

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 Election Code is amended by changing  
5 Section 2A-1.2 as follows:

6 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)  
7 Sec. 2A-1.2. Consolidated Schedule of Elections -  
8 Offices Designated.

9 (a) At the general election in the appropriate  
10 even-numbered years, the following offices shall be filled or  
11 shall be on the ballot as otherwise required by this Code:

12 (1) Elector of President and Vice President of the  
13 United States;

14 (2) United States Senator and United States  
15 Representative;

16 (3) State Executive Branch elected officers;

17 (4) State Senator and State Representative;

18 (5) County elected officers, including State's  
19 Attorney, County Board member, County Commissioners, and  
20 elected President of the County Board or County Chief  
21 Executive;

22 (6) Circuit Court Clerk;

23 (7) Regional Superintendent of Schools, except in  
24 counties or educational service regions in which that  
25 office has been abolished;

26 (8) Judges of the Supreme, Appellate and Circuit  
27 Courts, on the question of retention, to fill vacancies  
28 and newly created judicial offices;

29 (9) (Blank);

30 (10) Trustee of the Metropolitan Sanitary District  
31 of Chicago, and elected Trustee of other Sanitary

1 Districts;

2 (11) Special District elected officers, not  
3 otherwise designated in this Section, where the statute  
4 creating or authorizing the creation of the district  
5 requires an annual election and permits or requires  
6 election of candidates of political parties.

7 (b) At the general primary election:

8 (1) in each even-numbered year candidates of  
9 political parties shall be nominated for those offices to  
10 be filled at the general election in that year, except  
11 where pursuant to law nomination of candidates of  
12 political parties is made by caucus.

13 (2) in the appropriate even-numbered years the  
14 political party offices of State central committeeman,  
15 township committeeman, ward committeeman, and precinct  
16 committeeman shall be filled and delegates and alternate  
17 delegates to the National nominating conventions shall be  
18 elected as may be required pursuant to this Code. In the  
19 even-numbered years in which a Presidential election is  
20 to be held, candidates in the Presidential preference  
21 primary shall also be on the ballot.

22 (3) in each even-numbered year, where the  
23 municipality has provided for annual elections to elect  
24 municipal officers pursuant to Section 6(f) or Section 7  
25 of Article VII of the Constitution, pursuant to the  
26 Illinois Municipal Code or pursuant to the municipal  
27 charter, the offices of such municipal officers shall be  
28 filled at an election held on the date of the general  
29 primary election, provided that the municipal election  
30 shall be a nonpartisan election where required by the  
31 Illinois Municipal Code. For partisan municipal  
32 elections in even-numbered years, a primary to nominate  
33 candidates for municipal office to be elected at the  
34 general primary election shall be held on the Tuesday 6

1 weeks preceding that election.

2 (4) in each school district which has adopted the  
3 provisions of Article 33 of the School Code, successors  
4 to the members of the board of education whose terms  
5 expire in the year in which the general primary is held  
6 shall be elected.

7 (c) At the consolidated election in the appropriate  
8 odd-numbered years, the following offices shall be filled:

9 (1) Municipal officers, including  
10 multi-municipality clerks and multi-municipality  
11 treasurers, provided that in municipalities in which  
12 candidates for alderman or other municipal office are not  
13 permitted by law to be candidates of political parties,  
14 the runoff election where required by law, or the  
15 nonpartisan election where required by law, shall be held  
16 on the date of the consolidated election; and provided  
17 further, in the case of municipal officers provided for  
18 by an ordinance providing the form of government of the  
19 municipality pursuant to Section 7 of Article VII of the  
20 Constitution, such offices shall be filled by election or  
21 by runoff election as may be provided by such ordinance;

22 (2) Village and incorporated town library  
23 directors;

24 (3) City boards of stadium commissioners;

25 (4) Commissioners of park districts;

26 (5) Trustees of public library districts;

27 (6) Special District elected officers, not  
28 otherwise designated in this section, where the statute  
29 creating or authorizing the creation of the district  
30 permits or requires election of candidates of political  
31 parties;

