



Rep. Keith Farnham

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LRB097 15025 KMW 67552 a

1 AMENDMENT TO HOUSE BILL 3895

2 AMENDMENT NO. _____. Amend House Bill 3895, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by changing
6 Sections 2A-41 and 7-12 as follows:

7 (10 ILCS 5/2A-41) (from Ch. 46, par. 2A-41)

8 Sec. 2A-41. Sanitary District - Trustee - Time of Election.
9 A trustee of a Sanitary District which elects its trustees,
10 other than the Metropolitan Sanitary District of Greater
11 Chicago or the Fox River Water Reclamation District, shall be
12 elected at the general election in each even-numbered year
13 which immediately precedes the expiration of the term of any
14 incumbent trustee, to succeed each incumbent trustee whose term
15 ends before the following general election.

16 (Source: P.A. 80-936.)

1 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

2 Sec. 7-12. All petitions for nomination shall be filed by
3 mail or in person as follows:

4 (1) Where the nomination is to be made for a State,
5 congressional, or judicial office, or for any office a
6 nomination for which is made for a territorial division or
7 district which comprises more than one county or is partly
8 in one county and partly in another county or counties,
9 then, except as otherwise provided in this Section, such
10 petition for nomination shall be filed in the principal
11 office of the State Board of Elections not more than 113
12 and not less than 106 days prior to the date of the
13 primary, but, in the case of petitions for nomination to
14 fill a vacancy by special election in the office of
15 representative in Congress from this State, such petition
16 for nomination shall be filed in the principal office of
17 the State Board of Elections not more than 57 days and not
18 less than 50 days prior to the date of the primary.

19 Where a vacancy occurs in the office of Supreme,
20 Appellate or Circuit Court Judge within the 3-week period
21 preceding the 106th day before a general primary election,
22 petitions for nomination for the office in which the
23 vacancy has occurred shall be filed in the principal office
24 of the State Board of Elections not more than 92 nor less
25 than 85 days prior to the date of the general primary

1 election.

2 Where the nomination is to be made for delegates or
3 alternate delegates to a national nominating convention,
4 then such petition for nomination shall be filed in the
5 principal office of the State Board of Elections not more
6 than 113 and not less than 106 days prior to the date of
7 the primary; provided, however, that if the rules or
8 policies of a national political party conflict with such
9 requirements for filing petitions for nomination for
10 delegates or alternate delegates to a national nominating
11 convention, the chairman of the State central committee of
12 such national political party shall notify the Board in
13 writing, citing by reference the rules or policies of the
14 national political party in conflict, and in such case the
15 Board shall direct such petitions to be filed in accordance
16 with the delegate selection plan adopted by the state
17 central committee of such national political party.

18 (2) Where the nomination is to be made for a county
19 office or trustee of a sanitary district or the Fox River
20 Water Reclamation District then such petition shall be
21 filed in the office of the county clerk not more than 113
22 nor less than 106 days prior to the date of the primary.

23 (3) Where the nomination is to be made for a municipal
24 or township office, such petitions for nomination shall be
25 filed in the office of the local election official, not
26 more than 99 nor less than 92 days prior to the date of the

1 primary; provided, where a municipality's or township's
2 boundaries are coextensive with or are entirely within the
3 jurisdiction of a municipal board of election
4 commissioners, the petitions shall be filed in the office
5 of such board; and provided, that petitions for the office
6 of multi-township assessor shall be filed with the election
7 authority.

8 (4) The petitions of candidates for State central
9 committeeman shall be filed in the principal office of the
10 State Board of Elections not more than 113 nor less than
11 106 days prior to the date of the primary.

12 (5) Petitions of candidates for precinct, township or
13 ward committeemen shall be filed in the office of the
14 county clerk not more than 113 nor less than 106 days prior
15 to the date of the primary.

