



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4787

Introduced 1/27/2022, by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

10 ILCS 5/25-11	from Ch. 46, par. 25-11
55 ILCS 5/2-5003	from Ch. 34, par. 2-5003
55 ILCS 5/2-5009	from Ch. 34, par. 2-5009

Amends the Election Code. Provides that, in counties operating under the county executive form of government, the elected county board member designated by the elected members as the chair, speaker, or chief administrative official shall declare that a vacancy exists in an elected county office and then notification of the vacancy shall be given to the county central committee or the appropriate county board district committee of each established political party within 3 days of the occurrence of the vacancy. Provides that the vacancy shall be filled within 60 days by appointment of the elected board member designated as the county board chair, speaker, or chief administrative official of the county board with the advice and consent of the county board. Amends the County Executive Form of Government Division of the Counties Code. Provides the county board may choose to designate from its elected members a chief administrative official, speaker, or board chair. Provides that vacancies occurring in the office of an elected member of the county board shall be made as provided in specified provisions of the Election Code.

LRB102 25273 AWJ 34546 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Section 25-11 as follows:

6 (10 ILCS 5/25-11) (from Ch. 46, par. 25-11)

7 Sec. 25-11. When a vacancy occurs in any elective county
8 office, or in a county of less than 3,000,000 population in the
9 office of clerk of the circuit court, in a county which is not
10 a home rule unit, the county board or board of county
11 commissioners shall declare that such vacancy exists and
12 notification thereof shall be given to the county central
13 committee or the appropriate county board or board of county
14 commissioners district committee of each established political
15 party within 3 days of the occurrence of the vacancy. The
16 vacancy shall be filled within 60 days by appointment of the
17 chair of the county board or board of county commissioners
18 with the advice and consent of the county board or board of
19 county commissioners. In counties operating under the county
20 executive form of government, the elected county board member
21 designated by the elected members as the chair, speaker, or
22 chief administrative official shall declare that such vacancy
23 exists and then notification of the vacancy shall be given to

1 the county central committee or the appropriate county board
2 district committee of each established political party within
3 3 days of the occurrence of the vacancy; the vacancy shall be
4 filled within 60 days by appointment of the elected board
5 member designated as the county board chair, speaker, or chief
6 administrative official of the county board with the advice
7 and consent of the county board. In counties in which forest
8 preserve district commissioners are elected by districts and
9 are not also members of the county board, however, vacancies
10 in the office of forest preserve district commissioner shall
11 be filled within 60 days by appointment of the president of the
12 forest preserve district board of commissioners with the
13 advice and consent of the forest preserve district board of
14 commissioners. In counties in which the forest preserve
15 district president is not also a member of the county board,
16 vacancies in the office of forest preserve district president
17 shall be filled within 60 days by the forest preserve district
18 board of commissioners by appointing one of the commissioners
19 to serve as president. The appointee shall be a member of the
20 same political party as the person he succeeds was at the time
21 of his election and shall be otherwise eligible to serve. The
22 appointee shall serve the remainder of the unexpired term.
23 However, if more than 28 months remain in the term, the
24 appointment shall be until the next general election at which
25 time the vacated office shall be filled by election for the
26 remainder of the term. In the case of a vacancy in a seat on a

1 county board or board of county commissioners which has been
2 divided into districts under Section 2-3003 or 2-4006.5 of the
3 Counties Code, the appointee must also be a resident of the
4 county board or county commission district. If a county
5 commissioner ceases to reside in the district that he or she
6 represents, a vacancy in that office exists.

7 Except as otherwise provided by county ordinance or by
8 law, in any county which is a home rule unit, vacancies in
9 elective county offices, other than the office of chief
10 executive officer, and vacancies in the office of clerk of the
11 circuit court in a county of less than 3,000,000 population,
12 shall be filled by the county board or board of county
13 commissioners.

14 (Source: P.A. 100-1027, eff. 1-1-19.)

