



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1336

Introduced 2/9/2017, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-101	from Ch. 127, par. 604A-101
10 ILCS 5/25-11	from Ch. 46, par. 25-11
55 ILCS 5/2-3001	from Ch. 34, par. 2-3001
55 ILCS 5/2-3002	from Ch. 34, par. 2-3002
55 ILCS 5/2-3003.5 new	
55 ILCS 5/2-3005.5 new	
55 ILCS 5/2-3015	
55 ILCS 5/2-3003 rep.	
55 ILCS 5/2-3004 rep.	
55 ILCS 5/2-3005 rep.	

Amends the Counties Code. Provides that an 8-commissioner County Apportionment Commission in each county that has county board districts shall create an apportionment plan after each federal decennial census. Provides that specified Supreme Court Justices shall select the commissioners. Removes provisions allowing county boards to develop and file an apportionment plan. Provides requirements for districts formed in the apportionment plan, public hearings, filing requirements, and the selection of an additional commissioner if an apportionment plan isn't filed in a timely manner. Provides that the Supreme Court shall have original and exclusive jurisdiction over action concerning apportionment of county districts. Amends the Illinois Governmental Ethics Act and the Election Code making conforming changes.

LRB100 06085 AWJ 16117 b

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 Illinois Governmental Ethics Act is amended
5 by changing Section 4A-101 as follows:

6 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

7 Sec. 4A-101. Persons required to file. The following
8 persons shall file verified written statements of economic
9 interests, as provided in this Article:

10 (a) Members of the General Assembly and candidates for
11 nomination or election to the General Assembly.

12 (b) Persons holding an elected office in the Executive
13 Branch of this State, and candidates for nomination or
14 election to these offices.

15 (c) Members of a Commission or Board created by the
16 Illinois Constitution, and candidates for nomination or
17 election to such Commission or Board.

18 (d) Persons whose appointment to office is subject to
19 confirmation by the Senate and persons appointed by the
20 Governor to any other position on a board or commission
21 described in subsection (a) of Section 15 of the
22 Gubernatorial Boards and Commissions Act.

23 (e) Holders of, and candidates for nomination or

1 election to, the office of judge or associate judge of the
2 Circuit Court and the office of judge of the Appellate or
3 Supreme Court.

4 (f) Persons who are employed by any branch, agency,
5 authority or board of the government of this State,
6 including but not limited to, the Illinois State Toll
7 Highway Authority, the Illinois Housing Development
8 Authority, the Illinois Community College Board, and
9 institutions under the jurisdiction of the Board of
10 Trustees of the University of Illinois, Board of Trustees
11 of Southern Illinois University, Board of Trustees of
12 Chicago State University, Board of Trustees of Eastern
13 Illinois University, Board of Trustees of Governor's State
14 University, Board of Trustees of Illinois State
15 University, Board of Trustees of Northeastern Illinois
16 University, Board of Trustees of Northern Illinois
17 University, Board of Trustees of Western Illinois
18 University, or Board of Trustees of the Illinois
19 Mathematics and Science Academy, and are compensated for
20 services as employees and not as independent contractors
21 and who:

22 (1) are, or function as, the head of a department,
23 commission, board, division, bureau, authority or
24 other administrative unit within the government of
25 this State, or who exercise similar authority within
26 the government of this State;

1 (2) have direct supervisory authority over, or
2 direct responsibility for the formulation,
3 negotiation, issuance or execution of contracts
4 entered into by the State in the amount of \$5,000 or
5 more;

6 (3) have authority for the issuance or
7 promulgation of rules and regulations within areas
8 under the authority of the State;

9 (4) have authority for the approval of
10 professional licenses;

11 (5) have responsibility with respect to the
12 financial inspection of regulated nongovernmental
13 entities;

14 (6) adjudicate, arbitrate, or decide any judicial
15 or administrative proceeding, or review the
16 adjudication, arbitration or decision of any judicial
17 or administrative proceeding within the authority of
18 the State;

19 (7) have supervisory responsibility for 20 or more
20 employees of the State;

21 (8) negotiate, assign, authorize, or grant naming
22 rights or sponsorship rights regarding any property or
23 asset of the State, whether real, personal, tangible,
24 or intangible; or

25 (9) have responsibility with respect to the
26 procurement of goods or services.

1 (g) Persons who are elected to office in a unit of
2 local government, and candidates for nomination or
3 election to that office, including regional
4 superintendents of school districts.

