



Sen. Emil Jones, III

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09900HB3444sam001

LRB099 11144 AWJ 35486 a

1 AMENDMENT TO HOUSE BILL 3444

2 AMENDMENT NO. _____. Amend House Bill 3444 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 3.1-10-5, 3.1-10-50, and 3.1-10-51 as
6 follows:

7 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

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

9 (a) A person is not eligible for an elective municipal
10 office unless that person is a qualified elector of the
11 municipality and has resided in the municipality at least one
12 year next preceding the election or appointment, except as
13 provided in Section 3.1-20-25, subsection (b) of Section
14 3.1-25-75, Section 5-2-2, or Section 5-2-11.

15 (b) A person is not eligible to take the oath of office for
16 a municipal office if that person is, at the time required for

1 taking the oath of office, in arrears in the payment of a tax
2 or other indebtedness due to the municipality or has been
3 convicted in any court located in the United States of any
4 infamous crime, bribery, perjury, or other felony.

5 (b-5) (Blank). ~~A person is not eligible to hold a municipal~~
6 ~~office, if that person is, at any time during the term of~~
7 ~~office, in arrears in the payment of a tax or other~~
8 ~~indebtedness due to the municipality or has been convicted in~~
9 ~~any court located in the United States of any infamous crime,~~
10 ~~bribery, perjury, or other felony.~~

11 (c) A person is not eligible for the office of alderman of
12 a ward unless that person has resided in the ward that the
13 person seeks to represent, and a person is not eligible for the
14 office of trustee of a district unless that person has resided
15 in the municipality, at least one year next preceding the
16 election or appointment, except as provided in Section
17 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2,
18 or Section 5-2-11.

19 (d) If a person (i) is a resident of a municipality
20 immediately prior to the active duty military service of that
21 person or that person's spouse, (ii) resides anywhere outside
22 of the municipality during that active duty military service,
23 and (iii) immediately upon completion of that active duty
24 military service is again a resident of the municipality, then
25 the time during which the person resides outside the
26 municipality during the active duty military service is deemed

1 to be time during which the person is a resident of the
2 municipality for purposes of determining the residency
3 requirement under subsection (a).

4 (Source: P.A. 97-1091, eff. 8-24-12; 98-115, eff. 7-29-13.)

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

6 Sec. 3.1-10-50. Events upon which an elective office
7 becomes vacant in municipality with population under 500,000.

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

11 (1) Unconditional resignation. An unconditional
12 resignation by a person holding the elective office may
13 specify a future date, not later than 60 days after the
14 date the resignation is received by the officer authorized
15 to fill the vacancy, at which time it becomes operative,
16 but the resignation may not be withdrawn after it is
17 received by the officer authorized to fill the vacancy. The
18 effective date of a resignation that does not specify a
19 future date at which it becomes operative is the date the
20 resignation is received by the officer authorized to fill
21 the vacancy. The effective date of a resignation that has a
22 specified future effective date is that specified future
23 date or the date the resignation is received by the officer
24 authorized to fill the vacancy, whichever date occurs
25 later.

1 (2) Conditional resignation. A resignation that does
2 not become effective unless a specified event occurs can be
3 withdrawn at any time prior to the occurrence of the
4 specified event, but if not withdrawn, the effective date
5 of the resignation is the date of the occurrence of the
6 specified event or the date the resignation is received by
7 the officer authorized to fill the vacancy, whichever date
8 occurs later.

9 (3) Vacancy upon the effective date. For the purpose of
10 determining the time period that would require an election
11 to fill the vacancy by resignation or the commencement of
12 the 60-day time period referred to in subsection (e), the
13 resignation of an elected officer is deemed to have created
14 a vacancy as of the effective date of the resignation.

15 (4) Duty of the clerk. If a resignation is delivered to
16 the clerk of the municipality, the clerk shall forward a
17 certified copy of the written resignation to the official
18 who is authorized to fill the vacancy within 7 business
19 days after receipt of the resignation.

