



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2930

Introduced 1/27/2026, by Sen. Steve McClure

#### SYNOPSIS AS INTRODUCED:

70 ILCS 605/4-5

from Ch. 42, par. 4-5

Amends the Illinois Drainage Code. In provisions concerning the election of commissioners in districts organized under Farm Drainage Act and certain other districts, provides that an adult landowner is entitled to one vote per parcel of land owned by the owner. Specifies that, if a parcel of land is owned by more than one adult owner, then only one of the owners representing all of the owners may cast a vote per parcel. Provides that, by casting a vote, the voter certifies that the voter is the owner of the parcel. Provides that, if a parcel of land is owned by multiple owners, then the voter casting a vote certifies that a majority of the owners has granted the voter the authority to cast a vote on behalf of all the owners. Provides that, if a parcel of land is owned by an entity, then the person presenting himself or herself on behalf of the entity certifies that the person has the authority to vote on behalf of the entity. Provides that only people owning land in a district may be elected as a commissioner of the district. Provides that a commissioner holding the office that is being considered for election shall not be a judge of the election. Provides that the judges of election shall not be responsible for determining the ownership of any parcel of land. Provides that the judges of election may take reasonable measures to verify that no more than one person casts a vote for all the owners of any parcel. Provides that a person who willfully misrepresents the person's eligibility to cast a vote in an election under these provisions commits a Class A misdemeanor. Provides that the polls shall open at 4:00 p.m. (rather than 2:00 p.m.) and close at 6:00 p.m. (rather than 4:00 p.m.) unless the judges of election shall determine to hold the polls open a longer period to accommodate the voters. Provides that in no event shall the polls remain open later than 7:00 p.m. (rather than 6:00 p.m.).

LRB104 18667 RTM 32110 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 Drainage Code is amended by  
5 changing Section 4-5 as follows:

6 (70 ILCS 605/4-5) (from Ch. 42, par. 4-5)

7 Sec. 4-5. Election of commissioners ~~Commissioners~~ in  
8 districts ~~Districts~~ organized under Farm Drainage Act and  
9 certain other districts ~~Districts~~. Commissioners for all  
10 districts that ~~which~~, at the time this Act becomes effective,  
11 are operating and existing under the provisions of the Farm  
12 Drainage Act, shall be elected by the adult owners of land in  
13 the district in the manner provided by this Section unless the  
14 landowners have elected to change from the election to the  
15 appointment of commissioners in the manner provided in Section  
16 4-6.

17 An election shall be held in all combined, union, special,  
18 user, mutual, or other districts that ~~which~~ were operating and  
19 existing under the Farm Drainage Act at the time this Act  
20 became effective and in districts that ~~which~~ have changed from  
21 the appointment to the election of commissioners as provided  
22 in Section 4-8, on the first Tuesday in September 1956 and  
23 annually thereafter for the purpose of electing a successor to

1 the commissioner whose term will next expire. Commissioners so  
2 elected shall serve for a term of 3 years from the date of  
3 their election and until their successors have been elected  
4 and have qualified.

5 In any case where the commissioners have failed to give  
6 notice and to hold an election as provided in this Section, the  
7 circuit court of the county in which the district is organized  
8 may, on the petition of any owner of land in the district,  
9 designate the time and place for a special election. Any  
10 commissioner elected at such special election shall serve for  
11 the remainder of the term expiring 3 years from the date on  
12 which the election should have been held and until his  
13 successor is elected and has qualified.

14 The commissioners in office shall designate the place  
15 within the district at which the election will be held, and  
16 they shall file such designation in writing with the clerk of  
17 the circuit court at least 4 ~~four~~ weeks prior to the date of  
18 the election. The clerk shall give at least 2 ~~two~~ weeks notice  
19 of the time and place of the election by publication for 2  
20 successive weeks in the manner provided by Section 4-22.  
21 Notice by mailing shall not be required.

