



Rep. Sam Yingling

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09800HB3910ham001

LRB098 15471 JLK 57732 a

1 AMENDMENT TO HOUSE BILL 3910

2 AMENDMENT NO. _____. Amend House Bill 3910 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Fire Protection District Act is amended by
5 changing Section 4a as follows:

6 (70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

7 Sec. 4a. Change to elected board of trustees; petition;
8 election; ballot; nomination and election of trustees. Any fire
9 protection district organized under this Act may determine, in
10 either manner provided in the following items (1) and (2) of
11 this Section, to have an elected, rather than an appointed,
12 board of trustees. Any fire protection district organized under
13 this Act that lies wholly within a county or counties with
14 500,000 or more inhabitants, based on the most recent federal
15 decennial census, may by referendum determine to have an
16 elected, rather than an appointed, board of trustees in the

1 manner provided in the following item (3) of this Section.

2 (1) If the district lies wholly within a single
3 township but does not also lie wholly within a
4 municipality, the township board of trustees may
5 determine, by ordinance, to have an elected board of
6 trustees.

7 (2) Upon presentation to the board of trustees of a
8 petition, signed by not less than 10% of the electors of
9 the district, requesting that a proposition for the
10 election of trustees be submitted to the electors of the
11 district, the secretary of the board of trustees shall
12 certify the proposition to the appropriate election
13 authorities who shall submit the proposition at a regular
14 election in accordance with the general election law. The
15 general election law shall apply to and govern such
16 election. The proposition shall be in substantially the
17 following form:

18 -----
19 Shall the trustees of..... YES
20 Fire Protection District be -----
21 elected, rather than appointed? NO
22 -----

23 If a majority of the votes cast on such proposition are
24 in the affirmative, the trustees of the district shall
25 thereafter be elected as provided by this Section.

26 (3) The appointed board of trustees of a fire

1 protection district that lies wholly within a county or
2 counties with 500,000 or more inhabitants may, by ordinance
3 or resolution, direct the secretary of the board of
4 trustees to certify the proposition for the election of
5 trustees to the appropriate election authorities.
6 Alternatively, the secretary of the board of trustees shall
7 certify the proposition to the appropriate election
8 authorities upon presentation to the board of trustees a
9 petition signed by not less than 500 electors or 10% of the
10 electors, whichever is less, in the district requesting
11 that a proposition for the election of trustees be
12 submitted to the electors of the district. After receipt of
13 certification in either case, the election authorities
14 shall submit the proposition at a regular election in
15 accordance with the general election law. The general
16 election law shall apply to and govern such election. The
17 proposition shall be in substantially the following form:

18 -----
19 Shall the trustees of..... YES
20 Fire Protection District be-----
21 elected, rather than appointed? NO

22 -----
23 If a majority of the votes cast on such proposition are in
24 the affirmative, the trustees of the district shall thereafter
25 be elected as provided by this Section.

26 At the next regular election for trustees as provided by

1 the general election law, a district that has approved by
2 ordinance or referendum to have its trustees elected rather
3 than appointed shall elect 3, 5, or 7 trustees, as previously
4 determined by the organization of the district or as increased
5 under Section 4.01, 4.02, or 4.03. The initial elected trustees
6 shall be elected for 2, 4, and 6 year terms. In a district with
7 3 trustees, one trustee shall be elected for a term of 2 years,
8 one for a term of 4 years, and one for a term of 6 years. In a
9 district with 5 trustees, 2 shall be elected for terms of 2
10 years, 2 for terms of 4 years, and one for a term of 6 years. In
11 a district with 7 trustees, 3 shall be elected for terms of 2
12 years, 2 for terms of 4 years, and 2 for terms of 6 years.
13 Except as otherwise provided in Section 2A-54 of the Election
14 Code, the term of each elected trustee shall commence on the
15 third Monday of the month following the month of his election
16 and until his successor is elected and qualified. The length of
17 the terms of the trustees first elected shall be determined by
18 lot at their first meeting. Except as otherwise provided in
19 Section 2A-54 of the Election Code, thereafter, each trustee
20 shall be elected to serve for a term of 6 years commencing on
21 the third Monday of the month following the month of his
22 election and until his successor is elected and qualified.

23 No party designation shall appear on the ballot for
24 election of trustees. The provisions of the general election
25 law shall apply to and govern the nomination and election of
26 trustees.

1 Nominations for members of the board of trustees shall be
2 made by a petition signed by at least 25 voters or 5% of the
3 voters, whichever is less, residing within the district and
4 shall be filed with the secretary of the board. In addition to
5 the requirements of general election law, the form of the
6 petition shall be as follows:

7 NOMINATING PETITIONS

8 To the Secretary of the Board of Trustees of (name of fire
9 protection district):

10 We, the undersigned, being (number of signatories or 5% or
11 more) of the voters residing within the district, hereby
12 petition that (name of candidate) who resides at (address of
13 candidate) in this district shall be a candidate for the office
14 of (office) of the Board of Trustees (full-term or vacancy) to
15 be voted for at the election to be held (date of election).

16 The secretary of the board shall notify each candidate for
17 whom a petition for nomination has been filed of their
18 obligations under the Campaign Financing Act, as required by
19 the general election law. The notice shall be given on a form
20 prescribed by the State Board of Elections and in accordance
21 with the requirements of the general election law.

22 The secretary shall, within 7 days of filing or on the last
23 day for filing, whichever is earlier, acknowledge to the
24 petitioner in writing his acceptance of the petition.

25 The provisions of Section 4 relating to eligibility, powers
26 and disabilities of trustees shall apply equally to elected

1 trustees.

2 Whenever a fire protection district determines to elect
3 trustees as provided in this Section, the trustees appointed
4 pursuant to Section 4 shall continue to constitute the board of
5 trustees until the third Monday of the month following the
6 month of the first election of trustees. If the term of office
7 of any appointed trustees expires before the first election of
8 trustees, the authority which appointed that trustee under
9 Section 4 of this Act shall appoint a successor to serve until
10 a successor is elected and has qualified. The terms of all
11 appointed trustees in such district shall expire on the third
12 Monday of the month following the month of the first election
13 of trustees under this Section or when successors have been
14 elected and have qualified, whichever occurs later.

15 (Source: P.A. 95-331, eff. 8-21-07; 96-172, eff. 8-10-09.)".