

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 3.1-10-5, 3.1-10-50, and 3.1-10-51 as
6 follows:

7 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

8 Sec. 3.1-10-5. Qualifications; elective office.

9 (a) A person is not eligible for an elective municipal
10 office unless that person is a qualified elector of the
11 municipality and has resided in the municipality at least one
12 year next preceding the election or appointment, except as
13 provided in Section 3.1-20-25, subsection (b) of Section
14 3.1-25-75, Section 5-2-2, or Section 5-2-11.

15 (b) A person is not eligible to take the oath of office for
16 a municipal office if that person is, at the time required for
17 taking the oath of office, in arrears in the payment of a tax
18 or other indebtedness due to the municipality or has been
19 convicted in any court located in the United States of any
20 infamous crime, bribery, perjury, or other felony.

21 (b-5) (Blank). ~~A person is not eligible to hold a municipal~~
22 ~~office, if that person is, at any time during the term of~~
23 ~~office, in arrears in the payment of a tax or other~~

1 ~~indebtedness due to the municipality or has been convicted in~~
2 ~~any court located in the United States of any infamous crime,~~
3 ~~bribery, perjury, or other felony.~~

4 (c) A person is not eligible for the office of alderman of
5 a ward unless that person has resided in the ward that the
6 person seeks to represent, and a person is not eligible for the
7 office of trustee of a district unless that person has resided
8 in the municipality, at least one year next preceding the
9 election or appointment, except as provided in Section
10 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2,
11 or Section 5-2-11.

12 (d) If a person (i) is a resident of a municipality
13 immediately prior to the active duty military service of that
14 person or that person's spouse, (ii) resides anywhere outside
15 of the municipality during that active duty military service,
16 and (iii) immediately upon completion of that active duty
17 military service is again a resident of the municipality, then
18 the time during which the person resides outside the
19 municipality during the active duty military service is deemed
20 to be time during which the person is a resident of the
21 municipality for purposes of determining the residency
22 requirement under subsection (a).

23 (Source: P.A. 97-1091, eff. 8-24-12; 98-115, eff. 7-29-13.)

24 (65 ILCS 5/3.1-10-50)

25 Sec. 3.1-10-50. Events upon which an elective office

1 becomes vacant in municipality with population under 500,000.

2 (a) Vacancy by resignation. A resignation is not effective
3 unless it is in writing, signed by the person holding the
4 elective office, and notarized.

5 (1) Unconditional resignation. An unconditional
6 resignation by a person holding the elective office may
7 specify a future date, not later than 60 days after the
8 date the resignation is received by the officer authorized
9 to fill the vacancy, at which time it becomes operative,
10 but the resignation may not be withdrawn after it is
11 received by the officer authorized to fill the vacancy. The
12 effective date of a resignation that does not specify a
13 future date at which it becomes operative is the date the
14 resignation is received by the officer authorized to fill
15 the vacancy. The effective date of a resignation that has a
16 specified future effective date is that specified future
17 date or the date the resignation is received by the officer
18 authorized to fill the vacancy, whichever date occurs
19 later.

20 (2) Conditional resignation. A resignation that does
21 not become effective unless a specified event occurs can be
22 withdrawn at any time prior to the occurrence of the
23 specified event, but if not withdrawn, the effective date
24 of the resignation is the date of the occurrence of the
25 specified event or the date the resignation is received by
26 the officer authorized to fill the vacancy, whichever date

1 occurs later.

2 (3) Vacancy upon the effective date. For the purpose of
3 determining the time period that would require an election
4 to fill the vacancy by resignation or the commencement of
5 the 60-day time period referred to in subsection (e), the
6 resignation of an elected officer is deemed to have created
7 a vacancy as of the effective date of the resignation.

8 (4) Duty of the clerk. If a resignation is delivered to
9 the clerk of the municipality, the clerk shall forward a
10 certified copy of the written resignation to the official
11 who is authorized to fill the vacancy within 7 business
12 days after receipt of the resignation.

