



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 225

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 225 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Sections 25-2 and 29-15 as follows:

6 (10 ILCS 5/25-2) (from Ch. 46, par. 25-2)

7 Sec. 25-2. Events on which an elective office becomes  
8 vacant. Every elective office shall become vacant on the  
9 happening of any of the following events before the expiration  
10 of the term of such office:

11 (1) The death of the incumbent.

12 (2) His or her resignation.

13 (3) His or her becoming a person under legal  
14 disability.

15 (4) His or her ceasing to be an inhabitant of the  
16 State; or if the office is local, his or her ceasing to be

1 an inhabitant of the district, county, town, or precinct  
2 for which he or she was elected; provided, that the  
3 provisions of this paragraph shall not apply to township  
4 officers whose township boundaries are changed in  
5 accordance with Section 10-20 of the Township Code, to a  
6 township officer after disconnection as set forth in  
7 Section 15-17 of the Township Code, nor to township or  
8 multi-township assessors elected under Sections 2-5  
9 through 2-15 of the Property Tax Code.

10 (5) His or her conviction of an infamous crime, or of  
11 any offense involving a violation of official oath.

12 (6) His or her removal from office.

13 (7) His or her refusal or neglect to take his or her  
14 oath of office, or to give or renew his or her official  
15 bond, or to deposit or file such oath or bond within the  
16 time prescribed by law.

17 (8) The decision of a competent tribunal declaring his  
18 or her election void.

19 No elective office, except as herein otherwise provided,  
20 shall become vacant until the successor of the incumbent of  
21 such office has been appointed or elected, as the case may be,  
22 and qualified.

23 An unconditional resignation, effective at a future date,  
24 may not be withdrawn after it is received by the officer  
25 authorized to fill the vacancy. Such resignation shall create a  
26 vacancy in office for the purpose of determining the time

1 period which would require an election. The resigning office  
2 holder may continue to hold such office until the date or event  
3 specified in such resignation, but no later than the date at  
4 which his or her successor is elected and qualified.

5 An admission of guilt of a criminal offense that would,  
6 upon conviction, disqualify the holder of an elective office  
7 from holding that office, in the form of a written agreement  
8 with State or federal prosecutors to plead guilty to a felony,  
9 bribery, perjury, or other infamous crime under State or  
10 federal law, shall constitute a resignation from that office,  
11 effective at the time the plea agreement is made.

12 For purposes of this Section, a conviction for an offense  
13 that disqualifies the holder of an elective office from holding  
14 that office shall occur on the date of the return of a guilty  
15 verdict or, in the case of a trial by the court, the entry of a  
16 finding of guilt.

17 For the purposes of this Section, an elective office does  
18 not become vacant if the person previously convicted of an  
19 infamous crime: (i) received a pardon for the offense or the  
20 right of the person to hold elective office has been otherwise  
21 restored by executive or judicial action; (ii) has completed  
22 the sentence ordered by the court for the offense at least 15  
23 years prior to taking office, has not had another felony  
24 criminal conviction in the 15 years following the completion of  
25 the sentence, and, prior to taking office or within 30 days  
26 after the effective date of this amendatory Act of the 100th

1 General Assembly (including individuals and candidates elected  
2 at the last preceding election after the effective date of this  
3 paragraph), whichever is later, has submitted to the  
4 appropriate election authority a signed and sworn affidavit  
5 which includes the date of all criminal convictions, the date  
6 of completion of any sentences, and an assertion that the  
7 person believes he or she qualifies under this exemption; or  
8 (iii) is otherwise eligible according to law. An affidavit  
9 submitted under item (ii) of this paragraph shall also be  
10 submitted to the appropriate State's Attorney's Office.  
11 However, this paragraph shall not apply to a person who is a  
12 child sex offender as defined in Section 11-9.3 of the Criminal  
13 Code of 2012.

14 ~~This Section does not apply to any elected or appointed~~  
15 ~~officers or officials of any municipality having a population~~  
16 ~~under 500,000.~~

17 (Source: P.A. 94-529, eff. 8-10-05; 95-646, eff. 1-1-08.)

