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MEMORANDUM

TO: Curt Barrett

FROM: Kathleen Elliott

RE: Procedures for establishing village trustee districts

DATE: December 29, 2011

Petitions have been submitted to the village calling for a binding referendum as to whether the village shall be divided into 6 districts with one trustee elected from each district. If the referendum question concerning establishing trustee districts is approved at the next election, the following is a summary of the procedures and legal requirements for establishing such districts and the election of trustees by district. I have also attached the relevant statutes.

Village Trustees

Division 25 - Elected Village and Incorporated Town Officers of Article 3.1 of the Municipal Code provides for the manner in which village boards are constituted. In villages of over 5,000 population the village has 6 trustees. The trustees are elected at large unless a binding referendum to go to 6 districts, one trustee per district, is approved. The village can revert to at large trustees by referendum not less than four years after the passage of the referendum establishing trustee districts.

Formation of Districts

The Illinois Municipal Code provides that not less than 30 days before the first day for the filing of nominating petitions for the next succeeding election of village officers the village shall complete the redistricting of the village into 6 compact and contiguous districts of approximately equal population, and shall be created in a manner so that, as far as practicable, no precinct shall be divided between 2 or more districts. The redistricting is completed by the approval of the village board of a map that divides the village into the six districts. The map can be challenged in court if the complainant alleges that the districts do not meet the statutory requirements listed above. The final decision on the map would then be determined by the courts. See 65 ILCS 5/3.1-25-75.

The Board may want to review the number of voters that would be in each district, as some smaller municipalities have experienced difficulty in having qualified candidates in every district. Districting is more common in larger villages, often driven by political considerations.

Reverting Back to Trustees-at-Large

Pursuant to 65 ILCS 5/3.1-25-85, if the election of trustees by district is approved by a referendum, the village cannot revert back to trustees at large for at least 4 years, and the reversion must also be by referendum.

Re-election of Trustees From Districts

Each of the districts shall be represented by one trustee who has been an actual resident of the district for at least 6 months immediately before his or her election in the first election after a redistricting. At the first election in which the districts are to be implemented, a trustee whose term is not expired shall be considered a trustee in the district in which he resides. Thus, the districts that have a resident trustee whose term is not expiring would not elect a trustee at that election. If there are 2 or more trustees with terms not expiring that reside in the same district, the trustee who holds over for that district shall be determined by lot in the presence of the village board, in the manner directed by the village board, and the other trustee or trustees in that district shall fill their unexpired terms as trustees-at-large. The trustees-at-large, if any, shall have the same powers and duties as all other trustees, but upon the expiration of their terms the office of trustee-at-large is abolished and the trustees would have to run in the district in which they reside.

Examples:

Trustees A, B, and C's terms are expiring, Trustees D, E and F's terms expire in two years

1. Trustees A and B live in District 1, Trustee C lives in District 2, Trustees D & E live in District 3, Trustee F lives in District 4:
 - Trustees A & B run against each other in District 1
 - Trustee C runs in District 2
 - Trustees D and E draw lots and the winner is the District 3's trustee and the other is a trustee-at-large until the next election when his term expires
 - Trustee F is the District 4 trustee for the unexpired 2 years of his term
 - Districts 5 & 6 elect new trustees

(There are now 7 trustees, four newly elected from Districts 1, 2, 5 & 6, two 2-year trustees for District 3 and 4, and one trustee-at-large)
2. Trustees A, B, C & D live in District 1, Trustee E lives in District 5, Trustee F lives in District 6:
 - Trustees A, B, and C are out
 - Trustee D is the District 1 trustee for the unexpired 2 years of his term
 - Trustee E is the District 5 trustee for the unexpired 2 years of his term
 - Trustee F is the District 6 trustee for the unexpired 2 years of his term
 - Districts 2, 3, and 4 elect new trustees

Relevant Statutes

65 ILCS 5/3.1-25-75

Sec. 3.1-25-75. Districts; election of trustees.

(a) After a village with a population of 5,000 or more adopts the provisions of this Section in the manner prescribed in Section 3.1-25-80, the board of trustees by ordinance shall divide and, whenever necessary thereafter, shall redistrict the village into 6 compact and contiguous districts of approximately equal population as required by law. This redistricting shall be completed not less than 30 days before the first day for the filing of nominating petitions for the next succeeding election of village officers held in accordance with the general election law.

(b) Each of the districts shall be represented by one trustee who shall have been an actual resident of the district for at least 6 months immediately before his or her election in the first election after a redistricting, unless the trustee is a resident of a newly incorporated municipality. Only the electors of a district shall elect the trustee from that district.

(c) The provisions of this Code relating to terms of office of aldermen in cities shall also apply to the terms of office of trustees under this Section.

