



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1584

Introduced 1/28/2025, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-10-50	
65 ILCS 5/3.1-10-51	
70 ILCS 1205/2-25	from Ch. 105, par. 2-25
75 ILCS 5/4-4	from Ch. 81, par. 4-4
75 ILCS 16/30-25	
105 ILCS 5/5-14	from Ch. 122, par. 5-14
105 ILCS 5/10-10	from Ch. 122, par. 10-10

Amends the Illinois Municipal Code, the Park District Code, the Illinois Local Library Act, and the School Code. In provisions concerning vacancies in certain elected offices, requires that, if a vacancy occurs in a specified office with at least 32 months remaining in the term of the office and at least 141 days before the next election for that office, then the vacancy shall be filled in that election. Provides that, if a vacancy occurs in a specified office with less than 32 months remaining in the term of the office or less than 141 days before the next election for that office, then the vacancy shall be filled for the remainder of the term by the person that was appointed to the office to fill the vacancy. In provisions concerning vacancies in offices with 2-year terms, requires that, if a vacancy occurs in a specified office at least 141 days before the next election for that office, then the vacancy shall be filled in that election.

LRB104 07734 RTM 17779 b

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 3.1-10-50 and 3.1-10-51 as follows:

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

7 Sec. 3.1-10-50. Events upon which an elective office
8 becomes vacant in municipality with population under 500,000.

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

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17 but the resignation may not be withdrawn after it is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

1 date or the date the resignation is received by the
2 officer authorized to fill the vacancy, whichever date
3 occurs later.

4 (2) Conditional resignation. A resignation that does
5 not become effective unless a specified event occurs can
6 be withdrawn at any time prior to the occurrence of the
7 specified event, but if not withdrawn, the effective date
8 of the resignation is the date of the occurrence of the
9 specified event or the date the resignation is received by
10 the officer authorized to fill the vacancy, whichever date
11 occurs later.

12 (3) Vacancy upon the effective date. For the purpose
13 of determining the time period that would require an
14 election to fill the vacancy by resignation or the
15 commencement of the 60-day time period referred to in
16 subsection (e), the resignation of an elected officer is
17 deemed to have created a vacancy as of the effective date
18 of the resignation.

19 (4) Duty of the clerk. If a resignation is delivered
20 to the clerk of the municipality, the clerk shall forward
21 a certified copy of the written resignation to the
22 official who is authorized to fill the vacancy within 7
23 business days after receipt of the resignation.

24 (b) Vacancy by death or disability. A vacancy occurs in an
25 office by reason of the death of the incumbent. The date of the
26 death may be established by the date shown on the death

1 certificate. A vacancy occurs in an office by permanent
2 physical or mental disability rendering the person incapable
3 of performing the duties of the office. The corporate
4 authorities have the authority to make the determination
5 whether an officer is incapable of performing the duties of
6 the office because of a permanent physical or mental
7 disability. A finding of mental disability shall not be made
8 prior to the appointment by a court of a guardian ad litem for
9 the officer or until a duly licensed doctor certifies, in
10 writing, that the officer is mentally impaired to the extent
11 that the officer is unable to effectively perform the duties
12 of the office. If the corporate authorities find that an
13 officer is incapable of performing the duties of the office
14 due to permanent physical or mental disability, that person is
15 removed from the office and the vacancy of the office occurs on
16 the date of the determination.

17 (c) Vacancy by other causes.

18 (1) Abandonment and other causes. A vacancy occurs in
19 an office by reason of abandonment of office; removal from
20 office; or failure to qualify; or more than temporary
21 removal of residence from the municipality; or in the case
22 of an alderperson of a ward or councilman or trustee of a
23 district, more than temporary removal of residence from
24 the ward or district, as the case may be. The corporate
25 authorities have the authority to determine whether a
26 vacancy under this subsection has occurred. If the

1 corporate authorities determine that a vacancy exists, the
2 office is deemed vacant as of the date of that
3 determination for all purposes including the calculation
4 under subsections (e), (f), and (g).

5 (2) Guilty of a criminal offense. An admission of
6 guilt of a criminal offense that upon conviction would
7 disqualify the municipal officer from holding the office,
8 in the form of a written agreement with State or federal
9 prosecutors to plead guilty to a felony, bribery, perjury,
10 or other infamous crime under State or federal law,
11 constitutes a resignation from that office, effective on
12 the date the plea agreement is made. For purposes of this
13 Section, a conviction for an offense that disqualifies a
14 municipal officer from holding that office occurs on the
15 date of the return of a guilty verdict or, in the case of a
16 trial by the court, on the entry of a finding of guilt.