5 (h) Persons appointed to the governing board of a unit
6 of local government, or of a special district, and persons
7 appointed to a zoning board, or zoning board of appeals, or
8 to a regional, county, or municipal plan commission, or to
9 a board of review of any county, and persons appointed to
10 the Board of the Metropolitan Pier and Exposition Authority
11 and any Trustee appointed under Section 22 of the
12 Metropolitan Pier and Exposition Authority Act, and
13 persons appointed to a board or commission of a unit of
14 local government who have authority to authorize the
15 expenditure of public funds. This subsection does not apply
16 to members of boards or commissions who function in an
17 advisory capacity.

18 (i) Persons who are employed by a unit of local
19 government and are compensated for services as employees
20 and not as independent contractors and who:

21 (1) are, or function as, the head of a department,
22 division, bureau, authority or other administrative
23 unit within the unit of local government, or who
24 exercise similar authority within the unit of local
25 government;

26 (2) have direct supervisory authority over, or

1 direct responsibility for the formulation,
2 negotiation, issuance or execution of contracts
3 entered into by the unit of local government in the
4 amount of \$1,000 or greater;

5 (3) have authority to approve licenses and permits
6 by the unit of local government; this item does not
7 include employees who function in a ministerial
8 capacity;

9 (4) adjudicate, arbitrate, or decide any judicial
10 or administrative proceeding, or review the
11 adjudication, arbitration or decision of any judicial
12 or administrative proceeding within the authority of
13 the unit of local government;

14 (5) have authority to issue or promulgate rules and
15 regulations within areas under the authority of the
16 unit of local government; or

17 (6) have supervisory responsibility for 20 or more
18 employees of the unit of local government.

19 (j) Persons on the Board of Trustees of the Illinois
20 Mathematics and Science Academy.

21 (k) Persons employed by a school district in positions
22 that require that person to hold an administrative or a
23 chief school business official endorsement.

24 (l) Special government agents. A "special government
25 agent" is a person who is directed, retained, designated,
26 appointed, or employed, with or without compensation, by or

1 on behalf of a statewide executive branch constitutional
2 officer to make an ex parte communication under Section
3 5-50 of the State Officials and Employees Ethics Act or
4 Section 5-165 of the Illinois Administrative Procedure
5 Act.

6 (m) Members of the board of commissioners of any flood
7 prevention district created under the Flood Prevention
8 District Act or the Beardstown Regional Flood Prevention
9 District Act.

10 (n) Members of the board of any retirement system or
11 investment board established under the Illinois Pension
12 Code, if not required to file under any other provision of
13 this Section.

14 (o) Members of the board of any pension fund
15 established under the Illinois Pension Code, if not
16 required to file under any other provision of this Section.

17 (p) Members of the investment advisory panel created
18 under Section 20 of the Illinois Prepaid Tuition Act.

19 (q) Commissioners of a County Apportionment Commission
20 appointed under Division 2-3 of Article 2 of the Counties
21 Code.

22 This Section shall not be construed to prevent any unit of
23 local government from enacting financial disclosure
24 requirements that mandate more information than required by
25 this Act.

26 (Source: P.A. 96-6, eff. 4-3-09; 96-543, eff. 8-17-09; 96-555,

1 eff. 8-18-09; 96-1000, eff. 7-2-10; 97-309, eff. 8-11-11;
2 97-754, eff. 7-6-12.)

3 Section 10. The Election Code is amended by changing
4 Section 25-11 as follows:

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

6 Sec. 25-11. When a vacancy occurs in any elective county
7 office, or in a county of less than 3,000,000 population in the
8 office of clerk of the circuit court, in a county which is not
9 a home rule unit, the county board or board of county
10 commissioners shall declare that such vacancy exists and
11 notification thereof shall be given to the county central
12 committee or the appropriate county board or board of county
13 commissioners district committee of each established political
14 party within 3 days of the occurrence of the vacancy. The
15 vacancy shall be filled within 60 days by appointment of the
16 chairman of the county board or board of county commissioners
17 with the advice and consent of the county board or board of
18 county commissioners. In counties in which forest preserve
19 district commissioners are elected by districts and are not
20 also members of the county board, however, vacancies in the
21 office of forest preserve district commissioner shall be filled
22 within 60 days by appointment of the president of the forest
23 preserve district board of commissioners with the advice and
24 consent of the forest preserve district board of commissioners.