18 (10 ILCS 5/29-15) (from Ch. 46, par. 29-15)

19 Sec. 29-15. Conviction deemed infamous. Any person  
20 convicted of an infamous crime as such term is defined in  
21 Section 124-1 of the Code of Criminal Procedure of 1963, as  
22 amended, shall thereafter be prohibited from holding any office  
23 of honor, trust, or profit, unless: (1) that person's right to  
24 hold elective office has been restored by the terms of a pardon  
25 for the offense, or by executive or judicial action; (2) that

1 person has completed the sentence ordered by the court for the  
2 offense at least 15 years prior to taking office, has not had  
3 another felony criminal conviction in the 15 years following  
4 the completion of the sentence, and has submitted to the  
5 appropriate election authority a signed and sworn affidavit  
6 which includes the date of all criminal convictions, the date  
7 of completion of any sentences, and an assertion that the  
8 person believes he or she qualifies under this exemption; or  
9 (3) that person is otherwise eligible according to law ~~such~~  
10 ~~person is again restored to such rights by the terms of a~~  
11 ~~pardon for the offense or otherwise according to law.~~

12 Any person seeking office under exemption (2) of this  
13 Section must submit, with his or her nomination papers, a  
14 signed affidavit asserting that exemption. No candidate  
15 required to file the affidavit under this Section shall qualify  
16 as a candidate for election or nomination unless he or she  
17 files the affidavit asserting an exemption with the appropriate  
18 officer by the end of the period for the filing of nomination  
19 papers. A person seeking election or nomination as a write-in  
20 candidate who would otherwise be required to file an affidavit  
21 under exemption (2) of this Section shall file the affidavit  
22 with his or her declaration of intent to be a write-in  
23 candidate. The filing of a false affidavit of exemption shall  
24 disqualify a candidate or officeholder in addition to other  
25 penalties provided by law. Objections to the affidavit  
26 asserting an exemption shall be governed by Sections 10-8

1 through 10-10.1 of the Election Code with the same procedures  
2 as objections to certificates of nomination and nomination  
3 papers, hearings on objections, and judicial review. If  
4 required, failure to file an affidavit asserting an exemption  
5 under this Section with nomination papers or failure to  
6 otherwise file the affidavit within 30 days after the effective  
7 date of this amendatory Act of the 100th General Assembly,  
8 whichever is later, or filing a false affidavit asserting an  
9 exemption, shall constitute grounds for immediate removal from  
10 office by the appropriate authority as provided by law.  
11 Exemption (2) of this Section shall not apply to a person who  
12 is a child sex offender as defined in Section 11-9.3 of the  
13 Criminal Code of 2012.

14 (Source: P.A. 83-1097.)

15 Section 10. The Township Code is amended by changing  
16 Section 55-6 as follows:

17 (60 ILCS 1/55-6)

18 Sec. 55-6. Criminal conviction. A person is not eligible to  
19 hold any office if that person, at the time required for taking  
20 the oath of office, has been convicted in any court located in  
21 the United States of any infamous crime, bribery, perjury, or  
22 other felony unless: (1) that person's right to hold elective  
23 office has been restored by the terms of a pardon for the  
24 offense, or by executive or judicial action; (2) that person

1 has completed the sentence ordered by the court for the offense  
2 at least 15 years prior to taking office, has not had another  
3 felony criminal conviction in the 15 years following the  
4 completion of the sentence, and has submitted to the  
5 appropriate election authority a signed and sworn affidavit  
6 which includes the date of all criminal convictions, the date  
7 of completion of any sentences, and an assertion that the  
8 person believes he or she qualifies under this exemption; or  
9 (3) is otherwise eligible according to law.

10 The person seeking office under exemption (2) of this  
11 Section must submit, with his or her nomination papers, a  
12 signed affidavit asserting that exemption. No candidate  
13 required to file the affidavit under this Section shall qualify  
14 as a candidate for election or nomination unless he or she  
15 files the affidavit asserting an exemption with the appropriate  
16 officer by the end of the relevant period for the filing of  
17 nomination papers. The filing of a false affidavit of exemption  
18 shall disqualify a candidate, in addition to other penalties  
19 provided by law. Objections to the affidavit asserting an  
20 exemption shall be governed by Sections 10-8 through 10-10.1 of  
21 the Election Code with the same procedure as objections to  
22 certificates of nomination and nomination papers, hearings on  
23 objections, and judicial review. If required, failure to file  
24 an affidavit asserting an exemption under this Section with  
25 nomination papers or failure to otherwise file the affidavit  
26 within 30 days after the effective date of this amendatory Act

1 of the 100th General Assembly, whichever is later, or filing a  
2 false affidavit asserting an exemption, shall constitute  
3 grounds for immediate removal from office by the appropriate  
4 authority as provided by law. Exemption (2) of this Section  
5 shall not apply to a person who is a child sex offender as  
6 defined in Section 11-9.3 of the Criminal Code of 2012.