32 (7) Township officers, including township park  
33 commissioners, township library directors, and boards of  
34 managers of community buildings, and Multi-Township

1 Assessors;

2 (8) Highway commissioners and road district clerks;

3 (9) Members of school boards in school districts  
4 which adopt Article 33 of the School Code;

5 (10) The directors and chairman of the Chain O  
6 Lakes - Fox River Waterway Management Agency;

7 (11) Forest preserve district commissioners elected  
8 under Section 3.5 of the Downstate Forest Preserve  
9 District Act;

10 (12) Elected members of school boards, school  
11 trustees, directors of boards of school directors,  
12 trustees of county boards of school trustees (except in  
13 counties or educational service regions having a  
14 population of 2,000,000 or more inhabitants) and members  
15 of boards of school inspectors, except school boards in  
16 school districts that adopt Article 33 of the School  
17 Code;

18 (13) Members of Community College district boards;

19 (14) Trustees of Fire Protection Districts;

20 (15) Commissioners of the Springfield Metropolitan  
21 Exposition and Auditorium Authority;

22 (16) Elected Trustees of Tuberculosis Sanitarium  
23 Districts;

24 (17) Elected Officers of special districts not  
25 otherwise designated in this Section for which the law  
26 governing those districts does not permit candidates of  
27 political parties.

28 (d) At the consolidated primary election in each  
29 odd-numbered year, candidates of political parties shall be  
30 nominated for those offices to be filled at the consolidated  
31 election in that year, except where pursuant to law  
32 nomination of candidates of political parties is made by  
33 caucus, and except those offices listed in paragraphs (12)  
34 through (17) of subsection (c).

1           At the consolidated primary election in the appropriate  
2 odd-numbered years, the mayor, clerk or multi-municipality  
3 clerk, treasurer or multi-municipality treasurer, and  
4 aldermen shall be elected in municipalities in which  
5 candidates for mayor, clerk or multi-municipality clerk,  
6 treasurer or multi-municipality treasurer, or alderman are  
7 not permitted by law to be candidates of political parties,  
8 subject to runoff elections to be held at the consolidated  
9 election as may be required by law, and municipal officers  
10 shall be nominated in a nonpartisan election in  
11 municipalities in which pursuant to law candidates for such  
12 office are not permitted to be candidates of political  
13 parties.

14           At the consolidated primary election in the appropriate  
15 odd-numbered years, municipal officers shall be nominated or  
16 elected, or elected subject to a runoff, as may be provided  
17 by an ordinance providing a form of government of the  
18 municipality pursuant to Section 7 of Article VII of the  
19 Constitution.

20           (e) (Blank).

21           (f) At any election established in Section 2A-1.1,  
22 public questions may be submitted to voters pursuant to this  
23 Code and any special election otherwise required or  
24 authorized by law or by court order may be conducted pursuant  
25 to this Code.

26           Notwithstanding the regular dates for election of  
27 officers established in this Article, whenever a referendum  
28 is held for the establishment of a political subdivision  
29 whose officers are to be elected, the initial officers shall  
30 be elected at the election at which such referendum is held  
31 if otherwise so provided by law. In such cases, the election  
32 of the initial officers shall be subject to the referendum.

33           Notwithstanding the regular dates for election of  
34 officials established in this Article, any community college

1 district which becomes effective by operation of law pursuant  
 2 to Section 6-6.1 of the Public Community College Act, as now  
 3 or hereafter amended, shall elect the initial district board  
 4 members at the next regularly scheduled election following  
 5 the effective date of the new district.

6 (g) At any election established in Section 2A-1.1, if in  
 7 any precinct there are no offices or public questions  
 8 required to be on the ballot under this Code then no election  
 9 shall be held in the precinct on that date.

10 (h) There may be conducted a referendum in accordance  
 11 with the provisions of Division 6-4 of the Counties Code.

12 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,  
 13 eff. 8-9-96; 90-358, eff. 1-1-98.)

