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FILE NO. S-466

COUNTIES:
County Board Members

Honorable Richard R. Wilder
State's Attorney
Grundy County
Morris, Illinois 60450

Dear Mr. Wilder:

I have your recent letter wherein you state:

"The County of Grundy has been reapportioned in accordance with an Act relating to the composition and election of county boards, chapter 34, Section 834 et. seq., Ill. Rev. Stat. 1971. There are three districts, with six members elected from each district, which members were elected in April, 1972.

Section 839 of the Act provides as follows:

'The members elected in April in 1972 and every ten years thereafter to a county board in a county

to which this act applies shall determine by lot which members shall serve for two years and which for four years.'

The County Board has directed me to obtain your opinion on the following question:

'Shall the entire Board determine by lot which of them shall serve for two and four years respectively or may each district do so? In other words, must the determination be made from the entire Board of 18 persons or may the six members of each district determine by lot which of them shall serve for two and four years respectively?'"

Section 2-26.01 of "The Election Code," (Ill. Rev. Stats., 1971, ch. 46, par. 2-26.01) provides as follows:

"In counties under township organization which have a population of less than 3,000,000 the county board members provided for in 'An Act relating to the composition and election of county boards in certain counties', enacted by the 76th General Assembly, shall be elected on the first Tuesday in April of 1972, and 1/2 of the county board members shall be elected every 2 years thereafter."

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) 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.

***"

Since it is the intention of the General Assembly, embodied in a statute, which makes the law, the cardinal rule in the construction of Illinois statutes to which all other canons and rules are subordinate, is that a statute must be construed so as to ascertain and give effect to the intention of the General Assembly as expressed in the statute, (Lincoln National Life Insurance Co. v. McCarthy, 10 Ill. 2d 489; Scotfield v. Community Consolidated School District #181, 411 Ill. 11). Where the intention of the General Assembly has been ascertained, the court must give effect to that intention, (Illinois Central Railway Co. v. Village of South Pekin, 374 Ill. 431). To ascertain the meaning of a statute the court must seek and, if possible, find the intention of the General Assembly in the words used in the statute, (New National Coal Co. v. Industrial Commission, 373 Ill. 468). In examining the provisions of 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) it appears that the intention of the General Assembly is that the

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entire county board is to determine by lot which members serve for two years and which for four years. I find no provision which would permit the board members to make this election by districts. I am of the opinion, therefore, that the entire board should determine by lot which of them shall serve for two and four years respectively rather than for each district to do so.

Very truly yours,

ATTORNEY GENERAL