



Sen. Dan McConchie

**Filed: 10/25/2023**

10300SB1099sam001

LRB103 05534 AWJ 64143 a

1 AMENDMENT TO SENATE BILL 1099

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1099 by replacing  
3 everything after the enacting clause with the following:

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

16 (Source: P.A. 101-523, eff. 8-23-19.)

1 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

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

4 (1) Except as otherwise provided in this Code, where  
5 the nomination is to be made for a State, congressional,  
6 or judicial office, or for any office a nomination for  
7 which is made for a territorial division or district which  
8 comprises more than one county or is partly in one county  
9 and partly in another county or counties (including the  
10 Fox Metro Water Reclamation District and the Northern  
11 Moraine Wastewater Reclamation District), then, except as  
12 otherwise provided in this Section, such petition for  
13 nomination shall be filed in the principal office of the  
14 State Board of Elections not more than 113 and not less  
15 than 106 days prior to the date of the primary, but, in the  
16 case of petitions for nomination to fill a vacancy by  
17 special election in the office of representative in  
18 Congress from this State, such petition for nomination  
19 shall be filed in the principal office of the State Board  
20 of Elections not more than 85 days and not less than 82  
21 days prior to the date of the primary.

22 Where a vacancy occurs in the office of Supreme,  
23 Appellate or Circuit Court Judge within the 3-week period  
24 preceding the 106th day before a general primary election,  
25 petitions for nomination for the office in which the

1 vacancy has occurred shall be filed in the principal  
2 office of the State Board of Elections not more than 92 nor  
3 less than 85 days prior to the date of the general primary  
4 election.

5 Where the nomination is to be made for delegates or  
6 alternate delegates to a national nominating convention,  
7 then such petition for nomination shall be filed in the  
8 principal office of the State Board of Elections not more  
9 than 113 and not less than 106 days prior to the date of  
10 the primary; provided, however, that if the rules or  
11 policies of a national political party conflict with such  
12 requirements for filing petitions for nomination for  
13 delegates or alternate delegates to a national nominating  
14 convention, the chair of the State central committee of  
15 such national political party shall notify the Board in  
16 writing, citing by reference the rules or policies of the  
17 national political party in conflict, and in such case the  
18 Board shall direct such petitions to be filed in  
19 accordance with the delegate selection plan adopted by the  
20 state central committee of such national political party.

21 (2) Where the nomination is to be made for a county  
22 office or trustee of a sanitary district then such  
23 petition shall be filed in the office of the county clerk  
24 not more than 113 nor less than 106 days prior to the date  
25 of the primary.

26 (3) Where the nomination is to be made for a municipal

1 or township office, such petitions for nomination shall be  
2 filed in the office of the local election official, not  
3 more than 99 nor less than 92 days prior to the date of the  
4 primary; provided, where a municipality's or township's  
5 boundaries are coextensive with or are entirely within the  
6 jurisdiction of a municipal board of election  
7 commissioners, the petitions shall be filed in the office  
8 of such board; and provided, that petitions for the office  
9 of multi-township assessor shall be filed with the  
10 election authority.

11 (4) The petitions of candidates for State central  
12 committeeperson shall be filed in the principal office of  
13 the State Board of Elections not more than 113 nor less  
14 than 106 days prior to the date of the primary.

15 (5) Petitions of candidates for precinct, township or  
16 ward committeepersons shall be filed in the office of the  
17 county clerk not more than 113 nor less than 106 days prior  
18 to the date of the primary.

19 (6) The State Board of Elections and the various  
20 election authorities and local election officials with  
21 whom such petitions for nominations are filed shall  
22 specify the place where filings shall be made and upon  
23 receipt shall endorse thereon the day and hour on which  
24 each petition was filed. All petitions filed by persons  
25 waiting in line as of 8:00 a.m. on the first day for  
26 filing, or as of the normal opening hour of the office

