



Rep. Daniel Didech

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10400HB0032ham002

LRB104 05560 RTM 23860 a

1 AMENDMENT TO HOUSE BILL 32

2 AMENDMENT NO. _____. Amend House Bill 32, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Open Meetings Act is amended by changing
6 Section 2.02 as follows:

7 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

8 Sec. 2.02. Public notice of all meetings, whether open or
9 closed to the public, shall be given as follows:

10 (a) Every public body shall give public notice of the
11 schedule of regular meetings at the beginning of each calendar
12 or fiscal year and shall state the regular dates, times, and
13 places of such meetings. An agenda for each regular meeting
14 shall be posted at the principal office of the public body and
15 at the location where the meeting is to be held at least 48
16 hours in advance of the holding of the meeting. A public body

1 that has a website that the full-time staff of the public body
2 maintains shall also post on its website the agenda of any
3 regular meetings of the governing body of that public body.
4 Any agenda of a regular meeting that is posted on a public
5 body's website shall remain posted on the website until the
6 regular meeting is concluded. The requirement of a regular
7 meeting agenda shall not preclude the consideration of items
8 not specifically set forth in the agenda. Public notice of any
9 special meeting except a meeting held in the event of a bona
10 fide emergency, or of any rescheduled regular meeting, or of
11 any reconvened meeting, shall be given at least 48 hours
12 before such meeting, which notice shall also include the
13 agenda for the special, rescheduled, or reconvened meeting,
14 but the validity of any action taken by the public body which
15 is germane to a subject on the agenda shall not be affected by
16 other errors or omissions in the agenda. For the purposes of
17 this Section, "bona fide emergency" includes the appointment
18 of a temporary deputy township supervisor under the Township
19 Code. The requirement of public notice of reconvened meetings
20 does not apply to any case where the meeting was open to the
21 public and (1) it is to be reconvened within 24 hours, or (2)
22 an announcement of the time and place of the reconvened
23 meeting was made at the original meeting and there is no change
24 in the agenda. Notice of an emergency meeting shall be given as
25 soon as practicable, but in any event prior to the holding of
26 such meeting, to any news medium which has filed an annual

1 request for notice under subsection (b) of this Section.

2 (b) Public notice shall be given by posting a copy of the
3 notice at the principal office of the body holding the meeting
4 or, if no such office exists, at the building in which the
5 meeting is to be held. In addition, a public body that has a
6 website that the full-time staff of the public body maintains
7 shall post notice on its website of all meetings of the
8 governing body of the public body. Any notice of an annual
9 schedule of meetings shall remain on the website until a new
10 public notice of the schedule of regular meetings is approved.
11 Any notice of a regular meeting that is posted on a public
12 body's website shall remain posted on the website until the
13 regular meeting is concluded. The body shall supply copies of
14 the notice of its regular meetings, and of the notice of any
15 special, emergency, rescheduled or reconvened meeting, to any
16 news medium that has filed an annual request for such notice.
17 Any such news medium shall also be given the same notice of all
18 special, emergency, rescheduled or reconvened meetings in the
19 same manner as is given to members of the body provided such
20 news medium has given the public body an address or telephone
21 number within the territorial jurisdiction of the public body
22 at which such notice may be given. The failure of a public body
23 to post on its website notice of any meeting or the agenda of
24 any meeting shall not invalidate any meeting or any actions
25 taken at a meeting.

26 (c) Any agenda required under this Section shall set forth

1 the general subject matter of any resolution or ordinance that
2 will be the subject of final action at the meeting. The public
3 body conducting a public meeting shall ensure that at least
4 one copy of any requested notice and agenda for the meeting is
5 continuously available for public review during the entire
6 48-hour period preceding the meeting. Posting of the notice
7 and agenda on a website that is maintained by the public body
8 satisfies the requirement for continuous posting under this
9 subsection (c). If a notice or agenda is not continuously
10 available for the full 48-hour period due to actions outside
11 of the control of the public body, then that lack of
12 availability does not invalidate any meeting or action taken
13 at a meeting.

14 (Source: P.A. 97-827, eff. 1-1-13.)

