- 1 AN ACT regarding schools.
- 2 Be it enacted by the People of the State of Illinois,
- 3 represented in the General Assembly:
- 4 Section 5. The School Code is amended by changing
- 5 Section 3A-6 as follows:
- 6 (105 ILCS 5/3A-6) (from Ch. 122, par. 3A-6)
- 7 Sec. 3A-6. Election of Superintendent for consolidated
- 8 region Bond Vacancies in any educational service region.
- 9 (a) The regional superintendent to be elected under
- 10 Section 3A-5 shall be elected at the time provided in the
- 11 general election law and must possess the qualifications
- described in Section 3-1 of this Act.
- 13 (b) The bond required under Section 3-2 shall be filed
- 14 in the office of the county clerk in the county where the
- 15 regional office is situated, and a certified copy of that
- 16 bond shall be filed in the office of the county clerk in each
- of the other counties in the region.
- 18 (c) When a vacancy occurs in the office of regional
- 19 superintendent of schools of any educational service region
- 20 which is not located in a county which is a home rule unit,
- 21 such vacancy shall be filled within 60 days (i) by
- 22 appointment of the <u>county</u> chairman of the <u>same political</u>
- 23 party as the regional superintendent of schools the appointee
- 24 <u>succeeds was at the time the regional superintendent of</u>
- 25 <u>schools was last elected</u> county-board,-with-the-advice-and
- 26 consent-of-the-county-board, when such vacancy occurs in a
- 27 single county educational service region; or (ii) by
- 28 appointment of a committee composed of the county chairmen of
- 29 the <u>same political party as the regional superintendent of</u>
- 30 schools the appointee succeeds was at the time the regional
- 31 <u>superintendent of schools was last elected</u> county--boards of

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1 those counties comprising the affected educational service 2 region when such vacancy occurs in a multicounty educational service region, each committeeman to be entitled to one vote 3 4 for each vote that was received in the county represented by committee by the regional 5 committeeman on the 6 superintendent of schools whose office is vacant at the last 7 election at which a regional superintendent was elected to 8 such office, and the person receiving the highest number of 9 affirmative votes from the committeemen for such vacant office to be deemed the person appointed by such committee to 10 11 fill the vacancy. The appointee shall be a member of the same political party as the regional superintendent of schools the 12 13 appointee succeeds was at the time such regional superintendent of schools last was elected. 14 The appointee shall serve for the remainder of the term. However, if more 15 16 than 28 months remain in that term, the appointment shall be until the next general election, at which time the vacated 17 office shall be filled by election for the remainder of the 18 19 Nominations shall be made and any term. vacancy in nomination shall be filled as follows: 20

- (1) If the vacancy in office occurs before the first date provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, nominations for the election for filling the vacancy shall be made pursuant to Article 7 of the Election Code.
- (2) If the vacancy in office occurs during the time provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, the time for filing nomination papers for the primary shall not be

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more than 91 days nor less than 85 days prior to the date of the primary.

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(3) If the vacancy in office occurs after the last day provided in Section 7-12 of the Election Code for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, a vacancy in nomination shall be deemed to have occurred and the county central committee of established political party (if the vacancy occurs in a single county educational service region) or t.he multi-county educational service region committee of each established political party (if the vacancy occurs in a multi-county educational service region) shall nominate, by resolution, a candidate to fill the vacancy in nomination for election to the office at the general election. In the nomination proceedings to fill the vacancy in nomination, each member of the county central committee or the multi-county educational service region committee, whichever applies, shall have the voting strength as set forth in Section 7-8 or 7-8.02 of the Election Code, respectively. The name of the candidate so nominated shall not appear on the ballot at the general primary election. The vacancy in nomination shall be filled prior to the date of certification of candidates for the general election.

(4) The resolution to fill the vacancy shall be duly acknowledged before an officer qualified to take acknowledgments of deeds and shall include, upon its face, the following information: (A) the name of the original nominee and the office vacated; (B) the date on which the vacancy occurred; and (C) the name and address of the nominee selected to fill the vacancy and the date of selection. The resolution to fill the vacancy shall be

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accompanied by a statement of candidacy, as prescribed in Section 7-10 of the Election Code, completed by the selected nominee, a certificate from the State Board of Education, as prescribed in Section 3-1 of this Code, and a receipt indicating that the nominee has filed a statement of economic interests as required by the

7 Illinois Governmental Ethics Act.

governed by the general election law.

8 The provisions of Sections 10-8 through 10-10.1 of the 9 Election Code relating to objections to nomination papers, 10 hearings on objections, and judicial review shall also apply 11 to and govern objections to nomination papers and resolutions 12 for filling vacancies in nomination filed pursuant to this 13 Section. Unless otherwise specified in this Section, the 14 nomination and election provided for in this Section is

Except as otherwise provided by applicable county ordinance or by law, if a vacancy occurs in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of less than 2,000,000 inhabitants, that vacancy shall be filled by the county board of such home rule county.

Until July 1, 2003 or until the regional superintendent of schools elected in 2002 takes office, whichever occurs first, if a vacancy exists in the office of regional superintendent of schools of an educational service region that is located in a county that is a home rule unit and that has a population of 2,000,000 or more inhabitants, then that vacancy shall be filled by the first assistant superintendent/deputy superintendent until the end of the term to which the regional superintendent was elected.

Any person appointed to fill a vacancy in the office of regional superintendent of schools of any educational service region must possess the qualifications required to be elected

- 1 to the position of regional superintendent of schools, and
- 2 shall obtain a certificate of eligibility from the State
- 3 Superintendent of Education and file same with the county
- 4 clerk of the county in which the regional superintendent's
- 5 office is located.
- If the regional superintendent of schools is called into
- 7 the active military service of the United States, his office
- 8 shall not be deemed to be vacant, but a temporary appointment
- 9 shall be made as in the case of a vacancy. The appointee
- 10 shall perform all the duties of the regional superintendent
- of schools during the time the regional superintendent of
- 12 schools is in the active military service of the United
- 13 States, and shall be paid the same compensation apportioned
- 14 as to the time of service, and such appointment and all
- 15 authority thereunder shall cease upon the discharge of the
- 16 regional superintendent of schools from such active military
- 17 service. The appointee shall give the same bond as is
- 18 required of a regularly elected regional superintendent of
- 19 schools.
- 20 (Source: P.A. 92-277, eff. 8-7-01; 92-869, eff. 1-3-03.)
- 21 Section 99. Effective date. This Act takes effect upon
- 22 becoming law.