



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3141

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 that whenever any township or multi-township office becomes vacant or temporarily vacant due to the physical incapacity of a township officer, the township or multi-township board may temporarily appoint a deputy to perform the ministerial functions of the vacant office. Provides that the temporary deputy is not permitted to vote at a township board meeting unless the appointed deputy is a trustee of the board at the time of the vote. 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.

LRB101 10442 AWJ 55548 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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). Whenever any township or multi-township  
23 office becomes vacant or temporarily vacant due to the physical  
24 incapacity of a township officer, the township or  
25 multi-township board may temporarily appoint a deputy to  
26 perform the ministerial functions of the vacant office until

1 the physically incapacitated township officer submits a  
2 written statement to the appropriate board that he or she is  
3 physically able to perform his or her duty. The statement shall  
4 be sworn to before an officer authorized to administer oaths in  
5 this State. A temporary deputy shall not be permitted to vote  
6 at any meeting of the township board on any matter properly  
7 before the board unless the appointed deputy is a trustee of  
8 the board at the time of the vote. If the appointed deputy is a  
9 trustee appointed as a temporary deputy, his or her trustee  
10 compensation shall be suspended until he or she concludes his  
11 or her appointment as an appointed deputy upon the permanent  
12 appointment to fill the vacancy. The compensation of a  
13 temporary deputy shall be determined by the appropriate board.  
14 The township board shall not appoint a deputy clerk if the  
15 township clerk has appointed a deputy clerk under Section  
16 75-45.

17 (d) Except for the temporary appointment of a deputy under  
18 subsection (c), any Any person appointed to fill a vacancy  
19 under this Section shall be a member of the same political  
20 party as the person vacating the office if the person vacating  
21 the office was elected as a member of an established political  
22 party, under Section 10-2 of the Election Code, that is still  
23 in existence at the time of appointment. The appointee shall  
24 establish his or her political party affiliation by his or her  
25 record of voting in party primary elections or by holding or  
26 having held an office in a political party organization before

1 appointment. If the appointee has not voted in a party primary  
2 election or is not holding or has not held an office in a  
3 political party organization before the appointment, then the  
4 appointee shall establish his or her political party  
5 affiliation by his or her record of participating in a  
6 political party's nomination or election caucus.

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

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.