15 Section 10. The Counties Code is amended by changing
16 Sections 2-5003 and 2-5009 as follows:

17 (55 ILCS 5/2-5003) (from Ch. 34, par. 2-5003)

18 Sec. 2-5003. Definitions. As used in this Division, unless
19 the context requires otherwise:

20 (a) "County board" or "board" means the governing body of
21 any county other than Cook County which has adopted the county
22 executive form of government under this Division.

23 (b) "County executive" means the county official elected
24 by the voters of any county other than Cook County to be the

1 chief executive officer to administer the county executive
2 form of government under this Division.

3 (c) "County executive form of government" means that form
4 of government in which the departments of county government
5 are administered by a single county official called the county
6 executive elected at large by the qualified voters of the
7 county. The board shall act as the legislative body of the
8 county under this form of county government and may choose to
9 designate from its elected members a chief administrative
10 official, speaker, or board chair.

11 (Source: P.A. 86-926.)

12 (55 ILCS 5/2-5009) (from Ch. 34, par. 2-5009)

13 Sec. 2-5009. Duties and powers of county executive. Any
14 county executive elected under this Division shall:

15 (a) see that all of the orders, resolutions and
16 regulations of the board are faithfully executed;

17 (b) coordinate and direct by executive order or otherwise
18 all administrative and management functions of the county
19 government except the offices of elected county officers;

20 (c) prepare and submit to the board for its approval the
21 annual budget for the county required by Division 6-1 of this
22 Code;

23 (d) appoint, with the advice and consent of the board,
24 persons to serve on the various boards and commissions to
25 which appointments are provided by law to be made by the board,

1 except that vacancies occurring in the office of an elected
2 member of the county board shall be filled in accordance with
3 Section 25-11 of the Election Code;

4 (e) appoint, with the advice and consent of the board,
5 persons to serve on various special districts within the
6 county except where appointment to serve on such districts is
7 otherwise provided by law;

8 (f) make an annual report to the board on the affairs of
9 the county, on such date and at such time as the board shall
10 designate, and keep the board fully advised as to the
11 financial condition of the county and its future financial
12 needs;

13 (f-5) for a county executive of a county that has adopted
14 the executive form of government on or before the effective
15 date of this amendatory Act of the 96th General Assembly,
16 appoint, with the advice and consent of the board, all
17 department heads for any county departments;

18 (g) appoint, with the advice and consent of the board,
19 such subordinate deputies, employees and appointees for the
20 general administration of county affairs as considered
21 necessary, except those deputies, employees and appointees in
22 the office of an elected county officer; however, the advice
23 and consent requirement set forth in this paragraph shall not
24 apply to persons employed as a member of the immediate
25 personal staff of a county executive of a county that has
26 adopted the executive form of government on or before the

1 effective date of this amendatory Act of the 96th General
2 Assembly;

3 (h) remove or suspend in his discretion, after due notice
4 and hearing, anyone whom he has the power to appoint;

5 (i) require reports and examine accounts, records and
6 operations of all county administrative units;

7 (j) supervise the care and custody of all county property
8 including institutions and agencies;

9 (k) approve or veto ordinances or resolutions pursuant to
10 Section 2-5010;

11 (l) preside over board meetings; however, the county
12 executive is not entitled to vote except to break a tie vote;

13 (l-5) for a county executive of a county that has adopted
14 the executive form of government on or before the effective
15 date of this amendatory Act of the 96th General Assembly, if
16 the County Executive is temporarily not available to preside
17 over a board meeting, the County Executive shall designate a
18 board member to preside over the board meeting;

19 (m) call a special meeting of the county board, by a
20 written executive order signed by him and upon 24 hours notice
21 by delivery of a copy of such order to the residence of each
22 board member;

23 (n) with the advice and consent of the county board, enter
24 into intergovernmental agreements with other governmental
25 units;

26 (o) with the advice and consent of the county board,

1 negotiate on behalf of the county with governmental units and
2 the private sector for the purpose of promoting economic
3 growth and development;

4 (p) at his discretion, appoint a person to serve as legal
5 counsel at an annual salary established by the county board at
6 an amount no greater than the annual salary of the state's
7 attorney of the county;

8 (q) perform such other duties as shall be required of him
9 by the board.

10 (Source: P.A. 96-1540, eff. 3-7-11.)