



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0962

Introduced 2/8/2007, by Rep. Michael Tryon - Sidney H. Mathias
- Carolyn H. Krause

SYNOPSIS AS INTRODUCED:

10 ILCS 5/25-2	from Ch. 46, par. 25-2
65 ILCS 5/3.1-10-5	from Ch. 24, par. 3.1-10-5
65 ILCS 5/3.1-10-50	
65 ILCS 5/3.1-10-51 new	
65 ILCS 5/3.1-20-25	from Ch. 24, par. 3.1-20-25
65 ILCS 5/3.1-25-75	from Ch. 24, par. 3.1-25-75
65 ILCS 5/5-2-11	from Ch. 24, par. 5-2-11
65 ILCS 5/5-2-15	from Ch. 24, par. 5-2-15

Amends the Election Code. Provides that a municipality having a population under 500,000 is not subject to the provisions regarding the events by which an elective office becomes vacant. Amends the Illinois Municipal Code. Provides that a person is ineligible for election or appointment (now, only applies to election) to municipal office unless that person is a qualified elector of and has resided in the municipality for at least one year. Establishes exceptions for persons in newly incorporated municipalities. Describes the events upon which a municipal elective office becomes vacant for municipalities with a population under 500,000, such as unconditional resignation, conditional resignation, death, disability, and abandonment. Provides for the election of an acting mayor and an acting president in the event of a vacancy. Provides for the appointment of an alderman or trustee to fill a vacancy. Provides when a vacant position with an unexpired term must be filled by an election. Provides for filling a vacancy in an office of a municipal officer or an alderman. Deletes provisions concerning filling the vacancy of the office of a village alderman or trustee. Effective January 1, 2008.

LRB095 05356 JAM 25441 b

1 AN ACT concerning vacancies in public office.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section
5 25-2 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
17 an inhabitant of the district, county, town, or precinct
18 for which he or she was elected; provided, that the
19 provisions of this paragraph shall not apply to township
20 officers whose township boundaries are changed in
21 accordance with Section 10-20 of the Township Code, to a
22 township officer after disconnection as set forth in
23 Section 15-17 of the Township Code, nor to township or

1 multi-township assessors elected under Sections 2-5
2 through 2-15 of the Property Tax Code.

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

5 (6) His or her removal from office.

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

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

12 No elective office, except as herein otherwise provided,
13 shall become vacant until the successor of the incumbent of
14 such office has been appointed or elected, as the case may be,
15 and qualified.

16 An unconditional resignation, effective at a future date,
17 may not be withdrawn after it is received by the officer
18 authorized to fill the vacancy. Such resignation shall create a
19 vacancy in office for the purpose of determining the time
20 period which would require an election. The resigning office
21 holder may continue to hold such office until the date or event
22 specified in such resignation, but no later than the date at
23 which his or her successor is elected and qualified.

24 An admission of guilt of a criminal offense that would,
25 upon conviction, disqualify the holder of an elective office
26 from holding that office, in the form of a written agreement

1 with State or federal prosecutors to plead guilty to a felony,
2 bribery, perjury, or other infamous crime under State or
3 federal law, shall constitute a resignation from that office,
4 effective at the time the plea agreement is made.

5 For purposes of this Section, a conviction for an offense
6 that disqualifies the holder of an elective office from holding
7 that office shall occur on the date of the return of a guilty
8 verdict or, in the case of a trial by the court, the entry of a
9 finding of guilt.

10 This Section does not apply to any elected or appointed
11 officers or officials of any municipality having a population
12 under 500,000.

13 (Source: P.A. 94-529, eff. 8-10-05.)

14 Section 10. The Illinois Municipal Code is amended by
15 changing Sections 3.1-10-5, 3.1-10-50, 3.1-20-25, 3.1-25-75,
16 5-2-11, and 5-2-15 and by adding Section 3.1-10-51 as follows:

17 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

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

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

1 (b) A person is not eligible for an elective municipal
2 office if that person is in arrears in the payment of a tax or
3 other indebtedness due to the municipality or has been
4 convicted in any court located in the United States of any
5 infamous crime, bribery, perjury, or other felony.