65 ILCS 5/3.1-25-80

Sec. 3.1-25-80. Referendum; districting and election of trustees. If a petition signed by not less than 5% of the electors of a village with a population of 5,000 or more requests that the question of districting the village and electing trustees, one from each district, be submitted to the electors of the village, this question shall be certified by the municipal clerk to the proper election authority, who shall submit the proposition at the next general state or municipal election in the village. The petition shall be presented in accordance with the general election law.

The proposition shall be in substantially the following form:

Shall the village be divided into 6 districts with one trustee elected from each district?

If the question receives the favorable vote of a majority of all votes cast on the proposition, the board of trustees shall proceed to district the village, and the election of trustees for the village thereafter shall be in accordance with Section 3.1-25-75.

65 ILCS 5/3.1-25-85

Sec. 3.1-25-85. Method of election of trustees; abandonment. Any municipality that has operated for more than 4 years under the provisions of Section 3.1-25-75 may abandon its method of electing trustees under that Section and elect its trustees under the provisions of Section 3.1-25-5 then applicable to villages, by proceeding under this Section.

When a petition signed by not less than 5% of the electors of the village requests that the question of abandoning the method of electing trustees from districts be submitted to the electors of the village, this question shall be certified by the municipal clerk to the appropriate election authority, who shall submit the proposition at the next general municipal election in the village. The petition shall be presented in accordance with the general election law.

The proposition shall be in substantially the following form:

Shall (name of village) abandon the method of electing trustees from districts so that trustees shall be hereafter elected on a village wide basis?

If a majority of the votes cast on this proposition are in favor of it, the trustees elected at the next succeeding general municipal election shall be elected in the manner then prescribed by Section 3.1-25-5. The trustees who have been duly elected, have qualified, and who are acting at the time this proposition takes effect shall continue in office until their respective terms expire or until they cease to function as trustees.

65 ILCS 5/3.1-25-5

Sec. 3.1-25-5. Trustees; terms. In each village incorporated under this Code, the electors of the village shall elect 6 trustees. The term of office of the trustees shall be 4 years and until their successors are elected and have qualified. Trustees elected at the first election for village officers after a village is incorporated, however, shall by lot designate one-half of their number, whose terms shall be 2 years and until their successors are elected and have qualified.

65 ILCS 5/3.1-20-25

Sec. 3.1-20-25. Redistricting a city.

(a) In the formation of wards, the number of inhabitants of the city immediately preceding the division of the city into wards shall be as nearly equal in population, and the wards shall be of as compact and contiguous territory, as practicable. Wards shall be created in a manner so that, as far as practicable, no precinct shall be divided between 2 or more wards.

(b) Whenever an official census shows that a city contains more or fewer wards than it is entitled to, the city council of the city, by ordinance, shall redistrict the city into as many wards as the city is entitled. This redistricting shall be completed not less than 30 days before the first day set by the general election law for the filing of candidate petitions for the next succeeding election for city officers. At this election there shall be elected the number of aldermen to which the city is entitled, except as provided in subsection (c).

(c) If it appears from any official census that a city has the requisite number of inhabitants to authorize it to increase the number of aldermen, the city council shall immediately proceed to redistrict the city and shall hold the next city election in accordance with the new redistricting. At this election the aldermen whose terms of office are not expiring shall be considered aldermen for the new wards respectively in which their residences are situated. At this election, in a municipality that is not a newly incorporated municipality, a candidate for alderman may be elected from any ward that contains a part of the ward in which he or she resided at least one year next preceding the election that follows the redistricting, and, if elected, that person may be reelected from the new ward he or she represents if he or she resides in that ward for at least one year next preceding reelection. If there are 2 or more aldermen with terms of office not expiring and residing in the same ward under the new redistricting, the alderman who holds over for that ward shall be determined by lot in the presence of the city council, in the manner directed by the council, and all other aldermen shall fill their unexpired terms as aldermen-at-large. The aldermen-at-large, if any, shall have the

same powers and duties as all other aldermen, but upon the expiration of their terms the offices of aldermen-at-large shall be abolished.

(d) If the redistricting results in one or more wards in which no aldermen reside whose terms of office have not expired, 2 aldermen shall be elected in accordance with Section 3.1-20-35, unless the city elected only one alderman per ward pursuant to a referendum under subsection (a) of Section 3.1-20-20.

(e) A redistricting ordinance that has decreased the number of wards of a city because of a decrease in population of the city shall not be effective if, not less than 60 days before the time fixed for the next succeeding general municipal election, an official census is officially published that shows that the city has regained a population that entitles it to the number of wards that it had just before the passage of the last redistricting ordinance.