20 (b) Vacancy by death or disability. A vacancy occurs in an
21 office by reason of the death of the incumbent. The date of the
22 death may be established by the date shown on the death
23 certificate. A vacancy occurs in an office by permanent
24 physical or mental disability rendering the person incapable of
25 performing the duties of the office. The corporate authorities
26 have the authority to make the determination whether an officer

1 is incapable of performing the duties of the office because of
2 a permanent physical or mental disability. A finding of mental
3 disability shall not be made prior to the appointment by a
4 court of a guardian ad litem for the officer or until a duly
5 licensed doctor certifies, in writing, that the officer is
6 mentally impaired to the extent that the officer is unable to
7 effectively perform the duties of the office. If the corporate
8 authorities find that an officer is incapable of performing the
9 duties of the office due to permanent physical or mental
10 disability, that person is removed from the office and the
11 vacancy of the office occurs on the date of the determination.

12 (c) Vacancy by other causes.

13 (1) Abandonment and other causes. A vacancy occurs in
14 an office by reason of abandonment of office; removal from
15 office; or failure to qualify; or more than temporary
16 removal of residence from the municipality; or in the case
17 of an alderman of a ward or councilman or trustee of a
18 district, more than temporary removal of residence from the
19 ward or district, as the case may be. The corporate
20 authorities have the authority to determine whether a
21 vacancy under this subsection has occurred. If the
22 corporate authorities determine that a vacancy exists, the
23 office is deemed vacant as of the date of that
24 determination for all purposes including the calculation
25 under subsections (e), (f), and (g).

26 (2) Guilty of a criminal offense. An admission of guilt

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

12 (3) Election declared void. A vacancy occurs on the
13 date of the decision of a competent tribunal declaring the
14 election of the officer void.

15 (4) Owing a debt to the municipality. A vacancy occurs
16 if a municipal official fails to pay a debt to a
17 municipality in which the official has been elected or
18 appointed to an elected position subject to the following:

19 (A) Before a vacancy may occur under this paragraph
20 (4), the municipal clerk shall deliver, by personal
21 service, a written notice to the municipal official
22 that (i) the municipal official is in arrears of a debt
23 to the municipality, (ii) that municipal official must
24 either pay or contest the debt within 30 days after
25 receipt of the notice or the municipal official will be
26 disqualified and his or her office vacated, and (iii)

1 if the municipal official chooses to contest the debt,
2 the municipal official must provide written notice to
3 the municipal clerk of the contesting of the debt. A
4 copy of the notice, and the notice to contest, shall
5 also be mailed by the municipal clerk to the appointed
6 municipal attorney by certified mail. If the municipal
7 clerk is the municipal official indebted to the
8 municipality, the mayor or president of the
9 municipality shall assume the duties of the municipal
10 clerk required under this paragraph (4).

11 (B) In the event that the municipal official
12 chooses to contest the debt, a hearing shall be held
13 within 30 days of the municipal clerk's receipt of the
14 written notice of contest from the municipal official.
15 An appointed municipal hearing officer shall preside
16 over the hearing, and shall hear testimony and accept
17 evidence relevant to the existence of the debt owed by
18 the municipal officer to the municipality.

19 (C) Upon the conclusion of the hearing, the hearing
20 officer shall make a determination on the basis of the
21 evidence presented as to whether or not the municipal
22 official is in arrears of a debt to the municipality.
23 The determination shall be in writing and shall be
24 designated as findings, decision, and order. The
25 findings, decision, and order shall include: (i) the
26 hearing officer's findings of fact; (ii) a decision of

1 whether or not the municipal official is in arrears of
2 a debt to the municipality based upon the findings of
3 fact; and (iii) an order that either directs the
4 municipal official to pay the debt within 30 days or be
5 disqualified and his or her office vacated or dismisses
6 the matter if a debt owed to the municipality is not
7 proved. A copy of the hearing officer's written
8 determination shall be served upon the municipal
9 official in open proceedings before the hearing
10 officer. If the municipal official does not appear for
11 receipt of the written determination, the written
12 determination shall be deemed to have been served on
13 the municipal official on the date when a copy of the
14 written determination is personally served on the
15 municipal official or on the date when a copy of the
16 written determination is deposited in the United
17 States mail, postage prepaid, addressed to the
18 municipal official at the address on record with the
19 municipality.