7 (Source: P.A. 99-546, eff. 7-15-16.)

8 Section 15. The Illinois Municipal Code is amended by  
9 changing Section 3.1-10-5 as follows:

10 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

11 Sec. 3.1-10-5. Qualifications; elective office.

12 (a) A person is not eligible for an elective municipal  
13 office unless that person is a qualified elector of the  
14 municipality and has resided in the municipality at least one  
15 year next preceding the election or appointment, except as  
16 provided in Section 3.1-20-25, subsection (b) of Section  
17 3.1-25-75, Section 5-2-2, or Section 5-2-11.

18 (b) A person is not eligible to take the oath of office for  
19 a municipal office if that person is, at the time required for  
20 taking the oath of office, in arrears in the payment of a tax  
21 or other indebtedness due to the municipality or has been  
22 convicted in any court located in the United States of any  
23 infamous crime, bribery, perjury, or other felony unless: (1)  
24 that person's right to hold elective office has been restored



1 by the terms of a pardon for the offense, or by executive or  
2 judicial action; (2) that person has completed the sentence  
3 ordered by the court for the offense at least 15 years prior to  
4 taking office, has not had another felony criminal conviction  
5 in the 15 years following the completion of the sentence, and  
6 has submitted to the appropriate election authority a signed  
7 and sworn affidavit which includes the date of all criminal  
8 convictions, the date of completion of any sentences, and an  
9 assertion that the person believes he or she qualifies under  
10 this exemption; or (3) is otherwise eligible according to law.

11 The person seeking office under exemption (2) of this  
12 subsection (b) must submit, with his or her nomination papers,  
13 a signed affidavit asserting that exemption. No candidate  
14 required to file the affidavit under this Section shall qualify  
15 as a candidate for election or nomination unless he or she  
16 files the affidavit asserting an exemption with the appropriate  
17 officer by the end of the relevant period for the filing of  
18 nomination papers. The filing of a false affidavit of exemption  
19 shall disqualify a candidate, in addition to other penalties  
20 provided by law. Objections to the affidavit asserting an  
21 exemption shall be governed by Sections 10-8 through 10-10.1 of  
22 the Election Code with the same procedure as objections to  
23 certificates of nomination and nomination papers, hearings on  
24 objections, and judicial review. If required, failure to file  
25 an affidavit asserting an exemption under this Section with  
26 nomination papers or failure to otherwise file the affidavit

1 within 30 days after the effective date of this amendatory Act  
2 of the 100th General Assembly, whichever is later, or filing a  
3 false affidavit asserting an exemption, shall constitute  
4 grounds for immediate removal from office by the appropriate  
5 authority as provided by law. Exemption (2) of this subsection  
6 (b) shall not apply to a person who is a child sex offender as  
7 defined in Section 11-9.3 of the Criminal Code of 2012.

8 (b-5) (Blank).

9 (c) A person is not eligible for the office of alderman of  
10 a ward unless that person has resided in the ward that the  
11 person seeks to represent, and a person is not eligible for the  
12 office of trustee of a district unless that person has resided  
13 in the municipality, at least one year next preceding the  
14 election or appointment, except as provided in Section  
15 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2,  
16 or Section 5-2-11.

17 (d) If a person (i) is a resident of a municipality  
18 immediately prior to the active duty military service of that  
19 person or that person's spouse, (ii) resides anywhere outside  
20 of the municipality during that active duty military service,  
21 and (iii) immediately upon completion of that active duty  
22 military service is again a resident of the municipality, then  
23 the time during which the person resides outside the  
24 municipality during the active duty military service is deemed  
25 to be time during which the person is a resident of the  
26 municipality for purposes of determining the residency

1 requirement under subsection (a).

2 (Source: P.A. 98-115, eff. 7-29-13; 99-449, eff. 8-24-15.)

