



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2331

Introduced 1/24/2018, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-41	from Ch. 46, par. 2A-41
10 ILCS 5/7-12	from Ch. 46, par. 7-12
70 ILCS 2405/3	from Ch. 42, par. 301

Amends the Election Code. Requires that the trustees for the Fox Metro Water Reclamation District be elected at consolidated elections. Provides that where a nomination for election is to be made for a trustee of the Fox Metro Water Reclamation District, then the petition shall be filed in the office of the county clerk not more than 113 nor less than 106 days prior to the date of the primary. Amends the Sanitary District Act of 1917. Provides that the board of trustees of the Fox Metro Water Reclamation District shall be elected (rather than appointed) beginning with the 2019 election. Sets forth requirements concerning the number of trustees to be elected and length of terms. Effective immediately.

LRB100 17816 AWJ 32995 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Election Code is amended by changing
5 Sections 2A-41 and 7-12 as follows:

6 (10 ILCS 5/2A-41) (from Ch. 46, par. 2A-41)

7 Sec. 2A-41. Sanitary District - Trustee - Time of Election.

8 A trustee of a Sanitary District which elects its trustees,
9 other than the Metropolitan Sanitary District of Greater
10 Chicago or the Fox Metro Water Reclamation District, shall be
11 elected at the general election in each even-numbered year
12 which immediately precedes the expiration of the term of any
13 incumbent trustee, to succeed each incumbent trustee whose term
14 ends before the following general election.

15 (Source: P.A. 80-936.)

16 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

17 Sec. 7-12. All petitions for nomination shall be filed by
18 mail or in person as follows:

19 (1) Where the nomination is to be made for a State,
20 congressional, or judicial office, or for any office a
21 nomination for which is made for a territorial division or
22 district which comprises more than one county or is partly

1 in one county and partly in another county or counties,
2 then, except as otherwise provided in this Section, such
3 petition for nomination shall be filed in the principal
4 office of the State Board of Elections not more than 113
5 and not less than 106 days prior to the date of the
6 primary, but, in the case of petitions for nomination to
7 fill a vacancy by special election in the office of
8 representative in Congress from this State, such petition
9 for nomination shall be filed in the principal office of
10 the State Board of Elections not more than 85 days and not
11 less than 82 days prior to the date of the primary.

12 Where a vacancy occurs in the office of Supreme,
13 Appellate or Circuit Court Judge within the 3-week period
14 preceding the 106th day before a general primary election,
15 petitions for nomination for the office in which the
16 vacancy has occurred shall be filed in the principal office
17 of the State Board of Elections not more than 92 nor less
18 than 85 days prior to the date of the general primary
19 election.

20 Where the nomination is to be made for delegates or
21 alternate delegates to a national nominating convention,
22 then such petition for nomination shall be filed in the
23 principal office of the State Board of Elections not more
24 than 113 and not less than 106 days prior to the date of
25 the primary; provided, however, that if the rules or
26 policies of a national political party conflict with such

1 requirements for filing petitions for nomination for
2 delegates or alternate delegates to a national nominating
3 convention, the chairman of the State central committee of
4 such national political party shall notify the Board in
5 writing, citing by reference the rules or policies of the
6 national political party in conflict, and in such case the
7 Board shall direct such petitions to be filed in accordance
8 with the delegate selection plan adopted by the state
9 central committee of such national political party.

10 (2) Where the nomination is to be made for a county
11 office or trustee of a sanitary district or the Fox Metro
12 Water Reclamation District, then such petition shall be
13 filed in the office of the county clerk not more than 113
14 nor less than 106 days prior to the date of the primary.

15 (3) Where the nomination is to be made for a municipal
16 or township office, such petitions for nomination shall be
17 filed in the office of the local election official, not
18 more than 99 nor less than 92 days prior to the date of the
19 primary; provided, where a municipality's or township's
20 boundaries are coextensive with or are entirely within the
21 jurisdiction of a municipal board of election
22 commissioners, the petitions shall be filed in the office
23 of such board; and provided, that petitions for the office
24 of multi-township assessor shall be filed with the election
25 authority.

26 (4) The petitions of candidates for State central

1 committeeman shall be filed in the principal office of the
2 State Board of Elections not more than 113 nor less than
3 106 days prior to the date of the primary.

4 (5) Petitions of candidates for precinct, township or
5 ward committeemen shall be filed in the office of the
6 county clerk not more than 113 nor less than 106 days prior
7 to the date of the primary.

