

1 AN ACT concerning county commissioners.

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  
9 the office of clerk of the circuit court, in a county which  
10 is not 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  
15 political party within 3 days of the occurrence of the  
16 vacancy. The vacancy shall be filled within 60 days by  
17 appointment of the chairman of the county board or board of  
18 county commissioners with the advice and consent of the  
19 county board or board of county commissioners. The appointee  
20 shall be a member of the same political party as the person  
21 he succeeds was at the time of his election and shall be  
22 otherwise eligible to serve. The appointee shall serve the  
23 remainder of the unexpired term. However, if more than 28  
24 months remain in the term, the appointment shall be until the  
25 next general election at which time the vacated office shall  
26 be filled by election for the remainder of the term. In the  
27 case of a vacancy in a seat on a county board or board of  
28 county commissioners which has been divided into districts  
29 under Section 2-3003 or 2-4006.5 of the Counties Code "An-Act  
30 relating-to-the-composition-of-an-election-of--county--boards  
31 in--certain--counties", approved October 27, 1969, as amended,

1 the appointee must also be a resident of the county board or  
 2 county commission district. If a county commissioner ceases  
 3 to reside in the district that he or she represents, a  
 4 vacancy in that office exists.

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

12 (Source: P.A. 90-672, eff. 7-31-98.)

13 Section 10. The Counties Code is amended by changing  
 14 Sections 2-4006 and 2-4006.5 as follows:

15 (55 ILCS 5/2-4006)

16 Sec. 2-4006. Terms of commissioners. (a) In every  
 17 county not under township organization having 3 commissioners  
 18 elected at large as described in subsection (b) or (c), the  
 19 commissioners shall be elected as provided in this Section.

20 (b) In a county in which one commissioner was elected at  
 21 the general election in 1992 to serve for a term of 4 years  
 22 and in which 2 commissioners will be elected at the general  
 23 election in 1994, the commissioner elected in 1994 and  
 24 receiving the greatest number of votes shall serve for a term  
 25 of 6 years. The other commissioner elected in 1994 shall  
 26 serve for a term of 4 years. At the general election in 1996  
 27 and at each general election thereafter, one commissioner  
 28 shall be elected to serve for a term of 6 years.

29 (c) In a county in which 2 commissioners were elected at  
 30 the general election in 1992 to serve for terms of 4 years  
 31 and in which one commissioner will be elected at the general  
 32 election in 1994, the commissioner elected in 1994 shall

1 serve for a term of 4 years. The commissioner elected in  
 2 1996 and receiving the greatest number of votes shall serve  
 3 for a term of 6 years. The other commissioner elected in  
 4 1996 shall serve for a term of 4 years. At the general  
 5 election in 1998 and at each general election thereafter, one  
 6 commissioner shall be elected to serve for a term of 6 years.

7 (d) The provisions of this Section do not apply to  
 8 commissioners elected under Section 2-4006.5 of this Code.

9 (Source: P.A. 88-572, eff. 8-11-94.)

10 (55 ILCS 5/2-4006.5)

11 Sec. 2-4006.5. Commissioners in certain counties.

12 (a) If a county elects 3 commissioners at large under  
 13 Section 2-4006, registered voters of such county may, by a  
 14 vote of a majority of those voting on such proposition,  
 15 determine to change the method of electing the board of  
 16 county commissioners by electing either 3 or 5 members from  
 17 single member districts. In order for such question to be  
 18 placed upon the ballot, such petition must contain the  
 19 signatures of not fewer than 10% of the registered voters of  
 20 such county.

21 Commissioners may not be elected from single member  
 22 districts until the question of electing either 3 or 5  
 23 commissioners from single member districts has been submitted  
 24 to the electors of the county at a regular election and  
 25 approved by a majority of the electors voting on the  
 26 question. The commissioners must certify the question to the  
 27 proper election authority, which must submit the question at  
 28 an election in accordance with the Election Code.

29 The question must be in substantially the following form:

30 Shall the board of county commissioners of (name of  
 31 county) consist of (insert either 3 or 5) commissioners  
 32 elected from single member districts?

33 The votes must be recorded as "Yes" or "No".

1           If a majority of the electors voting on the question vote  
2           in the affirmative, a 3-member or 5-member board of county  
3           commissioners, as the case may be, shall be established to be  
4           elected from single member districts.

5           (b) If the voters of the county decide to elect either 3  
6           or 5 commissioners from single member districts, the board of  
7           county commissioners shall on or before August 31 of the year  
8           following the 2000 federal decennial census divide the county  
9           into either 3 or 5 compact and contiguous county commission  
10          districts that are substantially equal in population. On or  
11          before May 31 of the year following each federal decennial  
12          census thereafter, the board of county commissioners shall  
13          reapportion the county commission districts to be compact,  
14          contiguous, and substantially equal in population.

15          (c) The commissioners elected at large at or before the  
16          general election in 2000 shall continue to serve until the  
17          expiration of their terms. Of those commissioners, the  
18          commissioner whose term expires in 2002 shall be assigned to  
19          district 1; the commissioner whose term expires in 2004 shall  
20          be assigned to district 2; and the commissioner whose term  
21          expires in 2006 shall be assigned to district 3.

22          (d) If the voters of the county decide to elect 5  
23          commissioners from single member districts, at the general  
24          election in 2002, one commissioner from and residing in each  
25          of districts 1, 4, and 5 shall be elected. At the general  
26          election in 2004, one commissioner from and residing in each  
27          of districts 1, 2, and 5 shall be elected. At the general  
28          election in 2006, one commissioner from and residing in each  
29          of districts 2, 3, and 4 shall be elected. At the general  
30          election in 2008, one commissioner from and residing in each  
31          of districts 1, 3, and 5 shall be elected. At the general  
32          election in 2010, one commissioner from each of districts 2  
33          and 4 shall be elected. At the general election in 2012,  
34          commissioners from and residing in each district shall be

1 elected. Thereafter, commissioners shall be elected at each  
2 general election to fill expired terms. Each commissioner  
3 must reside in the district that he or she represents from  
4 the time that he or she files his or her nomination papers  
5 until his or her term expires.

6 In the year following the decennial census of 2010 and  
7 every 10 years thereafter, the commissioners, publicly by  
8 lot, shall divide the districts into 2 groups. One group  
9 shall serve terms of 4 years, 4 years, and 2 years and one  
10 group shall serve terms of 2 years, 4 years, and 4 years.

11 (Source: P.A. 91-846, eff. 6-22-00.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.