13 (b) Vacancy by death or disability. A vacancy occurs in an
14 office by reason of the death of the incumbent. The date of the
15 death may be established by the date shown on the death
16 certificate. A vacancy occurs in an office by permanent
17 physical or mental disability rendering the person incapable of
18 performing the duties of the office. The corporate authorities
19 have the authority to make the determination whether an officer
20 is incapable of performing the duties of the office because of
21 a permanent physical or mental disability. A finding of mental
22 disability shall not be made prior to the appointment by a
23 court of a guardian ad litem for the officer or until a duly
24 licensed doctor certifies, in writing, that the officer is
25 mentally impaired to the extent that the officer is unable to
26 effectively perform the duties of the office. If the corporate

1 authorities find that an officer is incapable of performing the
2 duties of the office due to permanent physical or mental
3 disability, that person is removed from the office and the
4 vacancy of the office occurs on the date of the determination.

5 (c) Vacancy by other causes.

6 (1) Abandonment and other causes. A vacancy occurs in
7 an office by reason of abandonment of office; removal from
8 office; or failure to qualify; or more than temporary
9 removal of residence from the municipality; or in the case
10 of an alderman of a ward or councilman or trustee of a
11 district, more than temporary removal of residence from the
12 ward or district, as the case may be. The corporate
13 authorities have the authority to determine whether a
14 vacancy under this subsection has occurred. If the
15 corporate authorities determine that a vacancy exists, the
16 office is deemed vacant as of the date of that
17 determination for all purposes including the calculation
18 under subsections (e), (f), and (g).

19 (2) Guilty of a criminal offense. An admission of guilt
20 of a criminal offense that upon conviction would disqualify
21 the municipal officer from holding the office, in the form
22 of a written agreement with State or federal prosecutors to
23 plead guilty to a felony, bribery, perjury, or other
24 infamous crime under State or federal law, constitutes a
25 resignation from that office, effective on the date the
26 plea agreement is made. For purposes of this Section, a

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

5 (3) Election declared void. A vacancy occurs on the
6 date of the decision of a competent tribunal declaring the
7 election of the officer void.

8 (4) Owing a debt to the municipality. A vacancy occurs
9 if a municipal official fails to pay a debt to a
10 municipality in which the official has been elected or
11 appointed to an elected position subject to the following:

12 (A) Before a vacancy may occur under this paragraph
13 (4), the municipal clerk shall deliver, by personal
14 service, a written notice to the municipal official
15 that (i) the municipal official is in arrears of a debt
16 to the municipality, (ii) that municipal official must
17 either pay or contest the debt within 30 days after
18 receipt of the notice or the municipal official will be
19 disqualified and his or her office vacated, and (iii)
20 if the municipal official chooses to contest the debt,
21 the municipal official must provide written notice to
22 the municipal clerk of the contesting of the debt. A
23 copy of the notice, and the notice to contest, shall
24 also be mailed by the municipal clerk to the appointed
25 municipal attorney by certified mail. If the municipal
26 clerk is the municipal official indebted to the

1 municipality, the mayor or president of the
2 municipality shall assume the duties of the municipal
3 clerk required under this paragraph (4).

4 (B) In the event that the municipal official
5 chooses to contest the debt, a hearing shall be held
6 within 30 days of the municipal clerk's receipt of the
7 written notice of contest from the municipal official.
8 An appointed municipal hearing officer shall preside
9 over the hearing, and shall hear testimony and accept
10 evidence relevant to the existence of the debt owed by
11 the municipal officer to the municipality.

12 (C) Upon the conclusion of the hearing, the hearing
13 officer shall make a determination on the basis of the
14 evidence presented as to whether or not the municipal
15 official is in arrears of a debt to the municipality.
16 The determination shall be in writing and shall be
17 designated as findings, decision, and order. The
18 findings, decision, and order shall include: (i) the
19 hearing officer's findings of fact; (ii) a decision of
20 whether or not the municipal official is in arrears of
21 a debt to the municipality based upon the findings of
22 fact; and (iii) an order that either directs the
23 municipal official to pay the debt within 30 days or be
24 disqualified and his or her office vacated or dismisses
25 the matter if a debt owed to the municipality is not
26 proved. A copy of the hearing officer's written

1 determination shall be served upon the municipal
2 official in open proceedings before the hearing
3 officer. If the municipal official does not appear for
4 receipt of the written determination, the written
5 determination shall be deemed to have been served on
6 the municipal official on the date when a copy of the
7 written determination is personally served on the
8 municipal official or on the date when a copy of the
9 written determination is deposited in the United
10 States mail, postage prepaid, addressed to the
11 municipal official at the address on record with the
12 municipality.

