



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3904

Introduced 2/17/2023, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

New Act

Creates the Local Official Vacancy Posting Act. Provides that a unit of local government shall post every elected official vacancy on its website, if the full-time staff of the municipality maintain the website, and the county clerk shall also post the vacancy on the county clerk website. Provides that the unit of local government may not fill the vacancy until the posting has been on the municipality's website, or the county's website if the municipality does not have full-time staff maintaining a website, for at least 15 days. Limits home rule powers.

LRB103 26275 AWJ 52635 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 1. Short title. This Act may be cited as the Local
5 Official Vacancy Posting Act.

6 Section 5. Posting of elected official vacancies. A unit
7 of local government shall post every elected official vacancy
8 on its website, if the website is maintained by the unit of
9 local government's full-time staff. The posting shall remain
10 on the website until the vacancy is filled.

11 Section 10. Posting on county website. In addition to the
12 postings required under Section 5, a unit of local government
13 shall submit every elected official vacancy to the county
14 clerk in the county in which the unit is located and the county
15 clerk shall post the information on the county website. The
16 posting shall remain on the website until the unit of local
17 government informs the county clerk that the vacancy has been
18 filled.

19 Section 15. Filling of elected official vacancies after
20 posting. If the unit of local government has a website
21 maintained by the unit of local government's full-time staff,

1 then the unit of local government may not fill the vacancy
2 until the posting has been on the website for at least 15 days.
3 If the unit of local government does not have a website
4 maintained by the unit of local government's full-time staff,
5 then the unit of local government may not fill the vacancy
6 until the posting has been on the county website for at least
7 15 days.

8 Section 90. Home rule. A home rule unit may not regulate
9 the posting of elected official vacancies in a manner
10 inconsistent with this Act. This Act is a limitation under
11 subsection (i) of Section 6 of Article VII of the Illinois
12 Constitution on the concurrent exercise by home rule units of
13 powers and functions exercised by the State.