



Rep. Al Riley

Filed: 5/21/2018

10000SB0426ham001

LRB100 05027 AWJ 40464 a

1 AMENDMENT TO SENATE BILL 426

2 AMENDMENT NO. _____. Amend Senate Bill 426 by replacing
3 everything after the enacting clause with the following:

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 Thorn Creek Basin Sanitary 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.)

1 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

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

4 (1) Where the nomination is to be made for a State,
5 congressional, or judicial office, or for any office a
6 nomination for which is made for a territorial division or
7 district which comprises more than one county or is partly
8 in one county and partly in another county or counties,
9 then, except as otherwise provided in this Section, such
10 petition for nomination shall be filed in the principal
11 office of the State Board of Elections not more than 113
12 and not less than 106 days prior to the date of the
13 primary, but, in the case of petitions for nomination to
14 fill a vacancy by special election in the office of
15 representative in Congress from this State, such petition
16 for nomination shall be filed in the principal office of
17 the State Board of Elections not more than 85 days and not
18 less than 82 days prior to the date of the primary.

19 Where a vacancy occurs in the office of Supreme,
20 Appellate or Circuit Court Judge within the 3-week period
21 preceding the 106th day before a general primary election,
22 petitions for nomination for the office in which the
23 vacancy has occurred shall be filed in the principal office
24 of the State Board of Elections not more than 92 nor less
25 than 85 days prior to the date of the general primary
26 election.

1 Where the nomination is to be made for delegates or
2 alternate delegates to a national nominating convention,
3 then such petition for nomination shall be filed in the
4 principal office of the State Board of Elections not more
5 than 113 and not less than 106 days prior to the date of
6 the primary; provided, however, that if the rules or
7 policies of a national political party conflict with such
8 requirements for filing petitions for nomination for
9 delegates or alternate delegates to a national nominating
10 convention, the chairman of the State central committee of
11 such national political party shall notify the Board in
12 writing, citing by reference the rules or policies of the
13 national political party in conflict, and in such case the
14 Board shall direct such petitions to be filed in accordance
15 with the delegate selection plan adopted by the state
16 central committee of such national political party.

17 (2) Where the nomination is to be made for a county
18 office or trustee of a sanitary district or the Thorn Creek
19 Basin Sanitary District, then such petition shall be filed
20 in the office of the county clerk not more than 113 nor
21 less than 106 days prior to the date of the primary.

22 (3) Where the nomination is to be made for a municipal
23 or township office, such petitions for nomination shall be
24 filed in the office of the local election official, not
25 more than 99 nor less than 92 days prior to the date of the
26 primary; provided, where a municipality's or township's

1 boundaries are coextensive with or are entirely within the
2 jurisdiction of a municipal board of election
3 commissioners, the petitions shall be filed in the office
4 of such board; and provided, that petitions for the office
5 of multi-township assessor shall be filed with the election
6 authority.

7 (4) The petitions of candidates for State central
8 committeeman shall be filed in the principal office of the
9 State Board of Elections not more than 113 nor less than
10 106 days prior to the date of the primary.

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

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

1 deemed as filed as of 8:00 a.m. of that day or as of the
2 normal opening hour of such day, as the case may be. All
3 petitions received thereafter shall be deemed as filed in
4 the order of actual receipt. However, 2 or more petitions
5 filed within the last hour of the filing deadline shall be
6 deemed filed simultaneously. Where 2 or more petitions are
7 received simultaneously, the State Board of Elections or
8 the various election authorities or local election
9 officials with whom such petitions are filed shall break
10 ties and determine the order of filing, by means of a
11 lottery or other fair and impartial method of random
12 selection approved by the State Board of Elections. Such
13 lottery shall be conducted within 9 days following the last
14 day for petition filing and shall be open to the public.
15 Seven days written notice of the time and place of
16 conducting such random selection shall be given by the
17 State Board of Elections to the chairman of the State
18 central committee of each established political party, and
19 by each election authority or local election official, to
20 the County Chairman of each established political party,
21 and to each organization of citizens within the election
22 jurisdiction which was entitled, under this Article, at the
23 next preceding election, to have pollwatchers present on
24 the day of election. The State Board of Elections, election
25 authority or local election official shall post in a
26 conspicuous, open and public place, at the entrance of the

1 office, notice of the time and place of such lottery. The
2 State Board of Elections shall adopt rules and regulations
3 governing the procedures for the conduct of such lottery.
4 All candidates shall be certified in the order in which
5 their petitions have been filed. Where candidates have
6 filed simultaneously, they shall be certified in the order
7 determined by lot and prior to candidates who filed for the
8 same office at a later time.