13 (D) A municipal official aggrieved by the
14 determination of a hearing officer may secure judicial
15 review of such determination in the circuit court of
16 the county in which the hearing was held. The municipal
17 official seeking judicial review must file a petition
18 with the clerk of the court and must serve a copy of
19 the petition upon the municipality by registered or
20 certified mail within 5 days after service of the
21 determination of the hearing officer. The petition
22 shall contain a brief statement of the reasons why the
23 determination of the hearing officer should be
24 reversed. The municipal official shall file proof of
25 service with the clerk of the court. No answer to the
26 petition need be filed, but the municipality shall

1 cause the record of proceedings before the hearing
2 officer to be filed with the clerk of the court on or
3 before the date of the hearing on the petition or as
4 ordered by the court. The court shall set the matter
5 for hearing to be held within 30 days after the filing
6 of the petition and shall make its decision promptly
7 after such hearing.

8 (E) If a municipal official chooses to pay the
9 debt, or is ordered to pay the debt after the hearing,
10 the municipal official must present proof of payment to
11 the municipal clerk that the debt was paid in full,
12 and, if applicable, within the required time period as
13 ordered by a hearing officer or circuit court judge.

14 (F) A municipal official will be disqualified and
15 his or her office vacated pursuant to this paragraph
16 (4) on the later of the following times if the
17 municipal official: (i) fails to pay or contest the
18 debt within 30 days of the municipal official's receipt
19 of the notice of the debt; (ii) fails to pay the debt
20 within 30 days after being served with a written
21 determination under subparagraph (C) ordering the
22 municipal official to pay the debt; or (iii) fails to
23 pay the debt within 30 days after being served with a
24 decision pursuant to subparagraph (D) upholding a
25 hearing officer's determination that the municipal
26 officer has failed to pay a debt owed to a

1 municipality.

2 (G) For purposes of this paragraph, a "debt" shall
3 mean an arrearage in a definitely ascertainable and
4 quantifiable amount after service of written notice
5 thereof, in the payment of any indebtedness due to the
6 municipality, which has been adjudicated before a
7 tribunal with jurisdiction over the matter. A
8 municipal official is considered in arrears of a debt
9 to a municipality if a debt is more than 30 days
10 overdue from the date the debt was due.

11 (d) Election of an acting mayor or acting president. The
12 election of an acting mayor or acting president pursuant to
13 subsection (f) or (g) does not create a vacancy in the original
14 office of the person on the city council or as a trustee, as
15 the case may be, unless the person resigns from the original
16 office following election as acting mayor or acting president.
17 If the person resigns from the original office following
18 election as acting mayor or acting president, then the original
19 office must be filled pursuant to the terms of this Section and
20 the acting mayor or acting president shall exercise the powers
21 of the mayor or president and shall vote and have veto power in
22 the manner provided by law for a mayor or president. If the
23 person does not resign from the original office following
24 election as acting mayor or acting president, then the acting
25 mayor or acting president shall exercise the powers of the
26 mayor or president but shall be entitled to vote only in the

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

9 (e) Appointment to fill alderman or trustee vacancy. An
10 appointment by the mayor or president or acting mayor or acting
11 president, as the case may be, of a qualified person as
12 described in Section 3.1-10-5 of this Code to fill a vacancy in
13 the office of alderman or trustee must be made within 60 days
14 after the vacancy occurs. Once the appointment of the qualified
15 person has been forwarded to the corporate authorities, the
16 corporate authorities shall act upon the appointment within 30
17 days. If the appointment fails to receive the advice and
18 consent of the corporate authorities within 30 days, the mayor
19 or president or acting mayor or acting president shall appoint
20 and forward to the corporate authorities a second qualified
21 person as described in Section 3.1-10-5. Once the appointment
22 of the second qualified person has been forwarded to the
23 corporate authorities, the corporate authorities shall act
24 upon the appointment within 30 days. If the appointment of the
25 second qualified person also fails to receive the advice and
26 consent of the corporate authorities, then the mayor or

1 president or acting mayor or acting president, without the
2 advice and consent of the corporate authorities, may make a
3 temporary appointment from those persons who were appointed but
4 whose appointments failed to receive the advice and consent of
5 the corporate authorities. The person receiving the temporary
6 appointment shall serve until an appointment has received the
7 advice and consent and the appointee has qualified or until a
8 person has been elected and has qualified, whichever first
9 occurs.