8 (6) The State Board of Elections and the various
9 election authorities and local election officials with
10 whom such petitions for nominations are filed shall specify
11 the place where filings shall be made and upon receipt
12 shall endorse thereon the day and hour on which each
13 petition was filed. All petitions filed by persons waiting
14 in line as of 8:00 a.m. on the first day for filing, or as
15 of the normal opening hour of the office involved on such
16 day, shall be deemed filed as of 8:00 a.m. or the normal
17 opening hour, as the case may be. Petitions filed by mail
18 and received after midnight of the first day for filing and
19 in the first mail delivery or pickup of that day shall be
20 deemed as filed as of 8:00 a.m. of that day or as of the
21 normal opening hour of such day, as the case may be. All
22 petitions received thereafter shall be deemed as filed in
23 the order of actual receipt. However, 2 or more petitions
24 filed within the last hour of the filing deadline shall be
25 deemed filed simultaneously. Where 2 or more petitions are
26 received simultaneously, the State Board of Elections or

1 the various election authorities or local election
2 officials with whom such petitions are filed shall break
3 ties and determine the order of filing, by means of a
4 lottery or other fair and impartial method of random
5 selection approved by the State Board of Elections. Such
6 lottery shall be conducted within 9 days following the last
7 day for petition filing and shall be open to the public.
8 Seven days written notice of the time and place of
9 conducting such random selection shall be given by the
10 State Board of Elections to the chairman of the State
11 central committee of each established political party, and
12 by each election authority or local election official, to
13 the County Chairman of each established political party,
14 and to each organization of citizens within the election
15 jurisdiction which was entitled, under this Article, at the
16 next preceding election, to have pollwatchers present on
17 the day of election. The State Board of Elections, election
18 authority or local election official shall post in a
19 conspicuous, open and public place, at the entrance of the
20 office, notice of the time and place of such lottery. The
21 State Board of Elections shall adopt rules and regulations
22 governing the procedures for the conduct of such lottery.
23 All candidates shall be certified in the order in which
24 their petitions have been filed. Where candidates have
25 filed simultaneously, they shall be certified in the order
26 determined by lot and prior to candidates who filed for the

1 same office at a later time.

2 (7) The State Board of Elections or the appropriate
3 election authority or local election official with whom
4 such a petition for nomination is filed shall notify the
5 person for whom a petition for nomination has been filed of
6 the obligation to file statements of organization, reports
7 of campaign contributions, and annual reports of campaign
8 contributions and expenditures under Article 9 of this Act.
9 Such notice shall be given in the manner prescribed by
10 paragraph (7) of Section 9-16 of this Code.

11 (8) Nomination papers filed under this Section are not
12 valid if the candidate named therein fails to file a
13 statement of economic interests as required by the Illinois
14 Governmental Ethics Act in relation to his candidacy with
15 the appropriate officer by the end of the period for the
16 filing of nomination papers unless he has filed a statement
17 of economic interests in relation to the same governmental
18 unit with that officer within a year preceding the date on
19 which such nomination papers were filed. If the nomination
20 papers of any candidate and the statement of economic
21 interest of that candidate are not required to be filed
22 with the same officer, the candidate must file with the
23 officer with whom the nomination papers are filed a receipt
24 from the officer with whom the statement of economic
25 interests is filed showing the date on which such statement
26 was filed. Such receipt shall be so filed not later than

1 the last day on which nomination papers may be filed.

2 (9) Any person for whom a petition for nomination, or
3 for committeeman or for delegate or alternate delegate to a
4 national nominating convention has been filed may cause his
5 name to be withdrawn by request in writing, signed by him
6 and duly acknowledged before an officer qualified to take
7 acknowledgments of deeds, and filed in the principal or
8 permanent branch office of the State Board of Elections or
9 with the appropriate election authority or local election
10 official, not later than the date of certification of
11 candidates for the consolidated primary or general primary
12 ballot. No names so withdrawn shall be certified or printed
13 on the primary ballot. If petitions for nomination have
14 been filed for the same person with respect to more than
15 one political party, his name shall not be certified nor
16 printed on the primary ballot of any party. If petitions
17 for nomination have been filed for the same person for 2 or
18 more offices which are incompatible so that the same person
19 could not serve in more than one of such offices if
20 elected, that person must withdraw as a candidate for all
21 but one of such offices within the 5 business days
22 following the last day for petition filing. A candidate in
23 a judicial election may file petitions for nomination for
24 only one vacancy in a subcircuit and only one vacancy in a
25 circuit in any one filing period, and if petitions for
26 nomination have been filed for the same person for 2 or

1 more vacancies in the same circuit or subcircuit in the
2 same filing period, his or her name shall be certified only
3 for the first vacancy for which the petitions for
4 nomination were filed. If he fails to withdraw as a
5 candidate for all but one of such offices within such time
6 his name shall not be certified, nor printed on the primary
7 ballot, for any office. For the purpose of the foregoing
8 provisions, an office in a political party is not
9 incompatible with any other office.