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

14 (Source: P.A. 93-847, eff. 7-30-04.)

15 (65 ILCS 5/3.1-10-50)

16 Sec. 3.1-10-50. Events upon which an elective office
17 becomes vacant in municipality with population under 500,000
18 Vacancies.

19 (a) Vacancy by resignation. A resignation is not effective
20 unless it is in writing, signed by the person holding the
21 elective office, and notarized.

22 (1) Unconditional resignation. An unconditional
23 resignation by a person holding the elective office may
24 specify a future date, not later than 60 days after the
25 date the resignation is received by the officer authorized

1 to fill the vacancy, at which time it becomes operative,
2 but the resignation may not be withdrawn after it is
3 received by the officer authorized to fill the vacancy. The
4 effective date of a resignation that does not specify a
5 future date at which it becomes operative is the date the
6 resignation is received by the officer authorized to fill
7 the vacancy. The effective date of a resignation that has a
8 specified future effective date is that specified future
9 date or the date the resignation is received by the officer
10 authorized to fill the vacancy, whichever date occurs
11 later.

12 (2) Conditional resignation. A resignation that does
13 not become effective unless a specified event occurs can be
14 withdrawn at any time prior to the occurrence of the
15 specified event, but if not withdrawn, the effective date
16 of the resignation is the date of the occurrence of the
17 specified event or the date the resignation is received by
18 the officer authorized to fill the vacancy, whichever date
19 occurs later.

20 (3) Vacancy upon the effective date. For the purpose of
21 determining the time period that would require an election
22 to fill the vacancy by resignation or the commencement of
23 the 60-day time period referred to in subsection (e), the
24 resignation of an elected officer is deemed to have created
25 a vacancy as of the effective date of the resignation.

26 (4) Duty of the clerk. If a resignation is delivered to

1 the clerk of the municipality, the clerk shall forward a
2 certified copy of the written resignation to the official
3 who is authorized to fill the vacancy within 7 business
4 days after receipt of the resignation.

5 (b) Vacancy by death or disability. A vacancy occurs in an
6 office by reason of the death of the incumbent. The date of the
7 death may be established by the date shown on the death
8 certificate. A vacancy occurs in an office by permanent
9 physical or mental disability rendering the person incapable of
10 performing the duties of the office. The corporate authorities
11 have the authority to make the determination whether an officer
12 is incapable of performing the duties of the office because of
13 a permanent physical or mental disability. A finding of mental
14 disability shall not be made prior to the appointment by a
15 court of a guardian ad litem for the officer or until a duly
16 licensed doctor certifies, in writing, that the officer is
17 mentally impaired to the extent that the officer is unable to
18 effectively perform the duties of the office. If the corporate
19 authorities find that an officer is incapable of performing the
20 duties of the office due to permanent physical or mental
21 disability, that person is removed from the office and the
22 vacancy of the office occurs on the date of the determination.

23 (c) Vacancy by other causes.

24 (1) Abandonment and other causes. A vacancy occurs in
25 an office by reason of abandonment of office; removal from
26 office; or failure to qualify; or more than temporary

1 removal of residence from the municipality; or in the case
2 of an alderman of a ward or councilman or trustee of a
3 district, more than temporary removal of residence from the
4 ward or district, as the case may be. The corporate
5 authorities have the authority to determine whether a
6 vacancy under this subsection has occurred. If the
7 corporate authorities determine that a vacancy exists, the
8 office is deemed vacant as of the date of that
9 determination for all purposes including the calculation
10 under subsections (e), (f), and (g).