1 involved on such day, shall be deemed filed as of 8:00 a.m.  
2 or the normal opening hour, as the case may be. Petitions  
3 filed by mail and received after midnight of the first day  
4 for filing and in the first mail delivery or pickup of that  
5 day shall be deemed as filed as of 8:00 a.m. of that day or  
6 as of the normal opening hour of such day, as the case may  
7 be. All petitions received thereafter shall be deemed as  
8 filed in the order of actual receipt. However, 2 or more  
9 petitions filed within the last hour of the filing  
10 deadline shall be deemed filed simultaneously. Where 2 or  
11 more petitions are received simultaneously, the State  
12 Board of Elections or the various election authorities or  
13 local election officials with whom such petitions are  
14 filed shall break ties and determine the order of filing,  
15 by means of a lottery or other fair and impartial method of  
16 random selection approved by the State Board of Elections.  
17 Such lottery shall be conducted within 9 days following  
18 the last day for petition filing and shall be open to the  
19 public. Seven days written notice of the time and place of  
20 conducting such random selection shall be given by the  
21 State Board of Elections to the chair of the State central  
22 committee of each established political party, and by each  
23 election authority or local election official, to the  
24 County Chair of each established political party, and to  
25 each organization of citizens within the election  
26 jurisdiction which was entitled, under this Article, at

1 the next preceding election, to have pollwatchers present  
2 on the day of election. The State Board of Elections,  
3 election authority or local election official shall post  
4 in a conspicuous, open and public place, at the entrance  
5 of the office, notice of the time and place of such  
6 lottery. The State Board of Elections shall adopt rules  
7 and regulations governing the procedures for the conduct  
8 of such lottery. All candidates shall be certified in the  
9 order in which their petitions have been filed. Where  
10 candidates have filed simultaneously, they shall be  
11 certified in the order determined by lot and prior to  
12 candidates who filed for the same office at a later time.

13 (7) The State Board of Elections or the appropriate  
14 election authority or local election official with whom  
15 such a petition for nomination is filed shall notify the  
16 person for whom a petition for nomination has been filed  
17 of the obligation to file statements of organization,  
18 reports of campaign contributions, and annual reports of  
19 campaign contributions and expenditures under Article 9 of  
20 this Code. Such notice shall be given in the manner  
21 prescribed by paragraph (7) of Section 9-16 of this Code.

22 (8) Nomination papers filed under this Section are not  
23 valid if the candidate named therein fails to file a  
24 statement of economic interests as required by the  
25 Illinois Governmental Ethics Act in relation to his  
26 candidacy with the appropriate officer by the end of the

1 period for the filing of nomination papers unless he has  
2 filed a statement of economic interests in relation to the  
3 same governmental unit with that officer within a year  
4 preceding the date on which such nomination papers were  
5 filed. If the nomination papers of any candidate and the  
6 statement of economic interest of that candidate are not  
7 required to be filed with the same officer, the candidate  
8 must file with the officer with whom the nomination papers  
9 are filed a receipt from the officer with whom the  
10 statement of economic interests is filed showing the date  
11 on which such statement was filed. Such receipt shall be  
12 so filed not later than the last day on which nomination  
13 papers may be filed.

14 (9) Except as otherwise provided in this Code, any  
15 person for whom a petition for nomination, or for  
16 committeeperson or for delegate or alternate delegate to a  
17 national nominating convention has been filed may cause  
18 his name to be withdrawn by request in writing, signed by  
19 him and duly acknowledged before an officer qualified to  
20 take acknowledgments of deeds, and filed in the principal  
21 or permanent branch office of the State Board of Elections  
22 or with the appropriate election authority or local  
23 election official, not later than the date of  
24 certification of candidates for the consolidated primary  
25 or general primary ballot. No names so withdrawn shall be  
26 certified or printed on the primary ballot. If petitions

1 for nomination have been filed for the same person with  
2 respect to more than one political party, his name shall  
3 not be certified nor printed on the primary ballot of any  
4 party. If petitions for nomination have been filed for the  
5 same person for 2 or more offices which are incompatible  
6 so that the same person could not serve in more than one of  
7 such offices if elected, that person must withdraw as a  
8 candidate for all but one of such offices within the 5  
9 business days following the last day for petition filing.  
10 A candidate in a judicial election may file petitions for  
11 nomination for only one vacancy in a subcircuit and only  
12 one vacancy in a circuit in any one filing period, and if  
13 petitions for nomination have been filed for the same  
14 person for 2 or more vacancies in the same circuit or  
15 subcircuit in the same filing period, his or her name  
16 shall be certified only for the first vacancy for which  
17 the petitions for nomination were filed. If he fails to  
18 withdraw as a candidate for all but one of such offices  
19 within such time his name shall not be certified, nor  
20 printed on the primary ballot, for any office. For the  
21 purpose of the foregoing provisions, an office in a  
22 political party is not incompatible with any other office.

