

rel. Delaney, 126 Ill. App. 203, 80 N.E. 256 (1907). “Legal voter” means a legal voter of the township, whether or not he was a qualified elector. The durational residency statute requires that candidates be a resident of the township for a year before filing nomination petitions. Schumann v. Fleming, 261 Ill. App. 3d 1062, 634 N.E.2d 336 (2d Dist. 1994). A candidate filing his or her statement of candidacy is required to swear that he or she is presently qualified to hold office, not that he or she would be qualified to hold office in the future.

I. Simultaneous Tenure of Office

No township supervisor or trustee may accept or hold any office by the appointment of the township board unless he or she first resigns from the office of supervisor or trustee, or unless the appointment is specifically authorized by law. This does not prohibit, however, a supervisor or trustee from serving as a volunteer firefighter and receiving compensation therefore; nor will it prohibit a supervisor or trustee from holding an elective office in another unit of local government so long as there is no contractual relationship between the township and that other unit of government. 50 ILCS 105/2a.

Additionally, a member of the county board in a county having fewer than 550,000 inhabitants, during the term of office for which he is elected, may also hold the office of township highway commissioner. 50 ILCS 105/1.1. Furthermore, it is lawful for any person to simultaneously hold the office of county board member and township supervisor, and in counties of less than 100,000 in population, the office of county board member and township trustee. Finally, in counties with less than 300,000 in population, it is lawful for a person to hold the office of county board member at the same time as he or she holds the office of township assessor or town clerk. 50 ILCS 110/2.

J. Oaths of Office

Every person elected or appointed to the office of supervisor, township clerk, assessor, trustee, commissioner of highways, township enforcement officer, or collector, before entering upon the duties of that office, shall take and subscribe, before any person authorized to administer an oath of office, the oath or affirmation of office prescribed by the Constitution. 60 ILCS 1/55-10; 35 ILCS 200/4-30. The township clerk cannot administer oaths in cases other than those specified. Albertson v. Town of Cicero, 129 Ill. 226, 21 N.E. 815 (1889). Within eight days after the oath or affirmation is taken and subscribed, it shall be filed in the

office of the township clerk or the clerk of the multi-township board, as the case may be, and the county clerk. 60 ILCS 1/55-10. Although a town officer is required to take an oath, the officer need not do this until a contested election is settled. Farwell v. Adams, 112 Ill. 57, 1 N.E. 272 (1884). If the officer does it then, the officer is not deemed to have refused to serve and to have forfeited his or her rights to the office received by his/her opponent. If any township officer who is required by law to take the oath of office enters upon the duties of his or her office before taking the oath, he or she must pay the township a \$50 fee. 60 ILCS 1/55-35. The oath is as follows:

I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ to the best of my ability.

60 ILCS 1/55-10; 35 ILCS 200/4-30.

If any person elected or appointed to the office of supervisor, township clerk, assessor, trustee, commissioner of highways, township enforcement officer, or collector neglects to take and subscribe the oath or affirmation and cause the certificate to be filed, the neglect is deemed a refusal to serve. 60 ILCS 1/55-15. Furthermore, if any person elected to the office of supervisor, township clerk, assessor, or commissioner of highways refuses to serve, he or she must pay a \$25 fine to the township. 60 ILCS 1/55-30. The purpose of the penalty is to enforce the acceptance of the office. Nagel v. Wakey, 161 Ill. 387, 43 N.E. 1079 (1896). Moreover, the statute does not relieve a person who has been appointed from the duty of serving upon payment of the penalty.

Every person elected or appointed to the office of highway commissioner, and to consolidated township road district clerk in counties under township organization and to district clerk in counties not under township organization, before he enters upon the duties of his office, and within 10 days after he is notified of his election or appointment, shall take and subscribe, before some judicial officer of the circuit court or district or town clerk, the oath or affirmation of office prescribed by the Constitution, which oath or affirmation shall, within 5 days thereafter, be filed with the district or township clerk. In counties under township organization, no additional oath shall be required of the township clerk to enable him to enter upon the discharge of the duties of his office as ex-officio clerk for the highway commissioner. If any person elected or