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

18 (8) Nomination papers filed under this Section are not
19 valid if the candidate named therein fails to file a
20 statement of economic interests as required by the Illinois
21 Governmental Ethics Act in relation to his candidacy with
22 the appropriate officer by the end of the period for the
23 filing of nomination papers unless he has filed a statement
24 of economic interests in relation to the same governmental
25 unit with that officer within a year preceding the date on
26 which such nomination papers were filed. If the nomination

1 papers of any candidate and the statement of economic
2 interest of that candidate are not required to be filed
3 with the same officer, the candidate must file with the
4 officer with whom the nomination papers are filed a receipt
5 from the officer with whom the statement of economic
6 interests is filed showing the date on which such statement
7 was filed. Such receipt shall be so filed not later than
8 the last day on which nomination papers may be filed.

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

1 elected, that person must withdraw as a candidate for all
2 but one of such offices within the 5 business days
3 following the last day for petition filing. A candidate in
4 a judicial election may file petitions for nomination for
5 only one vacancy in a subcircuit and only one vacancy in a
6 circuit in any one filing period, and if petitions for
7 nomination have been filed for the same person for 2 or
8 more vacancies in the same circuit or subcircuit in the
9 same filing period, his or her name shall be certified only
10 for the first vacancy for which the petitions for
11 nomination were filed. If he fails to withdraw as a
12 candidate for all but one of such offices within such time
13 his name shall not be certified, nor printed on the primary
14 ballot, for any office. For the purpose of the foregoing
15 provisions, an office in a political party is not
16 incompatible with any other office.

17 (10) (a) Notwithstanding the provisions of any other
18 statute, no primary shall be held for an established
19 political party in any township, municipality, or ward
20 thereof, where the nomination of such party for every
21 office to be voted upon by the electors of such township,
22 municipality, or ward thereof, is uncontested. Whenever a
23 political party's nomination of candidates is uncontested
24 as to one or more, but not all, of the offices to be voted
25 upon by the electors of a township, municipality, or ward
26 thereof, then a primary shall be held for that party in

1 such township, municipality, or ward thereof; provided
2 that the primary ballot shall not include those offices
3 within such township, municipality, or ward thereof, for
4 which the nomination is uncontested. For purposes of this
5 Article, the nomination of an established political party
6 of a candidate for election to an office shall be deemed to
7 be uncontested where not more than the number of persons to
8 be nominated have timely filed valid nomination papers
9 seeking the nomination of such party for election to such
10 office.

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

26 (c) Notwithstanding the provisions in subparagraph (a)

1 and (b) of this paragraph (10), whenever a person who has
2 not timely filed valid nomination papers and who intends to
3 become a write-in candidate for a political party's
4 nomination for any office for which the nomination is
5 uncontested files a written statement or notice of that
6 intent with the State Board of Elections or the local
7 election official with whom nomination papers for such
8 office are filed, a primary ballot shall be prepared and a
9 primary shall be held for that office. Such statement or
10 notice shall be filed on or before the date established in
11 this Article for certifying candidates for the primary
12 ballot. Such statement or notice shall contain (i) the name
13 and address of the person intending to become a write-in
14 candidate, (ii) a statement that the person is a qualified
15 primary elector of the political party from whom the
16 nomination is sought, (iii) a statement that the person
17 intends to become a write-in candidate for the party's
18 nomination, and (iv) the office the person is seeking as a
19 write-in candidate. An election authority shall have no
20 duty to conduct a primary and prepare a primary ballot for
21 any office for which the nomination is uncontested unless a
22 statement or notice meeting the requirements of this
23 Section is filed in a timely manner.

24 (11) If multiple sets of nomination papers are filed
25 for a candidate to the same office, the State Board of
26 Elections, appropriate election authority or local

1 election official where the petitions are filed shall
2 within 2 business days notify the candidate of his or her
3 multiple petition filings and that the candidate has 3
4 business days after receipt of the notice to notify the
5 State Board of Elections, appropriate election authority
6 or local election official that he or she may cancel prior
7 sets of petitions. If the candidate notifies the State
8 Board of Elections, appropriate election authority or
9 local election official, the last set of petitions filed
10 shall be the only petitions to be considered valid by the
11 State Board of Elections, election authority or local
12 election official. If the candidate fails to notify the
13 State Board of Elections, election authority or local
14 election official then only the first set of petitions
15 filed shall be valid and all subsequent petitions shall be
16 void.