17 (3) Election declared void. A vacancy occurs on the
18 date of the decision of a competent tribunal declaring the
19 election of the officer void.

20 (4) Owing a debt to the municipality. A vacancy occurs
21 if a municipal official fails to pay a debt to a
22 municipality in which the official has been elected or
23 appointed to an elected position subject to the following:

24 (A) Before a vacancy may occur under this
25 paragraph (4), the municipal clerk shall deliver, by
26 personal service, a written notice to the municipal

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

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

25 (C) Upon the conclusion of the hearing, the
26 hearing officer shall make a determination on the

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

26 (D) A municipal official aggrieved by the

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

21 (E) If a municipal official chooses to pay the
22 debt, or is ordered to pay the debt after the hearing,
23 the municipal official must present proof of payment
24 to the municipal clerk that the debt was paid in full,
25 and, if applicable, within the required time period as
26 ordered by a hearing officer or circuit court judge.

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

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

24 (d) Election of an acting mayor or acting president. The
25 election of an acting mayor or acting president pursuant to
26 subsection (f) or (g) does not create a vacancy in the original

1 office of the person on the city council or as a trustee, as
2 the case may be, unless the person resigns from the original
3 office following election as acting mayor or acting president.
4 If the person resigns from the original office following
5 election as acting mayor or acting president, then the
6 original office must be filled pursuant to the terms of this
7 Section and the acting mayor or acting president shall
8 exercise the powers of the mayor or president and shall vote
9 and have veto power in the manner provided by law for a mayor
10 or president. If the person does not resign from the original
11 office following election as acting mayor or acting president,
12 then the acting mayor or acting president shall exercise the
13 powers of the mayor or president but shall be entitled to vote
14 only in the manner provided for as the holder of the original
15 office and shall not have the power to veto. If the person does
16 not resign from the original office following election as
17 acting mayor or acting president, and if that person's
18 original term of office has not expired when a mayor or
19 president is elected and has qualified for office, the acting
20 mayor or acting-president shall return to the original office
21 for the remainder of the term thereof.

22 (e) Appointment to fill alderperson or trustee vacancy. An
23 appointment by the mayor or president or acting mayor or
24 acting president, as the case may be, of a qualified person as
25 described in Section 3.1-10-5 of this Code to fill a vacancy in
26 the office of alderperson or trustee must be made within 60

1 days after the vacancy occurs. Once the appointment of the
2 qualified person has been forwarded to the corporate
3 authorities, the corporate authorities shall act upon the
4 appointment within 30 days. If the appointment fails to
5 receive the advice and consent of the corporate authorities
6 within 30 days, the mayor or president or acting mayor or
7 acting president shall appoint and forward to the corporate
8 authorities a second qualified person as described in Section
9 3.1-10-5. Once the appointment of the second qualified person
10 has been forwarded to the corporate authorities, the corporate
11 authorities shall act upon the appointment within 30 days. If
12 the appointment of the second qualified person also fails to
13 receive the advice and consent of the corporate authorities,
14 then the mayor or president or acting mayor or acting
15 president, without the advice and consent of the corporate
16 authorities, may make a temporary appointment from those
17 persons who were appointed but whose appointments failed to
18 receive the advice and consent of the corporate authorities.
19 The person receiving the temporary appointment shall serve
20 until an appointment has received the advice and consent and
21 the appointee has qualified or until a person has been elected
22 and has qualified, whichever first occurs.

23 (f) Election to fill vacancies in municipal offices with
24 4-year terms. If a vacancy occurs in an elective municipal
25 office with a 4-year term and there remains an unexpired
26 portion of the term of at least 32 ~~20~~ months, and the vacancy

1 occurs at least 141 ~~130~~ days before the general municipal
2 election next scheduled under the general election law, then
3 the vacancy shall be filled for the remainder of the term at
4 that general municipal election. Whenever an election is held
5 for this purpose, the municipal clerk shall certify the office
6 to be filled and the candidates for the office to the proper
7 election authorities as provided in the general election law.
8 If a vacancy occurs with less than 32 ~~28~~ months remaining in
9 the unexpired portion of the term or less than 141 ~~130~~ days
10 before the general municipal election, then:

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

1 have veto power in the manner provided by law for a
2 president.