11 (2) Guilty of a criminal offense. An admission of guilt
12 of a criminal offense that upon conviction would disqualify
13 the municipal officer from holding the office, in the form
14 of a written agreement with State or federal prosecutors to
15 plead guilty to a felony, bribery, perjury, or other
16 infamous crime under State or federal law, constitutes a
17 resignation from that office, effective on the date the
18 plea agreement is made. For purposes of this Section, a
19 conviction for an offense that disqualifies a municipal
20 officer from holding that office occurs on the date of the
21 return of a guilty verdict or, in the case of a trial by
22 the court, on the entry of a finding of guilt.

23 (3) Election declared void. A vacancy occurs on the
24 date of the decision of a competent tribunal declaring the
25 election of the officer void.

26 (d) Election of an acting mayor or acting president. The

1 election of an acting mayor or acting president pursuant to
2 subsection (f) or (g) does not create a vacancy in the original
3 office of the person on the city council or as a trustee, as
4 the case may be, unless the person resigns from the original
5 office following election as acting mayor or acting president.
6 If the person resigns from the original office following
7 election as acting mayor or acting president, then the original
8 office must be filled pursuant to the terms of this Section and
9 the acting mayor or acting president shall exercise the powers
10 of the mayor or president and shall vote and have veto power in
11 the manner provided by law for a mayor or president. If the
12 person does not resign from the original office following
13 election as acting mayor or acting president, then the acting
14 mayor or acting president shall exercise the powers of the
15 mayor or president but shall be entitled to vote only in the
16 manner provided for as the holder of the original office and
17 shall not have the power to veto. If the person does not resign
18 from the original office following election as acting mayor or
19 acting president, and if that person's original term of office
20 has not expired when a mayor or president is elected and has
21 qualified for office, the acting mayor or acting-president
22 shall return to the original office for the remainder of the
23 term thereof.

24 (e) Appointment to fill alderman or trustee vacancy. An
25 appointment by the mayor or president or acting mayor or acting
26 president, as the case may be, of a qualified person as

1 described in Section 3.1-10-5 of this Code to fill a vacancy in
2 the office of alderman or trustee must be made within 60 days
3 after the vacancy occurs. Once the appointment of the qualified
4 person has been forwarded to the corporate authorities, the
5 corporate authorities shall act upon the appointment within 30
6 days. If the appointment fails to receive the advice and
7 consent of the corporate authorities within 30 days, the mayor
8 or president or acting mayor or acting president shall appoint
9 and forward to the corporate authorities a second qualified
10 person as described in Section 3.1-10-5. Once the appointment
11 of the second qualified person has been forwarded to the
12 corporate authorities, the corporate authorities shall act
13 upon the appointment within 30 days. If the appointment of the
14 second qualified person also fails to receive the advice and
15 consent of the corporate authorities, then the mayor or
16 president or acting mayor or acting president, without the
17 advice and consent of the corporate authorities, may make a
18 temporary appointment from those persons who were appointed but
19 whose appointments failed to receive the advice and consent of
20 the corporate authorities. The person receiving the temporary
21 appointment shall serve until an appointment has received the
22 advice and consent and the appointee has qualified or until a
23 person has been elected and has qualified, whichever first
24 occurs.

25 (f) Election to fill vacancies in municipal offices with
26 4-year terms. If a vacancy occurs in an elective municipal

1 office with a 4-year term and there remains an unexpired
2 portion of the term of at least 28 months, and the vacancy
3 occurs at least 130 days before the general municipal election
4 next scheduled under the general election law, then the vacancy
5 shall be filled for the remainder of the term at that general
6 municipal election. Whenever an election is held for this
7 purpose, the municipal clerk shall certify the office to be
8 filled and the candidates for the office to the proper election
9 authorities as provided in the general election law. If a
10 vacancy occurs with less than 28 months remaining in the
11 unexpired portion of the term or less than 130 days before the
12 general municipal election, then:

13 (1) Mayor or president. If the vacancy is in the office
14 of mayor or president, the vacancy must be filled by the
15 corporate authorities electing one of their members as
16 acting mayor or acting president. Except as set forth in
17 subsection (d), the acting mayor or acting president shall
18 perform the duties and possess all the rights and powers of
19 the mayor or president until a mayor or president is
20 elected at the next general municipal election and has
21 qualified. However, in villages with a population of less
22 than 5,000, if each of the trustees either declines the
23 election as acting president or is not elected by a
24 majority vote of the trustees presently holding office,
25 then the trustees may elect, as acting president, any other
26 village resident who is qualified to hold municipal office,

1 and the acting president shall exercise the powers of the
2 president and shall vote and have veto power in the manner
3 provided by law for a president.