14 Section 10. The Public Officer Prohibited Activities Act  
 15 is amended by adding Section 2b as follows:

16 (50 ILCS 105/2b new)

17 Sec. 2b. Multi-municipality clerk or treasurer.  
 18 Notwithstanding any other provision of this Act or any other  
 19 law, a person may hold the office of multi-municipality clerk  
 20 as provided in Section 3.1-25-100 of the Illinois Municipal  
 21 Code or multi-municipality treasurer as provided in Section  
 22 3.1-25-105 of the Illinois Municipal Code.

23 Section 15. The Illinois Municipal Code is amended by  
 24 changing Sections 3.1-10-5 and 3.1-10-30 and by adding  
 25 Sections 3.1-25-100 and 3.1-25-105 as follows:

26 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

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

28 (a) A person is not eligible for an elective municipal  
 29 office (i) unless that person is a qualified elector of the  
 30 municipality and has resided in the municipality at least one

1 year next preceding the election or (ii), in the case of an  
2 elective multi-municipality clerk or treasurer, unless the  
3 person meets the requirements of Section 3.1-25-100 or  
4 3.1-25-105, as applicable.

5 (b) A person is not eligible for an elective municipal  
6 office if that person is in arrears in the payment of a tax  
7 or other indebtedness due to the municipality or has been  
8 convicted in any court located in the United States of any  
9 infamous crime, bribery, perjury, or other felony.

10 (c) A person is not eligible for the office of alderman  
11 of a ward or trustee of a district unless that person has  
12 resided in the municipality at least one year next preceding  
13 the election or appointment, except as provided in subsection  
14 (b) of Section 3.1-25-75.

15 (Source: P.A. 91-667, eff. 6-1-00.)

16 (65 ILCS 5/3.1-10-30) (from Ch. 24, par. 3.1-10-30)  
17 Sec. 3.1-10-30. Bond. Before entering upon the duties  
18 of their respective offices, all municipal officers, except  
19 aldermen and trustees, shall execute a bond with security, to  
20 be approved by the corporate authorities. The bond shall be  
21 payable to the municipality in the penal sum directed by  
22 resolution or ordinance, conditioned upon the faithful  
23 performance of the duties of the office and the payment of  
24 all money received by the officer, according to law and the  
25 ordinances of that municipality. The bond may provide that  
26 the obligation of the sureties shall not extend to any loss  
27 sustained by the insolvency, failure, or closing of any bank  
28 or savings and loan association organized and operating  
29 either under the laws of the State of Illinois or the United  
30 States in which the officer has placed funds in the officer's  
31 custody, if the bank or savings and loan association has been  
32 approved by the corporate authorities as a depository for  
33 those funds. In no case, however, shall the mayor's bond be

1 fixed at less than \$3,000. The treasurer's bond shall be an  
2 amount of money that is not less than 3 times the latest  
3 Federal census population or any subsequent census figure  
4 used for Motor Fuel Tax purposes. Bonds shall be filed with  
5 the municipal clerk, except the bond of the clerk, which  
6 shall be filed with the municipal treasurer.

7 A multi-municipality clerk and a multi-municipality  
8 treasurer shall execute a bond with security in accordance  
9 with the provisions of this Section with respect to each  
10 municipality for which he or she serves as multi-municipality  
11 clerk or multi-municipality treasurer.

12 (Source: P.A. 87-1119.)

13 (65 ILCS 5/3.1-25-100 new)

14 Sec. 3.1-25-100. Multi-municipality clerk.

15 (a) Any 2 or more municipalities may, by resolution  
16 adopted by not less than two-thirds of the corporate  
17 authorities of each municipality, enter into an agreement to  
18 create the position of multi-municipality clerk. To be  
19 eligible to participate in a multi-municipality clerk  
20 agreement:

21 (1) the municipality must have fewer than 5,000  
22 inhabitants;

23 (2) the municipality must be located in whole or in  
24 part in the same county as all other municipalities  
25 participating in the agreement;

26 (3) the municipality must be within 25 miles of all  
27 other municipalities participating in the agreement; and

28 (4) the office of municipal clerk must be an  
29 elected office in the municipality.

