



Sen. Steve McClure

Filed: 4/2/2025

10400SB1046sam001

LRB104 05383 RTM 24760 a

1 AMENDMENT TO SENATE BILL 1046

2 AMENDMENT NO. _____. Amend Senate Bill 1046 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Drainage Code is amended by
5 changing Section 4-5 as follows:

6 (70 ILCS 605/4-5) (from Ch. 42, par. 4-5)

7 Sec. 4-5. Election of commissioners ~~Commissioners~~ in
8 districts ~~Districts~~ organized under Farm Drainage Act and
9 certain other districts ~~Districts~~. Commissioners for all
10 districts that ~~which~~, at the time this Act becomes effective,
11 are operating and existing under the provisions of the Farm
12 Drainage Act, shall be elected by the adult owners of land in
13 the district in the manner provided by this Section unless the
14 landowners have elected to change from the election to the
15 appointment of commissioners in the manner provided in Section
16 4-6.

1 An election shall be held in all combined, union, special,
2 user, mutual, or other districts that ~~which~~ were operating and
3 existing under the Farm Drainage Act at the time this Act
4 became effective and in districts that ~~which~~ have changed from
5 the appointment to the election of commissioners as provided
6 in Section 4-8, on the first Tuesday in September 1956 and
7 annually thereafter for the purpose of electing a successor to
8 the commissioner whose term will next expire. Commissioners so
9 elected shall serve for a term of 3 years from the date of
10 their election and until their successors have been elected
11 and have qualified.

12 In any case where the commissioners have failed to give
13 notice and to hold an election as provided in this Section, the
14 circuit court of the county in which the district is organized
15 may, on the petition of any owner of land in the district,
16 designate the time and place for a special election. Any
17 commissioner elected at such special election shall serve for
18 the remainder of the term expiring 3 years from the date on
19 which the election should have been held and until his
20 successor is elected and has qualified.

21 The commissioners in office shall designate the place
22 within the district at which the election will be held, and
23 they shall file such designation in writing with the clerk of
24 the circuit court at least 4 ~~four~~ weeks prior to the date of
25 the election. The clerk shall give at least 2 ~~two~~ weeks notice
26 of the time and place of the election by publication for 2

1 successive weeks in the manner provided by Section 4-22.
2 Notice by mailing shall not be required.

3 Voting shall be by secret ballot. The clerk of the circuit
4 court shall cause the ballots to be prepared. The ballots
5 shall show on their face the name of the district, the date of
6 the election, the term for which a commissioner is to be
7 elected, the names of the declared candidates and a blank line
8 for write-in candidates. A square shall appear before each
9 name and before the blank line. There shall also be a space for
10 the voter to write in the number of parcels of land owned by
11 the voter. The reverse side of the ballot shall show the
12 official nature of the ballot by the certificate of the clerk.

13 Every adult owner of land in the district shall be
14 entitled to vote in the manner provided for in this paragraph.
15 An adult landowner is entitled to one vote per parcel of land
16 owned by the owner. If a parcel of land is owned by more than
17 one adult owner, then only one of the owners representing all
18 of the owners may cast a vote per parcel. By casting a vote,
19 the voter certifies that the voter is the owner of the parcel.
20 If a parcel of land is owned by multiple owners, then the voter
21 casting a vote certifies that a majority of the owners have
22 granted the voter the authority to cast a vote on behalf of all
23 the owners. If a parcel of land is owned by an entity, then the
24 person presenting himself or herself on behalf of the entity
25 certifies that the person has the authority to vote on behalf
26 of the entity.

1 Any qualified person owning land within the district may
2 declare the person's ~~his~~ candidacy for the office of
3 commissioner and thereby become entitled to have the person's
4 ~~his~~ name placed on the ballot by filing a statement of the
5 person's ~~his~~ candidacy in writing with the clerk at least 3
6 weeks prior to the date of the election.

7 The commissioners in office at the time of the election
8 shall be the judges of the election, except that a
9 commissioner holding the office that is being considered for
10 election shall not be a judge of the election. In the event
11 that one or more of the commissioners is absent or refuses or
12 cannot ~~to~~ serve as judge, then the electors present at the
13 opening of the polls may choose a person or persons to fill the
14 vacancy or vacancies. The polls shall open at 4:00 p.m. ~~2:00~~
15 ~~P.M.~~ and close at 6:00 p.m. ~~4:00 P.M.~~ unless the judges of
16 election shall determine to hold the polls open a longer
17 period to accommodate the voters. In no event shall the polls
18 remain open later than 7:00 p.m. ~~6:00 P.M.~~

19 The judges of election shall not be responsible for
20 determining the ownership of any parcel of land and may rely
21 upon the representations of the person presenting himself or
22 herself as the owner of land or the person authorized by a
23 majority of the other owners of the land to cast a vote on
24 behalf of all the owners. The judges of election may take
25 reasonable measures to verify that no more than one person
26 casts a vote for all the owners of any parcel. A person who

1 willfully misrepresents the person's eligibility to cast a
2 vote in an election under this Section commits a Class A
3 misdemeanor.

4 Upon the closing of the polls the judges of election shall
5 promptly canvass the ballots and the ballots together with the
6 poll books, tally lists and the results shall be returned to
7 the clerk of the circuit court within 48 hours after the
8 election. The candidate receiving the largest number of votes
9 shall be declared elected. In case of a tie the judges shall
10 determine by lot who is elected. The expense of the election
11 shall be borne by the district.

12 In the event that a vacancy occurs in the office of
13 commissioner whether by death, ineligibility, removal from
14 office or failure to qualify the commissioners in office shall
15 fill the vacancy by appointment. The commissioner so appointed
16 shall serve until the next annual election. If the unexpired
17 term caused by such vacancy be for more than one year then, at
18 the next annual election, the adult landowners shall elect a
19 commissioner to complete the then unexpired portion of the
20 term in addition to electing a commissioner for a regular
21 term.

22 Commissioners elected under this Section shall, within 20
23 days after their election, qualify by subscribing to an oath
24 of office and giving bond, in the manner provided in Section
25 4-4.

26 (Source: P.A. 86-297.)"