4 (2) Alderman or trustee. If the vacancy is in the
5 office of alderman or trustee, the vacancy must be filled
6 by the mayor or president or acting mayor or acting
7 president, as the case may be, in accordance with
8 subsection (e).

9 (3) Other elective office. If the vacancy is in any
10 elective municipal office other than mayor or president or
11 alderman or trustee, the mayor or president or acting mayor
12 or acting president, as the case may be, must appoint a
13 qualified person to hold the office until the office is
14 filled by election, subject to the advice and consent of
15 the city council or the board of trustees, as the case may
16 be.

17 (g) Vacancies in municipal offices with 2-year terms. In
18 the case of an elective municipal office with a 2-year term, if
19 the vacancy occurs at least 130 days before the general
20 municipal election next scheduled under the general election
21 law, the vacancy shall be filled for the remainder of the term
22 at that general municipal election. If the vacancy occurs less
23 than 130 days before the general municipal election, then:

24 (1) Mayor or president. If the vacancy is in the office
25 of mayor or president, the vacancy must be filled by the
26 corporate authorities electing one of their members as

1 acting mayor or acting president. Except as set forth in
2 subsection (d), the acting mayor or acting president shall
3 perform the duties and possess all the rights and powers of
4 the mayor or president until a mayor or president is
5 elected at the next general municipal election and has
6 qualified. However, in villages with a population of less
7 than 5,000, if each of the trustees either declines the
8 election as acting president or is not elected by a
9 majority vote of the trustees presently holding office,
10 then the trustees may elect, as acting president, any other
11 village resident who is qualified to hold municipal office,
12 and the acting president shall exercise the powers of the
13 president and shall vote and have veto power in the manner
14 provided by law for a president.

15 (2) Alderman or trustee. If the vacancy is in the
16 office of alderman or trustee, the vacancy must be filled
17 by the mayor or president or acting mayor or acting
18 president, as the case may be, in accordance with
19 subsection (e).

20 (3) Other elective office. If the vacancy is in any
21 elective municipal office other than mayor or president or
22 alderman or trustee, the mayor or president or acting mayor
23 or acting president, as the case may be, must appoint a
24 qualified person to hold the office until the office is
25 filled by election, subject to the advice and consent of
26 the city council or the board of trustees, as the case may

1 be.

2 (h) In cases of vacancies arising by reason of an election
3 being declared void pursuant to paragraph (3) of subsection
4 (c), persons holding elective office prior thereto shall hold
5 office until their successors are elected and qualified or
6 appointed and confirmed by advice and consent, as the case may
7 be.

8 (i) This Section applies only to municipalities with
9 populations under 500,000.

10 ~~(a) A municipal officer may resign from office. A vacancy~~
11 ~~occurs in an office by reason of resignation, failure to elect~~
12 ~~or qualify (in which case the incumbent shall remain in office~~
13 ~~until the vacancy is filled), death, permanent physical or~~
14 ~~mental disability rendering the person incapable of performing~~
15 ~~the duties of his or her office, conviction of a disqualifying~~
16 ~~crime, abandonment of office, removal from office, or removal~~
17 ~~of residence from the municipality or, in the case of aldermen~~
18 ~~of a ward or trustees of a district, removal of residence from~~
19 ~~the ward or district, as the case may be. An admission of guilt~~
20 ~~of a criminal offense that would, upon conviction, disqualify~~
21 ~~the municipal officer from holding that office, in the form of~~
22 ~~a written agreement with State or federal prosecutors to plead~~
23 ~~guilty to a felony, bribery, perjury, or other infamous crime~~
24 ~~under State or federal law, shall constitute a resignation from~~
25 ~~that office, effective at the time the plea agreement is made.~~
26 ~~For purposes of this Section, a conviction for an offense that~~

