



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5477

Introduced 2/5/2010, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

60 ILCS 1/60-5
60 ILCS 1/170-15

Amends the Township Code. Provides that a vacancy in office occurs if a township officer or a member of a township board of directors resigns or is convicted of a disqualifying crime. Provides that an admission of guilt of a criminal offense that would, upon conviction, disqualify the officer from holding that office or the director from membership on the board, in the form of a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or federal law, shall constitute a resignation from that office or board, effective at the time the plea agreement is made. Specifies that a conviction for an offense that disqualifies an officer from holding that office or a director from membership on the board occurs on the date of the return of a guilty verdict or, in the case of a trial by the court, the entry of a finding of guilt. Effective January 1, 2011.

LRB096 18040 RLJ 33412 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 Township Code is amended by changing
5 Sections 60-5 and 170-15 as follows:

6 (60 ILCS 1/60-5)

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

8 (a) Except for the office of township or multi-township
9 assessor, if a township fails to elect the number of township
10 officers that the township is entitled to by law, or a person
11 elected to any township office fails to qualify, or a vacancy
12 in any township office occurs for any other reason including
13 without limitation the resignation of an officer or the
14 conviction of an officer for a disqualifying crime, then the
15 township board shall fill the vacancy by appointment, by
16 warrant under their signatures and seals, and the persons so
17 appointed shall hold their respective offices for the remainder
18 of the unexpired terms. All persons so appointed shall have the
19 same powers and duties and are subject to the same penalties as
20 if they had been elected or appointed for a full term of
21 office. A vacancy in the office of township or multi-township
22 assessor shall be filled only as provided in the Property Tax
23 Code.

1 For the purposes of this subsection (a), an admission of
2 guilt of a criminal offense that would, upon conviction,
3 disqualify the officer from holding that office, in the form of
4 a written agreement with State or federal prosecutors to plead
5 guilty to a felony, bribery, perjury, or other infamous crime
6 under State or federal law, shall constitute a resignation from
7 that office, effective at the time the plea agreement is made.

8 For purposes of this subsection (a), a conviction for an
9 offense that disqualifies an officer from holding that office
10 occurs on the date of the return of a guilty verdict or, in the
11 case of a trial by the court, the entry of a finding of guilt.

12 (b) If a vacancy on the township board is not filled within
13 60 days, then a special township meeting must be called under
14 Section 35-5 to select a replacement under Section 35-35.

15 (c) Except as otherwise provided in this Section, whenever
16 any township or multi-township office becomes vacant or
17 temporarily vacant due to a physical incapacity of a township
18 officer, the township or multi-township board may temporarily
19 appoint a deputy to perform the ministerial functions of the
20 vacant office until the physically incapacitated township
21 officer submits a written statement to the appropriate board
22 that he or she is physically able to perform his or her duty.
23 The statement shall be sworn to before an officer authorized to
24 administer oaths in this State. A temporary deputy shall not be
25 permitted to vote at any meeting of the township board on any
26 matter properly before the board. The compensation of a

1 temporary deputy shall be determined by the appropriate board.
2 The township board shall not appoint a deputy clerk if the
3 township clerk has appointed a deputy clerk under Section
4 75-45.

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

20 (Source: P.A. 90-748, eff. 8-14-98.)

21 (60 ILCS 1/170-15)

22 Sec. 170-15. Board of directors; appointment; conflict of
23 interest; vacancy. ~~Board of directors; appointment; conflict~~
24 ~~of interest; vacancy.~~

25 (a) The township clerk shall file a petition with the

1 county clerk of the county in which the township is located,
2 reciting that the township clerk certified the proposition to
3 the proper election officials, who submitted the proposition at
4 an election in and for the township in response to a petition
5 signed by 25 voters for the purpose of submitting the
6 proposition of establishing a public hospital as provided in
7 this Article, and that the election carried by a majority of
8 the voters voting at the election on the question. The township
9 clerk's petition also shall request the township board to
10 appoint a board of directors for the management and operation
11 of the hospital.

12 (b) The township board shall appoint 5 persons to serve
13 without compensation. The first directors appointed shall hold
14 office respectively for one, 2, 3, 4, and 5 years from the
15 first Monday in the month following their appointment and until
16 their successors are appointed and qualified. On or after the
17 first Monday in May of each succeeding year, the township board
18 shall appoint one director whose term shall be for 5 years,
19 commencing the first Monday in May of the year he or she is
20 appointed. Each appointment of a successor director shall be
21 made in the same manner and under the same conditions as the
22 appointment of his or her predecessor. The length of the term
23 of the first directors appointed shall be determined by lot at
24 their first meeting, which shall be held not less than 30 days
25 after their appointment. A majority of the board of directors
26 shall constitute a quorum, but a smaller number may adjourn

1 from day to day.

2 The township board may, by resolution, increase the
3 membership of the board to 7 directors. The resolution shall
4 not affect the terms of the incumbent directors. Before the
5 first Monday in May following the adoption of the resolution,
6 the township board shall appoint 3 directors, one to succeed
7 the incumbent whose term expires and the 2 additional directors
8 provided for in the resolution, for terms of 3, 4, and 5 years
9 from the first Monday in May of the year of the appointment.
10 Thereafter, upon the expiration of the term of any director,
11 his or her successor shall be appointed for a term of 5 years
12 and until a successor is appointed and qualified for a like
13 term.

14 If the township board has, by previous resolution,
15 increased the membership of the board to 7 directors, the
16 township board may by new resolution increase the membership of
17 the board by 2 new members in any one year up to a maximum of 11
18 directors. The new resolution shall not affect the terms of the
19 incumbent directors. Before the first Monday in May following
20 the adoption of the new resolution, the township board shall
21 appoint a sufficient number of directors so that there will be
22 (i) a successor for the full term of each incumbent whose term
23 expires and (ii) the 2 additional directors provided for in the
24 new resolution for terms of 4 and 5 years from the first Monday
25 in May of the year of appointment. Thereafter, upon the
26 expiration of the term of any director, his or her successor

1 shall be appointed for a term of 5 years and until a successor
2 is appointed and qualified for a like term.

3 (c) No director or employee of the township shall be
4 directly or indirectly interested (i) in any contract, work, or
5 business of the township, (ii) in the sale of any article whose
6 expense, price, or consideration is paid by the township, or
7 (iii) in the purchase of any real estate or property for or
8 belonging to the township.

9 (d) Whenever a vacancy in the board of directors occurs
10 from a director's death, resignation, or refusal to qualify, or
11 for any other reason including without limitation the
12 conviction of a director for a disqualifying crime, the
13 township board may fill the vacancy by appointment. The person
14 appointed or qualified for office under this Section shall
15 assume the duties of that person for whose unexpired term he or
16 she was appointed.

17 For the purposes of this subsection (d), an admission of
18 guilt of a criminal offense that would, upon conviction,
19 disqualify the director from membership on the board, in the
20 form of a written agreement with State or federal prosecutors
21 to plead guilty to a felony, bribery, perjury, or other
22 infamous crime under State or federal law, shall constitute a
23 resignation from the board, effective at the time the plea
24 agreement is made.

25 For purposes of this subsection (d), a conviction for an
26 offense that disqualifies a director from membership on the

1 board occurs on the date of the return of a guilty verdict or,
2 in the case of a trial by the court, the entry of a finding of
3 guilt.

4 (Source: P.A. 88-62; 88-662, eff. 9-16-94.)

5 Section 99. Effective date. This Act takes effect January
6 1, 2011.