

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 Election Code is amended by changing
5 Sections 2A-41 and 7-12 as follows:

6 (10 ILCS 5/2A-41) (from Ch. 46, par. 2A-41)

7 Sec. 2A-41. Sanitary District - Trustee - Time of Election.

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

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

16 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

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

19 (1) Where the nomination is to be made for a State,
20 congressional, or judicial office, or for any office a
21 nomination for which is made for a territorial division or
22 district which comprises more than one county or is partly

1 in one county and partly in another county or counties,
2 then, except as otherwise provided in this Section, such
3 petition for nomination shall be filed in the principal
4 office of the State Board of Elections not more than 113
5 and not less than 106 days prior to the date of the
6 primary, but, in the case of petitions for nomination to
7 fill a vacancy by special election in the office of
8 representative in Congress from this State, such petition
9 for nomination shall be filed in the principal office of
10 the State Board of Elections not more than 57 days and not
11 less than 50 days prior to the date of the primary.

12 Where a vacancy occurs in the office of Supreme,
13 Appellate or Circuit Court Judge within the 3-week period
14 preceding the 106th day before a general primary election,
15 petitions for nomination for the office in which the
16 vacancy has occurred shall be filed in the principal office
17 of the State Board of Elections not more than 92 nor less
18 than 85 days prior to the date of the general primary
19 election.

20 Where the nomination is to be made for delegates or
21 alternate delegates to a national nominating convention,
22 then such petition for nomination shall be filed in the
23 principal office of the State Board of Elections not more
24 than 113 and not less than 106 days prior to the date of
25 the primary; provided, however, that if the rules or
26 policies of a national political party conflict with such

1 requirements for filing petitions for nomination for
2 delegates or alternate delegates to a national nominating
3 convention, the chairman of the State central committee of
4 such national political party shall notify the Board in
5 writing, citing by reference the rules or policies of the
6 national political party in conflict, and in such case the
7 Board shall direct such petitions to be filed in accordance
8 with the delegate selection plan adopted by the state
9 central committee of such national political party.

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

15 (3) Where the nomination is to be made for a municipal
16 or township office, such petitions for nomination shall be
17 filed in the office of the local election official, not
18 more than 99 nor less than 92 days prior to the date of the
19 primary; provided, where a municipality's or township's
20 boundaries are coextensive with or are entirely within the
21 jurisdiction of a municipal board of election
22 commissioners, the petitions shall be filed in the office
23 of such board; and provided, that petitions for the office
24 of multi-township assessor shall be filed with the election
25 authority.

26 (4) The petitions of candidates for State central

1 committeeman shall be filed in the principal office of the
2 State Board of Elections not more than 113 nor less than
3 106 days prior to the date of the primary.

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

8 (6) The State Board of Elections and the various
9 election authorities and local election officials with
10 whom such petitions for nominations are filed shall specify
11 the place where filings shall be made and upon receipt
12 shall endorse thereon the day and hour on which each
13 petition was filed. All petitions filed by persons waiting
14 in line as of 8:00 a.m. on the first day for filing, or as
15 of the normal opening hour of the office involved on such
16 day, shall be deemed filed as of 8:00 a.m. or the normal
17 opening hour, as the case may be. Petitions filed by mail
18 and received after midnight of the first day for filing and
19 in the first mail delivery or pickup of that day shall be
20 deemed as filed as of 8:00 a.m. of that day or as of the
21 normal opening hour of such day, as the case may be. All
22 petitions received thereafter shall be deemed as filed in
23 the order of actual receipt. Where 2 or more petitions are
24 received simultaneously, the State Board of Elections or
25 the various election authorities or local election
26 officials with whom such petitions are filed shall break

1 ties and determine the order of filing, by means of a
2 lottery or other fair and impartial method of random
3 selection approved by the State Board of Elections. Such
4 lottery shall be conducted within 9 days following the last
5 day for petition filing and shall be open to the public.
6 Seven days written notice of the time and place of
7 conducting such random selection shall be given by the
8 State Board of Elections to the chairman of the State
9 central committee of each established political party, and
10 by each election authority or local election official, to
11 the County Chairman of each established political party,
12 and to each organization of citizens within the election
13 jurisdiction which was entitled, under this Article, at the
14 next preceding election, to have pollwatchers present on
15 the day of election. The State Board of Elections, election
16 authority or local election official shall post in a
17 conspicuous, open and public place, at the entrance of the
18 office, notice of the time and place of such lottery. The
19 State Board of Elections shall adopt rules and regulations
20 governing the procedures for the conduct of such lottery.
21 All candidates shall be certified in the order in which
22 their petitions have been filed. Where candidates have
23 filed simultaneously, they shall be certified in the order
24 determined by lot and prior to candidates who filed for the
25 same office at a later time.