10 (f) Election to fill vacancies in municipal offices with
11 4-year terms. If a vacancy occurs in an elective municipal
12 office with a 4-year term and there remains an unexpired
13 portion of the term of at least 28 months, and the vacancy
14 occurs at least 130 days before the general municipal election
15 next scheduled under the general election law, then the vacancy
16 shall be filled for the remainder of the term at that general
17 municipal election. Whenever an election is held for this
18 purpose, the municipal clerk shall certify the office to be
19 filled and the candidates for the office to the proper election
20 authorities as provided in the general election law. If a
21 vacancy occurs with less than 28 months remaining in the
22 unexpired portion of the term or less than 130 days before the
23 general municipal election, then:

24 (1) Mayor or president. If the vacancy is in the office
25 of mayor or president, the vacancy must be filled by the
26 corporate authorities electing one of their members as

1 acting mayor or acting president. Except as set forth in
2 subsection (d), the acting mayor or acting president shall
3 perform the duties and possess all the rights and powers of
4 the mayor or president until a mayor or president is
5 elected at the next general municipal election and has
6 qualified. However, in villages with a population of less
7 than 5,000, if each of the trustees either declines the
8 election as acting president or is not elected by a
9 majority vote of the trustees presently holding office,
10 then the trustees may elect, as acting president, any other
11 village resident who is qualified to hold municipal office,
12 and the acting president shall exercise the powers of the
13 president and shall vote and have veto power in the manner
14 provided by law for a president.

15 (2) Alderman or trustee. If the vacancy is in the
16 office of alderman or trustee, the vacancy must be filled
17 by the mayor or president or acting mayor or acting
18 president, as the case may be, in accordance with
19 subsection (e).

20 (3) Other elective office. If the vacancy is in any
21 elective municipal office other than mayor or president or
22 alderman or trustee, the mayor or president or acting mayor
23 or acting president, as the case may be, must appoint a
24 qualified person to hold the office until the office is
25 filled by election, subject to the advice and consent of
26 the city council or the board of trustees, as the case may

1 be.

2 (g) Vacancies in municipal offices with 2-year terms. In
3 the case of an elective municipal office with a 2-year term, if
4 the vacancy occurs at least 130 days before the general
5 municipal election next scheduled under the general election
6 law, the vacancy shall be filled for the remainder of the term
7 at that general municipal election. If the vacancy occurs less
8 than 130 days before the general municipal election, then:

9 (1) Mayor or president. If the vacancy is in the office
10 of mayor or president, the vacancy must be filled by the
11 corporate authorities electing one of their members as
12 acting mayor or acting president. Except as set forth in
13 subsection (d), the acting mayor or acting president shall
14 perform the duties and possess all the rights and powers of
15 the mayor or president until a mayor or president is
16 elected at the next general municipal election and has
17 qualified. However, in villages with a population of less
18 than 5,000, if each of the trustees either declines the
19 election as acting president or is not elected by a
20 majority vote of the trustees presently holding office,
21 then the trustees may elect, as acting president, any other
22 village resident who is qualified to hold municipal office,
23 and the acting president shall exercise the powers of the
24 president and shall vote and have veto power in the manner
25 provided by law for a president.

26 (2) Alderman or trustee. If the vacancy is in the

1 office of alderman or trustee, the vacancy must be filled
2 by the mayor or president or acting mayor or acting
3 president, as the case may be, in accordance with
4 subsection (e).

5 (3) Other elective office. If the vacancy is in any
6 elective municipal office other than mayor or president or
7 alderman or trustee, the mayor or president or acting mayor
8 or acting president, as the case may be, must appoint a
9 qualified person to hold the office until the office is
10 filled by election, subject to the advice and consent of
11 the city council or the board of trustees, as the case may
12 be.