23 (10)(a) Notwithstanding the provisions of any other  
24 statute, no primary shall be held for an established  
25 political party in any township, municipality, or ward  
26 thereof, where the nomination of such party for every



1 office to be voted upon by the electors of such township,  
2 municipality, or ward thereof, is uncontested. Whenever a  
3 political party's nomination of candidates is uncontested  
4 as to one or more, but not all, of the offices to be voted  
5 upon by the electors of a township, municipality, or ward  
6 thereof, then a primary shall be held for that party in  
7 such township, municipality, or ward thereof; provided  
8 that the primary ballot shall not include those offices  
9 within such township, municipality, or ward thereof, for  
10 which the nomination is uncontested. For purposes of this  
11 Article, the nomination of an established political party  
12 of a candidate for election to an office shall be deemed to  
13 be uncontested where not more than the number of persons  
14 to be nominated have timely filed valid nomination papers  
15 seeking the nomination of such party for election to such  
16 office.

17 (b) Notwithstanding the provisions of any other  
18 statute, no primary election shall be held for an  
19 established political party for any special primary  
20 election called for the purpose of filling a vacancy in  
21 the office of representative in the United States Congress  
22 where the nomination of such political party for said  
23 office is uncontested. For the purposes of this Article,  
24 the nomination of an established political party of a  
25 candidate for election to said office shall be deemed to  
26 be uncontested where not more than the number of persons

1 to be nominated have timely filed valid nomination papers  
2 seeking the nomination of such established party for  
3 election to said office. This subsection (b) shall not  
4 apply if such primary election is conducted on a regularly  
5 scheduled election day.

6 (c) Notwithstanding the provisions in subparagraph (a)  
7 and (b) of this paragraph (10), whenever a person who has  
8 not timely filed valid nomination papers and who intends  
9 to become a write-in candidate for a political party's  
10 nomination for any office for which the nomination is  
11 uncontested files a written statement or notice of that  
12 intent with the State Board of Elections or the local  
13 election official with whom nomination papers for such  
14 office are filed, a primary ballot shall be prepared and a  
15 primary shall be held for that office. Such statement or  
16 notice shall be filed on or before the date established in  
17 this Article for certifying candidates for the primary  
18 ballot. Such statement or notice shall contain (i) the  
19 name and address of the person intending to become a  
20 write-in candidate, (ii) a statement that the person is a  
21 qualified primary elector of the political party from whom  
22 the nomination is sought, (iii) a statement that the  
23 person intends to become a write-in candidate for the  
24 party's nomination, and (iv) the office the person is  
25 seeking as a write-in candidate. An election authority  
26 shall have no duty to conduct a primary and prepare a

1 primary ballot for any office for which the nomination is  
2 uncontested unless a statement or notice meeting the  
3 requirements of this Section is filed in a timely manner.

4 (11) If multiple sets of nomination papers are filed  
5 for a candidate to the same office, the State Board of  
6 Elections, appropriate election authority or local  
7 election official where the petitions are filed shall  
8 within 2 business days notify the candidate of his or her  
9 multiple petition filings and that the candidate has 3  
10 business days after receipt of the notice to notify the  
11 State Board of Elections, appropriate election authority  
12 or local election official that he or she may cancel prior  
13 sets of petitions. If the candidate notifies the State  
14 Board of Elections, appropriate election authority or  
15 local election official, the last set of petitions filed  
16 shall be the only petitions to be considered valid by the  
17 State Board of Elections, election authority or local  
18 election official. If the candidate fails to notify the  
19 State Board of Elections, election authority or local  
20 election official then only the first set of petitions  
21 filed shall be valid and all subsequent petitions shall be  
22 void.

23 (12) All nominating petitions shall be available for  
24 public inspection and shall be preserved for a period of  
25 not less than 6 months.

26 (Source: P.A. 101-523, eff. 8-23-19; 102-15, eff. 6-17-21;

1 102-687, eff. 12-17-21.)

