

SB2851



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2851

Introduced 1/19/2024, by Sen. Dan McConchie

SYNOPSIS AS INTRODUCED:

60 ILCS 1/60-5

Amends the Township Code. Provides that a person appointed to a fill vacant office on the township board does not need to be a member of the same political party as the person vacating the office if appointed during a special township meeting after a vacancy of more than 60 days.

LRB103 36633 AWJ 66742 b

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

1 the Property Tax 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, a trustee shall be
12 appointed as deputy supervisor to perform the ministerial
13 functions of that office until the vacancy is filled under
14 subsections (a) or (b). Once the vacancy is filled under
15 subsections (a) or (b), the deputy supervisor's appointment is
16 terminated.

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

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

14 (d) Except for the temporary appointment of a deputy under
15 subsection (c) or an appointment filled under subsection (b),
16 any person appointed to fill a vacancy under this Section
17 shall be a member of the same political party as the person
18 vacating the office if the person vacating the office was
19 elected as a member of an established political party, under
20 Section 10-2 of the Election Code, that is still in existence
21 at the time of appointment. The appointee shall establish his
22 or her political party affiliation by his or her record of
23 voting in party primary elections or by holding or having held
24 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. 101-104, eff. 7-19-19.)