20 (D) A municipal official aggrieved by the
21 determination of a hearing officer may secure judicial
22 review of such determination in the circuit court of
23 the county in which the hearing was held. The municipal
24 official seeking judicial review must file a petition
25 with the clerk of the court and must serve a copy of
26 the petition upon the municipality by registered or

1 certified mail within 5 days after service of the
2 determination of the hearing officer. The petition
3 shall contain a brief statement of the reasons why the
4 determination of the hearing officer should be
5 reversed. The municipal official shall file proof of
6 service with the clerk of the court. No answer to the
7 petition need be filed, but the municipality shall
8 cause the record of proceedings before the hearing
9 officer to be filed with the clerk of the court on or
10 before the date of the hearing on the petition or as
11 ordered by the court. The court shall set the matter
12 for hearing to be held within 30 days after the filing
13 of the petition and shall make its decision promptly
14 after such hearing.

15 (E) If a municipal official chooses to pay the
16 debt, or is ordered to pay the debt after the hearing,
17 the municipal official must present proof of payment to
18 the municipal clerk that the debt was paid in full,
19 and, if applicable, within the required time period as
20 ordered by a hearing officer or circuit court judge.

21 (F) A municipal official will be disqualified and
22 his or her office vacated pursuant to this paragraph
23 (4) on the later of the following times if the
24 municipal official: (i) fails to pay or contest the
25 debt within 30 days of the municipal official's receipt
26 of the notice of the debt; (ii) fails to pay the debt

1 within 30 days after being served with a written
2 determination under subparagraph (C) ordering the
3 municipal official to pay the debt; or (iii) fails to
4 pay the debt within 30 days after being served with a
5 decision pursuant to subparagraph (D) upholding a
6 hearing officer's determination that the municipal
7 officer has failed to pay a debt owed to a
8 municipality.

9 (G) For purposes of this paragraph, a "debt" shall
10 mean an arrearage in a definitely ascertainable and
11 quantifiable amount after service of written notice
12 thereof, in the payment of any indebtedness due to the
13 municipality, which has been adjudicated before a
14 tribunal with jurisdiction over the matter. A
15 municipal official is considered in arrears of a debt
16 to a municipality if a debt is more than 30 days
17 overdue from the date the debt was due.

18 (d) Election of an acting mayor or acting president. The
19 election of an acting mayor or acting president pursuant to
20 subsection (f) or (g) does not create a vacancy in the original
21 office of the person on the city council or as a trustee, as
22 the case may be, unless the person resigns from the original
23 office following election as acting mayor or acting president.
24 If the person resigns from the original office following
25 election as acting mayor or acting president, then the original
26 office must be filled pursuant to the terms of this Section and

1 the acting mayor or acting president shall exercise the powers
2 of the mayor or president and shall vote and have veto power in
3 the manner provided by law for a mayor or president. If the
4 person does not resign from the original office following
5 election as acting mayor or acting president, then the acting
6 mayor or acting president shall exercise the powers of the
7 mayor or president but shall be entitled to vote only in the
8 manner provided for as the holder of the original office and
9 shall not have the power to veto. If the person does not resign
10 from the original office following election as acting mayor or
11 acting president, and if that person's original term of office
12 has not expired when a mayor or president is elected and has
13 qualified for office, the acting mayor or acting-president
14 shall return to the original office for the remainder of the
15 term thereof.

16 (e) Appointment to fill alderman or trustee vacancy. An
17 appointment by the mayor or president or acting mayor or acting
18 president, as the case may be, of a qualified person as
19 described in Section 3.1-10-5 of this Code to fill a vacancy in
20 the office of alderman or trustee must be made within 60 days
21 after the vacancy occurs. Once the appointment of the qualified
22 person has been forwarded to the corporate authorities, the
23 corporate authorities shall act upon the appointment within 30
24 days. If the appointment fails to receive the advice and
25 consent of the corporate authorities within 30 days, the mayor
26 or president or acting mayor or acting president shall appoint

1 and forward to the corporate authorities a second qualified
2 person as described in Section 3.1-10-5. Once the appointment
3 of the second qualified person has been forwarded to the
4 corporate authorities, the corporate authorities shall act
5 upon the appointment within 30 days. If the appointment of the
6 second qualified person also fails to receive the advice and
7 consent of the corporate authorities, then the mayor or
8 president or acting mayor or acting president, without the
9 advice and consent of the corporate authorities, may make a
10 temporary appointment from those persons who were appointed but
11 whose appointments failed to receive the advice and consent of
12 the corporate authorities. The person receiving the temporary
13 appointment shall serve until an appointment has received the
14 advice and consent and the appointee has qualified or until a
15 person has been elected and has qualified, whichever first
16 occurs.

