



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

April 24, 2000

Jim Ryan
ATTORNEY GENERAL

FILE NO. 00-009

TOWNSHIPS:
Selection of Officers

The Honorable Kathleen L. Wojcik
Assistant Republican Leader
House of Representatives
Room 632 State Capitol
Springfield, Illinois 62706

Dear Representative Wojcik:

I have your letter wherein you inquire whether, pursuant to referendum, a township may provide for the nomination and election of township officers on a non-partisan basis. For the reasons hereinafter stated, it is my opinion that the manner of selection of township officers is to be prescribed by statute, and that townships have not been granted the power to alter the method of selecting officers by referendum or otherwise.

With respect to townships, article VII, section 8 of the Illinois Constitution of 1970 provides:

"Townships, school districts, special districts and units, designated by law as units of local government, which exercise limited governmental powers or powers in

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respect to limited governmental subjects shall have only powers granted by law. * * * The General Assembly shall provide by law for the selection of officers of the foregoing units, but the officers shall not be appointed by any person in the Judicial Branch." (Emphasis added.)

This section is clearly distinguishable from article VII, sections 6 and 7, which expressly authorize municipalities and counties to alter the manner of selection and the terms of office of their officers by referendum. The power granted under article VII, sections 6 and 7 to alter the "manner of election" of officers includes the determination of whether to elect officers on a non-partisan basis. Boytor v. City of Aurora (1980) 81 Ill. 2d 308; 1991 Ill. Att'y Gen. Op. 180.

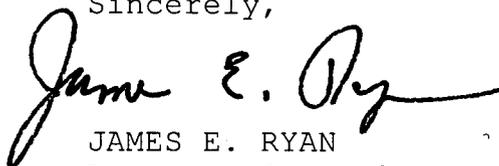
The General Assembly has provided for the manner of selection of township officers in articles 45 and 50 of the Township Code (60 ILCS 1/45-5 et seq., 1/50-5 et seq. (West 1998)), which prescribe a partisan caucus system for the nomination of candidates for township office, and for the election of the nominees pursuant to the provisions of the Election Code (10 ILCS 5/1-1 et seq. (West 1998)). In certain townships, candidates may be selected in a primary election. (60 ILCS 1/45-55 (West 1998).) There is no provision, however, which permits a township to provide for the selection of candidates for township office on a non-partisan basis. Moreover, although section 45-60

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of the Township Code (60 ILCS 1/45-60 (West 1998)) provides for the nomination of independent candidates and candidates representing a new political party pursuant to Article 10 of the Election Code (10 ILCS 5/10-1 et seq. (West 1998)), no provision thereof provides general authority for a unit of local government to adopt non-partisan nominating procedures.

Therefore, it is my opinion that, absent statutory authorization, townships may not, by referendum or otherwise, provide for the nomination and election of township officers on a non-partisan basis.

Sincerely,

A handwritten signature in cursive script that reads "James E. Ryan". The signature is written in black ink and is positioned above the typed name and title.

JAMES E. RYAN
Attorney General