30 Under a multi-municipality clerk agreement, the office of  
31 municipal clerk in each of the municipalities that is a party  
32 to the agreement shall continue to be a separate office with  
33 the duties of the office of municipal clerk as set forth in



1 this Code. The person elected to the office of  
2 multi-municipality clerk shall serve as the municipal clerk  
3 of each of the municipalities participating in the agreement.  
4 Compensation and benefit levels for the multi-municipality  
5 clerk and the allocation of the amount of compensation and  
6 benefits that each municipality must pay must be set forth in  
7 the agreement. The agreement must specify that a  
8 municipality is liable for only that portion of compensation  
9 and benefits allocated to the municipality by the agreement.  
10 A person is eligible to hold the office of multi-municipality  
11 clerk if that person is a qualified elector of one of the  
12 participating municipalities and has resided within the  
13 participating municipalities for at least one year  
14 immediately preceding the election. In an election for  
15 multi-municipality clerk, the candidate receiving the most  
16 votes, in the aggregate, of all votes cast in all  
17 participating municipalities shall be declared elected.

18 (b) A multi-municipality clerk shall first be elected at  
19 the consolidated election immediately prior to the expiration  
20 of the term of the municipal clerk whose term expires last of  
21 each of the municipal clerks of the participating  
22 municipalities. In any participating municipality, if the  
23 term of the municipal clerk of that municipality expires  
24 before the expiration of the term of the municipal clerk of  
25 any other participating municipality, then the term of office  
26 of the next elected municipal clerk in that municipality  
27 shall expire on the same date as the term of office of the  
28 municipal clerk whose term expires last. Thereafter, the  
29 multi-municipality clerk shall be elected every 4 years at  
30 the consolidated election in accordance with the Election  
31 Code, including the nomination of candidates for that office  
32 at the consolidated primary if applicable.

33 (c) A municipality may opt out of the agreement,  
34 effective at the end of the term of the then current

1 multi-municipality clerk, by resolution adopted by not less  
2 than two-thirds of the corporate authorities of the  
3 municipality. If a municipality opts out, at the expiration  
4 of the term of the multi-municipality clerk, the municipality  
5 may elect a clerk in the same manner as it did prior to  
6 entering into the agreement or may appoint or elect a clerk  
7 in any other manner authorized by this Code.

8 The municipalities that are parties to a  
9 multi-municipality clerk agreement may modify the agreement  
10 by resolution adopted by not less than two-thirds of the  
11 corporate authorities of each municipality. The modification  
12 of an agreement may include the addition of another  
13 municipality to the agreement, in which case the corporate  
14 authorities of the additional municipality must approve the  
15 agreement, as modified, by resolution adopted by not less  
16 than two-thirds of the corporate authorities of the  
17 additional municipality. If, at the time a municipality is  
18 added to the agreement, the term of the municipal clerk of  
19 the added municipality expires 2 years after the expiration  
20 of the term of the multi-municipality clerk, then the next  
21 term of the municipal clerk of the municipality that is added  
22 to the agreement shall be a 2-year term that expires at the  
23 same time as the expiration of the term of the  
24 multi-municipality clerk. Thereafter, the added municipality  
25 shall participate in the election of the multi-municipality  
26 clerk in accordance with this Section.

27 Any agreement or amendment to an agreement under this  
28 Section that increases or decreases the salary of a  
29 multi-municipality clerk is subject to the provisions  
30 Section 9 of Article 7 of the Illinois Constitution.