22 Voting shall be by secret ballot. The clerk of the circuit  
23 court shall cause the ballots to be prepared. The ballots  
24 shall show on their face the name of the district, the date of  
25 the election, the term for which a commissioner is to be  
26 elected, the names of the declared candidates and a blank line

1 for write-in candidates. A square shall appear before each  
2 name and before the blank line. There shall also be a space for  
3 the voter to write in the number of parcels of land owned by  
4 the voter. The reverse side of the ballot shall show the  
5 official nature of the ballot by the certificate of the clerk.

6 Every adult owner of land in the district shall be  
7 entitled to vote in the manner provided for in this paragraph.  
8 An adult landowner is entitled to one vote per parcel of land  
9 owned by the owner. If a parcel of land is owned by more than  
10 one adult owner, then only one of the owners representing all  
11 of the owners may cast a vote per parcel. By casting a vote,  
12 the voter certifies that the voter is the owner of the parcel.  
13 If a parcel of land is owned by multiple owners, then the voter  
14 casting a vote certifies that a majority of the owners have  
15 granted the voter the authority to cast a vote on behalf of all  
16 the owners. If a parcel of land is owned by an entity, then the  
17 person presenting himself or herself on behalf of the entity  
18 certifies that the person has the authority to vote on behalf  
19 of the entity.

20 Any qualified person owning land within the district may  
21 declare the person's ~~his~~ candidacy for the office of  
22 commissioner and thereby become entitled to have the person's  
23 ~~his~~ name placed on the ballot by filing a statement of the  
24 person's ~~his~~ candidacy in writing with the clerk at least 3  
25 weeks prior to the date of the election.

26 The commissioners in office at the time of the election

1 shall be the judges of the election, except that a  
2 commissioner holding the office that is being considered for  
3 election shall not be a judge of the election. In the event  
4 that one or more of the commissioners is absent or refuses or  
5 cannot ~~to~~ serve as judge, then the electors present at the  
6 opening of the polls may choose a person or persons to fill the  
7 vacancy or vacancies. The polls shall open at 4:00 p.m. ~~2:00~~  
8 ~~P.M.~~ and close at 6:00 p.m. ~~4:00 P.M.~~ unless the judges of  
9 election shall determine to hold the polls open a longer  
10 period to accommodate the voters. In no event shall the polls  
11 remain open later than 7:00 p.m. ~~6:00 P.M.~~

12 The judges of election shall not be responsible for  
13 determining the ownership of any parcel of land and may rely  
14 upon the representations of the person presenting himself or  
15 herself as the owner of land or the person authorized by a  
16 majority of the other owners of the land to cast a vote on  
17 behalf of all the owners. The judges of election may take  
18 reasonable measures to verify that no more than one person  
19 casts a vote for all the owners of any parcel. A person who  
20 willfully misrepresents the person's eligibility to cast a  
21 vote in an election under this Section commits a Class A  
22 misdemeanor.

23 Upon the closing of the polls the judges of election shall  
24 promptly canvass the ballots and the ballots together with the  
25 poll books, tally lists and the results shall be returned to  
26 the clerk of the circuit court within 48 hours after the

1 election. The candidate receiving the largest number of votes  
2 shall be declared elected. In case of a tie the judges shall  
3 determine by lot who is elected. The expense of the election  
4 shall be borne by the district.

5 In the event that a vacancy occurs in the office of  
6 commissioner whether by death, ineligibility, removal from  
7 office or failure to qualify the commissioners in office shall  
8 fill the vacancy by appointment. The commissioner so appointed  
9 shall serve until the next annual election. If the unexpired  
10 term caused by such vacancy be for more than one year then, at  
11 the next annual election, the adult landowners shall elect a  
12 commissioner to complete the then unexpired portion of the  
13 term in addition to electing a commissioner for a regular  
14 term.

15 Commissioners elected under this Section shall, within 20  
16 days after their election, qualify by subscribing to an oath  
17 of office and giving bond, in the manner provided in Section  
18 4-4.

19 (Source: P.A. 86-297.)