17 (f) Election to fill vacancies in municipal offices with
18 4-year terms. If a vacancy occurs in an elective municipal
19 office with a 4-year term and there remains an unexpired
20 portion of the term of at least 28 months, and the vacancy
21 occurs at least 130 days before the general municipal election
22 next scheduled under the general election law, then the vacancy
23 shall be filled for the remainder of the term at that general
24 municipal election. Whenever an election is held for this
25 purpose, the municipal clerk shall certify the office to be
26 filled and the candidates for the office to the proper election

1 authorities as provided in the general election law. If a
2 vacancy occurs with less than 28 months remaining in the
3 unexpired portion of the term or less than 130 days before the
4 general municipal election, then:

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

22 (2) Alderman or trustee. If the vacancy is in the
23 office of alderman or trustee, the vacancy must be filled
24 by the mayor or president or acting mayor or acting
25 president, as the case may be, in accordance with
26 subsection (e).

1 (3) Other elective office. If the vacancy is in any
2 elective municipal office other than mayor or president or
3 alderman or trustee, the mayor or president or acting mayor
4 or acting president, as the case may be, must appoint a
5 qualified person to hold the office until the office is
6 filled by election, subject to the advice and consent of
7 the city council or the board of trustees, as the case may
8 be.

9 (g) Vacancies in municipal offices with 2-year terms. In
10 the case of an elective municipal office with a 2-year term, if
11 the vacancy occurs at least 130 days before the general
12 municipal election next scheduled under the general election
13 law, the vacancy shall be filled for the remainder of the term
14 at that general municipal election. If the vacancy occurs less
15 than 130 days before the general municipal election, then:

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

1 majority vote of the trustees presently holding office,
2 then the trustees may elect, as acting president, any other
3 village resident who is qualified to hold municipal office,
4 and the acting president shall exercise the powers of the
5 president and shall vote and have veto power in the manner
6 provided by law for a president.

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

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

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

26 (i) This Section applies only to municipalities with

1 populations under 500,000.

2 (Source: P.A. 94-645, eff. 8-22-05; 95-646, eff. 1-1-08.)

3 (65 ILCS 5/3.1-10-51)

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

6 (a) Events upon which an elective office in a municipality
7 of 500,000 or more shall become vacant:

8 (1) A municipal officer may resign from office. A
9 vacancy occurs in an office by reason of resignation,
10 failure to elect or qualify (in which case the incumbent
11 shall remain in office until the vacancy is filled), death,
12 permanent physical or mental disability rendering the
13 person incapable of performing the duties of his or her
14 office, conviction of a disqualifying crime, abandonment
15 of office, removal from office, or removal of residence
16 from the municipality or, in the case of an alderman of a
17 ward, removal of residence from the ward.

18 (2) An admission of guilt of a criminal offense that
19 would, upon conviction, disqualify the municipal officer
20 from holding that office, in the form of a written
21 agreement with State or federal prosecutors to plead guilty
22 to a felony, bribery, perjury, or other infamous crime
23 under State or federal law, shall constitute a resignation
24 from that office, effective at the time the plea agreement
25 is made. For purposes of this Section, a conviction for an

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

5 (3) Owing a debt to the municipality. A vacancy occurs
6 if a municipal official fails to pay a debt to a
7 municipality in which the official has been elected or
8 appointed to an elected position subject to the following:

9 (A) Before a vacancy may occur under this paragraph

10 (3), the municipal clerk shall deliver, by personal
11 service, a written notice to the municipal official
12 that (i) the municipal official is in arrears of a debt
13 to the municipality, (ii) that municipal official must
14 either pay or contest the debt within 30 days after
15 receipt of the notice or the municipal official will be
16 disqualified and his or her office vacated, and (iii)
17 if the municipal official chooses to contesting the
18 debt, the municipal official must provide written
19 notice to the municipal clerk of the contest of the
20 debt. A copy of the notice, and the notice to contest,
21 shall also be mailed by the municipal clerk to the
22 appointed municipal attorney by certified mail. If the
23 municipal clerk is the municipal official indebted to
24 the municipality, the mayor or president of the
25 municipality shall assume the duties of the municipal
26 clerk required under this paragraph (3).