31 (65 ILCS 5/3.1-25-105 new)

32 Sec. 3.1-25-105. Multi-municipality treasurer.

33 (a) Any 2 or more municipalities may, by resolution

1 adopted by not less than two-thirds of the corporate  
2 authorities of each municipality, enter into an agreement to  
3 create the position of multi-municipality treasurer. To be  
4 eligible to participate in a multi-municipality treasurer  
5 agreement:

6 (1) the municipality must have fewer than 5,000  
7 inhabitants;

8 (2) the municipality must be located in whole or in  
9 part in the same county as all other municipalities  
10 participating in the agreement;

11 (3) the municipality must be within 25 miles of all  
12 other municipalities participating in the agreement; and

13 (4) the office of municipal treasurer must be an  
14 elected office in the municipality.

15 Under a multi-municipality treasurer agreement, the  
16 office of municipal treasurer in each of the municipalities  
17 that is a party to the agreement shall continue to be a  
18 separate office with the duties of the office of municipal  
19 treasurer as set forth in this Code. The person elected to  
20 the office of multi-municipality treasurer shall serve as the  
21 municipal treasurer of each of the municipalities  
22 participating in the agreement. Compensation and benefit  
23 levels for the multi-municipality treasurer and the  
24 allocation of the amount of compensation and benefits that  
25 each municipality must pay must be set forth in the  
26 agreement. The agreement must specify that a municipality is  
27 liable for only that portion of compensation and benefits  
28 allocated to the municipality by the agreement. A person is  
29 eligible to hold the office of multi-municipality treasurer  
30 if that person is a qualified elector of one of the  
31 participating municipalities and has resided within the  
32 participating municipalities for at least one year  
33 immediately preceding the election. In an election for  
34 multi-municipality treasurer, the candidate receiving the

1 most votes, in the aggregate, of all votes cast in all  
2 participating municipalities shall be declared elected.

3 (b) A multi-municipality treasurer shall first be  
4 elected at the consolidated election immediately prior to the  
5 expiration of the term of the municipal treasurer whose term  
6 expires last of each of the municipal treasurers of the  
7 participating municipalities. In any participating  
8 municipality, if the term of the municipal treasurer of that  
9 municipality expires before the expiration of the term of the  
10 municipal treasurer of any other participating municipality,  
11 then the term of office of the next elected municipal  
12 treasurer in that municipality shall expire on the same date  
13 as the term of office of the municipal treasurer whose term  
14 expires last. Thereafter, the multi-municipality treasurer  
15 shall be elected every 4 years at the consolidated election  
16 in accordance with the Election Code, including the  
17 nomination of candidates for that office at the consolidated  
18 primary if applicable.

19 (c) A municipality may opt out of the agreement,  
20 effective at the end of the term of the then current  
21 multi-municipality treasurer, by resolution adopted by not  
22 less than two-thirds of the corporate authorities of the  
23 municipality. If a municipality opts out, at the expiration  
24 of the term of the multi-municipality treasurer, the  
25 municipality may elect a treasurer in the same manner as it  
26 did prior to entering into the agreement or may appoint or  
27 elect a treasurer in any other manner authorized by this  
28 Code.

29 The municipalities that are parties to a  
30 multi-municipality treasurer agreement may modify the  
31 agreement by resolution adopted by not less than two-thirds  
32 of the corporate authorities of each municipality. The  
33 modification of an agreement may include the addition of  
34 another municipality to the agreement, in which case the

1 corporate authorities of the additional municipality must  
2 approve the agreement, as modified, by resolution adopted by  
3 not less than two-thirds of the corporate authorities of the  
4 additional municipality. If, at the time a municipality is  
5 added to the agreement, the term of the municipal treasurer  
6 of the added municipality expires 2 years after the  
7 expiration of the term of the multi-municipality treasurer,  
8 then the next term of the municipal treasurer of the  
9 municipality that is added to the agreement shall be a 2-year  
10 term that expires at the same time as the expiration of the  
11 term of the multi-municipality treasurer. Thereafter, the  
12 added municipality shall participate in the election of the  
13 multi-municipality treasurer in accordance with this Section.

14 Any agreement or amendment to an agreement under this  
15 Section that increases or decreases the salary of a  
16 multi-municipality treasurer is subject to the provisions  
17 Section 9 of Article 7 of the Illinois Constitution.