



Sen. Terry Link

Filed: 7/20/2017

10000SB0225sam001

LRB100 04899 MLM 28068 a

1 AMENDMENT TO SENATE BILL 225

2 AMENDMENT NO. _____. Amend Senate Bill 225 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Township Code is amended by changing
5 Section 55-6 as follows:

6 (60 ILCS 1/55-6)

7 Sec. 55-6. Criminal conviction. A person is not eligible to
8 hold any office if that person, at the time required for taking
9 the oath of office, has been convicted in any court located in
10 the United States of any infamous crime, bribery, perjury, or
11 other felony unless the person: (1) is again restored to such
12 rights by the terms of a pardon for the offense; (2) has
13 completed the sentence issued by the court for the offense at
14 least 15 years prior to taking office, has not had another
15 criminal conviction in the 15 years following the completion of
16 the sentence, and has submitted to the appropriate election

1 authority a signed affidavit which includes the date of all
2 criminal convictions, the date of completion of any sentences,
3 and an assertion that the person believes they qualify under
4 this exemption; or (3) is otherwise eligible according to law.

5 The person seeking office under exemption (2) of this
6 Section must submit with their petitions, statement of
7 candidacy, and other filing paperwork the signed affidavit
8 asserting that exemption. When a person submits the affidavit
9 to the appropriate election authority, any registered voter in
10 that political subdivision may, within 21 days of the affidavit
11 being filed, challenge the affidavit as false by providing
12 evidence, and the election authority shall make a determination
13 as to its accuracy.

14 If the election authority determines that the person
15 seeking election does not qualify for exemption (2) under this
16 Section, the person shall be prohibited from the ballot. If no
17 challenge to the accuracy of the affidavit is made within 21
18 days, then the affidavit shall be deemed accurate and the
19 person may stand for election to the office being sought.

20 If the person seeking office is required to file an
21 affidavit under this Section and fails to do so, and then is
22 elected to office, the failure to file the affidavit
23 constitutes grounds for immediate removal from office. Any
24 registered voter in the political subdivision may bring to the
25 election authority a request to remove the official from office
26 under this Section, and upon determination by the election

1 authority of a failure to file an affidavit, the office shall
2 immediately become vacant.

3 (Source: P.A. 99-546, eff. 7-15-16.)

4 Section 10. The Illinois Municipal Code is amended by
5 changing Section 3.1-10-5 as follows:

6 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

7 Sec. 3.1-10-5. Qualifications; elective office.

8 (a) A person is not eligible for an elective municipal
9 office unless that person is a qualified elector of the
10 municipality and has resided in the municipality at least one
11 year next preceding the election or appointment, except as
12 provided in Section 3.1-20-25, subsection (b) of Section
13 3.1-25-75, Section 5-2-2, or Section 5-2-11.

14 (b) A person is not eligible to take the oath of office for
15 a municipal office if that person is, at the time required for
16 taking the oath of office, in arrears in the payment of a tax
17 or other indebtedness due to the municipality or has been
18 convicted in any court located in the United States of any
19 infamous crime, bribery, perjury, or other felony unless the
20 person (1) is again restored to such rights by the terms of a
21 pardon for the offense; (2) has completed the sentence issued
22 by the court for the offense at least 15 years prior to taking
23 office, has not had another criminal conviction in the 15 years
24 following the completion of the sentence, and has submitted to

1 the appropriate election authority a signed affidavit which
2 includes the date of all criminal convictions, the date of
3 completion of any sentences, and an assertion that the person
4 believes they qualify under this exemption; or (3) is otherwise
5 eligible according to law.

6 The person seeking office under exemption (2) of this
7 subsection (b) must submit with their petitions, statement of
8 candidacy, and other filing paperwork the signed affidavit
9 asserting that exemption. When a person submits the affidavit
10 to the appropriate election authority, any registered voter in
11 that political subdivision may, within 21 days of the affidavit
12 being filed, challenge the affidavit as false by providing
13 evidence, and the election authority shall make a determination
14 as to its accuracy.

