

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 Sections 60-5 and 170-15 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 (c) Except as otherwise provided in this Section, whenever
11 any township or multi-township office becomes vacant or
12 temporarily vacant due to a physical incapacity of a township
13 officer, the township or multi-township board may temporarily
14 appoint a deputy to perform the ministerial functions of the
15 vacant office until the physically incapacitated township
16 officer submits a written statement to the appropriate board
17 that he or she is physically able to perform his or her duty.
18 The statement shall be sworn to before an officer authorized to
19 administer oaths in this State. A temporary deputy shall not be
20 permitted to vote at any meeting of the township board on any
21 matter properly before the board. The compensation of a
22 temporary deputy shall be determined by the appropriate board.
23 The township board shall not appoint a deputy clerk if the
24 township clerk has appointed a deputy clerk under Section
25 75-45.

26 (d) Any person appointed to fill a vacancy under this

1 Section shall be a member of the same political party as the
2 person vacating the office if the person vacating the office
3 was elected as a member of an established political party,
4 under Section 10-2 of the Election Code, that is still in
5 existence at the time of appointment. The appointee shall
6 establish his or her political party affiliation by his or her
7 record of voting in party primary elections or by holding or
8 having held an office in a political party organization before
9 appointment. If the appointee has not voted in a party primary
10 election or is not holding or has not held an office in a
11 political party organization before the appointment, then the
12 appointee shall establish his or her political party
13 affiliation by his or her record of participating in a
14 political party's nomination or election caucus.

15 (Source: P.A. 90-748, eff. 8-14-98.)

16 (60 ILCS 1/170-15)

17 Sec. 170-15. Board of directors; appointment; conflict of
18 interest; vacancy. ~~Board of directors; appointment; conflict~~
19 ~~of interest; vacancy.~~

20 (a) The township clerk shall file a petition with the
21 county clerk of the county in which the township is located,
22 reciting that the township clerk certified the proposition to
23 the proper election officials, who submitted the proposition at
24 an election in and for the township in response to a petition
25 signed by 25 voters for the purpose of submitting the

1 proposition of establishing a public hospital as provided in
2 this Article, and that the election carried by a majority of
3 the voters voting at the election on the question. The township
4 clerk's petition also shall request the township board to
5 appoint a board of directors for the management and operation
6 of the hospital.

7 (b) The township board shall appoint 5 persons to serve
8 without compensation. The first directors appointed shall hold
9 office respectively for one, 2, 3, 4, and 5 years from the
10 first Monday in the month following their appointment and until
11 their successors are appointed and qualified. On or after the
12 first Monday in May of each succeeding year, the township board
13 shall appoint one director whose term shall be for 5 years,
14 commencing the first Monday in May of the year he or she is
15 appointed. Each appointment of a successor director shall be
16 made in the same manner and under the same conditions as the
17 appointment of his or her predecessor. The length of the term
18 of the first directors appointed shall be determined by lot at
19 their first meeting, which shall be held not less than 30 days
20 after their appointment. A majority of the board of directors
21 shall constitute a quorum, but a smaller number may adjourn
22 from day to day.

23 The township board may, by resolution, increase the
24 membership of the board to 7 directors. The resolution shall
25 not affect the terms of the incumbent directors. Before the
26 first Monday in May following the adoption of the resolution,

1 the township board shall appoint 3 directors, one to succeed
2 the incumbent whose term expires and the 2 additional directors
3 provided for in the resolution, for terms of 3, 4, and 5 years
4 from the first Monday in May of the year of the appointment.
5 Thereafter, upon the expiration of the term of any director,
6 his or her successor shall be appointed for a term of 5 years
7 and until a successor is appointed and qualified for a like
8 term.

9 If the township board has, by previous resolution,
10 increased the membership of the board to 7 directors, the
11 township board may by new resolution increase the membership of
12 the board by 2 new members in any one year up to a maximum of 11
13 directors. The new resolution shall not affect the terms of the
14 incumbent directors. Before the first Monday in May following
15 the adoption of the new resolution, the township board shall
16 appoint a sufficient number of directors so that there will be
17 (i) a successor for the full term of each incumbent whose term
18 expires and (ii) the 2 additional directors provided for in the
19 new resolution for terms of 4 and 5 years from the first Monday
20 in May of the year of appointment. Thereafter, upon the
21 expiration of the term of any director, his or her successor
22 shall be appointed for a term of 5 years and until a successor
23 is appointed and qualified for a like term.

24 (c) No director or employee of the township shall be
25 directly or indirectly interested (i) in any contract, work, or
26 business of the township, (ii) in the sale of any article whose

1 expense, price, or consideration is paid by the township, or
2 (iii) in the purchase of any real estate or property for or
3 belonging to the township.

4 (d) Whenever a vacancy in the board of directors occurs
5 from a director's death, resignation, or refusal to qualify, or
6 for any other reason including without limitation the
7 conviction in any court of the State of Illinois or of the
8 United States of a director for an infamous crime, the township
9 board may fill the vacancy by appointment. The person appointed
10 or qualified for office under this Section shall assume the
11 duties of that person for whose unexpired term he or she was
12 appointed.

13 For purposes of this subsection (d), a conviction for an
14 offense that disqualifies a director from membership on the
15 board occurs on the date of (i) the entry of a plea of guilty in
16 court, (ii) the return of a guilty verdict, or (iii) in the
17 case of a trial by the court, the entry of a finding of guilt.

18 (Source: P.A. 88-62; 88-662, eff. 9-16-94.)

19 Section 99. Effective date. This Act takes effect January
20 1, 2012.