1 In counties in which the forest preserve district president is
2 not also a member of the county board, vacancies in the office
3 of forest preserve district president shall be filled within 60
4 days by the forest preserve district board of commissioners by
5 appointing one of the commissioners to serve as president. The
6 appointee shall be a member of the same political party as the
7 person he succeeds was at the time of his election and shall be
8 otherwise eligible to serve. The appointee shall serve the
9 remainder of the unexpired term. However, if more than 28
10 months remain in the term, the appointment shall be until the
11 next general election at which time the vacated office shall be
12 filled by election for the remainder of the term. In the case
13 of a vacancy in a seat on a county board or board of county
14 commissioners which has been divided into districts under
15 Section 2-3003.5 ~~2-3003~~ or 2-4006.5 of the Counties Code, the
16 appointee must also be a resident of the county board or county
17 commission district. If a county commissioner ceases to reside
18 in the district that he or she represents, a vacancy in that
19 office exists.

20 Except as otherwise provided by county ordinance or by law,
21 in any county which is a home rule unit, vacancies in elective
22 county offices, other than the office of chief executive
23 officer, and vacancies in the office of clerk of the circuit
24 court in a county of less than 3,000,000 population, shall be
25 filled by the county board or board of county commissioners.

26 (Source: P.A. 92-189, eff. 8-1-01; 92-583, eff. 6-26-02.)

1 Section 15. The Counties Code is amended by changing
2 Sections 2-3001, 2-3002, and 2-3015 and by adding Sections
3 2-3003.5 and 2-3005.5 as follows:

4 (55 ILCS 5/2-3001) (from Ch. 34, par. 2-3001)

5 Sec. 2-3001. Definitions. As used in this Division, unless
6 the context otherwise requires:

7 a. "District" means a county board district established as
8 provided in this Division.

9 b. (Blank). ~~"County apportionment commission" or~~
10 ~~"commission" means the county clerk, the State's Attorney, the~~
11 ~~Attorney General or his designated representative and the~~
12 ~~chairmen of the county central committees of the first leading~~
13 ~~political party and the second leading political party as~~
14 ~~defined in Section 1-3 of The Election Code.~~

15 c. "Population" means the number of inhabitants as
16 determined by the last preceding federal decennial census.

17 d. "Member" or "board member" means a person elected to
18 serve on the county board.

19 e. "Racial minorities or language minorities" has the
20 meaning provided to those terms in subsection (c) of Section
21 5-5 of the Illinois Voting Rights Act of 2011.

22 (Source: P.A. 86-962.)

23 (55 ILCS 5/2-3002) (from Ch. 34, par. 2-3002)

1 Sec. 2-3002. Counties with population of less than
2 3,000,000 and with township form of government.

3 (a) Reapportionment required. By July 1, 1971, and each 10
4 years thereafter, the county board of each county having a
5 population of less than 3,000,000 inhabitants and the township
6 form of government shall reapportion its county so that each
7 member of the county board represents the same number of
8 inhabitants. In reapportioning its county, the County
9 Apportionment Commission ~~county board~~ shall first determine
10 the size of the county board to be elected, which may consist
11 of not less than 5 nor more than 29 members and may not exceed
12 the size of the county board in that county on October 2, 1969.
13 The county board shall also determine whether board members
14 shall be elected at large from the county or by county board
15 districts.

16 If the chairman of the county board is to be elected by the
17 voters in a county of less than 450,000 population as provided
18 in Section 2-3007, such chairman shall not be counted as a
19 member of the county board for the purpose of the limitations
20 on the size of a county board provided in this Section.

21 (b) Advisory referenda. The voters of a county may advise
22 the County Apportionment Commission ~~county board~~, through an
23 advisory referendum, on questions concerning (i) the number of
24 members of the county board to be elected, (ii) whether the
25 board members should be elected from single-member districts,
26 multi-member districts, or at-large, (iii) whether voters will

1 have cumulative voting rights in the election of county board
2 members, or (iv) any combination of the preceding 3 questions.
3 The advisory referendum may be initiated either by petition or
4 by ordinance of the county board. A written petition for an
5 advisory referendum authorized by this Section must contain the
6 signatures of at least 8% of the votes cast for candidates for
7 Governor in the preceding gubernatorial election by the
8 registered voters of the county and must be filed with the
9 appropriate election authority. An ordinance initiating an
10 advisory referendum authorized by this Section must be approved
11 by a majority of the members of the county board and must be
12 filed with the appropriate election authority. An advisory
13 referendum initiated under this Section shall be placed on the
14 ballot at the general election designated in the petition or
15 ordinance.