1 ~~disqualifies the municipal officer from holding that office~~
2 ~~shall occur on the date of the return of a guilty verdict or,~~
3 ~~in the case of a trial by the court, the entry of a finding of~~
4 ~~guilt.~~

5 ~~(b) If a vacancy occurs in an elective municipal office~~
6 ~~with a 4 year term and there remains an unexpired portion of~~
7 ~~the term of at least 28 months, and the vacancy occurs at least~~
8 ~~130 days before the general municipal election next scheduled~~
9 ~~under the general election law, the vacancy shall be filled for~~
10 ~~the remainder of the term at that general municipal election.~~
11 ~~Whenever an election is held for this purpose, the municipal~~
12 ~~clerk shall certify the office to be filled and the candidates~~
13 ~~for the office to the proper election authorities as provided~~
14 ~~in the general election law. If the vacancy is in the office of~~
15 ~~mayor, the city council shall elect one of their members acting~~
16 ~~mayor; if the vacancy is in the office of president, the~~
17 ~~vacancy shall be filled by the appointment by the trustees of~~
18 ~~an acting president from the members of the board of trustees.~~
19 ~~In villages with a population of less than 5,000, if each of~~
20 ~~the members of the board of trustees either declines the~~
21 ~~appointment as acting president or is not approved for the~~
22 ~~appointment by a majority vote of the trustees presently~~
23 ~~holding office, then the board of trustees may appoint as~~
24 ~~acting president any other village resident who is qualified to~~
25 ~~hold municipal office. The acting mayor or acting president~~
26 ~~shall perform the duties and possess all the rights and powers~~

1 ~~of the mayor or president until a successor to fill the vacancy~~
2 ~~has been elected and has qualified. If the vacancy is in any~~
3 ~~other elective municipal office, then until the office is~~
4 ~~filled by election, the mayor or president shall appoint a~~
5 ~~qualified person to the office subject to the advice and~~
6 ~~consent of the city council or trustees.~~

7 ~~(c) In a 2 year term, or if the vacancy occurs later than~~
8 ~~the time provided in subsection (b) in a 4 year term, a vacancy~~
9 ~~in the office of mayor shall be filled by the corporate~~
10 ~~authorities electing one of their members acting mayor; if the~~
11 ~~vacancy is in the office of president, the vacancy shall be~~
12 ~~filled by the appointment by the trustees of an acting~~
13 ~~president from the members of the board of trustees. In~~
14 ~~villages with a population of less than 5,000, if each of the~~
15 ~~members of the board of trustees either declines the~~
16 ~~appointment as acting president or is not approved for the~~
17 ~~appointment by a majority vote of the trustees presently~~
18 ~~holding office, then the board of trustees may appoint as~~
19 ~~acting president any other village resident who is qualified to~~
20 ~~hold municipal office. The acting mayor or acting president~~
21 ~~shall perform the duties and possess all the rights and powers~~
22 ~~of the mayor or president until a mayor or president is elected~~
23 ~~at the next general municipal election and has qualified. A~~
24 ~~vacancy in any elective office other than mayor or president~~
25 ~~shall be filled by appointment by the mayor or president, with~~
26 ~~the advice and consent of the corporate authorities.~~