3 Section 20. The School Code is amended by changing Section  
4 10-11 as follows:

5 (105 ILCS 5/10-11) (from Ch. 122, par. 10-11)

6 Sec. 10-11. Vacancies. Elective offices become vacant  
7 within the meaning of the Act, unless the context indicates  
8 otherwise, on the happening of any of the following events,  
9 before the expiration of the term of such office:

10 1. The death of the incumbent.

11 2. His or her resignation in writing filed with the  
12 Secretary or Clerk of the Board.

13 3. His or her becoming a person under legal disability.

14 4. His or her ceasing to be an inhabitant of the  
15 district for which he or she was elected.

16 5. His or her conviction of an infamous crime, of any  
17 offense involving a violation of official oath, or of a  
18 violent crime against a child.

19 6. His or her removal from office.

20 7. The decision of a competent tribunal declaring his  
21 or her election void.

22 8. His ceasing to be an inhabitant of a particular area  
23 from which he was elected, if the residential requirements  
24 contained in Section 10-10.5, 11E-35, or 12-2 of this Code

1 are violated.

2 No elective office except as herein otherwise provided  
3 becomes vacant until the successor of the incumbent of such  
4 office has been appointed or elected, as the case may be, and  
5 qualified. The successor shall have the same type of  
6 residential qualifications as his or her predecessor and, if  
7 the residential requirements contained in Section 10-10.5,  
8 11E-35, or 12-2 of this Code apply, the successor, whether  
9 elected or appointed by the remaining members or a regional  
10 superintendent, shall be an inhabitant of the particular area  
11 from which his or her predecessor was elected.

12 For the purpose of this Section, an elective office does  
13 not become vacant if the person previously convicted of an  
14 infamous crime: (i) received a pardon for the offense; (ii) has  
15 completed the sentence ordered by the court for the offense at  
16 least 15 years prior to taking office, has not had another  
17 felony criminal conviction in the 15 years following the  
18 completion of the sentence, and has submitted to the secretary  
19 of the school board prior to taking office or within 30 days of  
20 the effective date of this amendatory Act of the 100th General  
21 Assembly, whichever is later, a signed affidavit which includes  
22 the date of all criminal convictions, the date of completion of  
23 any sentences, and an assertion that the person believes he or  
24 she qualifies under this exemption; or (iii) is otherwise  
25 eligible according to law. An affidavit submitted under item  
26 (ii) of this paragraph shall be submitted to the appropriate

1 State's Attorney upon request. However, this paragraph shall  
2 not apply to a person who is a child sex offender as defined in  
3 Section 11-9.3 of the Criminal Code of 2012.

4 (Source: P.A. 94-1019, eff. 7-10-06.)

5 Section 25. The Unified Code of Corrections is amended by  
6 changing Section 5-5-5 as follows:

7 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

8 Sec. 5-5-5. Loss and Restoration of Rights.

9 (a) Conviction and disposition shall not entail the loss by  
10 the defendant of any civil rights, except under this Section  
11 and Sections 29-6, ~~and~~ 29-10, and 29-15 of The Election Code,  
12 as now or hereafter amended.

13 (b) A person convicted of a felony shall be ineligible to  
14 hold an office created by the Constitution of this State until  
15 the completion of his sentence.

16 (c) A person sentenced to imprisonment shall lose his right  
17 to vote until released from imprisonment.

18 (d) On completion of sentence of imprisonment or upon  
19 discharge from probation, conditional discharge or periodic  
20 imprisonment, or at any time thereafter, all license rights and  
21 privileges granted under the authority of this State which have  
22 been revoked or suspended because of conviction of an offense  
23 shall be restored unless the authority having jurisdiction of  
24 such license rights finds after investigation and hearing that

1 restoration is not in the public interest. This paragraph (d)  
2 shall not apply to the suspension or revocation of a license to  
3 operate a motor vehicle under the Illinois Vehicle Code.

4 (e) Upon a person's discharge from incarceration or parole,  
5 or upon a person's discharge from probation or at any time  
6 thereafter, the committing court may enter an order certifying  
7 that the sentence has been satisfactorily completed when the  
8 court believes it would assist in the rehabilitation of the  
9 person and be consistent with the public welfare. Such order  
10 may be entered upon the motion of the defendant or the State or  
11 upon the court's own motion.

12 (f) Upon entry of the order, the court shall issue to the  
13 person in whose favor the order has been entered a certificate  
14 stating that his behavior after conviction has warranted the  
15 issuance of the order.

