

# HB0777



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0777

Introduced 2/7/2007, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

70 ILCS 605/4-5

from Ch. 42, par. 4-5

Amends the Illinois Drainage Code. Provides that, in the case of district commissioners who are elected, voting may be by absentee ballot. Provides for an early voting period. Provides that commissioners who are running for reelection and their immediate family members may not serve as election judges. Provides that property owned by a commissioner who is running for reelection may not serve as a polling place. Effective July 1, 2007.

LRB095 04594 HLH 28630 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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

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

1 elected shall serve for a term of 3 years from the date of  
2 their election and until their successors have been elected and  
3 have qualified.

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

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

21 Voting shall be by secret ballot. The clerk shall cause the  
22 ballots to be prepared. The ballots shall show on their face  
23 the name of the district, the date of the election, the term  
24 for which a commissioner is to be elected, the names of the  
25 declared candidates and a blank line for write-in candidates. A  
26 square shall appear before each name and before the blank line.

1 The reverse side of the ballot shall show the official nature  
2 of the ballot by the certificate of the clerk.

3 The clerk may provide for voting by absentee ballot. The  
4 clerk may also provide for an early voting period one week  
5 prior to the scheduled election, but as close to the early  
6 voting period for State elections as possible. The identity of  
7 each early voter must be verified by the presentation of that  
8 voter's driver's license or other government issued  
9 identification card. All properly submitted absentee ballots  
10 and early voting ballots must be included in the final vote  
11 count.

12 Every adult owner of land in the district shall be entitled  
13 to vote. Any qualified person may declare his candidacy for the  
14 office of commissioner and thereby become entitled to have his  
15 name placed on the ballot by filing a statement of his  
16 candidacy in writing with the clerk at least 3 weeks prior to  
17 the date of the election.

18 The commissioners in office at the time of the election ,  
19 other than commissioners who are running for reelection, shall  
20 be the judges of the election. In the event that one or more of  
21 the commissioners is absent or refuses to serve as judge then  
22 the electors present at the opening of the polls may choose a  
23 person or persons to fill the vacancy or vacancies.  
24 Commissioners who are not running for reelection shall select a  
25 person to serve as an election judge in place of a commissioner  
26 who is running for reelection. An immediate family member of a

1 commissioner who is currently running for reelection may not  
2 serve as an election judge in that election. Property owned or  
3 controlled by a commissioner who is running for reelection may  
4 not serve as a polling place. The polls shall open at 2:00 P.M.  
5 and close at 4:00 P.M. unless the judges of election shall  
6 determine to hold the polls open a longer period to accommodate  
7 the voters. In no event shall the polls remain open later than  
8 6:00 P.M.

9       Upon the closing of the polls the judges of election shall  
10 promptly canvass the ballots and the ballots together with the  
11 poll books, tally lists and the results shall be returned to  
12 the clerk within 48 hours after the election. The candidate  
13 receiving the largest number of votes shall be declared  
14 elected. In case of a tie the judges shall determine by lot who  
15 is elected. The expense of the election shall be borne by the  
16 district.

17       In the event that a vacancy occurs in the office of  
18 commissioner whether by death, ineligibility, removal from  
19 office or failure to qualify the commissioners in office shall  
20 fill the vacancy by appointment. The commissioner so appointed  
21 shall serve until the next annual election. If the unexpired  
22 term caused by such vacancy be for more than one year then, at  
23 the next annual election, the adult landowners shall elect a  
24 commissioner to complete the then unexpired portion of the term  
25 in addition to electing a commissioner for a regular term.

26       Commissioners elected under this Section shall, within 20

1 days after their election, qualify by subscribing to an oath of  
2 office and giving bond, in the manner provided in Section 4-4.

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

4 Section 99. Effective date. This Act takes effect July 1,  
5 2007.