16 (6) The State Board of Elections and the various
17 election authorities and local election officials with
18 whom such petitions for nominations are filed shall specify
19 the place where filings shall be made and upon receipt
20 shall endorse thereon the day and hour on which each
21 petition was filed. All petitions filed by persons waiting
22 in line as of 8:00 a.m. on the first day for filing, or as
23 of the normal opening hour of the office involved on such
24 day, shall be deemed filed as of 8:00 a.m. or the normal
25 opening hour, as the case may be. Petitions filed by mail
26 and received after midnight of the first day for filing and

1 in the first mail delivery or pickup of that day shall be
2 deemed as filed as of 8:00 a.m. of that day or as of the
3 normal opening hour of such day, as the case may be. All
4 petitions received thereafter shall be deemed as filed in
5 the order of actual receipt. Where 2 or more petitions are
6 received simultaneously, the State Board of Elections or
7 the various election authorities or local election
8 officials with whom such petitions are filed shall break
9 ties and determine the order of filing, by means of a
10 lottery or other fair and impartial method of random
11 selection approved by the State Board of Elections. Such
12 lottery shall be conducted within 9 days following the last
13 day for petition filing and shall be open to the public.
14 Seven days written notice of the time and place of
15 conducting such random selection shall be given by the
16 State Board of Elections to the chairman of the State
17 central committee of each established political party, and
18 by each election authority or local election official, to
19 the County Chairman of each established political party,
20 and to each organization of citizens within the election
21 jurisdiction which was entitled, under this Article, at the
22 next preceding election, to have pollwatchers present on
23 the day of election. The State Board of Elections, election
24 authority or local election official shall post in a
25 conspicuous, open and public place, at the entrance of the
26 office, notice of the time and place of such lottery. The

1 State Board of Elections shall adopt rules and regulations
2 governing the procedures for the conduct of such lottery.
3 All candidates shall be certified in the order in which
4 their petitions have been filed. Where candidates have
5 filed simultaneously, they shall be certified in the order
6 determined by lot and prior to candidates who filed for the
7 same office at a later time.

8 (7) The State Board of Elections or the appropriate
9 election authority or local election official with whom
10 such a petition for nomination is filed shall notify the
11 person for whom a petition for nomination has been filed of
12 the obligation to file statements of organization, reports
13 of campaign contributions, and annual reports of campaign
14 contributions and expenditures under Article 9 of this Act.
15 Such notice shall be given in the manner prescribed by
16 paragraph (7) of Section 9-16 of this Code.

17 (8) Nomination papers filed under this Section are not
18 valid if the candidate named therein fails to file a
19 statement of economic interests as required by the Illinois
20 Governmental Ethics Act in relation to his candidacy with
21 the appropriate officer by the end of the period for the
22 filing of nomination papers unless he has filed a statement
23 of economic interests in relation to the same governmental
24 unit with that officer within a year preceding the date on
25 which such nomination papers were filed. If the nomination
26 papers of any candidate and the statement of economic

1 interest of that candidate are not required to be filed
2 with the same officer, the candidate must file with the
3 officer with whom the nomination papers are filed a receipt
4 from the officer with whom the statement of economic
5 interests is filed showing the date on which such statement
6 was filed. Such receipt shall be so filed not later than
7 the last day on which nomination papers may be filed.

8 (9) Any person for whom a petition for nomination, or
9 for committeeman or for delegate or alternate delegate to a
10 national nominating convention has been filed may cause his
11 name to be withdrawn by request in writing, signed by him
12 and duly acknowledged before an officer qualified to take
13 acknowledgments of deeds, and filed in the principal or
14 permanent branch office of the State Board of Elections or
15 with the appropriate election authority or local election
16 official, not later than the date of certification of
17 candidates for the consolidated primary or general primary
18 ballot. No names so withdrawn shall be certified or printed
19 on the primary ballot. If petitions for nomination have
20 been filed for the same person with respect to more than
21 one political party, his name shall not be certified nor
22 printed on the primary ballot of any party. If petitions
23 for nomination have been filed for the same person for 2 or
24 more offices which are incompatible so that the same person
25 could not serve in more than one of such offices if
26 elected, that person must withdraw as a candidate for all

1 but one of such offices within the 5 business days
2 following the last day for petition filing. A candidate in
3 a judicial election may file petitions for nomination for
4 only one vacancy in a subcircuit and only one vacancy in a
5 circuit in any one filing period, and if petitions for
6 nomination have been filed for the same person for 2 or
7 more vacancies in the same circuit or subcircuit in the
8 same filing period, his or her name shall be certified only
9 for the first vacancy for which the petitions for
10 nomination were filed. If he fails to withdraw as a
11 candidate for all but one of such offices within such time
12 his name shall not be certified, nor printed on the primary
13 ballot, for any office. For the purpose of the foregoing
14 provisions, an office in a political party is not
15 incompatible with any other office.

