



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4697

by Rep. Brad Halbrook

SYNOPSIS AS INTRODUCED:

60 ILCS 1/60-5

Amends the Township Code. Provides that if a vacant township supervisor office is filled by appointment, the appointed supervisor shall fulfill the bond requirement for township supervisors. Provides that the appointed supervisor may be a trustee appointed by a majority vote of the trustees and shall have one vote on any matter properly before the board. Provides for the appointment of a temporary deputy to perform the ministerial functions of a vacant township office until a person can be appointed to fill the vacant position for the remainder of the vacant term (rather than only allowing the appointment of a temporary deputy in a vacant township office due to a physical incapacity of a township officer). Provides that the temporary deputy, including a trustee appointed as a temporary deputy, shall be compensated at the same rate set by the board for the vacant position. Provides that if the appointed deputy is a trustee, his or her trustee compensation shall be suspended until he or she concludes his or her appointment as an appointed deputy upon the permanent appointment to fill the vacancy. Exempts the temporary deputy from the requirement to fill a vacant township office with a member of the same political party. Effective immediately.

LRB100 17110 AWJ 32262 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 Township Code is amended by changing Section
5 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
17 warrant under their signatures and seals, and the persons so
18 appointed shall hold their respective offices for the remainder
19 of the unexpired terms. All persons so appointed shall have the
20 same powers and duties and are subject to the same penalties as
21 if they had been elected or appointed for a full term of
22 office. A vacancy in the office of township or multi-township
23 assessor shall be filled only as provided in the Property Tax

1 Code.

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

7 (b) If a vacancy on the township board is not filled within
8 60 days, then a special township meeting must be called under
9 Section 35-5 to select a replacement under Section 35-35.

10 (b-5) If the vacancy being filled under subsection (a) or
11 (b) is for the township supervisor, the appointed member shall
12 fulfill the bond requirement under Section 70-5 of this Code.
13 The appointed supervisor may be a trustee appointed by a
14 majority vote of the trustees and shall have one vote on each
15 matter properly before the board.

16 (c) Except as otherwise provided in this Section, whenever
17 any township or multi-township office becomes vacant or
18 temporarily vacant ~~due to a physical incapacity of a township~~
19 ~~officer~~, the township or multi-township board may temporarily
20 appoint a deputy to perform the ministerial functions of the
21 vacant office until the vacancy has been filled as provided in
22 subsection (a) or (b) ~~physically incapacitated township~~
23 ~~officer submits a written statement to the appropriate board~~
24 ~~that he or she is physically able to perform his or her duty.~~
25 ~~The statement shall be sworn to before an officer authorized to~~
26 ~~administer oaths in this State.~~ A temporary deputy shall not be

1 permitted to vote at any meeting of the township board on any
2 matter properly before the board unless the appointed deputy is
3 a trustee of the board at the time of the vote. The
4 compensation of a temporary deputy, including a trustee
5 appointed as a temporary deputy, shall be the same as the
6 compensation set by the board for the vacant position. If the
7 appointed deputy is a trustee appointed as a temporary deputy,
8 his or her trustee compensation shall be suspended until he or
9 she concludes his or her appointment as an appointed deputy
10 upon the permanent appointment to fill the vacancy. The
11 ~~compensation of a temporary deputy shall be determined by the~~
12 ~~appropriate board.~~ The township board shall not appoint a
13 deputy clerk if the township clerk has appointed a deputy clerk
14 under Section 75-45.

15 (d) Except for the temporary appointment of a deputy under
16 subsection (c), 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.