3 (2) Alderperson or trustee. If the vacancy is in the
4 office of alderperson or trustee, the vacancy must be
5 filled by the mayor or president or acting mayor or acting
6 president, as the case may be, in accordance with
7 subsection (e).

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

16 (g) Vacancies in municipal offices with 2-year terms. In
17 the case of an elective municipal office with a 2-year term, if
18 the vacancy occurs at least 141 ~~130~~ days before the general
19 municipal election next scheduled under the general election
20 law, the vacancy shall be filled for the remainder of the term
21 at that general municipal election. If the vacancy occurs less
22 than 141 ~~130~~ days before the general municipal election, then:

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

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

15 (2) Alderperson or trustee. If the vacancy is in the
16 office of alderperson or trustee, the vacancy must be
17 filled 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 alderperson or trustee, the mayor or president or acting
23 mayor or acting president, as the case may be, must
24 appoint a qualified person to hold the office until the
25 office is filled by election, subject to the advice and
26 consent of the city council or the board of trustees, as

1 the case may be.

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

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

10 (Source: P.A. 102-15, eff. 6-17-21.)

11 (65 ILCS 5/3.1-10-51)

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

14 (a) Events upon which an elective office in a municipality
15 of 500,000 or more shall become vacant:

16 (1) A municipal officer may resign from office. A
17 vacancy occurs in an office by reason of resignation,
18 failure to elect or qualify (in which case the incumbent
19 shall remain in office until the vacancy is filled),
20 death, permanent physical or mental disability rendering
21 the person incapable of performing the duties of his or
22 her office, conviction of a disqualifying crime,
23 abandonment of office, removal from office, or removal of
24 residence from the municipality or, in the case of an
25 alderperson of a ward, removal of residence from the ward.

1 (2) An admission of guilt of a criminal offense that
2 would, upon conviction, disqualify the municipal officer
3 from holding that office, in the form of a written
4 agreement with State or federal prosecutors to plead
5 guilty to a felony, bribery, perjury, or other infamous
6 crime under State or federal law, shall constitute a
7 resignation from that office, effective at the time the
8 plea agreement is made. For purposes of this Section, a
9 conviction for an offense that disqualifies the municipal
10 officer from holding that office occurs on the date of the
11 return of a guilty verdict or, in the case of a trial by
12 the court, the entry of a finding of guilt.

13 (3) Owing a debt to the municipality. A vacancy occurs
14 if a municipal official fails to pay a debt to a
15 municipality in which the official has been elected or
16 appointed to an elected position subject to the following:

17 (A) Before a vacancy may occur under this
18 paragraph (3), the municipal clerk shall deliver, by
19 personal service, a written notice to the municipal
20 official that (i) the municipal official is in arrears
21 of a debt to the municipality, (ii) that municipal
22 official must either pay or contest the debt within 30
23 days after receipt of the notice or the municipal
24 official will be disqualified and his or her office
25 vacated, and (iii) if the municipal official chooses
26 to contest the debt, the municipal official must

1 provide written notice to the municipal clerk of the
2 contesting of the debt. A copy of the notice, and the
3 notice to contest, shall also be mailed by the
4 municipal clerk to the appointed municipal attorney by
5 certified mail. If the municipal clerk is the
6 municipal official indebted to the municipality, the
7 mayor or president of the municipality shall assume
8 the duties of the municipal clerk required under this
9 paragraph (3).

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

18 (C) Upon the conclusion of the hearing, the
19 hearing officer shall make a determination on the
20 basis of the evidence presented as to whether or not
21 the municipal official is in arrears of a debt to the
22 municipality. The determination shall be in writing
23 and shall be designated as findings, decision, and
24 order. The findings, decision, and order shall
25 include: (i) the hearing officer's findings of fact;
26 (ii) a decision of whether or not the municipal

1 official is in arrears of a debt to the municipality
2 based upon the findings of fact; and (iii) an order
3 that either directs the municipal official to pay the
4 debt within 30 days or be disqualified and his or her
5 office vacated or dismisses the matter if a debt owed
6 to the municipality is not proved. A copy of the
7 hearing officer's written determination shall be
8 served upon the municipal official in open proceedings
9 before the hearing officer. If the municipal official
10 does not appear for receipt of the written
11 determination, the written determination shall be
12 deemed to have been served on the municipal official
13 on the date when a copy of the written determination is
14 personally served on the municipal official or on the
15 date when a copy of the written determination is
16 deposited in the United States mail, postage prepaid,
17 addressed to the municipal official at the address on
18 record in the files of the municipality.