10 (10) (a) Notwithstanding the provisions of any other
11 statute, no primary shall be held for an established
12 political party in any township, municipality, or ward
13 thereof, where the nomination of such party for every
14 office to be voted upon by the electors of such township,
15 municipality, or ward thereof, is uncontested. Whenever a
16 political party's nomination of candidates is uncontested
17 as to one or more, but not all, of the offices to be voted
18 upon by the electors of a township, municipality, or ward
19 thereof, then a primary shall be held for that party in
20 such township, municipality, or ward thereof; provided
21 that the primary ballot shall not include those offices
22 within such township, municipality, or ward thereof, for
23 which the nomination is uncontested. For purposes of this
24 Article, the nomination of an established political party
25 of a candidate for election to an office shall be deemed to
26 be uncontested where not more than the number of persons to

1 be nominated have timely filed valid nomination papers
2 seeking the nomination of such party for election to such
3 office.

4 (b) Notwithstanding the provisions of any other
5 statute, no primary election shall be held for an
6 established political party for any special primary
7 election called for the purpose of filling a vacancy in the
8 office of representative in the United States Congress
9 where the nomination of such political party for said
10 office is uncontested. For the purposes of this Article,
11 the nomination of an established political party of a
12 candidate for election to said office shall be deemed to be
13 uncontested where not more than the number of persons to be
14 nominated have timely filed valid nomination papers
15 seeking the nomination of such established party for
16 election to said office. This subsection (b) shall not
17 apply if such primary election is conducted on a regularly
18 scheduled election day.

19 (c) Notwithstanding the provisions in subparagraph (a)
20 and (b) of this paragraph (10), whenever a person who has
21 not timely filed valid nomination papers and who intends to
22 become a write-in candidate for a political party's
23 nomination for any office for which the nomination is
24 uncontested files a written statement or notice of that
25 intent with the State Board of Elections or the local
26 election official with whom nomination papers for such

1 office are filed, a primary ballot shall be prepared and a
2 primary shall be held for that office. Such statement or
3 notice shall be filed on or before the date established in
4 this Article for certifying candidates for the primary
5 ballot. Such statement or notice shall contain (i) the name
6 and address of the person intending to become a write-in
7 candidate, (ii) a statement that the person is a qualified
8 primary elector of the political party from whom the
9 nomination is sought, (iii) a statement that the person
10 intends to become a write-in candidate for the party's
11 nomination, and (iv) the office the person is seeking as a
12 write-in candidate. An election authority shall have no
13 duty to conduct a primary and prepare a primary ballot for
14 any office for which the nomination is uncontested unless a
15 statement or notice meeting the requirements of this
16 Section is filed in a timely manner.

17 (11) If multiple sets of nomination papers are filed
18 for a candidate to the same office, the State Board of
19 Elections, appropriate election authority or local
20 election official where the petitions are filed shall
21 within 2 business days notify the candidate of his or her
22 multiple petition filings and that the candidate has 3
23 business days after receipt of the notice to notify the
24 State Board of Elections, appropriate election authority
25 or local election official that he or she may cancel prior
26 sets of petitions. If the candidate notifies the State

1 Board of Elections, appropriate election authority or
2 local election official, the last set of petitions filed
3 shall be the only petitions to be considered valid by the
4 State Board of Elections, election authority or local
5 election official. If the candidate fails to notify the
6 State Board of Elections, election authority or local
7 election official then only the first set of petitions
8 filed shall be valid and all subsequent petitions shall be
9 void.

10 (12) All nominating petitions shall be available for
11 public inspection and shall be preserved for a period of
12 not less than 6 months.

13 (Source: P.A. 99-221, eff. 7-31-15.)