13 (h) In cases of vacancies arising by reason of an election
14 being declared void pursuant to paragraph (3) of subsection
15 (c), persons holding elective office prior thereto shall hold
16 office until their successors are elected and qualified or
17 appointed and confirmed by advice and consent, as the case may
18 be.

19 (i) This Section applies only to municipalities with
20 populations under 500,000.

21 (Source: P.A. 94-645, eff. 8-22-05; 95-646, eff. 1-1-08.)

22 (65 ILCS 5/3.1-10-51)

23 Sec. 3.1-10-51. Vacancies in municipalities with a
24 population of 500,000 or more.

25 (a) Events upon which an elective office in a municipality

1 of 500,000 or more shall become vacant:

2 (1) A municipal officer may resign from office. A
3 vacancy occurs in an office by reason of resignation,
4 failure to elect or qualify (in which case the incumbent
5 shall remain in office until the vacancy is filled), death,
6 permanent physical or mental disability rendering the
7 person incapable of performing the duties of his or her
8 office, conviction of a disqualifying crime, abandonment
9 of office, removal from office, or removal of residence
10 from the municipality or, in the case of an alderman of a
11 ward, removal of residence from the ward.

12 (2) An admission of guilt of a criminal offense that
13 would, upon conviction, disqualify the municipal officer
14 from holding that office, in the form of a written
15 agreement with State or federal prosecutors to plead guilty
16 to a felony, bribery, perjury, or other infamous crime
17 under State or federal law, shall constitute a resignation
18 from that office, effective at the time the plea agreement
19 is made. For purposes of this Section, a conviction for an
20 offense that disqualifies the municipal officer from
21 holding that office occurs on the date of the return of a
22 guilty verdict or, in the case of a trial by the court, the
23 entry of a finding of guilt.

24 (3) Owing a debt to the municipality. A vacancy occurs
25 if a municipal official fails to pay a debt to a
26 municipality in which the official has been elected or

1 appointed to an elected position subject to the following:

2 (A) Before a vacancy may occur under this paragraph
3 (3), the municipal clerk shall deliver, by personal
4 service, a written notice to the municipal official
5 that (i) the municipal official is in arrears of a debt
6 to the municipality, (ii) that municipal official must
7 either pay or contest the debt within 30 days after
8 receipt of the notice or the municipal official will be
9 disqualified and his or her office vacated, and (iii)
10 if the municipal official chooses to contest the debt,
11 the municipal official must provide written notice to
12 the municipal clerk of the contesting of the debt. A
13 copy of the notice, and the notice to contest, shall
14 also be mailed by the municipal clerk to the appointed
15 municipal attorney by certified mail. If the municipal
16 clerk is the municipal official indebted to the
17 municipality, the mayor or president of the
18 municipality shall assume the duties of the municipal
19 clerk required under this paragraph (3).

20 (B) In the event that the municipal official
21 chooses to contest the debt, a hearing shall be held
22 within 30 days of the municipal clerk's receipt of the
23 written notice of contest from the municipal official.
24 An appointed municipal hearing officer shall preside
25 over the hearing, and shall hear testimony and accept
26 evidence relevant to the existence of the debt owed by

1 the municipal officer to the municipality.

2 (C) Upon the conclusion of the hearing, the hearing
3 officer shall make a determination on the basis of the
4 evidence presented as to whether or not the municipal
5 official is in arrears of a debt to the municipality.
6 The determination shall be in writing and shall be
7 designated as findings, decision, and order. The
8 findings, decision, and order shall include: (i) the
9 hearing officer's findings of fact; (ii) a decision of
10 whether or not the municipal official is in arrears of
11 a debt to the municipality based upon the findings of
12 fact; and (iii) an order that either directs the
13 municipal official to pay the debt within 30 days or be
14 disqualified and his or her office vacated or dismisses
15 the matter if a debt owed to the municipality is not
16 proved. A copy of the hearing officer's written
17 determination shall be served upon the municipal
18 official in open proceedings before the hearing
19 officer. If the municipal official does not appear for
20 receipt of the written determination, the written
21 determination shall be deemed to have been served on
22 the municipal official on the date when a copy of the
23 written determination is personally served on the
24 municipal official or on the date when a copy of the
25 written determination is deposited in the United
26 States mail, postage prepaid, addressed to the

1 municipal official at the address on record in the
2 files of the municipality.

