

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 (including the Fox Metro Water Reclamation District),
3 then, except as otherwise provided in this Section, such
4 petition for nomination shall be filed in the principal
5 office of the State Board of Elections not more than 113
6 and not less than 106 days prior to the date of the
7 primary, but, in the case of petitions for nomination to
8 fill a vacancy by special election in the office of
9 representative in Congress from this State, such petition
10 for nomination shall be filed in the principal office of
11 the State Board of Elections not more than 85 days and not
12 less than 82 days prior to the date of the primary.

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

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

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

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

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

1 (4) The petitions of candidates for State central
2 committeeperson shall be filed in the principal office of
3 the State Board of Elections not more than 113 nor less
4 than 106 days prior to the date of the primary.

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

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

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

1 determined by lot and prior to candidates who filed for the
2 same office at a later time.

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

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

1 was filed. Such receipt shall be so filed not later than
2 the last day on which nomination papers may be filed.

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

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

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

1 be uncontested where not more than the number of persons to
2 be nominated have timely filed valid nomination papers
3 seeking the nomination of such party for election to such
4 office.

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

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

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

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

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

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

14 (Source: P.A. 99-221, eff. 7-31-15; 100-1027, eff. 1-1-19.)

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

17 (70 ILCS 2405/3) (from Ch. 42, par. 301)

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

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

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

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

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

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

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

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

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

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

23 Beginning with the 2021 municipal election, the board of
24 trustees of the Fox Metro Water Reclamation District shall be
25 elected as provided in this paragraph. The election of trustees
26 shall be in accordance with Section 2A-1.1 of the Election

1 Code. Any board member serving on the effective date of this
2 amendatory Act of the 101st General Assembly whose term does
3 not expire in 2021 shall serve until his or her successor is
4 elected and qualified. The board of trustees shall consist of 5
5 elected members. The trustees shall be elected for staggered
6 terms at the election as provided by the Election Code. Two
7 trustees shall be elected at the 2021 election, and 3 trustees
8 shall be elected at the following consolidated election.
9 Elected trustees shall take office on the first Tuesday after
10 the first Monday in the month following the month of their
11 election and shall hold their offices for 4 years and until
12 their successors are elected and qualified. When a vacancy
13 exists on the board of trustees of the Fox Metro Water
14 Reclamation District, the vacancy shall be filled by
15 appointment by the president of the board of trustees, with the
16 advice and consent of the members of the board of trustees,
17 until the next regular election at which trustees of the
18 district are elected, and shall be made a matter of record in
19 the office of the county clerk in the county where the district
20 is located. For a vacancy filled by appointment, the portion of
21 the unexpired term remaining after the next regular election at
22 which trustees of the district are elected shall be filled by
23 election, as provided for in this paragraph.

24 Within 60 days after the release of Federal census
25 statistics showing that a sanitary district having a 3 member
26 board of trustees contains one or more municipalities with a

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

20 If any sanitary district having a 5 member board of
21 trustees shall cease to contain one or more municipalities with
22 a population over 90,000 but less than 500,000 according to the
23 most recent Federal census, then, for so long as that sanitary
24 district does not contain one or more such municipalities, on
25 or before the second Monday in April of each year the
26 appropriate appointing authority shall appoint one trustee

1 whose term shall be for 3 years commencing the first Monday in
2 May of the year in which he is appointed. In districts which
3 include 2 or more incorporated cities, towns, or villages, or
4 parts of 2 or more incorporated cities, towns, or villages, all
5 of the trustees shall not be from one incorporated city, town
6 or village.

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

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

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

1 real estate in the district or of contributing to the payment
2 of taxes levied by the district. The trustees shall have the
3 power to provide and adopt a corporate seal for the district.

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

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

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.