19 (D) A municipal official aggrieved by the
20 determination of a hearing officer may secure judicial
21 review of such determination in the circuit court of
22 the county in which the hearing was held. The
23 municipal official seeking judicial review must file a
24 petition with the clerk of the court and must serve a
25 copy of the petition upon the municipality by
26 registered or certified mail within 5 days after

1 service of the determination of the hearing officer.
2 The petition shall contain a brief statement of the
3 reasons why the determination of the hearing officer
4 should be reversed. The municipal official shall file
5 proof of service with the clerk of the court. No answer
6 to the petition need be filed, but the municipality
7 shall cause the record of proceedings before the
8 hearing officer to be filed with the clerk of the court
9 on or before the date of the hearing on the petition or
10 as ordered by the court. The court shall set the matter
11 for hearing to be held within 30 days after the filing
12 of the petition and shall make its decision promptly
13 after such hearing.

14 (E) If a municipal official chooses to pay the
15 debt, or is ordered to pay the debt after the hearing,
16 the municipal official must present proof of payment
17 to the municipal clerk that the debt was paid in full,
18 and, if applicable, within the required time period as
19 ordered by a hearing officer.

20 (F) A municipal official will be disqualified and
21 his or her office vacated pursuant to this paragraph
22 (3) on the later of the following times the municipal
23 official: (i) fails to pay or contest the debt within
24 30 days of the municipal official's receipt of the
25 notice of the debt; (ii) fails to pay the debt within
26 30 days after being served with a written

1 determination under subparagraph (C) ordering the
2 municipal official to pay the debt; or (iii) fails to
3 pay the debt within 30 days after being served with a
4 decision pursuant to subparagraph (D) upholding a
5 hearing officer's determination that the municipal
6 officer has failed to pay a debt owed to a
7 municipality.

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

17 (b) If a vacancy occurs in an elective municipal office
18 with a 4-year term and there remains an unexpired portion of
19 the term of at least 32 ~~28~~ months, and the vacancy occurs at
20 least 141 ~~130~~ days before the general municipal election next
21 scheduled under the general election law, then the vacancy
22 shall be filled for the remainder of the term at that general
23 municipal election. Whenever an election is held for this
24 purpose, the municipal clerk shall certify the office to be
25 filled and the candidates for the office to the proper
26 election authorities as provided in the general election law.

1 If the vacancy is in the office of mayor, the city council
2 shall elect one of their members acting mayor. The acting
3 mayor shall perform the duties and possess all the rights and
4 powers of the mayor until a successor to fill the vacancy has
5 been elected and has qualified. If the vacancy is in any other
6 elective municipal office, then until the office is filled by
7 election, the mayor shall appoint a qualified person to the
8 office subject to the advice and consent of the city council.

9 (c) If a vacancy occurs later than the time provided in
10 subsection (b) in a 4-year term, a vacancy in the office of
11 mayor shall be filled by the corporate authorities electing
12 one of their members acting mayor. The acting mayor shall
13 perform the duties and possess all the rights and powers of the
14 mayor until a mayor is elected at the next general municipal
15 election and has qualified. A vacancy occurring later than the
16 time provided in subsection (b) in a 4-year term in any
17 elective office other than mayor shall be filled by
18 appointment by the mayor, with the advice and consent of the
19 corporate authorities.

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

23 (e) An appointment to fill a vacancy in the office of
24 alderperson shall be made within 60 days after the vacancy
25 occurs. The requirement that an appointment be made within 60
26 days is an exclusive power and function of the State and is a

1 denial and limitation under Article VII, Section 6, subsection
2 (h) of the Illinois Constitution of the power of a home rule
3 municipality to require that an appointment be made within a
4 different period after the vacancy occurs.

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

7 (Source: P.A. 102-15, eff. 6-17-21.)