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

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

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

23 (70 ILCS 2405/3) (from Ch. 42, par. 301)

24 Sec. 3. Board of trustees; creation; term. A board of

1 trustees shall be created, consisting of 5 members in any
2 sanitary district which includes one or more municipalities
3 with a population of over 90,000 but less than 500,000
4 according to the most recent Federal census, and consisting of
5 3 members in any other district. However, the board of trustees
6 for the Fox River Water Reclamation District, the Sanitary
7 District of Decatur, and the Northern Moraine Wastewater
8 Reclamation District shall each consist of 5 members. Each
9 board of trustees shall be created for the government, control
10 and management of the affairs and business of each sanitary
11 district organized under this Act shall be created in the
12 following manner:

13 (1) If the district's corporate boundaries are located
14 wholly within a single county, the presiding officer of the
15 county board, with the advice and consent of the county
16 board, shall appoint the trustees for the district;

17 (2) If the district's corporate boundaries are located
18 in more than one county, the members of the General
19 Assembly whose legislative districts encompass any portion
20 of the district shall appoint the trustees for the
21 district.

22 In any sanitary district which shall have a 3 member board
23 of trustees, within 60 days after the adoption of such act, the
24 appropriate appointing authority shall appoint three trustees
25 not more than 2 of whom shall be from one incorporated city,
26 town or village in districts in which are included 2 or more

1 incorporated cities, towns or villages, or parts of 2 or more
2 incorporated cities, towns or villages, who shall hold their
3 office respectively for 1, 2 and 3 years, from the first Monday
4 of May next after their appointment and until their successors
5 are appointed and have qualified, and thereafter on or before
6 the second Monday in April of each year the appropriate
7 appointing authority shall appoint one trustee whose term shall
8 be for 3 years commencing the first Monday in May of the year
9 in which he is appointed. The length of the term of the first
10 trustees shall be determined by lot at their first meeting.

11 In the case of any sanitary district created after January
12 1, 1978 in which a 5 member board of trustees is required, the
13 appropriate appointing authority shall appoint 5 trustees, one
14 of whom shall hold office for one year, two of whom shall hold
15 office for 2 years, and 2 of whom shall hold office for 3 years
16 from the first Monday of May next after their respective
17 appointments and until their successors are appointed and have
18 qualified. Thereafter, on or before the second Monday in April
19 of each year the appropriate appointing authority shall appoint
20 one trustee or 2 trustees, as shall be necessary to maintain a
21 5 member board of trustees, whose terms shall be for 3 years
22 commencing the first Monday in May of the year in which they
23 are respectively appointed. The length of the terms of the
24 first trustees shall be determined by lot at their first
25 meeting.

26 In any sanitary district created prior to January 1, 1978

1 in which a 5 member board of trustees is required as of January
2 1, 1978, the two trustees already serving terms which do not
3 expire on May 1, 1978 shall continue to hold office for the
4 remainders of their respective terms, and 3 trustees shall be
5 appointed by the appropriate appointing authority by April 10,
6 1978 and shall hold office for terms beginning May 1, 1978. Of
7 the three new trustees, one shall hold office for 2 years and 2
8 shall hold office for 3 years from May 1, 1978 and until their
9 successors are appointed and have qualified. Thereafter, on or
10 before the second Monday in April of each year the appropriate
11 appointing authority shall appoint one trustee or 2 trustees,
12 as shall be necessary to maintain a 5 member board of trustees,
13 whose terms shall be for 3 years commencing the first Monday in
14 May of the year in which they are respectively appointed. The
15 lengths of the terms of the trustees who are to hold office
16 beginning May 1, 1978 shall be determined by lot at their first
17 meeting after May 1, 1978.

18 No more than 3 members of a 5 member board of trustees may
19 be of the same political party; except that in any sanitary
20 district which otherwise meets the requirements of this Section
21 and which lies within 4 counties of the State of Illinois or,
22 prior to April 30, 2008, in the Fox River Water Reclamation
23 District; the appointments of the 5 members of the board of
24 trustees shall be made without regard to political party.
25 Beginning with the appointments made on April 30, 2008, all
26 appointments to the board of trustees of the Fox River Water