15 If the election authority determines that the person
16 seeking election does not qualify for exemption (2) under this
17 subsection (b), the person shall be prohibited from the ballot.
18 If no challenge to the accuracy of the affidavit is made within
19 21 days, then the affidavit shall be deemed accurate and the
20 person may stand for election to the office being sought.

21 If the person seeking office is required to file an
22 affidavit under this subsection (b) and fails to do so, and
23 then is elected to office, the failure to file the affidavit
24 constitutes grounds for immediate removal from office. Any
25 registered voter in the political subdivision may bring to the
26 election authority a request to remove the official from office

1 under this subsection (b), and upon determination by the
2 election authority of a failure to file an affidavit, the
3 office shall immediately become vacant.

4 (b-5) (Blank).

5 (c) A person is not eligible for the office of alderman of
6 a ward unless that person has resided in the ward that the
7 person seeks to represent, and a person is not eligible for the
8 office of trustee of a district unless that person has resided
9 in the municipality, at least one year next preceding the
10 election or appointment, except as provided in Section
11 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2,
12 or Section 5-2-11.

13 (d) If a person (i) is a resident of a municipality
14 immediately prior to the active duty military service of that
15 person or that person's spouse, (ii) resides anywhere outside
16 of the municipality during that active duty military service,
17 and (iii) immediately upon completion of that active duty
18 military service is again a resident of the municipality, then
19 the time during which the person resides outside the
20 municipality during the active duty military service is deemed
21 to be time during which the person is a resident of the
22 municipality for purposes of determining the residency
23 requirement under subsection (a).

24 (Source: P.A. 98-115, eff. 7-29-13; 99-449, eff. 8-24-15.)

25 Section 15. The School Code is amended by changing Section

1 10-11 as follows:

2 (105 ILCS 5/10-11) (from Ch. 122, par. 10-11)

3 Sec. 10-11. Vacancies. Elective offices become vacant
4 within the meaning of the Act, unless the context indicates
5 otherwise, on the happening of any of the following events,
6 before the expiration of the term of such office:

7 1. The death of the incumbent.

8 2. His or her resignation in writing filed with the
9 Secretary or Clerk of the Board.

10 3. His or her becoming a person under legal disability.

11 4. His or her ceasing to be an inhabitant of the
12 district for which he or she was elected.

13 5. His or her conviction of an infamous crime, of any
14 offense involving a violation of official oath, or of a
15 violent crime against a child.

16 6. His or her removal from office.

17 7. The decision of a competent tribunal declaring his
18 or her election void.

19 8. His ceasing to be an inhabitant of a particular area
20 from which he was elected, if the residential requirements
21 contained in Section 10-10.5, 11E-35, or 12-2 of this Code
22 are violated.

23 No elective office except as herein otherwise provided
24 becomes vacant until the successor of the incumbent of such
25 office has been appointed or elected, as the case may be, and

1 qualified. The successor shall have the same type of
2 residential qualifications as his or her predecessor and, if
3 the residential requirements contained in Section 10-10.5,
4 11E-35, or 12-2 of this Code apply, the successor, whether
5 elected or appointed by the remaining members or a regional
6 superintendent, shall be an inhabitant of the particular area
7 from which his or her predecessor was elected.

8 For the purpose of this Section, an elective office does
9 not become vacant if the person previously convicted of an
10 infamous crime: (i) received a pardon for the offense; (ii) has
11 completed the sentence issued by the court for the offense at
12 least 15 years prior to taking office, has not had another
13 criminal conviction in the 15 years following the completion of
14 the sentence, and has submitted to the secretary of the school
15 board prior to taking office or within 30 days of the effective
16 date of this amendatory Act of the 100th General Assembly,
17 whichever is later, a signed affidavit which includes the date
18 of all criminal convictions, the date of completion of any
19 sentences, and an assertion that the person believes they
20 qualify under this exemption; or (iii) is otherwise eligible
21 according to law. An affidavit submitted under item (ii) of
22 this paragraph shall be submitted to the appropriate State's
23 attorney upon request. However, this paragraph shall not apply
24 to a person who is a child sex offender as defined in Section
25 11-9.3 of the Criminal Code of 2012.

26 (Source: P.A. 94-1019, eff. 7-10-06.)

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