1 (B) In the event that the municipal official
2 chooses to contest the debt, a hearing shall be held
3 within 30 days of the municipal clerk's receipt of the
4 written notice of contest from the municipal official.
5 An appointed municipal hearing officer shall preside
6 over the hearing, and shall hear testimony and accept
7 evidence relevant to the existence of the debt owed by
8 the municipal officer to the municipality.

9 (C) Upon the conclusion of the hearing, the hearing
10 officer shall make a determination on the basis of the
11 evidence presented as to whether or not the municipal
12 official is in arrears of a debt to the municipality.
13 The determination shall be in writing and shall be
14 designated as findings, decision, and order. The
15 findings, decision, and order shall include: (i) the
16 hearing officer's findings of fact; (ii) a decision of
17 whether or not the municipal official is in arrears of
18 a debt to the municipality based upon the findings of
19 fact; and (iii) an order that either directs the
20 municipal official to pay the debt within 30 days or be
21 disqualified and his or her office vacated or dismisses
22 the matter if a debt owed to the municipality is not
23 proved. A copy of the hearing officer's written
24 determination shall be served upon the municipal
25 official in open proceedings before the hearing
26 officer. If the municipal official does not appear for

1 receipt of the written determination, the written
2 determination shall be deemed to have been served on
3 the municipal official on the date when a copy of the
4 written determination is personally served on the
5 municipal official or on the date when a copy of the
6 written determination is deposited in the Unites
7 States mail, postage prepaid, addressed to the
8 municipal official at the address on record in the
9 files of the municipality.

10 (D) A municipal official aggrieved by the
11 determination of a hearing officer may secure judicial
12 review of such determination in the circuit court of
13 the county in which the hearing was held. The municipal
14 official seeking judicial review must file a petition
15 with the clerk of the court and must serve a copy of
16 the petition upon the municipality by registered or
17 certified mail within 5 days after service of the
18 determination of the hearing officer. The petition
19 shall contain a brief statement of the reasons why the
20 determination of the hearing officer should be
21 reversed. The municipal official shall file proof of
22 service with the clerk of the court. No answer to the
23 petition need be filed, but the municipality shall
24 cause the record of proceedings before the hearing
25 officer to be filed with the clerk of the court on or
26 before the date of the hearing on the petition or as

1 ordered by the court. The court shall set the matter
2 for hearing to be held within 30 days after the filing
3 of the petition and shall make its decision promptly
4 after such hearing.

5 (E) If a municipal official chooses to pay the
6 debt, or is ordered to pay the debt after the hearing,
7 the municipal official must present proof of payment to
8 the municipal clerk that the debt was paid in full,
9 and, if applicable, within the required time period as
10 ordered by a hearing officer.

11 (F) A municipal official will be disqualified and
12 his or her office vacated pursuant to this paragraph
13 (3) on the later of the following times the municipal
14 official: (i) fails to pay or contest the debt within
15 30 days of the municipal official's receipt of the
16 notice of the debt; (ii) fails to pay the debt within
17 30 days after being served with a written determination
18 under subparagraph (C) ordering the municipal official
19 to pay the debt; or (iii) fails to pay the debt within
20 30 days after being served with a decision pursuant to
21 subparagraph (D) upholding a hearing officer's
22 determination that the municipal officer has failed to
23 pay a debt owed to a municipality.

24 (G) For purposes of this paragraph, a "debt" shall
25 mean an arrearage in a definitely ascertainable and
26 quantifiable amount after service of written notice

1 thereof, in the payment of any indebtedness due to the
2 municipality, which has been adjudicated before a
3 tribunal with jurisdiction over the matter. A
4 municipal official is considered in arrears of a debt
5 to a municipality if a debt is more than 30 days
6 overdue from the date the debt was due.

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

25 (c) If a vacancy occurs later than the time provided in
26 subsection (b) in a 4-year term, a vacancy in the office of

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

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

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

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

23 (Source: P.A. 95-646, eff. 1-1-08.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."