8 Section 10. The Park District Code is amended by changing
9 Section 2-25 as follows:

10 (70 ILCS 1205/2-25) (from Ch. 105, par. 2-25)

11 Sec. 2-25. Vacancies. Whenever any member of the governing
12 board of any park district (i) dies, (ii) resigns, (iii)
13 becomes under legal disability, (iv) ceases to be a legal
14 voter in the district, (v) is convicted in any court located in
15 the United States of any infamous crime, bribery, perjury, or
16 other felony, (vi) refuses or neglects to take his or her oath
17 of office, (vii) neglects to perform the duties of his or her
18 office or attend meetings of the board for the length of time
19 as the board fixes by ordinance, or (viii) for any other reason
20 specified by law, that office may be declared vacant.
21 Vacancies shall be filled by appointment by a majority of the
22 remaining members of the board. Any person so appointed shall
23 hold his or her office until the next regular election for this
24 office, at which a member shall be elected to fill the vacancy

1 for the unexpired term, subject to the following conditions:

2 (1) If the vacancy occurs with less than 32 ~~28~~ months
3 remaining in the term, the person appointed to fill the
4 vacancy shall hold his or her office until the expiration
5 of the term for which he or she has been appointed, and no
6 election to fill the vacancy shall be held.

7 (2) If the vacancy occurs with more than 32 ~~28~~ months
8 left in the term, but less than 141 ~~123~~ days before the
9 next regularly scheduled election for this office, the
10 person appointed to fill the vacancy shall hold his or her
11 office until the second regularly scheduled election for
12 the office following the appointment, at which a member
13 shall be elected to fill the vacancy for the unexpired
14 term.

15 (Source: P.A. 101-257, eff. 8-9-19; 102-558, eff. 8-20-21.)

16 Section 15. The Illinois Local Library Act is amended by
17 changing Section 4-4 as follows:

18 (75 ILCS 5/4-4) (from Ch. 81, par. 4-4)

19 Sec. 4-4. Vacancies shall be declared in the office of
20 trustee by the board when the elected or appointed trustee
21 declines or is unable to serve, or is absent without cause from
22 all regular board meetings for a period of one year, or is
23 convicted of a misdemeanor for failing, neglecting, or
24 refusing to discharge any duty imposed upon a trustee by this

1 Act, or becomes a nonresident of the city, village,
2 incorporated town, or township, or who fails to pay the
3 library taxes levied by the corporate authorities. Vacancies
4 shall also be declared in the office of trustee by the board
5 when, at the election of the first board of library trustees or
6 at any subsequent election, there are not sufficient trustees
7 elected to fill an entire board of 7 trustees.

8 Vacancies in the board of trustees in a city or a village
9 under the commission form of government shall be reported to
10 the mayor or president and be filled in like manner as original
11 appointments.

12 If a vacancy occurs in the board of trustees in any
13 incorporated town or village (other than a village under the
14 commission form of government) or in any township, the vacancy
15 may be filled by the remaining trustees until the next regular
16 library election at which library trustees are scheduled to be
17 elected under the consolidated schedule of elections in the
18 general election law, at which election a trustee shall be
19 elected to fill the vacancy for the remainder of the unexpired
20 term. If, however, the vacancy occurs with less than 32 ~~28~~
21 months remaining in the term, and if the vacancy occurs less
22 than 141 ~~98~~ days before the next regular scheduled election
23 for this office, then the person so appointed shall serve the
24 remainder of the unexpired term, and no election to fill the
25 vacancy shall be held. If there is a failure to appoint a
26 library trustee or a failure to elect a library trustee, or if

1 the person elected or appointed fails to qualify for office,
2 the trustee may continue in office if available and qualified
3 until his successor has been elected or appointed and
4 qualified. Vacancies shall be filled within 90 days after a
5 vacancy has been declared.

6 (Source: P.A. 102-977, eff. 5-27-22.)

7 Section 20. The Public Library District Act of 1991 is
8 amended by changing Section 30-25 as follows:

9 (75 ILCS 16/30-25)

10 Sec. 30-25. Vacancies.

11 (a) Vacancies shall be declared in the office of trustee
12 by the board when an elected or appointed trustee (i)
13 declines, fails, or is unable to serve, (ii) becomes a
14 nonresident of the district, (iii) is convicted of a
15 misdemeanor by failing, neglecting, or refusing to discharge
16 any duty imposed upon him or her by this Act, or (iv) has
17 failed to pay the library taxes levied by the district.
18 Absence without cause from all regular board meetings for a
19 period of one year shall be a basis for declaring a vacancy.