3 (D) A municipal official aggrieved by the
4 determination of a hearing officer may secure judicial
5 review of such determination in the circuit court of
6 the county in which the hearing was held. The municipal
7 official seeking judicial review must file a petition
8 with the clerk of the court and must serve a copy of
9 the petition upon the municipality by registered or
10 certified mail within 5 days after service of the
11 determination of the hearing officer. The petition
12 shall contain a brief statement of the reasons why the
13 determination of the hearing officer should be
14 reversed. The municipal official shall file proof of
15 service with the clerk of the court. No answer to the
16 petition need be filed, but the municipality shall
17 cause the record of proceedings before the hearing
18 officer to be filed with the clerk of the court on or
19 before the date of the hearing on the petition or as
20 ordered by the court. The court shall set the matter
21 for hearing to be held within 30 days after the filing
22 of the petition and shall make its decision promptly
23 after such hearing.

24 (E) If a municipal official chooses to pay the
25 debt, or is ordered to pay the debt after the hearing,
26 the municipal official must present proof of payment to

1 the municipal clerk that the debt was paid in full,
2 and, if applicable, within the required time period as
3 ordered by a hearing officer.

4 (F) A municipal official will be disqualified and
5 his or her office vacated pursuant to this paragraph
6 (3) on the later of the following times the municipal
7 official: (i) fails to pay or contest the debt within
8 30 days of the municipal official's receipt of the
9 notice of the debt; (ii) fails to pay the debt within
10 30 days after being served with a written determination
11 under subparagraph (C) ordering the municipal official
12 to pay the debt; or (iii) fails to pay the debt within
13 30 days after being served with a decision pursuant to
14 subparagraph (D) upholding a hearing officer's
15 determination that the municipal officer has failed to
16 pay a debt owed to a municipality.

17 (G) For purposes of this paragraph, a "debt" shall
18 mean an arrearage in a definitely ascertainable and
19 quantifiable amount after service of written notice
20 thereof, in the payment of any indebtedness due to the
21 municipality, which has been adjudicated before a
22 tribunal with jurisdiction over the matter. A
23 municipal official is considered in arrears of a debt
24 to a municipality if a debt is more than 30 days
25 overdue from the date the debt was due.

26 (b) If a vacancy occurs in an elective municipal office

1 with a 4-year term and there remains an unexpired portion of
2 the term of at least 28 months, and the vacancy occurs at least
3 130 days before the general municipal election next scheduled
4 under the general election law, then the vacancy shall be
5 filled for the remainder of the term at that general municipal
6 election. Whenever an election is held for this purpose, the
7 municipal clerk shall certify the office to be filled and the
8 candidates for the office to the proper election authorities as
9 provided in the general election law. If the vacancy is in the
10 office of mayor, the city council shall elect one of their
11 members acting mayor. The acting mayor shall perform the duties
12 and possess all the rights and powers of the mayor until a
13 successor to fill the vacancy has been elected and has
14 qualified. If the vacancy is in any other elective municipal
15 office, then until the office is filled by election, the mayor
16 shall appoint a qualified person to the office subject to the
17 advice and consent of the city council.

18 (c) If a vacancy occurs later than the time provided in
19 subsection (b) in a 4-year term, a vacancy in the office of
20 mayor shall be filled by the corporate authorities electing one
21 of their members acting mayor. The acting mayor shall perform
22 the duties and possess all the rights and powers of the mayor
23 until a mayor is elected at the next general municipal election
24 and has qualified. A vacancy occurring later than the time
25 provided in subsection (b) in a 4-year term in any elective
26 office other than mayor shall be filled by appointment by the

1 mayor, with the advice and consent of the corporate
2 authorities.

3 (d) A municipal officer appointed or elected under this
4 Section shall hold office until the officer's successor is
5 elected and has qualified.

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

14 (f) This Section applies only to municipalities with a
15 population of 500,000 or more.

16 (Source: P.A. 95-646, eff. 1-1-08.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.