities, and 2 trustees shall be
7 appointed at large.

8 (c) Trustees representing the area within the district
9 located outside of any municipality having 5,000 or more
10 population and trustees appointed at large when the
11 district is wholly contained within a single county shall
12 be appointed by the presiding officer of the county board
13 with the advice and consent of the county board and any
14 trustee representing the area within any such municipality
15 shall be appointed by its presiding officer. If however the
16 district is located in more than one county, any trustee
17 representing the area within a district located outside of
18 any municipality having 5,000 or more population and any
19 trustee at large shall be appointed by a majority vote of
20 the presiding officers of the county boards of the counties
21 which encompass any part of the district, except that no
22 such appointment shall affect the term of any trustee in
23 office on the effective date of this amendatory Act of
24 1977. Any trustee representing the area within any such
25 municipality shall be appointed by its presiding officer.

26 (d) A trustee representing the area within any such
27 municipality shall reside within its corporate limits. A
28 trustee representing the area within the district and
29 located outside of any such municipality shall reside
30 within such area. A trustee appointed at large may reside
31 either within or without any such municipality but must
32 reside within the territory of the district. Should any
33 trustee cease to reside within that part of the territory
34 he represents, then his office shall be deemed vacated, and
35 shall be filled by appointment for the remainder of the
36 term as hereinafter provided.

1 (3) Except in those river conservancy districts in which
2 trustees are required to be elected as provided in subsection
3 (1) of this Section, if ~~(2) In case~~ there are no municipalities
4 having a population of 5,000 or more within a river conservancy
5 ~~such~~ district located wholly within a single county, the
6 statement required by Section 1 shall include such finding, and
7 in such case the Board shall consist of 5 trustees who shall be
8 appointed at large by the presiding officer of the county board
9 with the advice and consent of the county board. If however the
10 district is located in more than one county, the trustees at
11 large shall be appointed by a majority vote of the presiding
12 officers of the county boards of the counties which encompass
13 any portion of the district, but any trustee in office on the
14 effective date of this amendatory Act of 1977 shall be
15 permitted to serve out the remainder of his term. Each such
16 trustee shall reside within the district and shall continue to
17 reside therein.

18 (4) Except in those river conservancy districts in which
19 trustees are required to be elected as provided in subsection
20 (1) of this Section, all ~~(3) All~~ initial appointments of
21 trustees shall be made within 60 days after the determination
22 of the result of the organizational election. Each appointment
23 shall be in writing and shall be filed and made a matter of
24 record in the office of the county clerk wherein the
25 organization proceedings were filed. A trustee shall qualify
26 within 10 days after appointment by acceptance and the taking
27 of the constitutional oath of office, both to be in writing and
28 similarly filed for record in the office of such county clerk.
29 Members initially appointed to the board of trustees of such
30 district shall serve from date of appointment for 1, 2, 3, 4
31 and 5 years and shall draw lots to determine the periods for
32 which they each shall serve. In case there are more than 5
33 trustees, lots shall be drawn so that 5 trustees shall serve
34 initial terms of 1, 2, 3, 4 and 5 years and the other trustees
35 shall serve terms of 1, 2, 3, 4 or 5 years as the number of
36 trustees shall require and the drawing of lots shall determine.

1 The successors of all such initial members of the board of
2 trustees of a river conservancy district shall serve for terms
3 of 5 years, all such appointments and appointments to fill
4 vacancies shall be made in like manner as in the case of the
5 initial trustees. A trustee having been duly appointed shall
6 continue to serve after the expiration of his term until his
7 successor has been appointed. Each trustee initially appointed
8 in accordance with this amendatory Act of 1995 shall serve a
9 term of 3 or 5 years as determined by lot.

10 (5) Except in those river conservancy districts in which
11 trustees are required to be elected as provided in subsection
12 (1) of this Section, ~~(4)~~ should a municipality which is wholly
13 within a district attain, or should such a municipality be
14 established, having a population of 5,000 or more after the
15 entry of the statement by the circuit court, the presiding
16 officer of such municipality may petition the circuit court of
17 the county in which such municipality lies for an order finding
18 and determining the population of such municipality and, if it
19 is found and determined upon the hearing of such petition that
20 the population of such municipality is 5,000 or more, the board
21 of trustees of such district as previously established shall be
22 increased by one trustee who shall reside within the corporate
23 limits of such municipality and shall be appointed by its
24 presiding officer. The initial trustee so appointed shall serve
25 for a term of 1, 2, 3, 4 or 5 years, as may be determined by
26 lot, and his successors shall be similarly appointed and shall
27 serve for terms of 5 years. All provisions of this Section
28 applicable to trustees representing municipal areas shall
29 apply to any such trustee, including paragraph ~~(6)~~ 5.

30 (6) Except in those river conservancy districts in which
31 trustees are required to be elected as provided in subsection
32 (1) of this Section, ~~(5)~~ should the foregoing provisions
33 respecting the appointment of trustees representing the area
34 within any municipality of 5,000 or more population be invalid
35 when applied to any situation, then as to such situation any
36 such provision shall be deemed to be excised from this Act, and

1 the trustee whose appointment is thus affected shall be
2 appointed at large by the presiding officer of the county board
3 with the advice and consent of the county board except if the
4 district embraces more than one county in which case the
5 trustees shall be appointed at large by a majority vote of the
6 presiding officers of the county boards of the counties which
7 encompass any portion of the district.

8 (Source: P.A. 89-148, eff. 1-1-96.)

9 (70 ILCS 2105/4b) (from Ch. 42, par. 386b)

10 Sec. 4b. Each trustee of the river conservancy district
11 required to be elected as provided in subsection (1) of Section
12 4a of this Act shall enter into bond to be approved by the
13 resident circuit judge of the county that contains all or the
14 largest portion in area of the district, in the sum as the
15 circuit judge may determine. Each of the trustees of a river
16 conservancy district which has an appointed board of trustees
17 shall enter into bond with security to be approved by the
18 appointing authority in such sum as the appointing authority
19 may determine. The bond shall be held in a bank or trust
20 company, qualified to do business in the State of Illinois,
21 located in the district.

22 A majority of the board of trustees shall constitute a
23 quorum, ~~but a smaller number may adjourn from day to day.~~ No
24 trustee or employee of such district shall be directly or
25 indirectly interested financially in any contract work or
26 business or the sale of any article, the expense, price or
27 consideration of which is paid by said district; nor in the
28 purchase of any real estate or other property belonging to the
29 district, or which shall be sold for taxes or assessments or by
30 virtue of legal process at the suit of said district: Provided
31 that nothing herein shall be construed as prohibiting the
32 appointment or selection of any person as trustee or employee
33 whose only interest in said district is as an owner of real
34 estate in said conservancy district or of contributing to the
35 payment of taxes levied by said district.

1 (Source: P.A. 77-681.)

2 (70 ILCS 2105/5) (from Ch. 42, par. 387)

3 Sec. 5. Except as otherwise provided in paragraphs (d) and
4 (f) of subsection (1) of Section 4a of this Act, whenever a
5 vacancy in said board of trustees occurs, either by death,
6 resignation, refusal to qualify or for any other reason, the
7 appropriate appointing authority may fill such vacancy by
8 appointment; and such person, so appointed shall qualify for
9 office in the manner hereinbefore stated and shall thereupon
10 assume the duties of the office for the unexpired term to which
11 such person was appointed.

12 (Source: P.A. 77-681.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.