20 (b) All vacancies shall be filled by appointment by the
21 remaining trustees until the next regular library election, at
22 which time a trustee shall be elected for the remainder of the
23 unexpired term. If, however, the vacancy occurs with less than
24 32 ~~28~~ months remaining in the term, and if the vacancy occurs

1 less than 141 ~~90~~ days before the next regular scheduled
2 election for this office, then the person so appointed shall
3 serve the remainder of the unexpired term and no election to
4 fill the vacancy shall be held. If the vacancy is in the office
5 of a trustee of a library district with an appointed board, the
6 vacancy shall be filled by appointment by the remaining
7 trustees. Vacancies shall be filled within 90 days after a
8 vacancy has been declared. If the trustees fail to appoint a
9 new member within 90 days after a vacancy has been declared,
10 the State Librarian shall appoint an individual to fill the
11 vacancy within 60 days after the trustees have failed to fill
12 the vacancy. If the State Librarian fails to fill the vacancy
13 within the 60 days after the trustees have failed to fill the
14 vacancy, the vacancy shall be filled at the next regularly
15 scheduled election. Notwithstanding any other provision of
16 this Section, if a vacancy occurred prior to May 27, 2022 and
17 that vacancy has not been filled by the trustees before the
18 effective date of this amendatory Act of the 102nd General
19 Assembly, the State Librarian shall fill the vacancy within 60
20 days after the effective date of this amendatory Act of the
21 102nd General Assembly.

22 (Source: P.A. 102-977, eff. 5-27-22; 102-1107, eff. 12-14-22.)

23 Section 25. The School Code is amended by changing
24 Sections 5-14 and 10-10 as follows:

1 (105 ILCS 5/5-14) (from Ch. 122, par. 5-14)

2 Sec. 5-14. Term of office of successors - Vacancies.
3 Successors to the trustees whose terms of office expire at the
4 time prescribed in Section 5-13, and their successors, shall
5 hold their offices for 6 years and until their respective
6 successors are elected and qualified. Trustees of schools
7 shall enter upon the duties of their office on the third Monday
8 of the month following their election.

9 Whenever a vacancy occurs, the remaining trustees shall
10 fill the vacancy until the next regular school election, at
11 which election a successor shall be elected to serve the
12 remainder of the unexpired term. However, if the vacancy
13 occurs with less than 32 ~~28~~ months remaining in the term, or if
14 the vacancy occurs less than 141 ~~98~~ days before the next
15 regularly scheduled election for this office then the person
16 so appointed shall serve the remainder of the unexpired term,
17 and no election to fill the vacancy shall be held. The
18 successor shall have the same residential qualifications as
19 his predecessor. Should they fail so to act, within 30 days
20 after the vacancy occurs, the regional superintendent of the
21 region in which the township lies, or if the township is
22 divided by a county line or lines, the regional superintendent
23 of the region in which a majority of the children, who reside
24 in districts subject to the jurisdiction of the trustees of
25 schools of such township, attend school, shall within 15 days
26 after the remaining trustees have failed to fill the vacancy,

1 fill the vacancy as provided for herein. The successor shall
2 have the same type of residential qualifications as his
3 predecessor.

4 (Source: P.A. 93-847, eff. 7-30-04.)

5 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

6 Sec. 10-10. Board of education; term; vacancy. All school
7 districts having a population of not fewer than 1,000 and not
8 more than 500,000 inhabitants, as ascertained by any special
9 or general census, and not governed by special Acts, shall be
10 governed by a board of education consisting of 7 members,
11 serving without compensation except as herein provided. Each
12 member shall be elected for a term of 4 years for the initial
13 members of the board of education of a combined school
14 district to which that subsection applies. If 5 members are
15 elected in 1983 pursuant to the extension of terms provided by
16 law for transition to the consolidated election schedule under
17 the general election law, 2 of those members shall be elected
18 to serve terms of 2 years and 3 shall be elected to serve terms
19 of 4 years; their successors shall serve for a 4 year term.
20 When the voters of a district have voted to elect members of
21 the board of education for 6 year terms, as provided in Section
22 9-5, the terms of office of members of the board of education
23 of that district expire when their successors assume office
24 but not later than 7 days after such election. If at the
25 regular school election held in the first odd-numbered year

