



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1692

Introduced 2/26/2021, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

70 ILCS 605/4-5

from Ch. 42, par. 4-5

Amends the Illinois Drainage Code. In provisions concerning election of commissioners in drainage districts organized under the Farm Drainage Act and certain other districts, provides that an adult owner of property in a drainage district is entitled to one vote per acre or part of an acre within each parcel of land owned by the owner and located in the district. Provides that, if a parcel of land is owned by more than one adult owner, only one of the owners representing all of the owners may cast a ballot for that parcel. Provides that the votes represented by the ballot shall equal the number of acres or part of an acre shown on the face of the ballot. Provides that, by casting a ballot, the voter certifies that he or she is the owner of the land or, when the land is owned by multiple owners, the voter casting the ballot certifies that a majority of the owners have granted him or her the authority to cast the ballot on behalf of the all the owners. Changes the time that the polls may be open. Provides that the commissioners acting as the judges of the election shall not be responsible for determining the ownership of any parcel of land and may rely upon the representations of the person presenting himself or herself as the owner of the parcel or the person authorized by a majority of the other owners of the parcel to cast the ballot on behalf of all the owners. Makes conforming and other changes.

LRB102 15976 AWJ 21346 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 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 in Districts organized
8 under Farm Drainage Act and certain other Districts.
9 Commissioners for all districts which, at the time this Act
10 becomes effective, are operating and existing under the
11 provisions of the Farm Drainage Act, shall be elected by the
12 adult owners of land in the district in the manner provided by
13 this Section unless the landowners have elected to change from
14 the election to the appointment of commissioners in the manner
15 provided in Section 4-6.

16 An election shall be held in all combined, union, special,
17 user, mutual or other districts which were operating and
18 existing under the Farm Drainage Act at the time this Act
19 became effective and in districts which have changed from the
20 appointment to the election of commissioners as provided in
21 Section 4-8, on the first Tuesday in September 1956 and
22 annually thereafter for the purpose of electing a successor to
23 the commissioner whose term will next expire. Commissioners so

1 elected shall serve for a term of 3 years from the date of
2 their election and until their successors have been elected
3 and have qualified.

4 In any case where the commissioners have failed to give
5 notice and to hold an election as provided in this Section, the
6 circuit court of the county in which the district is organized
7 may, on the petition of any owner of land in the district,
8 designate the time and place for a special election. Any
9 commissioner elected at such special election shall serve for
10 the remainder of the term expiring 3 years from the date on
11 which the election should have been held and until his or her
12 successor is elected and has qualified.

13 The commissioners in office shall designate the place
14 within the district at which the election will be held and they
15 shall file such designation in writing with the clerk of the
16 circuit court at least four weeks prior to the date of the
17 election. The clerk shall give at least two weeks notice of the
18 time and place of the election by publication for 2 successive
19 weeks in the manner provided by Section 4-22. Notice by
20 mailing shall not be required.

21 ~~Voting shall be by secret ballot.~~ The clerk of the circuit
22 court shall cause the ballots to be prepared in the manner set
23 forth in this paragraph. To enable the number of votes cast to
24 be calculated in conformance with the requirements in the
25 following paragraph, there shall be a ballot for each parcel
26 of land listed on the district's then-current assessment roll.

1 The face of each ballot shall identify the parcel, the number
2 of acres or part of an acre within said parcel, and the name or
3 names of the owner or owners of the parcel. Each ballot ~~The~~
4 ~~ballots~~ shall also show on its ~~their~~ face the name of the
5 district, the date of the election, the term for which a
6 commissioner is to be elected, the names of the declared
7 candidates and a blank line for write-in candidates. A square
8 shall appear before each name and before the blank line. The
9 reverse side of the ballot shall show the official nature of
10 the ballot by the certificate of the clerk.

11 Adult owners ~~Every adult owner~~ of land in the district
12 shall be entitled to vote in the manner provided for in this
13 paragraph. An adult owner is entitled to one vote per acre or
14 part of an acre within each parcel of land owned by the owner
15 and located in the district. If a parcel of land is owned by
16 more than one adult owner, only one of the owners representing
17 all of the owners may cast a ballot for that parcel. The votes
18 represented by the ballot shall equal the number of acres or
19 part of an acre shown on the face of the ballot. By casting a
20 ballot, the voter certifies that he or she is the owner of the
21 land or, when the land is owned by multiple owners, the voter
22 casting the ballot certifies that a majority of the owners
23 have granted him or her the authority to cast the ballot on
24 behalf of the all the owners. Any qualified person owning land
25 with the district may declare his or her candidacy for the
26 office of commissioner and thereby become entitled to have his

1 or her name placed on the ballot by filing a statement of his
2 or her candidacy in writing with the clerk at least 3 weeks
3 prior to the date of the election.

4 The commissioners in office at the time of the election
5 shall be the judges of the election. In the event that one or
6 more of the commissioners is absent or refuses to serve as
7 judge then the electors present at the opening of the polls may
8 choose a person or persons to fill the vacancy or vacancies.
9 The polls shall open at 4:00 p.m. ~~2:00 P.M.~~ and close at 6:00
10 p.m. ~~4:00 P.M.~~ unless the judges of election shall determine
11 to hold the polls open a longer period to accommodate the
12 voters. In no event shall the polls remain open later than 7:00
13 p.m. ~~6:00 P.M.~~

14 The judges of the election shall not be responsible for
15 determining the ownership of any parcel of land and may rely
16 upon the representations of the person presenting himself or
17 herself as the owner of the parcel or the person authorized by
18 a majority of the other owners of the parcel to cast the ballot
19 on behalf of all the owners. If a parcel of land is owned by a
20 public or private corporation, or other entity or entities,
21 the person presenting himself or herself on behalf of the
22 owner or owners certifies that he or she has the authority to
23 cast the ballot on behalf of the owner or owners. The judges of
24 election may take reasonable measures to verify that no more
25 than one person casts a ballot for each parcel of land. Whoever
26 willfully misrepresents his or her eligibility to cast a

1 ballot in an election shall be deemed guilty of a Class A
2 Misdemeanor.

3 Upon the closing of the polls the judges of election shall
4 promptly canvass the ballots and the ballots together with the
5 poll books, tally lists and the results shall be returned to
6 the clerk of the circuit court within 48 hours after the
7 election. The candidate receiving the largest number of votes
8 shall be declared elected upon the certification of the votes
9 by the election judges. 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.)