26 (7) The State Board of Elections or the appropriate

1 election authority or local election official with whom
2 such a petition for nomination is filed shall notify the
3 person for whom a petition for nomination has been filed of
4 the obligation to file statements of organization, reports
5 of campaign contributions, and annual reports of campaign
6 contributions and expenditures under Article 9 of this Act.
7 Such notice shall be given in the manner prescribed by
8 paragraph (7) of Section 9-16 of this Code.

9 (8) Nomination papers filed under this Section are not
10 valid if the candidate named therein fails to file a
11 statement of economic interests as required by the Illinois
12 Governmental Ethics Act in relation to his candidacy with
13 the appropriate officer by the end of the period for the
14 filing of nomination papers unless he has filed a statement
15 of economic interests in relation to the same governmental
16 unit with that officer within a year preceding the date on
17 which such nomination papers were filed. If the nomination
18 papers of any candidate and the statement of economic
19 interest of that candidate are not required to be filed
20 with the same officer, the candidate must file with the
21 officer with whom the nomination papers are filed a receipt
22 from the officer with whom the statement of economic
23 interests is filed showing the date on which such statement
24 was filed. Such receipt shall be so filed not later than
25 the last day on which nomination papers may be filed.

26 (9) Any person for whom a petition for nomination, or

1 for committeeman or for delegate or alternate delegate to a
2 national nominating convention has been filed may cause his
3 name to be withdrawn by request in writing, signed by him
4 and duly acknowledged before an officer qualified to take
5 acknowledgments of deeds, and filed in the principal or
6 permanent branch office of the State Board of Elections or
7 with the appropriate election authority or local election
8 official, not later than the date of certification of
9 candidates for the consolidated primary or general primary
10 ballot. No names so withdrawn shall be certified or printed
11 on the primary ballot. If petitions for nomination have
12 been filed for the same person with respect to more than
13 one political party, his name shall not be certified nor
14 printed on the primary ballot of any party. If petitions
15 for nomination have been filed for the same person for 2 or
16 more offices which are incompatible so that the same person
17 could not serve in more than one of such offices if
18 elected, that person must withdraw as a candidate for all
19 but one of such offices within the 5 business days
20 following the last day for petition filing. A candidate in
21 a judicial election may file petitions for nomination for
22 only one vacancy in a subcircuit and only one vacancy in a
23 circuit in any one filing period, and if petitions for
24 nomination have been filed for the same person for 2 or
25 more vacancies in the same circuit or subcircuit in the
26 same filing period, his or her name shall be certified only

1 for the first vacancy for which the petitions for
2 nomination were filed. If he fails to withdraw as a
3 candidate for all but one of such offices within such time
4 his name shall not be certified, nor printed on the primary
5 ballot, for any office. For the purpose of the foregoing
6 provisions, an office in a political party is not
7 incompatible with any other office.

8 (10) (a) Notwithstanding the provisions of any other
9 statute, no primary shall be held for an established
10 political party in any township, municipality, or ward
11 thereof, where the nomination of such party for every
12 office to be voted upon by the electors of such township,
13 municipality, or ward thereof, is uncontested. Whenever a
14 political party's nomination of candidates is uncontested
15 as to one or more, but not all, of the offices to be voted
16 upon by the electors of a township, municipality, or ward
17 thereof, then a primary shall be held for that party in
18 such township, municipality, or ward thereof; provided
19 that the primary ballot shall not include those offices
20 within such township, municipality, or ward thereof, for
21 which the nomination is uncontested. For purposes of this
22 Article, the nomination of an established political party
23 of a candidate for election to an office shall be deemed to
24 be uncontested where not more than the number of persons to
25 be nominated have timely filed valid nomination papers
26 seeking the nomination of such party for election to such

1 office.