1 after the determination to elect members for 6 year terms 2
2 members are elected, they shall serve for a 6 year term; and of
3 the members elected at the next regular school election 3
4 shall serve for a term of 6 years and 2 shall serve a term of 2
5 years. Thereafter members elected in such districts shall be
6 elected to a 6 year term. If at the regular school election
7 held in the first odd-numbered year after the determination to
8 elect members for 6 year terms 3 members are elected, they
9 shall serve for a 6 year term; and of the members elected at
10 the next regular school election 2 shall serve for a term of 2
11 years and 2 shall serve for a term of 6 years. Thereafter
12 members elected in such districts shall be elected to a 6 year
13 term. If at the regular school election held in the first
14 odd-numbered year after the determination to elect members for
15 6 year terms 4 members are elected, 3 shall serve for a term of
16 6 years and one shall serve for a term of 2 years; and of the
17 members elected at the next regular school election 2 shall
18 serve for terms of 6 years and 2 shall serve for terms of 2
19 years. Thereafter members elected in such districts shall be
20 elected to a 6 year term. If at the regular school election
21 held in the first odd-numbered year after the determination to
22 elect members for a 6 year term 5 members are elected, 3 shall
23 serve for a term of 6 years and 2 shall serve for a term of 2
24 years; and of the members elected at the next regular school
25 election 2 shall serve for terms of 6 years and 2 shall serve
26 for terms of 2 years. Thereafter members elected in such

1 districts shall be elected to a 6 year term. An election for
2 board members shall not be held in school districts which by
3 consolidation, annexation or otherwise shall cease to exist as
4 a school district within 6 months after the election date, and
5 the term of all board members which would otherwise terminate
6 shall be continued until such district shall cease to exist.
7 Each member, on the date of his or her election, shall be a
8 citizen of the United States of the age of 18 years or over,
9 shall be a resident of the State and the territory of the
10 district for at least one year immediately preceding his or
11 her election, shall be a registered voter as provided in the
12 general election law, shall not be a school trustee, must not
13 have been removed from a school board pursuant to Section
14 2-3.25f-5 of this Code (unless subsequently appointed as a
15 member of an Independent Authority or if it has been 10 years
16 since the abolition of the Independent Authority in the
17 district), and shall not be a child sex offender as defined in
18 Section 11-9.3 of the Criminal Code of 2012. When the board of
19 education is the successor of the school directors, all rights
20 of property, and all rights regarding causes of action
21 existing or vested in such directors, shall vest in it as fully
22 as they were vested in the school directors. Terms of members
23 are subject to Section 2A-54 of the Election Code.

24 Nomination papers filed under this Section are not valid
25 unless the candidate named therein files with the county clerk
26 or the county board of election commissioners, as the case may

1 be, of the county in which the principal office of the school
2 district is located a receipt from the county clerk showing
3 that the candidate has filed a statement of economic interests
4 as required by the Illinois Governmental Ethics Act. Such
5 receipt shall be so filed either previously during the
6 calendar year in which his nomination papers were filed or
7 within the period for the filing of nomination papers in
8 accordance with the general election law.

9 Whenever a vacancy occurs, the remaining members shall
10 notify the regional superintendent of that vacancy within 5
11 days after its occurrence and shall proceed to fill the
12 vacancy until the next regular school election, at which
13 election a successor shall be elected to serve the remainder
14 of the unexpired term. However, if the vacancy occurs with
15 less than 32 months ~~868 days~~ remaining in the term, or if the
16 vacancy occurs less than 141 ~~88~~ days before the next regularly
17 scheduled election for this office then the person so
18 appointed shall serve the remainder of the unexpired term, and
19 no election to fill the vacancy shall be held. Should they fail
20 so to act, within 60 days after the vacancy occurs, the
21 regional superintendent of schools under whose supervision and
22 control the district is operating, as defined in Section
23 3-14.2 of this Act, shall within 30 days after the remaining
24 members have failed to fill the vacancy, fill the vacancy as
25 provided for herein. Upon the regional superintendent's
26 failure to fill the vacancy, the vacancy shall be filled at the

1 next regularly scheduled election. Whether elected or
2 appointed by the remaining members or regional superintendent,
3 the successor shall be an inhabitant of the particular area
4 from which his or her predecessor was elected if the
5 residential requirements contained in Section 10-10.5 or 12-2
6 of this Code apply.

7 A board of education may appoint a student to the board to
8 serve in an advisory capacity. The student member shall serve
9 for a term as determined by the board. The board may not grant
10 the student member any voting privileges, but shall consider
11 the student member as an advisor. The student member may not
12 participate in or attend any executive session of the board.

13 (Source: P.A. 101-67, eff. 1-1-20.)