14 Section 10. The Sanitary District Act of 1917 is amended by
15 changing Section 3 as follows:

16 (70 ILCS 2405/3) (from Ch. 42, par. 301)

17 Sec. 3. Board of trustees; creation; term. A board of
18 trustees shall be created, consisting of 5 members in any
19 sanitary district which includes one or more municipalities
20 with a population of over 90,000 but less than 500,000
21 according to the most recent Federal census, and consisting of
22 3 members in any other district. However, the board of trustees
23 for the Fox River Water Reclamation District, the Sanitary
24 District of Decatur, and the Northern Moraine Wastewater

1 Reclamation District shall each consist of 5 members. Each
2 board of trustees shall be created for the government, control
3 and management of the affairs and business of each sanitary
4 district organized under this Act shall be created in the
5 following manner:

6 (1) If the district's corporate boundaries are located
7 wholly within a single county, the presiding officer of the
8 county board, with the advice and consent of the county
9 board, shall appoint the trustees for the district;

10 (2) If the district's corporate boundaries are located
11 in more than one county, the members of the General
12 Assembly whose legislative districts encompass any portion
13 of the district shall appoint the trustees for the
14 district.

15 In any sanitary district which shall have a 3 member board
16 of trustees, within 60 days after the adoption of such act, the
17 appropriate appointing authority shall appoint three trustees
18 not more than 2 of whom shall be from one incorporated city,
19 town or village in districts in which are included 2 or more
20 incorporated cities, towns or villages, or parts of 2 or more
21 incorporated cities, towns or villages, who shall hold their
22 office respectively for 1, 2 and 3 years, from the first Monday
23 of May next after their appointment and until their successors
24 are appointed and have qualified, and thereafter on or before
25 the second Monday in April of each year the appropriate
26 appointing authority shall appoint one trustee whose term shall

1 be for 3 years commencing the first Monday in May of the year
2 in which he is appointed. The length of the term of the first
3 trustees shall be determined by lot at their first meeting.

4 In the case of any sanitary district created after January
5 1, 1978 in which a 5 member board of trustees is required, the
6 appropriate appointing authority shall appoint 5 trustees, one
7 of whom shall hold office for one year, two of whom shall hold
8 office for 2 years, and 2 of whom shall hold office for 3 years
9 from the first Monday of May next after their respective
10 appointments and until their successors are appointed and have
11 qualified. Thereafter, on or before the second Monday in April
12 of each year the appropriate appointing authority shall appoint
13 one trustee or 2 trustees, as shall be necessary to maintain a
14 5 member board of trustees, whose terms shall be for 3 years
15 commencing the first Monday in May of the year in which they
16 are respectively appointed. The length of the terms of the
17 first trustees shall be determined by lot at their first
18 meeting.

19 In any sanitary district created prior to January 1, 1978
20 in which a 5 member board of trustees is required as of January
21 1, 1978, the two trustees already serving terms which do not
22 expire on May 1, 1978 shall continue to hold office for the
23 remainders of their respective terms, and 3 trustees shall be
24 appointed by the appropriate appointing authority by April 10,
25 1978 and shall hold office for terms beginning May 1, 1978. Of
26 the three new trustees, one shall hold office for 2 years and 2

1 shall hold office for 3 years from May 1, 1978 and until their
2 successors are appointed and have qualified. Thereafter, on or
3 before the second Monday in April of each year the appropriate
4 appointing authority shall appoint one trustee or 2 trustees,
5 as shall be necessary to maintain a 5 member board of trustees,
6 whose terms shall be for 3 years commencing the first Monday in
7 May of the year in which they are respectively appointed. The
8 lengths of the terms of the trustees who are to hold office
9 beginning May 1, 1978 shall be determined by lot at their first
10 meeting after May 1, 1978.

11 No more than 3 members of a 5 member board of trustees may
12 be of the same political party; except that in any sanitary
13 district which otherwise meets the requirements of this Section
14 and which lies within 4 counties of the State of Illinois or,
15 prior to April 30, 2008, in the Fox River Water Reclamation
16 District; the appointments of the 5 members of the board of
17 trustees shall be made without regard to political party.
18 Beginning with the appointments made on April 30, 2008, all
19 appointments to the board of trustees of the Fox River Water
20 Reclamation District shall be made so that no more than 3 of
21 the 5 members are from the same political party.