16 (g) This Section shall not affect the right of a defendant  
17 to collaterally attack his conviction or to rely on it in bar  
18 of subsequent proceedings for the same offense.

19 (h) No application for any license specified in subsection  
20 (i) of this Section granted under the authority of this State  
21 shall be denied by reason of an eligible offender who has  
22 obtained a certificate of relief from disabilities, as defined  
23 in Article 5.5 of this Chapter, having been previously  
24 convicted of one or more criminal offenses, or by reason of a  
25 finding of lack of "good moral character" when the finding is  
26 based upon the fact that the applicant has previously been

1 convicted of one or more criminal offenses, unless:

2 (1) there is a direct relationship between one or more  
3 of the previous criminal offenses and the specific license  
4 sought; or

5 (2) the issuance of the license would involve an  
6 unreasonable risk to property or to the safety or welfare  
7 of specific individuals or the general public.

8 In making such a determination, the licensing agency shall  
9 consider the following factors:

10 (1) the public policy of this State, as expressed in  
11 Article 5.5 of this Chapter, to encourage the licensure and  
12 employment of persons previously convicted of one or more  
13 criminal offenses;

14 (2) the specific duties and responsibilities  
15 necessarily related to the license being sought;

16 (3) the bearing, if any, the criminal offenses or  
17 offenses for which the person was previously convicted will  
18 have on his or her fitness or ability to perform one or  
19 more such duties and responsibilities;

20 (4) the time which has elapsed since the occurrence of  
21 the criminal offense or offenses;

22 (5) the age of the person at the time of occurrence of  
23 the criminal offense or offenses;

24 (6) the seriousness of the offense or offenses;

25 (7) any information produced by the person or produced  
26 on his or her behalf in regard to his or her rehabilitation

1 and good conduct, including a certificate of relief from  
2 disabilities issued to the applicant, which certificate  
3 shall create a presumption of rehabilitation in regard to  
4 the offense or offenses specified in the certificate; and

5 (8) the legitimate interest of the licensing agency in  
6 protecting property, and the safety and welfare of specific  
7 individuals or the general public.

8 (i) A certificate of relief from disabilities shall be  
9 issued only for a license or certification issued under the  
10 following Acts:

11 (1) the Animal Welfare Act; except that a certificate  
12 of relief from disabilities may not be granted to provide  
13 for the issuance or restoration of a license under the  
14 Animal Welfare Act for any person convicted of violating  
15 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
16 Care for Animals Act or Section 26-5 or 48-1 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012;

18 (2) the Illinois Athletic Trainers Practice Act;

19 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
20 and Nail Technology Act of 1985;

21 (4) the Boiler and Pressure Vessel Repairer Regulation  
22 Act;

23 (5) the Boxing and Full-contact Martial Arts Act;

24 (6) the Illinois Certified Shorthand Reporters Act of  
25 1984;

26 (7) the Illinois Farm Labor Contractor Certification



1 Act;

2 (8) the Interior Design Title Act;

3 (9) the Illinois Professional Land Surveyor Act of  
4 1989;

5 (10) the Illinois Landscape Architecture Act of 1989;

6 (11) the Marriage and Family Therapy Licensing Act;

7 (12) the Private Employment Agency Act;

8 (13) the Professional Counselor and Clinical  
9 Professional Counselor Licensing and Practice Act;

10 (14) the Real Estate License Act of 2000;

11 (15) the Illinois Roofing Industry Licensing Act;

12 (16) the Professional Engineering Practice Act of  
13 1989;

14 (17) the Water Well and Pump Installation Contractor's  
15 License Act;

16 (18) the Electrologist Licensing Act;

17 (19) the Auction License Act;

18 (20) the Illinois Architecture Practice Act of 1989;

19 (21) the Dietitian Nutritionist Practice Act;

20 (22) the Environmental Health Practitioner Licensing  
21 Act;

22 (23) the Funeral Directors and Embalmers Licensing  
23 Code;

24 (24) (blank);

25 (25) the Professional Geologist Licensing Act;

26 (26) the Illinois Public Accounting Act; and

1                   (27) the Structural Engineering Practice Act of 1989.  
2                   (Source: P.A. 100-534, eff. 9-22-17.)

3                   Section 99. Effective date. This Act takes effect upon  
4                   becoming law.".