

1 AN ACT concerning county commissioners.

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 Section 25-11 as follows:

6 (10 ILCS 5/25-11) (from Ch. 46, par. 25-11)

7 Sec. 25-11. When a vacancy occurs in any elective county
8 office, or in a county of less than 3,000,000 population in
9 the office of clerk of the circuit court, in a county which
10 is not a home rule unit, the county board or board of county
11 commissioners shall declare that such vacancy exists and
12 notification thereof shall be given to the county central
13 committee or the appropriate county board or board of county
14 commissioners district committee of each established
15 political party within 3 days of the occurrence of the
16 vacancy. The vacancy shall be filled within 60 days by
17 appointment of the chairman of the county board or board of
18 county commissioners with the advice and consent of the
19 county board or board of county commissioners. The appointee
20 shall be a member of the same political party as the person
21 he succeeds was at the time of his election and shall be
22 otherwise eligible to serve. The appointee shall serve the
23 remainder of the unexpired term. However, if more than 28
24 months remain in the term, the appointment shall be until the
25 next general election at which time the vacated office shall
26 be filled by election for the remainder of the term. In the
27 case of a vacancy in a seat on a county board or board of
28 county commissioners which has been divided into districts
29 under Section 2-3003 or 2-4006.5 of the Counties Code "An Act
30 relating to the composition of an election of county boards
31 in certain counties", approved October 27, 1969, as amended,

1 the appointee must also be a resident of the county board or
2 county commission district. If a county commissioner ceases
3 to reside in the district that he or she represents, a
4 vacancy in that office exists.

5 Except as otherwise provided by county ordinance or by
6 law, in any county which is a home rule unit, vacancies in
7 elective county offices, other than the office of chief
8 executive officer, and vacancies in the office of clerk of
9 the circuit court in a county of less than 3,000,000
10 population, shall be filled by the county board or board of
11 county commissioners.

12 (Source: P.A. 90-672, eff. 7-31-98.)

13 Section 10. The Counties Code is amended by changing
14 Sections 2-4006 and 2-4006.5 as follows:

15 (55 ILCS 5/2-4006)

16 Sec. 2-4006. Terms of commissioners. In every county
17 not under township organization having 3 commissioners
18 elected at large as described in subsection (b) or (c), the
19 commissioners shall be elected as provided in this Section.

20 (b) In a county in which one commissioner was elected at
21 the general election in 1992 to serve for a term of 4 years
22 and in which 2 commissioners will be elected at the general
23 election in 1994, the commissioner elected in 1994 and
24 receiving the greatest number of votes shall serve for a term
25 of 6 years. The other commissioner elected in 1994 shall
26 serve for a term of 4 years. At the general election in 1996
27 and at each general election thereafter, one commissioner
28 shall be elected to serve for a term of 6 years.

29 (c) In a county in which 2 commissioners were elected at
30 the general election in 1992 to serve for terms of 4 years
31 and in which one commissioner will be elected at the general
32 election in 1994, the commissioner elected in 1994 shall

1 serve for a term of 4 years. The commissioner elected in
 2 1996 and receiving the greatest number of votes shall serve
 3 for a term of 6 years. The other commissioner elected in
 4 1996 shall serve for a term of 4 years. At the general
 5 election in 1998 and at each general election thereafter, one
 6 commissioner shall be elected to serve for a term of 6 years.

7 (d) The provisions of this Section do not apply to
 8 commissioners elected under Section 2-4006.5 of this Code.

9 (Source: P.A. 88-572, eff. 8-11-94.)

10 (55 ILCS 5/2-4006.5)

11 Sec. 2-4006.5. Commissioners in certain counties.

12 (a) If a county elects 3 commissioners at large under
 13 Section 2-4006, registered voters of such county may, by a
 14 vote of a majority of those voting on such proposition,
 15 determine to change the method of electing the board of
 16 county commissioners by electing either 3 or 5 members from
 17 single member districts. In order for such question to be
 18 placed upon the ballot, such petition must contain the
 19 signatures of not fewer than 10% of the registered voters of
 20 such county.

21 Commissioners may not be elected from single member
 22 districts until the question of electing either 3 or 5
 23 commissioners from single member districts has been submitted
 24 to the electors of the county at a regular election and
 25 approved by a majority of the electors voting on the
 26 question. The commissioners must certify the question to the
 27 proper election authority, which must submit the question at
 28 an election in accordance with the Election Code.

29 The question must be in substantially the following form:

30 Shall the board of county commissioners of (name of
 31 county) consist of (insert either 3 or 5) commissioners
 32 elected from single member districts?

33 The votes must be recorded as "Yes" or "No".

1 If a majority of the electors voting on the question vote
2 in the affirmative, a 3-member or 5-member board of county
3 commissioners, as the case may be, shall be established to be
4 elected from single member districts.

5 (b) If the voters of the county decide to elect either 3
6 or 5 commissioners from single member districts, the board of
7 county commissioners shall on or before August 31 of the year
8 following the 2000 federal decennial census divide the county
9 into either 3 or 5 compact and contiguous county commission
10 districts that are substantially equal in population. On or
11 before May 31 of the year following each federal decennial
12 census thereafter, the board of county commissioners shall
13 reapportion the county commission districts to be compact,
14 contiguous, and substantially equal in population.

15 (c) The commissioners elected at large at or before the
16 general election in 2000 shall continue to serve until the
17 expiration of their terms. Of those commissioners, the
18 commissioner whose term expires in 2002 shall be assigned to
19 district 1; the commissioner whose term expires in 2004 shall
20 be assigned to district 2; and the commissioner whose term
21 expires in 2006 shall be assigned to district 3.

22 (d) If the voters of the county decide to elect 5
23 commissioners from single member districts, at the general
24 election in 2002, one commissioner from and residing in each
25 of districts 1, 4, and 5 shall be elected. At the general
26 election in 2004, one commissioner from and residing in each
27 of districts 1, 2, and 5 shall be elected. At the general
28 election in 2006, one commissioner from and residing in each
29 of districts 2, 3, and 4 shall be elected. At the general
30 election in 2008, one commissioner from and residing in each
31 of districts 1, 3, and 5 shall be elected. At the general
32 election in 2010, one commissioner from each of districts 2
33 and 4 shall be elected. At the general election in 2012,
34 commissioners from and residing in each district shall be

1 elected. Thereafter, commissioners shall be elected at each
2 general election to fill expired terms. Each commissioner
3 must reside in the district that he or she represents from
4 the time that he or she files his or her nomination papers
5 until his or her term expires.

6 In the year following the decennial census of 2010 and
7 every 10 years thereafter, the commissioners, publicly by
8 lot, shall divide the districts into 2 groups. One group
9 shall serve terms of 4 years, 4 years, and 2 years and one
10 group shall serve terms of 2 years, 4 years, and 4 years.

11 (Source: P.A. 91-846, eff. 6-22-00.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.