22 Beginning with the 2019 municipal election, the board of
23 trustees of the Fox Metro Water Reclamation District shall be
24 elected as provided in this paragraph. The election of trustees
25 shall be in accordance with Section 2A-1.1 of the Election
26 Code. Any current board members whose terms do not expire in

1 2019 shall serve out the remainder of their term. The board of
2 trustees shall consist of 5 elected members. The trustees shall
3 be elected for staggered terms at the election as provided by
4 the Election Code. Two trustees shall be elected at the 2019
5 election, and 3 trustees shall be elected at the following
6 consolidated election. Elected trustees shall take office on
7 the first Tuesday after the first Monday in the month following
8 the month of their election and shall hold their offices for 4
9 years and until their successors are elected and qualified.
10 When a vacancy exists on the board of trustees of the Fox Metro
11 Water Reclamation District, the vacancy shall be filled by
12 appointment by the president of the board of trustees, with the
13 advice and consent of the members of the board of trustees,
14 until the next regular election at which trustees of the
15 district are elected, and shall be made a matter of record in
16 the office of the county clerk in the county where the district
17 is located. For a vacancy filled by appointment, the portion of
18 the unexpired term remaining after the next regular election at
19 which trustees of the district are elected shall be filled by
20 election, as provided for in this paragraph.

21 Within 60 days after the release of Federal census
22 statistics showing that a sanitary district having a 3 member
23 board of trustees contains one or more municipalities with a
24 population over 90,000 but less than 500,000, or, for the
25 Northern Moraine Wastewater Reclamation District, within 60
26 days after the effective date of this amendatory Act of the

1 95th General Assembly, the appropriate appointing authority
2 shall appoint 2 additional trustees to the board of trustees,
3 one to hold office for 2 years and one to hold office for 3
4 years from the first Monday of May next after their appointment
5 and until their successors are appointed and have qualified.
6 The lengths of the terms of these two additional members shall
7 be determined by lot at the first meeting of the board of
8 trustees held after the additional members take office. The
9 three trustees already holding office in the sanitary district
10 shall continue to hold office for the remainders of their
11 respective terms. Thereafter, on or before the second Monday in
12 April of each year the appropriate appointing authority shall
13 appoint one trustee or 2 trustees, as shall be necessary to
14 maintain a 5 member board of trustees, whose terms shall be for
15 3 years commencing the first Monday in May of the year in which
16 they are respectively appointed.

17 If any sanitary district having a 5 member board of
18 trustees shall cease to contain one or more municipalities with
19 a population over 90,000 but less than 500,000 according to the
20 most recent Federal census, then, for so long as that sanitary
21 district does not contain one or more such municipalities, on
22 or before the second Monday in April of each year the
23 appropriate appointing authority shall appoint one trustee
24 whose term shall be for 3 years commencing the first Monday in
25 May of the year in which he is appointed. In districts which
26 include 2 or more incorporated cities, towns, or villages, or

1 parts of 2 or more incorporated cities, towns, or villages, all
2 of the trustees shall not be from one incorporated city, town
3 or village.

4 If a vacancy occurs on any board of trustees, the
5 appropriate appointing authority shall within 60 days appoint a
6 trustee who shall hold office for the remainder of the vacated
7 term.

8 The appointing authority shall require each of the trustees
9 to enter into bond, with security to be approved by the
10 appointing authority, in such sum as the appointing authority
11 may determine.

12 A majority of the board of trustees shall constitute a
13 quorum but a smaller number may adjourn from day to day. No
14 trustee or employee of such district shall be directly or
15 indirectly interested in any contract, work or business of the
16 district, or the sale of any article, the expense, price or
17 consideration of which is paid by such district; nor in the
18 purchase of any real estate or property belonging to the
19 district, or which shall be sold for taxes or assessments, or
20 by virtue of legal process at the suit of the district.
21 Provided, that nothing herein shall be construed as prohibiting
22 the appointment or selection of any person as trustee or
23 employee whose only interest in the district is as owner of
24 real estate in the district or of contributing to the payment
25 of taxes levied by the district. The trustees shall have the
26 power to provide and adopt a corporate seal for the district.

1 Notwithstanding any other provision in this Section, in any
2 sanitary district created prior to the effective date of this
3 amendatory Act of 1985, in which a five member board of
4 trustees has been appointed and which currently includes one or
5 more municipalities with a population of over 90,000 but less
6 than 500,000, the board of trustees shall consist of five
7 members.

8 Except as otherwise provided for vacancies, in the event
9 that the appropriate appointing authority fails to appoint a
10 trustee under this Section, the appropriate appointing
11 authority shall reconvene and appoint a successor on or before
12 July 1 of that year.

13 (Source: P.A. 98-407, eff. 1-1-14; 98-828, eff. 8-1-14.)

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