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

17 (c) Notwithstanding the provisions in subparagraph (a)
18 and (b) of this paragraph (10), whenever a person who has
19 not timely filed valid nomination papers and who intends to
20 become a write-in candidate for a political party's
21 nomination for any office for which the nomination is
22 uncontested files a written statement or notice of that
23 intent with the State Board of Elections or the local
24 election official with whom nomination papers for such
25 office are filed, a primary ballot shall be prepared and a
26 primary shall be held for that office. Such statement or

1 notice shall be filed on or before the date established in
2 this Article for certifying candidates for the primary
3 ballot. Such statement or notice shall contain (i) the name
4 and address of the person intending to become a write-in
5 candidate, (ii) a statement that the person is a qualified
6 primary elector of the political party from whom the
7 nomination is sought, (iii) a statement that the person
8 intends to become a write-in candidate for the party's
9 nomination, and (iv) the office the person is seeking as a
10 write-in candidate. An election authority shall have no
11 duty to conduct a primary and prepare a primary ballot for
12 any office for which the nomination is uncontested unless a
13 statement or notice meeting the requirements of this
14 Section is filed in a timely manner.

15 (11) If multiple sets of nomination papers are filed
16 for a candidate to the same office, the State Board of
17 Elections, appropriate election authority or local
18 election official where the petitions are filed shall
19 within 2 business days notify the candidate of his or her
20 multiple petition filings and that the candidate has 3
21 business days after receipt of the notice to notify the
22 State Board of Elections, appropriate election authority
23 or local election official that he or she may cancel prior
24 sets of petitions. If the candidate notifies the State
25 Board of Elections, appropriate election authority or
26 local election official, the last set of petitions filed

1 shall be the only petitions to be considered valid by the
2 State Board of Elections, election authority or local
3 election official. If the candidate fails to notify the
4 State Board of Elections, election authority or local
5 election official then only the first set of petitions
6 filed shall be valid and all subsequent petitions shall be
7 void.

8 (12) All nominating petitions shall be available for
9 public inspection and shall be preserved for a period of
10 not less than 6 months.

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

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

14 (70 ILCS 2405/3) (from Ch. 42, par. 301)

15 Sec. 3. Board of trustees; creation; term. A board of
16 trustees shall be created, consisting of 5 members in any
17 sanitary district which includes one or more municipalities
18 with a population of over 90,000 but less than 500,000
19 according to the most recent Federal census, and consisting of
20 3 members in any other district. However, the board of trustees
21 for the Fox River Water Reclamation District, the Sanitary
22 District of Decatur, and the Northern Moraine Wastewater
23 Reclamation District shall each consist of 5 members. Each
24 board of trustees shall be created for the government, control

1 and management of the affairs and business of each sanitary
2 district organized under this Act shall be created in the
3 following manner:

4 (1) If the district is located wholly within a single
5 county, the presiding officer of the county board, with the
6 advice and consent of the county board, shall appoint the
7 trustees for the district;

8 (2) If the district is located in more than one county,
9 the members of the General Assembly whose legislative
10 districts encompass any portion of the district shall
11 appoint the trustees for the district.

12 In any sanitary district which shall have a 3 member board
13 of trustees, within 60 days after the adoption of such act, the
14 appropriate appointing authority shall appoint three trustees
15 not more than 2 of whom shall be from one incorporated city,
16 town or village in districts in which are included 2 or more
17 incorporated cities, towns or villages, or parts of 2 or more
18 incorporated cities, towns or villages, who shall hold their
19 office respectively for 1, 2 and 3 years, from the first Monday
20 of May next after their appointment and until their successors
21 are appointed and have qualified, and thereafter on or before
22 the second Monday in April of each year the appropriate
23 appointing authority shall appoint one trustee whose term shall
24 be for 3 years commencing the first Monday in May of the year
25 in which he is appointed. The length of the term of the first
26 trustees shall be determined by lot at their first meeting.

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

16 In any sanitary district created prior to January 1, 1978
17 in which a 5 member board of trustees is required as of January
18 1, 1978, the two trustees already serving terms which do not
19 expire on May 1, 1978 shall continue to hold office for the
20 remainders of their respective terms, and 3 trustees shall be
21 appointed by the appropriate appointing authority by April 10,
22 1978 and shall hold office for terms beginning May 1, 1978. Of
23 the three new trustees, one shall hold office for 2 years and 2
24 shall hold office for 3 years from May 1, 1978 and until their
25 successors are appointed and have qualified. Thereafter, on or
26 before the second Monday in April of each year the appropriate

1 appointing authority shall appoint one trustee or 2 trustees,
2 as shall be necessary to maintain a 5 member board of trustees,
3 whose terms shall be for 3 years commencing the first Monday in
4 May of the year in which they are respectively appointed. The
5 lengths of the terms of the trustees who are to hold office
6 beginning May 1, 1978 shall be determined by lot at their first
7 meeting after May 1, 1978.