1 ~~(d) This subsection applies on and after January 1, 2006.~~
2 ~~The election of an acting mayor or acting president in a~~
3 ~~municipality with a population under 500,000 does not create a~~
4 ~~vacancy in the original office of the person on the city~~
5 ~~council or as a trustee, as the case may be, unless the person~~
6 ~~resigns from the original office following election as acting~~
7 ~~mayor or acting president. If the person resigns from the~~
8 ~~original office following election as acting mayor or acting~~
9 ~~president, then the original office must be filled pursuant to~~
10 ~~the terms of this Section and the acting mayor or acting~~
11 ~~president shall exercise the powers of the mayor or president~~
12 ~~and shall vote and have veto power in the manner provided by~~
13 ~~law for a mayor or president. If the person does not resign~~
14 ~~from the original office following election as acting mayor or~~
15 ~~acting president, then the acting mayor or acting president~~
16 ~~shall exercise the powers of the mayor or president but shall~~
17 ~~be entitled to vote only in the manner provided for as the~~
18 ~~holder of the original office and shall not have the power to~~
19 ~~veto. If the person does not resign from the original office~~
20 ~~following election as acting mayor or acting president, and if~~
21 ~~that person's original term of office has not expired when a~~
22 ~~mayor or president is elected and has qualified for office, the~~
23 ~~acting mayor or acting president shall return to the original~~
24 ~~office for the remainder of the term thereof.~~

25 ~~(e) Municipal officers appointed or elected under this~~
26 ~~Section shall hold office until their successors are elected~~

1 ~~and have qualified.~~

2 ~~(f) An appointment to fill a vacancy in the office of~~
3 ~~alderman shall be made within 60 days after the vacancy occurs.~~
4 ~~The requirement that an appointment be made within 60 days is~~
5 ~~an exclusive power and function of the State and is a denial~~
6 ~~and limitation under Article VII, Section 6, subsection (h) of~~
7 ~~the Illinois Constitution of the power of a home rule~~
8 ~~municipality to require that an appointment be made within a~~
9 ~~different period after the vacancy occurs.~~

10 (Source: P.A. 94-645, eff. 8-22-05.)

11 (65 ILCS 5/3.1-10-51 new)

12 Sec. 3.1-10-51. Vacancies in municipalities with a
13 population of 500,000 or more.

14 (a) A municipal officer may resign from office. A vacancy
15 occurs in an office by reason of resignation, failure to elect
16 or qualify (in which case the incumbent shall remain in office
17 until the vacancy is filled), death, permanent physical or
18 mental disability rendering the person incapable of performing
19 the duties of his or her office, conviction of a disqualifying
20 crime, abandonment of office, removal from office, or removal
21 of residence from the municipality or, in the case of an
22 alderman of a ward, removal of residence from the ward. An
23 admission of guilt of a criminal offense that would, upon
24 conviction, disqualify the municipal officer from holding that
25 office, in the form of a written agreement with State or

1 federal prosecutors to plead guilty to a felony, bribery,
2 perjury, or other infamous crime under State or federal law,
3 shall constitute a resignation from that office, effective at
4 the time the plea agreement is made. For purposes of this
5 Section, a conviction for an offense that disqualifies the
6 municipal officer from holding that office occurs on the date
7 of the return of a guilty verdict or, in the case of a trial by
8 the court, the entry of a finding of guilt.

9 (b) If a vacancy occurs in an elective municipal office
10 with a 4-year term and there remains an unexpired portion of
11 the term of at least 28 months, and the vacancy occurs at least
12 130 days before the general municipal election next scheduled
13 under the general election law, then the vacancy shall be
14 filled for the remainder of the term at that general municipal
15 election. Whenever an election is held for this purpose, the
16 municipal clerk shall certify the office to be filled and the
17 candidates for the office to the proper election authorities as
18 provided in the general election law. If the vacancy is in the
19 office of mayor, the city council shall elect one of their
20 members acting mayor. The acting mayor shall perform the duties
21 and possess all the rights and powers of the mayor until a
22 successor to fill the vacancy has been elected and has
23 qualified. If the vacancy is in any other elective municipal
24 office, then until the office is filled by election, the mayor
25 shall appoint a qualified person to the office subject to the
26 advice and consent of the city council.

