

# When does a Park Commissioner cease being a Commissioner?

Clark Co., IL. ([ECWd](#)) –

This article is to clarify when we believe an elected park district commissioner takes office – or more importantly, ceases to be a commissioner.

From the Illinois Park District Code: *Commissioners shall serve until their successors are elected and qualified...* are ***“elected”*** and ***“qualified”***.”

*“Elected”* happened the instant the County Clerk canvassed the ballots (certified).

*“Qualified”* happened when they were placed on the ballot, providing they are still a voter, a resident of the district, are not in arrears of any debt or tax due to the district, and have not committed any disqualifying felony crimes.

When *“Elected and Qualified”* the newly elected are now commissioners by operation of law. Once the canvassing has occurred (tomorrow), the outgoing board members no longer have any legal authority to conduct any meeting or any business.

The only remaining item *“prior to entering into the duties of a commissioner”* is swearing an oath – and any Judge, notary public, or the clerk of the board can attest to the swearing of the oath of office – it need not be in a public meeting. After swearing the oath, that oath must be filed with the clerk of the board.

This is not to be confused with somehow stating the now-former commissioners are still commissioners until the next meeting – that would be a false assumption because they cease to be commissioners when the county clerk canvasses the votes.

There is no "Lame-Duck" board when dealing with the Park District Code when the above conditions are met. There is no such thing as "old business" considered by the old board prior to the new board taking over. Those that either decided not to run for office and those that were defeated at the ballot are no longer commissioners.

The next meeting must be an organizational meeting where the new board elects its officers.

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