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

19 Beginning with the 2015 municipal election, the board of
20 trustees of the Fox River Water Reclamation District shall be
21 elected. The election of trustees shall be in accordance with
22 the provisions of Section 2A-1.1 of the Election Code. Any
23 current board members whose terms do not expire in 2015 shall
24 serve out the remainder of their term. The board of trustees
25 shall consist of 5 elected members. The trustees shall be
26 elected for staggered terms at the election as provided by the

1 general election law. Two trustees shall be elected at the 2015
2 election, and 3 trustees shall be elected at the following
3 election. Elected trustees shall take office on the first
4 Tuesday after the first Monday in the month following the month
5 of their election and shall hold their offices for 4 years and
6 until their successors shall be elected and qualified. In all
7 elections for trustees, each elector may vote for as many
8 candidates as there are trustees to be elected, but no elector
9 may give to the candidates more than one vote. When a vacancy
10 exists on the board of trustees of the Fox River Water
11 Reclamation District, the vacancy shall be filled by
12 appointment by the president of the board of trustees, with the
13 advice and consent of the members of the board of trustees,
14 until the next regular election at which trustees of the
15 district are elected, and shall be made a matter of record in
16 the office of the county clerk in the county where the district
17 is located. For a vacancy filled by appointment, the portion of
18 the unexpired term remaining after the next regular election at
19 which trustees of the district are elected shall be filled by
20 election, as provided for in this paragraph.

21 Within 60 days after the release of Federal census
22 statistics showing that a sanitary district having a 3 member
23 board of trustees contains one or more municipalities with a
24 population over 90,000 but less than 500,000, or, for the
25 Northern Moraine Wastewater Reclamation District, within 60
26 days after the effective date of this amendatory Act of the

1 95th General Assembly, the appropriate appointing authority
2 shall appoint 2 additional trustees to the board of trustees,
3 one to hold office for 2 years and one to hold office for 3
4 years from the first Monday of May next after their appointment
5 and until their successors are appointed and have qualified.
6 The lengths of the terms of these two additional members shall
7 be determined by lot at the first meeting of the board of
8 trustees held after the additional members take office. The
9 three trustees already holding office in the sanitary district
10 shall continue to hold office for the remainders of their
11 respective terms. Thereafter, on or before the second Monday in
12 April of each year the appropriate appointing authority shall
13 appoint one trustee or 2 trustees, as shall be necessary to
14 maintain a 5 member board of trustees, whose terms shall be for
15 3 years commencing the first Monday in May of the year in which
16 they are respectively appointed.

17 If any sanitary district having a 5 member board of
18 trustees shall cease to contain one or more municipalities with
19 a population over 90,000 but less than 500,000 according to the
20 most recent Federal census, then, for so long as that sanitary
21 district does not contain one or more such municipalities, on
22 or before the second Monday in April of each year the
23 appropriate appointing authority shall appoint one trustee
24 whose term shall be for 3 years commencing the first Monday in
25 May of the year in which he is appointed. In districts which
26 include 2 or more incorporated cities, towns, or villages, or

1 parts of 2 or more incorporated cities, towns, or villages, all
2 of the trustees shall not be from one incorporated city, town
3 or village.

4 If a vacancy occurs on any board of trustees, the
5 appropriate appointing authority shall within 60 days appoint a
6 trustee who shall hold office for the remainder of the vacated
7 term.

8 The appointing authority shall require each of the trustees
9 to enter into bond, with security to be approved by the
10 appointing authority, in such sum as the appointing authority
11 may determine.

12 A majority of the board of trustees shall constitute a
13 quorum but a smaller number may adjourn from day to day. No
14 trustee or employee of such district shall be directly or
15 indirectly interested in any contract, work or business of the
16 district, or the sale of any article, the expense, price or
17 consideration of which is paid by such district; nor in the
18 purchase of any real estate or property belonging to the
19 district, or which shall be sold for taxes or assessments, or
20 by virtue of legal process at the suit of the district.
21 Provided, that nothing herein shall be construed as prohibiting
22 the appointment or selection of any person as trustee or
23 employee whose only interest in the district is as owner of
24 real estate in the district or of contributing to the payment
25 of taxes levied by the district. The trustees shall have the
26 power to provide and adopt a corporate seal for the district.

1 Notwithstanding any other provision in this Section, in any
2 sanitary district created prior to the effective date of this
3 amendatory Act of 1985, in which a five member board of
4 trustees has been appointed and which currently includes one or
5 more municipalities with a population of over 90,000 but less
6 than 500,000, the board of trustees shall consist of five
7 members.

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

9 Section 99. Effective date. This Act takes effect January
10 1, 2013.