16 (10) (a) Notwithstanding the provisions of any other
17 statute, no primary shall be held for an established
18 political party in any township, municipality, or ward
19 thereof, where the nomination of such party for every
20 office to be voted upon by the electors of such township,
21 municipality, or ward thereof, is uncontested. Whenever a
22 political party's nomination of candidates is uncontested
23 as to one or more, but not all, of the offices to be voted
24 upon by the electors of a township, municipality, or ward
25 thereof, then a primary shall be held for that party in
26 such township, municipality, or ward thereof; provided

1 that the primary ballot shall not include those offices
2 within such township, municipality, or ward thereof, for
3 which the nomination is uncontested. For purposes of this
4 Article, the nomination of an established political party
5 of a candidate for election to an office shall be deemed to
6 be uncontested where not more than the number of persons to
7 be nominated have timely filed valid nomination papers
8 seeking the nomination of such party for election to such
9 office.

10 (b) Notwithstanding the provisions of any other
11 statute, no primary election shall be held for an
12 established political party for any special primary
13 election called for the purpose of filling a vacancy in the
14 office of representative in the United States Congress
15 where the nomination of such political party for said
16 office is uncontested. For the purposes of this Article,
17 the nomination of an established political party of a
18 candidate for election to said office shall be deemed to be
19 uncontested where not more than the number of persons to be
20 nominated have timely filed valid nomination papers
21 seeking the nomination of such established party for
22 election to said office. This subsection (b) shall not
23 apply if such primary election is conducted on a regularly
24 scheduled election day.

25 (c) Notwithstanding the provisions in subparagraph (a)
26 and (b) of this paragraph (10), whenever a person who has

1 not timely filed valid nomination papers and who intends to
2 become a write-in candidate for a political party's
3 nomination for any office for which the nomination is
4 uncontested files a written statement or notice of that
5 intent with the State Board of Elections or the local
6 election official with whom nomination papers for such
7 office are filed, a primary ballot shall be prepared and a
8 primary shall be held for that office. Such statement or
9 notice shall be filed on or before the date established in
10 this Article for certifying candidates for the primary
11 ballot. Such statement or notice shall contain (i) the name
12 and address of the person intending to become a write-in
13 candidate, (ii) a statement that the person is a qualified
14 primary elector of the political party from whom the
15 nomination is sought, (iii) a statement that the person
16 intends to become a write-in candidate for the party's
17 nomination, and (iv) the office the person is seeking as a
18 write-in candidate. An election authority shall have no
19 duty to conduct a primary and prepare a primary ballot for
20 any office for which the nomination is uncontested unless a
21 statement or notice meeting the requirements of this
22 Section is filed in a timely manner.

23 (11) If multiple sets of nomination papers are filed
24 for a candidate to the same office, the State Board of
25 Elections, appropriate election authority or local
26 election official where the petitions are filed shall

1 within 2 business days notify the candidate of his or her
2 multiple petition filings and that the candidate has 3
3 business days after receipt of the notice to notify the
4 State Board of Elections, appropriate election authority
5 or local election official that he or she may cancel prior
6 sets of petitions. If the candidate notifies the State
7 Board of Elections, appropriate election authority or
8 local election official, the last set of petitions filed
9 shall be the only petitions to be considered valid by the
10 State Board of Elections, election authority or local
11 election official. If the candidate fails to notify the
12 State Board of Elections, election authority or local
13 election official then only the first set of petitions
14 filed shall be valid and all subsequent petitions shall be
15 void.

16 (12) All nominating petitions shall be available for
17 public inspection and shall be preserved for a period of
18 not less than 6 months.

19 (Source: P.A. 96-1008, eff. 7-6-10; 97-81, eff. 7-5-11.)