16 (Source: P.A. 93-308, eff. 7-23-03.)

17 (55 ILCS 5/2-3003.5 new)

18 Sec. 2-3003.5. Apportionment plan.

19 (a) If the county board determines that members shall be
20 elected by districts, county board districts shall each, in
21 order of priority:

22 (1) be substantially equal in population;

23 (2) provide racial minorities or language minorities
24 with the equal opportunity to participate in the political
25 process and elect candidates of their choice;

1 (3) provide racial minorities who constitute less than
2 a voting-age majority of a District with an opportunity to
3 substantially influence the outcome of an election;

4 (4) be contiguous;

5 (5) be compact;

6 (6) respect, to the extent practical, geographic
7 integrity of units of local government;

8 (7) respect, to the extent practical, communities
9 sharing common social or economic interests; and

10 (8) not discriminate against or in favor of any
11 political party or individual.

12 (b) No later than June 30 of the year in which each federal
13 decennial census occurs, the Chief Justice and the most senior
14 Justice of the Supreme Court who is not affiliated with the
15 same political party as the Chief Justice shall select 8
16 commissioners to an independent County Apportionment
17 Commission for each county which its board has determined that
18 members shall be elected by districts. Each Commission must
19 reflect the ethnic, gender, and racial demographics of the
20 county for which it serves.

21 (c) A person is ineligible to serve on a Commission if,
22 within the previous 4 calendar years, the person, or his or her
23 spouse or immediate family member, was appointed or elected to
24 a position with the State or unit of local government, a State
25 or unit of local government employee, a lobbyist as defined in
26 Section 1-110 of the Illinois Governmental Ethics Act, a person

1 with an ownership interest in an entity with a county contract,
2 or appointed or elected to serve a political party.
3 Commissioners must file financial disclosure statements under
4 Section 4A-101 of the Illinois Governmental Ethics Act and
5 abide by any ethics requirements established by law.

6 (d) A Commission shall act in public meetings by an
7 affirmative vote of 5 commissioners. A Commission shall elect
8 its chairperson and vice chairperson, who are not affiliated
9 with same political parties. All meetings of a Commission shall
10 be open to the public. A Commission shall adopt rules governing
11 its procedures.

12 (e) A Commission shall hold at least 5 public hearings
13 throughout the county before adopting any apportionment plan,
14 with a majority occurring before a Commission releases any
15 proposed apportionment plan and at least 2 occurring after the
16 release of the final plan and its associated compliance report.

17 (55 ILCS 5/2-3005.5 new)

18 Sec. 2-3005.5. Filing of apportionment plan; failure to
19 file; legal action.

20 (a) A County Apportionment Commission shall adopt and file
21 with the Secretary of State an apportionment plan for the
22 county board districts by June 30 of the year following a
23 federal decennial census.

24 (b) If a Commission fails to complete an apportionment plan
25 by July 1 of the year following a federal decennial census, the

1 Chief Justice of the Supreme Court and the most senior Justice
2 of the Supreme Court who is not affiliated with the same
3 political party as the Chief Justice shall appoint a ninth
4 member to the Commission. The 9-member Commission shall adopt
5 and file with the Secretary of State an apportionment plan for
6 the county by August 1 of the year following the federal
7 decennial census.

8 (c) An apportionment plan filed with the Secretary of State
9 shall be presumed valid and shall be published promptly by the
10 Secretary of State.

11 (d) The Supreme Court shall have original and exclusive
12 jurisdiction over actions concerning apportionment of county
13 districts that shall be initiated in the name of the People of
14 the State of Illinois by the Attorney General.

15 (55 ILCS 5/2-3015)

16 Sec. 2-3015. Qualifications of County Board Members and
17 County Commissioners. In counties with a population of
18 3,000,000 or less, no person is eligible to hold the office of
19 county board member or county commissioner unless he or she is
20 a legal voter and has been a resident of the county for at
21 least one year next preceding the election.

22 (Source: P.A. 90-173, eff. 1-1-98.)

23 (55 ILCS 5/2-3003 rep.)

24 (55 ILCS 5/2-3004 rep.)

1 (55 ILCS 5/2-3005 rep.)

2 Section 20. The Counties Code is amended by repealing

3 Sections 2-3003, 2-3004, and 2-3005.