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

4 (70 ILCS 2405/3) (from Ch. 42, par. 301)

5 Sec. 3. Board of trustees; creation; term. A board of  
6 trustees shall be created, consisting of 5 members in any  
7 sanitary district which includes one or more municipalities  
8 with a population of over 90,000 but less than 500,000  
9 according to the most recent Federal census, and consisting of  
10 3 members in any other district. However, the board of  
11 trustees for the Fox River Water Reclamation District, the  
12 Sanitary District of Decatur, and the Northern Moraine  
13 Wastewater Reclamation District shall each consist of 5  
14 members. Each board of trustees shall be created for the  
15 government, control and management of the affairs and business  
16 of each sanitary district organized under this Act shall be  
17 created in the following manner:

18 (1) If the district's corporate boundaries are located  
19 wholly within a single county, the presiding officer of  
20 the county board, with the advice and consent of the  
21 county board, shall appoint the trustees for the district;

22 (2) If the district's corporate boundaries are located  
23 in more than one county, the members of the General  
24 Assembly whose legislative districts encompass any portion

1 of the district shall appoint the trustees for the  
2 district.

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

19 In the case of any sanitary district created after January  
20 1, 1978 in which a 5 member board of trustees is required, the  
21 appropriate appointing authority shall appoint 5 trustees, one  
22 of whom shall hold office for one year, two of whom shall hold  
23 office for 2 years, and 2 of whom shall hold office for 3 years  
24 from the first Monday of May next after their respective  
25 appointments and until their successors are appointed and have  
26 qualified. Thereafter, on or before the second Monday in April

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

8 In any sanitary district created prior to January 1, 1978  
9 in which a 5 member board of trustees is required as of January  
10 1, 1978, the two trustees already serving terms which do not  
11 expire on May 1, 1978 shall continue to hold office for the  
12 remainders of their respective terms, and 3 trustees shall be  
13 appointed by the appropriate appointing authority by April 10,  
14 1978 and shall hold office for terms beginning May 1, 1978. Of  
15 the three new trustees, one shall hold office for 2 years and 2  
16 shall hold office for 3 years from May 1, 1978 and until their  
17 successors are appointed and have qualified. Thereafter, on or  
18 before the second Monday in April of each year the appropriate  
19 appointing authority shall appoint one trustee or 2 trustees,  
20 as shall be necessary to maintain a 5 member board of trustees,  
21 whose terms shall be for 3 years commencing the first Monday in  
22 May of the year in which they are respectively appointed. The  
23 lengths of the terms of the trustees who are to hold office  
24 beginning May 1, 1978 shall be determined by lot at their first  
25 meeting after May 1, 1978.

26 No more than 3 members of a 5 member board of trustees may

1 be of the same political party; except that in any sanitary  
2 district which otherwise meets the requirements of this  
3 Section and which lies within 4 counties of the State of  
4 Illinois or, prior to April 30, 2008, in the Fox River Water  
5 Reclamation District; the appointments of the 5 members of the  
6 board of trustees shall be made without regard to political  
7 party. Beginning with the appointments made on April 30, 2008,  
8 all appointments to the board of trustees of the Fox River  
9 Water Reclamation District shall be made so that no more than 3  
10 of the 5 members are from the same political party.

11 Beginning with the 2021 municipal election, the board of  
12 trustees of the Fox Metro Water Reclamation District shall be  
13 elected as provided in this paragraph. The election of  
14 trustees shall be in accordance with Section 2A-1.1 of the  
15 Election Code. Any board member serving on the effective date  
16 of this amendatory Act of the 101st General Assembly whose  
17 term does not expire in 2021 shall serve until his or her  
18 successor is elected and qualified. The board of trustees of  
19 the Fox Metro Water Reclamation District shall: on or before  
20 January 1, 2020, divide the Fox Metro Water Reclamation  
21 District into 5 trustee districts and assign the trustee  
22 districts to reflect the results of the most recent federal  
23 decennial census; and thereafter, in the year following each  
24 decennial census, redistrict the trustee districts to reflect  
25 the results of the most recent census. The board of trustees  
26 shall consist of 1 elected trustee in each trustee district. A