1 Reclamation District shall be made so that no more than 3 of
2 the 5 members are from the same political party.

3 Beginning with the 2019 municipal election, the board of
4 trustees of the Thorn Creek Basin Sanitary District shall be
5 elected as provided in this paragraph. The election of trustees
6 shall be in accordance with Section 2A-1.1 of the Election
7 Code. Any board member serving on the effective date of this
8 amendatory Act of the 100th General Assembly whose term does
9 not expire in 2019 shall serve until his or her successor is
10 elected and qualified. The board of trustees shall consist of 3
11 elected members. The trustees initially elected under this
12 paragraph shall be elected at the 2019 election, with 2
13 trustees elected to 4-year terms and one trustee elected to a
14 2-year term, as determined by lot at the elected board's first
15 meeting. Elected trustees shall take office on the first
16 Tuesday after the first Monday in the month following the month
17 of their election and shall hold their offices for 4 years and
18 until their successors are elected and qualified. When a
19 vacancy exists on the board of trustees of the Thorn Creek
20 Basin Sanitary District, the vacancy shall be filled by
21 appointment by the president of the board of trustees, with the
22 advice and consent of the members of the board of trustees,
23 until the next regular election at which trustees of the
24 district are elected, and shall be made a matter of record in
25 the office of the county clerk in the county where the district
26 is located. For a vacancy filled by appointment, the portion of

1 the unexpired term remaining after the next regular election at
2 which trustees of the district are elected shall be filled by
3 election, as provided for in this paragraph.

4 Within 60 days after the release of Federal census
5 statistics showing that a sanitary district having a 3 member
6 board of trustees contains one or more municipalities with a
7 population over 90,000 but less than 500,000, or, for the
8 Northern Moraine Wastewater Reclamation District, within 60
9 days after the effective date of this amendatory Act of the
10 95th General Assembly, the appropriate appointing authority
11 shall appoint 2 additional trustees to the board of trustees,
12 one to hold office for 2 years and one to hold office for 3
13 years from the first Monday of May next after their appointment
14 and until their successors are appointed and have qualified.
15 The lengths of the terms of these two additional members shall
16 be determined by lot at the first meeting of the board of
17 trustees held after the additional members take office. The
18 three trustees already holding office in the sanitary district
19 shall continue to hold office for the remainders of their
20 respective terms. Thereafter, on or before the second Monday in
21 April of each year the appropriate appointing authority shall
22 appoint one trustee or 2 trustees, as shall be necessary to
23 maintain a 5 member board of trustees, whose terms shall be for
24 3 years commencing the first Monday in May of the year in which
25 they are respectively appointed.

26 If any sanitary district having a 5 member board of

1 trustees shall cease to contain one or more municipalities with
2 a population over 90,000 but less than 500,000 according to the
3 most recent Federal census, then, for so long as that sanitary
4 district does not contain one or more such municipalities, on
5 or before the second Monday in April of each year the
6 appropriate appointing authority shall appoint one trustee
7 whose term shall be for 3 years commencing the first Monday in
8 May of the year in which he is appointed. In districts which
9 include 2 or more incorporated cities, towns, or villages, or
10 parts of 2 or more incorporated cities, towns, or villages, all
11 of the trustees shall not be from one incorporated city, town
12 or village.

13 If a vacancy occurs on any board of trustees, the
14 appropriate appointing authority shall within 60 days appoint a
15 trustee who shall hold office for the remainder of the vacated
16 term.

17 The appointing authority shall require each of the trustees
18 to enter into bond, with security to be approved by the
19 appointing authority, in such sum as the appointing authority
20 may determine.

21 A majority of the board of trustees shall constitute a
22 quorum but a smaller number may adjourn from day to day. No
23 trustee or employee of such district shall be directly or
24 indirectly interested in any contract, work or business of the
25 district, or the sale of any article, the expense, price or
26 consideration of which is paid by such district; nor in the

1 purchase of any real estate or property belonging to the
2 district, or which shall be sold for taxes or assessments, or
3 by virtue of legal process at the suit of the district.
4 Provided, that nothing herein shall be construed as prohibiting
5 the appointment or selection of any person as trustee or
6 employee whose only interest in the district is as owner of
7 real estate in the district or of contributing to the payment
8 of taxes levied by the district. The trustees shall have the
9 power to provide and adopt a corporate seal for the district.

10 Notwithstanding any other provision in this Section, in any
11 sanitary district created prior to the effective date of this
12 amendatory Act of 1985, in which a five member board of
13 trustees has been appointed and which currently includes one or
14 more municipalities with a population of over 90,000 but less
15 than 500,000, the board of trustees shall consist of five
16 members.

17 Except as otherwise provided for vacancies, in the event
18 that the appropriate appointing authority fails to appoint a
19 trustee under this Section, the appropriate appointing
20 authority shall reconvene and appoint a successor on or before
21 July 1 of that year.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."