

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 of the Fox Metro  
5 Water Reclamation District shall: on or before January 1, 2020,  
6 divide the Fox Metro Water Reclamation District into 5 trustee  
7 districts and assign the trustee districts to reflect the  
8 results of the most recent federal decennial census; and  
9 thereafter, in the year following each decennial census,  
10 redistrict the trustee districts to reflect the results of the  
11 most recent census. The board of trustees shall consist of 1  
12 elected trustee in each trustee district. A petition for  
13 nomination for election of a trustee of the Fox Metro Water  
14 Reclamation District shall contain at least 100 signatures of  
15 registered voters residing within the Fox Metro Water  
16 Reclamation District. The trustees shall be elected for  
17 staggered terms at the election as provided by the Election  
18 Code. Two trustees shall be elected at the 2021 election, and 3  
19 trustees shall be elected at the following consolidated  
20 election. Elected trustees shall take office on the first  
21 Tuesday after the first Monday in the month following the month  
22 of their election and shall hold their offices for 4 years and  
23 until their successors are elected and qualified. If a vacancy  
24 occurs before the 2021 election on the board of trustees of the  
25 Fox Metro Water Reclamation District: (i) the District Manager  
26 shall, no later than 7 days from the date of the vacancy,

1 notify the State legislators representing any portion of the  
2 District, publish notification of the vacancy on the District's  
3 website, and send notification of the vacancy to local  
4 newspapers, radio stations, and television stations; (ii) each  
5 notification published or sent shall contain instructions on  
6 how to apply to the District Manager for the vacant trustee  
7 position; (iii) applications for the vacancy shall be accepted  
8 for at least 30 days after the date the notification of the  
9 vacancy was published and sent; (iv) applications for the  
10 vacancy shall include a letter of interest and resume; (v) once  
11 the application period has closed, the District Manager shall  
12 forward all applications received to the State legislators  
13 notified of the vacancy in item (i); (vi) the President of the  
14 board of trustees and the District Manager shall hold a public  
15 meeting with the State legislators notified of the vacancy to  
16 review all applications and, by unanimous vote of all State  
17 legislators representing any portion of the District, select a  
18 candidate to fill the trustee vacancy; and (vii) the board of  
19 trustees shall appoint the selected candidate at the next board  
20 of trustees meeting. If a vacancy exists after the 2021  
21 election on the board of trustees of the Fox Metro Water  
22 Reclamation District, the vacancy shall be filled by  
23 appointment by the president of the board of trustees, with the  
24 advice and consent of the members of the board of trustees,  
25 until the next regular election at which trustees of the  
26 district are elected, and shall be made a matter of record in



1 the office of the county clerk in the county where the district  
2 is located; for a vacancy filled by appointment, the portion of  
3 the unexpired term remaining after the next regular election at  
4 which trustees of the district are elected shall be filled by  
5 election, as provided for in this paragraph.

6       Within 60 days after the release of Federal census  
7 statistics showing that a sanitary district having a 3 member  
8 board of trustees contains one or more municipalities with a  
9 population over 90,000 but less than 500,000, or, for the  
10 Northern Moraine Wastewater Reclamation District, within 60  
11 days after the effective date of this amendatory Act of the  
12 95th General Assembly, the appropriate appointing authority  
13 shall appoint 2 additional trustees to the board of trustees,  
14 one to hold office for 2 years and one to hold office for 3  
15 years from the first Monday of May next after their appointment  
16 and until their successors are appointed and have qualified.  
17 The lengths of the terms of these two additional members shall  
18 be determined by lot at the first meeting of the board of  
19 trustees held after the additional members take office. The  
20 three trustees already holding office in the sanitary district  
21 shall continue to hold office for the remainders of their  
22 respective terms. Thereafter, on or before the second Monday in  
23 April of each year the appropriate appointing authority shall  
24 appoint one trustee or 2 trustees, as shall be necessary to  
25 maintain a 5 member board of trustees, whose terms shall be for  
26 3 years commencing the first Monday in May of the year in which

1 they are respectively appointed.

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

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

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

23 A majority of the board of trustees shall constitute a  
24 quorum but a smaller number may adjourn from day to day. No  
25 trustee or employee of such district shall be directly or  
26 indirectly interested in any contract, work or business of the

1 district, or the sale of any article, the expense, price or  
2 consideration of which is paid by such district; nor in the  
3 purchase of any real estate or property belonging to the  
4 district, or which shall be sold for taxes or assessments, or  
5 by virtue of legal process at the suit of the district.  
6 Provided, that nothing herein shall be construed as prohibiting  
7 the appointment or selection of any person as trustee or  
8 employee whose only interest in the district is as owner of  
9 real estate in the district or of contributing to the payment  
10 of taxes levied by the district. The trustees shall have the  
11 power to provide and adopt a corporate seal for the district.

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

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

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

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.