1 petition for nomination for election of a trustee of the Fox  
2 Metro Water Reclamation District shall contain at least 100  
3 signatures of registered voters residing within the Fox Metro  
4 Water Reclamation District. The trustees shall be elected for  
5 staggered terms at the election as provided by the Election  
6 Code. Two trustees shall be elected at the 2021 election, and 3  
7 trustees shall be elected at the following consolidated  
8 election. Elected trustees shall take office on the first  
9 Tuesday after the first Monday in the month following the  
10 month of their election and shall hold their offices for 4  
11 years and until their successors are elected and qualified. If  
12 a vacancy occurs before the 2021 election on the board of  
13 trustees of the Fox Metro Water Reclamation District: (i) the  
14 District Manager shall, no later than 7 days from the date of  
15 the vacancy, notify the State legislators representing any  
16 portion of the District, publish notification of the vacancy  
17 on the District's website, and send notification of the  
18 vacancy to local newspapers, radio stations, and television  
19 stations; (ii) each notification published or sent shall  
20 contain instructions on how to apply to the District Manager  
21 for the vacant trustee position; (iii) applications for the  
22 vacancy shall be accepted for at least 30 days after the date  
23 the notification of the vacancy was published and sent; (iv)  
24 applications for the vacancy shall include a letter of  
25 interest and resume; (v) once the application period has  
26 closed, the District Manager shall forward all applications



1 received to the State legislators notified of the vacancy in  
2 item (i); (vi) the President of the board of trustees and the  
3 District Manager shall hold a public meeting with the State  
4 legislators notified of the vacancy to review all applications  
5 and, by unanimous vote of all State legislators representing  
6 any portion of the District, select a candidate to fill the  
7 trustee vacancy; and (vii) the board of trustees shall appoint  
8 the selected candidate at the next board of trustees meeting.  
9 If a vacancy exists after the 2021 election on the board of  
10 trustees of the Fox Metro Water Reclamation District, the  
11 vacancy shall be filled by appointment by the president of the  
12 board of trustees, with the advice and consent of the members  
13 of the board of trustees, until the next regular election at  
14 which trustees of the district are elected, and shall be made a  
15 matter of record in the office of the county clerk in the  
16 county where the district is located; for a vacancy filled by  
17 appointment, the portion of the unexpired term remaining after  
18 the next regular election at which trustees of the district  
19 are elected shall be filled by election, as provided for in  
20 this paragraph.

21 Beginning with the 2025 municipal election, the board of  
22 trustees of the Northern Moraine Wastewater Reclamation  
23 District shall be elected as provided in this paragraph. The  
24 election of trustees shall be in accordance with Section  
25 2A-1.1 of the Election Code. Any board member serving on the  
26 effective date of this amendatory Act of the 103rd General

1 Assembly whose term does not expire in 2025 shall serve until  
2 the trustee's successor is elected and qualified. The board of  
3 trustees of the Northern Moraine Wastewater Reclamation  
4 District shall: on or before January 1, 2024, divide the  
5 Northern Moraine Wastewater Reclamation District into 5  
6 trustee districts and assign the trustee districts to reflect  
7 the results of the most recent federal decennial census; and,  
8 thereafter, in the year following each decennial census,  
9 redistrict the trustee districts to reflect the results of the  
10 most recent census. The board of trustees shall consist of 1  
11 elected trustee in each trustee district. A petition for  
12 nomination for election of a trustee of the Northern Moraine  
13 Wastewater Reclamation District shall contain at least 100  
14 signatures of registered voters residing within the Northern  
15 Moraine Wastewater Reclamation District. The trustees shall be  
16 elected for staggered terms at the election as provided by the  
17 Election Code. Two trustees shall be elected at the 2025  
18 election, and 3 trustees shall be elected at the 2027  
19 consolidated election. Elected trustees shall take office on  
20 the first Tuesday after the first Monday in the month  
21 following the month of their election and shall hold their  
22 offices for 4 years and until their successors are elected and  
23 qualified. If a vacancy occurs before the 2025 election on the  
24 board of trustees of the Northern Moraine Wastewater  
25 Reclamation District: (i) the District Manager shall, no later  
26 than 7 days from the date of the vacancy, notify the State

1 legislators representing any portion of the District, publish  
2 notification of the vacancy on the District's website, and  
3 send notification of the vacancy to local newspapers, radio  
4 stations, and television stations; (ii) each notification  
5 published or sent shall contain instructions on how to apply  
6 to the District Manager for the vacant trustee position; (iii)  
7 applications for the vacancy shall be accepted for at least 30  
8 days after the date the notification of the vacancy was  
9 published and sent; (iv) applications for the vacancy shall  
10 include a letter of interest and resume; (v) once the  
11 application period has closed, the District Manager shall  
12 forward all applications received to the State legislators  
13 notified of the vacancy in item (i); (vi) the president of the  
14 board of trustees and the District Manager shall hold a public  
15 meeting with the State legislators notified of the vacancy to  
16 review all applications and, by unanimous vote of all State  
17 legislators representing any portion of the District, select a  
18 candidate to fill the trustee vacancy; and (vii) the board of  
19 trustees shall appoint the selected candidate at the next  
20 board of trustees meeting. If a vacancy exists after the 2025  
21 election on the board of trustees of the Northern Moraine  
22 Wastewater Reclamation District, the vacancy shall be filled  
23 by appointment by the president of the board of trustees, with  
24 the advice and consent of the members of the board of trustees,  
25 until the next regular election at which trustees of the  
26 District are elected and shall be made a matter of record in

