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S-530

COUNTIES:
County Board Member - Vacancy

Honorable Arthur A. Jones
State's Attorney
Edgar County
Paris, Illinois 61944

Dear Mr. Jones:

I have your recent letter wherein you state:

"The Edgar County Board of Supervisors which is under the township form of government has requested that I solicit an opinion from you as to the method of filling a vacancy created on the County Board of Supervisors.

As you are aware until the recent change, County Board of Supervisors under the township form of government were also Township Supervisors, and as a consequence vacancies were filled by the township.

Chapter 46, Section 25-11 of the Illinois Revised Statutes provides for the method of filling a

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vacancy created by a County Commissioner as well as other various County offices. This section further provides for the method of filling vacancies of '. . . . or other County or Precinct offices not otherwise provided by law'.

Would you please advise as to the applicability of this section to filling vacancies in the County Board of Supervisors, or if other procedures are provided by law?"

Your attention is called to section 9 of "An Act relating to the composition and election of county boards in certain counties" (Ill. Rev. Stats., 1971, ch. 34, par 839) which provides:

"The members elected in April in 1972 and every 10 years thereafter to a county board in a county to which this Act applies shall determine by lot which members shall serve for 2 years and which for 4 years. Their successors shall be elected to a 4 year term. All terms shall commence on the first Monday in May in even-numbered years.

If a vacancy occurs on the county board, the board shall, within 60 days of the date the vacancy occurs, appoint some person, possessing the qualifications of a board member, to serve until the next election of county board members in the county at which time an election shall be held to fill the vacancy for the unexpired term.

If a vacancy occurs in the office of chairman of the county board, the remaining members of the board shall elect one of the members of the board to serve for the balance of the unexpired term of the chairman."

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It can be observed from the foregoing statutory provision that the county board is the body that fills a vacancy on the county board and the appointee serves until the next election of county board members in the county at which time an election is required to be held to fill the vacancy for the unexpired term.

Very truly yours,

A T T O R N E Y G E N E R A L