1 (c) If a vacancy occurs later than the time provided in
2 subsection (b) in a 4-year term, a vacancy in the office of
3 mayor shall be filled by the corporate authorities electing one
4 of their members acting mayor. The acting mayor shall perform
5 the duties and possess all the rights and powers of the mayor
6 until a mayor is elected at the next general municipal election
7 and has qualified. A vacancy occurring later than the time
8 provided in subsection (b) in a 4-year term in any elective
9 office other than mayor shall be filled by appointment by the
10 mayor, with the advice and consent of the corporate
11 authorities.

12 (d) A municipal officer appointed or elected under this
13 Section shall hold office until the officer's successor is
14 elected and has qualified.

15 (e) An appointment to fill a vacancy in the office of
16 alderman shall be made within 60 days after the vacancy occurs.
17 The requirement that an appointment be made within 60 days is
18 an exclusive power and function of the State and is a denial
19 and limitation under Article VII, Section 6, subsection (h) of
20 the Illinois Constitution of the power of a home rule
21 municipality to require that an appointment be made within a
22 different period after the vacancy occurs.

23 (f) This Section applies only to municipalities with a
24 population of 500,000 or more.

1 Sec. 3.1-20-25. Redistricting a city.

2 (a) In the formation of wards, the number of inhabitants of
3 the city immediately preceding the division of the city into
4 wards shall be as nearly equal in population, and the wards
5 shall be of as compact and contiguous territory, as
6 practicable. Wards shall be created in a manner so that, as far
7 as practicable, no precinct shall be divided between 2 or more
8 wards.

9 (b) Whenever an official census shows that a city contains
10 more or fewer wards than it is entitled to, the city council of
11 the city, by ordinance, shall redistrict the city into as many
12 wards as the city is entitled. This redistricting shall be
13 completed not less than 30 days before the first day set by the
14 general election law for the filing of candidate petitions for
15 the next succeeding election for city officers. At this
16 election there shall be elected the number of aldermen to which
17 the city is entitled, except as provided in subsection (c).

18 (c) If it appears from any official census that a city has
19 the requisite number of inhabitants to authorize it to increase
20 the number of aldermen, the city council shall immediately
21 proceed to redistrict the city and shall hold the next city
22 election in accordance with the new redistricting. At this
23 election the aldermen whose terms of office are not expiring
24 shall be considered aldermen for the new wards respectively in
25 which their residences are situated. At this election, in a
26 municipality that is not a newly incorporated municipality, a

1 candidate for alderman may be elected from any ward that
2 contains a part of the ward in which he or she resided at least
3 one year next preceding the election that follows the
4 redistricting, and, if elected, that person may be reelected
5 from the new ward he or she represents if he or she resides in
6 that ward for at least one year next preceding reelection. If
7 there are 2 or more aldermen with terms of office not expiring
8 and residing in the same ward under the new redistricting, the
9 alderman who holds over for that ward shall be determined by
10 lot in the presence of the city council, in the manner directed
11 by the council, and all other aldermen shall fill their
12 unexpired terms as aldermen-at-large. The aldermen-at-large,
13 if any, shall have the same powers and duties as all other
14 aldermen, but upon the expiration of their terms the offices of
15 aldermen-at-large shall be abolished.

16 (d) If the redistricting results in one or more wards in
17 which no aldermen reside whose terms of office have not
18 expired, 2 aldermen shall be elected in accordance with Section
19 3.1-20-35, unless the city elected only one alderman per ward
20 pursuant to a referendum under subsection (a) of Section
21 3.1-20-20.

22 (e) A redistricting ordinance that has decreased the number
23 of wards of a city because of a decrease in population of the
24 city shall not be effective if, not less than 60 days before
25 the time fixed for the next succeeding general municipal
26 election, an official census is officially published that shows

1 that the city has regained a population that entitles it to the
2 number of wards that it had just before the passage of the last
3 redistricting ordinance.

4 (Source: P.A. 93-847, eff. 7-30-04.)