1 the offices of the county clerk in the counties where the  
2 District is located; for a vacancy filled by appointment, the  
3 portion of the unexpired term remaining after the next regular  
4 election at which trustees of the District are elected shall  
5 be filled by election, as provided for in this paragraph.

6       Within 60 days after the release of Federal census  
7 statistics showing that a sanitary district having a 3 member  
8 board of trustees contains one or more municipalities with a  
9 population over 90,000 but less than 500,000, or, for the  
10 Northern Moraine Wastewater Reclamation District, within 60  
11 days after the effective date of this amendatory Act of the  
12 95th General Assembly, the appropriate appointing authority  
13 shall appoint 2 additional trustees to the board of trustees,  
14 one to hold office for 2 years and one to hold office for 3  
15 years from the first Monday of May next after their  
16 appointment and until their successors are appointed and have  
17 qualified. The lengths of the terms of these two additional  
18 members shall be determined by lot at the first meeting of the  
19 board of trustees held after the additional members take  
20 office. The three trustees already holding office in the  
21 sanitary district shall continue to hold office for the  
22 remainders of their respective terms. Thereafter, on or before  
23 the second Monday in April of each year the appropriate  
24 appointing authority shall appoint one trustee or 2 trustees,  
25 as shall be necessary to maintain a 5 member board of trustees,  
26 whose terms shall be for 3 years commencing the first Monday in

1 May of the year in which they are respectively appointed.

2 If any sanitary district having a 5 member board of  
3 trustees shall cease to contain one or more municipalities  
4 with a population over 90,000 but less than 500,000 according  
5 to the most recent Federal census, then, for so long as that  
6 sanitary district does not contain one or more such  
7 municipalities, on or before the second Monday in April of  
8 each year the appropriate appointing authority shall appoint  
9 one trustee whose term shall be for 3 years commencing the  
10 first Monday in May of the year in which he is appointed. In  
11 districts which include 2 or more incorporated cities, towns,  
12 or villages, or parts of 2 or more incorporated cities, towns,  
13 or villages, all of the trustees shall not be from one  
14 incorporated city, town or village.

15 If a vacancy occurs on any board of trustees, the  
16 appropriate appointing authority shall within 60 days appoint  
17 a trustee who shall hold office for the remainder of the  
18 vacated term.

19 The appointing authority shall require each of the  
20 trustees to enter into bond, with security to be approved by  
21 the appointing authority, in such sum as the appointing  
22 authority may determine.

23 A majority of the board of trustees shall constitute a  
24 quorum but a smaller number may adjourn from day to day. No  
25 trustee or employee of such district shall be directly or  
26 indirectly interested in any contract, work or business of the

1 district, or the sale of any article, the expense, price or  
2 consideration of which is paid by such district; nor in the  
3 purchase of any real estate or property belonging to the  
4 district, or which shall be sold for taxes or assessments, or  
5 by virtue of legal process at the suit of the district.  
6 Provided, that nothing herein shall be construed as  
7 prohibiting the appointment or selection of any person as  
8 trustee or employee whose only interest in the district is as  
9 owner of real estate in the district or of contributing to the  
10 payment of taxes levied by the district. The trustees shall  
11 have the power to provide and adopt a corporate seal for the  
12 district.

13 Notwithstanding any other provision in this Section, in  
14 any sanitary district created prior to the effective date of  
15 this amendatory Act of 1985, in which a five member board of  
16 trustees has been appointed and which currently includes one  
17 or more municipalities with a population of over 90,000 but  
18 less than 500,000, the board of trustees shall consist of five  
19 members.

20 Except as otherwise provided for vacancies, in the event  
21 that the appropriate appointing authority fails to appoint a  
22 trustee under this Section, the appropriate appointing  
23 authority shall reconvene and appoint a successor on or before  
24 July 1 of that year.

25 (Source: P.A. 101-523, eff. 8-23-19.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".