20 Section 10. The Sanitary District Act of 1917 is amended by
21 changing Section 3 as follows:

22 (70 ILCS 2405/3) (from Ch. 42, par. 301)

23 Sec. 3. Board of trustees; creation; term. A board of
24 trustees shall be created, consisting of 5 members in any

1 sanitary district which includes one or more municipalities
2 with a population of over 90,000 but less than 500,000
3 according to the most recent Federal census, and consisting of
4 3 members in any other district. However, the board of trustees
5 for the Fox River Water Reclamation District, the Sanitary
6 District of Decatur, and the Northern Moraine Wastewater
7 Reclamation District shall each consist of 5 members. Each
8 board of trustees shall be created for the government, control
9 and management of the affairs and business of each sanitary
10 district organized under this Act shall be created in the
11 following manner:

12 (1) If the district is located wholly within a single
13 county, the presiding officer of the county board, with the
14 advice and consent of the county board, shall appoint the
15 trustees for the district;

16 (2) If the district is located in more than one county,
17 the members of the General Assembly whose legislative
18 districts encompass any portion of the district shall
19 appoint the trustees for the district.

20 In any sanitary district which shall have a 3 member board
21 of trustees, within 60 days after the adoption of such act, the
22 appropriate appointing authority shall appoint three trustees
23 not more than 2 of whom shall be from one incorporated city,
24 town or village in districts in which are included 2 or more
25 incorporated cities, towns or villages, or parts of 2 or more
26 incorporated cities, towns or villages, who shall hold their

1 office respectively for 1, 2 and 3 years, from the first Monday
2 of May next after their appointment and until their successors
3 are appointed and have qualified, and thereafter on or before
4 the second Monday in April of each year the appropriate
5 appointing authority shall appoint one trustee whose term shall
6 be for 3 years commencing the first Monday in May of the year
7 in which he is appointed. The length of the term of the first
8 trustees shall be determined by lot at their first meeting.

9 In the case of any sanitary district created after January
10 1, 1978 in which a 5 member board of trustees is required, the
11 appropriate appointing authority shall appoint 5 trustees, one
12 of whom shall hold office for one year, two of whom shall hold
13 office for 2 years, and 2 of whom shall hold office for 3 years
14 from the first Monday of May next after their respective
15 appointments and until their successors are appointed and have
16 qualified. Thereafter, on or before the second Monday in April
17 of each year the appropriate appointing authority shall appoint
18 one trustee or 2 trustees, as shall be necessary to maintain a
19 5 member board of trustees, whose terms shall be for 3 years
20 commencing the first Monday in May of the year in which they
21 are respectively appointed. The length of the terms of the
22 first trustees shall be determined by lot at their first
23 meeting.

24 In any sanitary district created prior to January 1, 1978
25 in which a 5 member board of trustees is required as of January
26 1, 1978, the two trustees already serving terms which do not

1 expire on May 1, 1978 shall continue to hold office for the
2 remainders of their respective terms, and 3 trustees shall be
3 appointed by the appropriate appointing authority by April 10,
4 1978 and shall hold office for terms beginning May 1, 1978. Of
5 the three new trustees, one shall hold office for 2 years and 2
6 shall hold office for 3 years from May 1, 1978 and until their
7 successors are appointed and have qualified. Thereafter, on or
8 before the second Monday in April of each year the appropriate
9 appointing authority shall appoint one trustee or 2 trustees,
10 as shall be necessary to maintain a 5 member board of trustees,
11 whose terms shall be for 3 years commencing the first Monday in
12 May of the year in which they are respectively appointed. The
13 lengths of the terms of the trustees who are to hold office
14 beginning May 1, 1978 shall be determined by lot at their first
15 meeting after May 1, 1978.

16 No more than 3 members of a 5 member board of trustees may
17 be of the same political party; except that in any sanitary
18 district which otherwise meets the requirements of this Section
19 and which lies within 4 counties of the State of Illinois or,
20 prior to April 30, 2008, in the Fox River Water Reclamation
21 District; the appointments of the 5 members of the board of
22 trustees shall be made without regard to political party.
23 Beginning with the appointments made on April 30, 2008, all
24 appointments to the board of trustees of the Fox River Water
25 Reclamation District shall be made so that no more than 3 of
26 the 5 members are from the same political party.