5 (65 ILCS 5/3.1-25-75) (from Ch. 24, par. 3.1-25-75)

6 Sec. 3.1-25-75. Districts; election of trustees.

7 (a) After a village with a population of 5,000 or more
8 adopts the provisions of this Section in the manner prescribed
9 in Section 3.1-25-80, the board of trustees by ordinance shall
10 divide and, whenever necessary thereafter, shall redistrict
11 the village into 6 compact and contiguous districts of
12 approximately equal population as required by law. This
13 redistricting shall be completed not less than 30 days before
14 the first day for the filing of nominating petitions for the
15 next succeeding election of village officers held in accordance
16 with the general election law.

17 (b) Each of the districts shall be represented by one
18 trustee who shall have been an actual resident of the district
19 for at least 6 months immediately before his or her election in
20 the first election after a redistricting, unless the trustee is
21 a resident of a newly incorporated municipality. Only the
22 electors of a district shall elect the trustee from that
23 district.

24 (c) The provisions of this Code relating to terms of office
25 of aldermen in cities shall also apply to the terms of office

1 of trustees under this Section.

2 (Source: P.A. 87-1119.)

3 (65 ILCS 5/5-2-11) (from Ch. 24, par. 5-2-11)

4 Sec. 5-2-11. In any village which adopts this Article 5,
5 the board of trustees by ordinance shall divide and, whenever
6 necessary thereafter, shall redistrict the village into 6
7 compact and contiguous districts of approximately equal
8 population.

9 Each of the districts shall be represented by one trustee
10 who shall have been an actual resident of the district for at
11 least 6 months prior to his election , unless the trustee is a
12 resident of a newly incorporated municipality. Only the
13 electors of a district shall elect the trustee from that
14 district.

15 The provisions of Section 5-2-8 relating to terms of office
16 of aldermen in cities shall also apply to the terms of office
17 of trustees under this section.

18 (Source: Laws 1961, p. 576.)

19 (65 ILCS 5/5-2-15) (from Ch. 24, par. 5-2-15)

20 Sec. 5-2-15. Trustees; tenure; vacancies.

21 (a) In each village operating under Section 5-2-12, the
22 electors of the village shall elect 6 trustees. The term of
23 office of the trustees shall be 4 years and until their
24 successors are elected and have qualified. Trustees elected at

1 the first election for village officers after a village is
2 incorporated, however, shall by lot designate one-half of their
3 number whose terms shall be 2 years and until their successors
4 are elected and have qualified. In all villages having a
5 population of less than 50,000 in which only 3 trustees were
6 elected for a 4 year term in the year 1941, 3 trustees shall be
7 elected for a 4 year term at the regular village election in
8 the year 1943, and thereafter 3 trustees shall be elected in
9 each odd numbered year for a term of 4 years.

10 (b) (Blank). ~~Whenever a vacancy in the office of a trustee~~
11 ~~in any village, whether incorporated under a general or a~~
12 ~~special Act, occurs during his or her term, the vacancy shall~~
13 ~~be filled for the remainder of the term as provided in Section~~
14 ~~3.1-10-50. During the period from the time that the vacancy~~
15 ~~occurs until a trustee is elected under this Section and has~~
16 ~~qualified, the vacancy may be filled by the appointment of a~~
17 ~~trustee by the president with the advice and consent of the~~
18 ~~remaining trustees. An appointment to fill a vacancy shall be~~
19 ~~made within 60 days after the vacancy occurs. The requirement~~
20 ~~that an appointment be made within 60 days is an exclusive~~
21 ~~power and function of the State and is a denial and limitation~~
22 ~~under Article VII, Section 6, subsection (h) of the Illinois~~
23 ~~Constitution of the power of a home rule municipality to~~
24 ~~require that an appointment be made within a different period~~
25 ~~after the vacancy occurs.~~

26 (Source: P.A. 87-1052; 87-1119; 88-45.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2008.