15 Section 10. The Township Code is amended by changing
16 Section 60-5 as follows:

17 (60 ILCS 1/60-5)

18 Sec. 60-5. Filling vacancies in township offices.

19 (a) Except for the office of township or multi-township
20 assessor, if a township fails to elect the number of township
21 officers that the township is entitled to by law, or a person
22 elected to any township office fails to qualify, or a vacancy
23 in any township office occurs for any other reason including
24 without limitation the resignation of an officer or the

1 conviction in any court of the State of Illinois or of the
2 United States of an officer for an infamous crime, then the
3 township board shall fill the vacancy by appointment, by
4 warrant under their signatures and seals, and the persons so
5 appointed shall hold their respective offices for the
6 remainder of the unexpired terms. All persons so appointed
7 shall have the same powers and duties and are subject to the
8 same penalties as if they had been elected or appointed for a
9 full term of office. A vacancy in the office of township or
10 multi-township assessor shall be filled only as provided in
11 the Property Tax Code.

12 For purposes of this subsection (a), a conviction for an
13 offense that disqualifies an officer from holding that office
14 occurs on the date of (i) the entry of a plea of guilty in
15 court, (ii) the return of a guilty verdict, or (iii) in the
16 case of a trial by the court, the entry of a finding of guilt.

17 (b) If a vacancy on the township board is not filled within
18 60 days, then a special township meeting must be called under
19 Section 35-5 to select a replacement under Section 35-35.

20 (b-5) If the vacancy being filled under subsection (a) or
21 (b) is for the township supervisor, a trustee shall be
22 appointed as deputy supervisor to perform the ministerial
23 functions of that office until the vacancy is filled under
24 subsections (a) or (b). Once the vacancy is filled under
25 subsections (a) or (b), the deputy supervisor's appointment is
26 terminated.

1 (c) Except as otherwise provided in this Section, whenever
2 any township or multi-township office becomes vacant or
3 temporarily vacant, the township or multi-township board may
4 temporarily appoint a deputy to perform the ministerial
5 functions of the vacant office until the vacancy has been
6 filled as provided in subsection (a) or (b). If the office is
7 temporarily vacant, the temporarily appointed deputy may
8 perform the ministerial functions of the vacant office until
9 the township officer submits a written statement to the
10 appropriate board that he or she is able to resume his or her
11 duties. For the purposes of this Section, "ministerial
12 functions" includes, but is not limited to, serving as the ex
13 officio supervisor of general assistance in the township and
14 administering the general assistance program under Articles
15 VI, XI, and XII of the Illinois Public Aid Code. The statement
16 shall be sworn to before an officer authorized to administer
17 oaths in this State. A temporary deputy shall not be permitted
18 to vote at any meeting of the township board on any matter
19 properly before the board unless the appointed deputy is a
20 trustee of the board at the time of the vote. If the appointed
21 deputy is a trustee appointed as a temporary deputy, his or her
22 trustee compensation shall be suspended until he or she
23 concludes his or her appointment as an appointed deputy upon
24 the permanent appointment to fill the vacancy. The
25 compensation of a temporary deputy shall be determined by the
26 appropriate board. The township board shall not appoint a

1 deputy clerk if the township clerk has appointed a deputy
2 clerk under Section 75-45.

3 (d) Except for the temporary appointment of a deputy under
4 subsection (c), any person appointed to fill a vacancy under
5 this Section shall be a member of the same political party as
6 the person vacating the office if the person vacating the
7 office was elected as a member of an established political
8 party, under Section 10-2 of the Election Code, that is still
9 in existence at the time of appointment. The appointee shall
10 establish his or her political party affiliation by his or her
11 record of voting in party primary elections or by holding or
12 having held an office in a political party organization before
13 appointment. If the appointee has not voted in a party primary
14 election or is not holding or has not held an office in a
15 political party organization before the appointment, then the
16 appointee shall establish his or her political party
17 affiliation by his or her record of participating in a
18 political party's nomination or election caucus.

19 (Source: P.A. 101-104, eff. 7-19-19.)".