1 Beginning with the 2015 municipal election, the board of
2 trustees of the Fox River Water Reclamation District shall be
3 elected. The election of trustees shall be in accordance with
4 the provisions Section 2A-1.1 of the Election Code. Any current
5 board members whose terms do not expire in 2015 shall serve out
6 the remainder of their term. The board of trustees shall
7 consist of 5 elected members. The trustees shall be elected for
8 staggered terms at the election as provided by the general
9 election law. Two trustees shall be elected at the 2015
10 election, and 3 trustees shall be elected at the following
11 election. Elected trustees shall take office on the first
12 Tuesday after the first Monday in the month following the month
13 of their election and shall hold their offices for 4 years and
14 until their successors shall be elected and qualified. In all
15 elections for trustees, each elector may vote for as many
16 candidates as there are trustees to be elected, but no elector
17 may give to the candidates more than one vote. When a vacancy
18 exists on the board of trustees of the Fox River Water
19 Reclamation District, the vacancy shall be filled by
20 appointment by the president of the board of trustees, with the
21 advice and consent of the members of the board of trustees,
22 until the next regular election at which trustees of the
23 district are elected, and shall be made a matter of record in
24 the office of the county clerk in the county where the district
25 is located. For a vacancy filled by appointment, the portion of
26 the unexpired term remaining after the next regular election at

1 which trustees of the district are elected shall be filled by
2 election, as provided for in this paragraph.

3 Within 60 days after the release of Federal census
4 statistics showing that a sanitary district having a 3 member
5 board of trustees contains one or more municipalities with a
6 population over 90,000 but less than 500,000, or, for the
7 Northern Moraine Wastewater Reclamation District, within 60
8 days after the effective date of this amendatory Act of the
9 95th General Assembly, the appropriate appointing authority
10 shall appoint 2 additional trustees to the board of trustees,
11 one to hold office for 2 years and one to hold office for 3
12 years from the first Monday of May next after their appointment
13 and until their successors are appointed and have qualified.
14 The lengths of the terms of these two additional members shall
15 be determined by lot at the first meeting of the board of
16 trustees held after the additional members take office. The
17 three trustees already holding office in the sanitary district
18 shall continue to hold office for the remainders of their
19 respective terms. Thereafter, on or before the second Monday in
20 April of each year the appropriate appointing authority shall
21 appoint one trustee or 2 trustees, as shall be necessary to
22 maintain a 5 member board of trustees, whose terms shall be for
23 3 years commencing the first Monday in May of the year in which
24 they are respectively appointed.

25 If any sanitary district having a 5 member board of
26 trustees shall cease to contain one or more municipalities with

1 a population over 90,000 but less than 500,000 according to the
2 most recent Federal census, then, for so long as that sanitary
3 district does not contain one or more such municipalities, on
4 or before the second Monday in April of each year the
5 appropriate appointing authority shall appoint one trustee
6 whose term shall be for 3 years commencing the first Monday in
7 May of the year in which he is appointed. In districts which
8 include 2 or more incorporated cities, towns, or villages, or
9 parts of 2 or more incorporated cities, towns, or villages, all
10 of the trustees shall not be from one incorporated city, town
11 or village.

12 If a vacancy occurs on any board of trustees, the
13 appropriate appointing authority shall within 60 days appoint a
14 trustee who shall hold office for the remainder of the vacated
15 term.

16 The appointing authority shall require each of the trustees
17 to enter into bond, with security to be approved by the
18 appointing authority, in such sum as the appointing authority
19 may determine.

20 A majority of the board of trustees shall constitute a
21 quorum but a smaller number may adjourn from day to day. No
22 trustee or employee of such district shall be directly or
23 indirectly interested in any contract, work or business of the
24 district, or the sale of any article, the expense, price or
25 consideration of which is paid by such district; nor in the
26 purchase of any real estate or property belonging to the

1 district, or which shall be sold for taxes or assessments, or
2 by virtue of legal process at the suit of the district.
3 Provided, that nothing herein shall be construed as prohibiting
4 the appointment or selection of any person as trustee or
5 employee whose only interest in the district is as owner of
6 real estate in the district or of contributing to the payment
7 of taxes levied by the district. The trustees shall have the
8 power to provide and adopt a corporate seal for the district.

9 Notwithstanding any other provision in this Section, in any
10 sanitary district created prior to the effective date of this
11 amendatory Act of 1985, in which a five member board of
12 trustees has been appointed and which currently includes one or
13 more municipalities with a population of over 90,000 but less
14 than 500,000, the board of trustees shall consist of five
15 members.

16 (Source: P.A. 95-608, eff. 9-11-07; 96-1065, eff. 7-16-10.)

17 Section 99. Effective date. This Act takes effect January
18 1, 2013."