



Sen. Kyle McCarter

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10000HB4104sam001

LRB100 14828 AWJ 40792 a

1 AMENDMENT TO HOUSE BILL 4104

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4104 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Township Code is amended by changing  
5 Section 60-5 as follows:

6 (60 ILCS 1/60-5)

7 Sec. 60-5. Filling vacancies in township offices.

8 (a) Except for the office of township or multi-township  
9 assessor, if a township fails to elect the number of township  
10 officers that the township is entitled to by law, or a person  
11 elected to any township office fails to qualify, or a vacancy  
12 in any township office occurs for any other reason including  
13 without limitation the resignation of an officer or the  
14 conviction in any court of the State of Illinois or of the  
15 United States of an officer for an infamous crime, then the  
16 township board shall fill the vacancy by appointment, by

1 warrant under their signatures and seals, and the persons so  
2 appointed shall hold their respective offices for the remainder  
3 of the unexpired terms. All persons so appointed shall have the  
4 same powers and duties and are subject to the same penalties as  
5 if they had been elected or appointed for a full term of  
6 office. A vacancy in the office of township or multi-township  
7 assessor shall be filled only as provided in the Property Tax  
8 Code.

9 For purposes of this subsection (a), a conviction for an  
10 offense that disqualifies an officer from holding that office  
11 occurs on the date of (i) the entry of a plea of guilty in  
12 court, (ii) the return of a guilty verdict, or (iii) in the  
13 case of a trial by the court, the entry of a finding of guilt.

14 (b) If a vacancy on the township board is not filled within  
15 60 days, then a special township meeting must be called under  
16 Section 35-5 to select a replacement under Section 35-35.

17 (b-5) If the vacancy being filled under subsection (a) or  
18 (b) is for the township supervisor, the appointed member shall  
19 fulfill the bond requirement under Section 70-5 of this Code.  
20 The appointed supervisor may be a trustee appointed by a  
21 majority vote of the trustees and shall have one vote on each  
22 matter properly before the board. This subsection applies only  
23 to townships in counties with a population under 250,000.

24 (c) Except as otherwise provided in this Section, whenever  
25 any township or multi-township office becomes vacant or  
26 temporarily vacant due to a physical incapacity of a township

1 officer, the township or multi-township board may temporarily  
2 appoint a deputy to perform the ministerial functions of the  
3 vacant office until the physically incapacitated township  
4 officer submits a written statement to the appropriate board  
5 that he or she is physically able to perform his or her duty.  
6 The statement shall be sworn to before an officer authorized to  
7 administer oaths in this State. A temporary deputy shall not be  
8 permitted to vote at any meeting of the township board on any  
9 matter properly before the board. The compensation of a  
10 temporary deputy shall be determined by the appropriate board.  
11 The township board shall not appoint a deputy clerk if the  
12 township clerk has appointed a deputy clerk under Section  
13 75-45.

14 (c-5) Except as otherwise provided in this Section,  
15 whenever any township or multi-township office becomes vacant  
16 or temporarily vacant, the township or multi-township board may  
17 temporarily appoint a deputy to perform the ministerial  
18 functions of the vacant office until the vacancy has been  
19 filled as provided in subsection (a) or (b). Whenever any  
20 township or multi-township office becomes vacant or  
21 temporarily vacant due to the physical incapacity of a township  
22 officer, the township or multi-township board may temporarily  
23 appoint a deputy to perform the ministerial functions of the  
24 vacant office until the physically incapacitated township  
25 officer submits a written statement to the appropriate board  
26 that he or she is physically able to perform his or her duty.

1 The statement shall be sworn to before an officer authorized to  
2 administer oaths in this State. A temporary deputy shall not be  
3 permitted to vote at any meeting of the township board on any  
4 matter properly before the board unless the appointed deputy is  
5 a trustee of the board at the time of the vote. If the  
6 appointed deputy is a trustee appointed as a temporary deputy,  
7 his or her trustee compensation shall be suspended until he or  
8 she concludes his or her appointment as an appointed deputy  
9 upon the permanent appointment to fill the vacancy. The  
10 compensation of a temporary deputy shall be determined by the  
11 appropriate board. The township board shall not appoint a  
12 deputy clerk if the township clerk has appointed a deputy clerk  
13 under Section 75-45. This subsection applies only to townships  
14 in counties with a population under 250,000.

15 (d) Except for the temporary appointment of a deputy under  
16 subsection (c-5), any ~~Any~~ person appointed to fill a vacancy  
17 under this Section shall be a member of the same political  
18 party as the person vacating the office if the person vacating  
19 the office was elected as a member of an established political  
20 party, under Section 10-2 of the Election Code, that is still  
21 in existence at the time of appointment. The appointee shall  
22 establish his or her political party affiliation by his or her  
23 record of voting in party primary elections or by holding or  
24 having held an office in a political party organization before  
25 appointment. If the appointee has not voted in a party primary  
26 election or is not holding or has not held an office in a

1 political party organization before the appointment, then the  
2 appointee shall establish his or her political party  
3 affiliation by his or her record of participating in a  
4 political party's nomination or election caucus.

5 (Source: P.A. 97-295, eff. 1-1-12.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law."