



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3302

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-6	from Ch. 46, par. 10-6
105 ILCS 5/9-10	from Ch. 122, par. 9-10
105 ILCS 5/10-10	from Ch. 122, par. 10-10

Amends the Election Code and School Code. Authorizes nominations of candidates for schools district offices to be filed with the county clerk or county board of election commissioners of the county (instead of the election authority) in which the principal office of the school district is located. Makes changes concerning what the county clerk or county board of election commissioners may receive and file. Provides that if a board of education vacancy occurs within 90 days before the first date for filing petitions for the next regularly scheduled consolidated election (rather than with less than 868 days remaining in the term or less than 88 days before the next regularly scheduled election), then the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be held. Requires the regional superintendent of schools to fill the vacancy within 60 (rather than 45) days if the remaining members have failed to fill the vacancy. Effective immediately.

LRB099 06942 SXM 27024 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section
5 10-6 as follows:

6 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

7 Sec. 10-6. Time and manner of filing. Certificates of
8 nomination and nomination papers for the nomination of
9 candidates for offices to be filled by electors of the entire
10 State, or any district not entirely within a county, or for
11 congressional, state legislative or judicial offices, shall be
12 presented to the principal office of the State Board of
13 Elections not more than 141 nor less than 134 days previous to
14 the day of election for which the candidates are nominated. The
15 State Board of Elections shall endorse the certificates of
16 nomination or nomination papers, as the case may be, and the
17 date and hour of presentment to it. Except as otherwise
18 provided in this section, all other certificates for the
19 nomination of candidates shall be filed with the county clerk
20 of the respective counties not more than 141 but at least 134
21 days previous to the day of such election. Certificates of
22 nomination and nomination papers for the nomination of
23 candidates for school district offices to be filled at

1 consolidated elections shall be filed with the county clerk or
2 county board of election commissioners of the county election
3 authority in which the principal office of the school district
4 is located not more than 113 nor less than 106 days before the
5 consolidated election. Certificates of nomination and
6 nomination papers for the nomination of candidates for the
7 other offices of political subdivisions to be filled at regular
8 elections other than the general election shall be filed with
9 the local election official of such subdivision:

10 (1) (Blank);

11 (2) not more than 113 nor less than 106 days prior to
12 the consolidated election; or

13 (3) not more than 113 nor less than 106 days prior to
14 the general primary in the case of municipal offices to be
15 filled at the general primary election; or

16 (4) not more than 99 nor less than 92 days before the
17 consolidated primary in the case of municipal offices to be
18 elected on a nonpartisan basis pursuant to law (including
19 without limitation, those municipal offices subject to
20 Articles 4 and 5 of the Municipal Code); or

21 (5) not more than 113 nor less than 106 days before the
22 municipal primary in even numbered years for such
23 nonpartisan municipal offices where annual elections are
24 provided; or

25 (6) in the case of petitions for the office of
26 multi-township assessor, such petitions shall be filed

1 with the election authority not more than 113 nor less than
2 106 days before the consolidated election.

3 However, where a political subdivision's boundaries are
4 co-extensive with or are entirely within the jurisdiction of a
5 municipal board of election commissioners, the certificates of
6 nomination and nomination papers for candidates for such
7 political subdivision offices shall be filed in the office of
8 such Board.

9 (Source: P.A. 98-691, eff. 7-1-14.)

10 Section 10. The School Code is amended by changing Sections
11 9-10 and 10-10 as follows:

12 (105 ILCS 5/9-10) (from Ch. 122, par. 9-10)

13 Sec. 9-10. Candidates for office - Nominating petitions.
14 Candidates for the office of school director shall be nominated
15 by petition signed by at least 25 voters or 5% of the voters,
16 whichever is less, residing within the district and filed with
17 the county clerk or the county board of election commissioners,
18 as the case may be, of the county in which the principal office
19 of the school district is located.

20 Nominations for members of boards of education, including
21 non-high school boards of education shall be made by a petition
22 signed by at least 50 voters or 10% of the voters, whichever is
23 less, residing within the district and shall be filed with the
24 county clerk or the county board of election commissioners, as

1 the case may be, of the county in which the principal office of
2 the school district is located. In addition to the requirements
3 of the general election law, the form of such petitions shall
4 be substantially as follows:

5 NOMINATING PETITIONS

6 (LEAVE OUT THE INAPPLICABLE PART.)

7 To the (County Clerk or County Board of Election
8 Commissioners) of County:

9 We the undersigned, being (.... or more) (or 10% or more)
10 (or 5% or more) of the voters residing within said district,
11 hereby petition that who resides at in the (city or
12 village) of in Township (or who resides outside any
13 city, village or incorporated town and in Township) in
14 said district shall be a candidate for the office of of
15 the board of education (or board of directors) (full term)
16 (vacancy) to be voted for at the election to be held on (insert
17 date).

18 Name: Address:

19 In the designation of the name of a candidate on a petition
20 for nomination, the candidate's given name or names, initial or
21 initials, a nickname by which the candidate is commonly known,
22 or a combination thereof may be used in addition to the
23 candidate's surname. If a candidate has changed his or her
24 name, whether by a statutory or common law procedure in
25 Illinois or any other jurisdiction, within 3 years before the

1 last day for filing the petition, then (i) the candidate's name
2 on the petition must be followed by "formerly known as (list
3 all prior names during the 3-year period) until name changed on
4 (list date of each such name change)" and (ii) the petition
5 must be accompanied by the candidate's affidavit stating the
6 candidate's previous names during the period specified in
7 clause (i) and the date or dates each of those names was
8 changed; failure to meet these requirements shall be grounds
9 for denying certification of the candidate's name for the
10 ballot, but these requirements do not apply to name changes
11 resulting from adoption to assume an adoptive parent's or
12 parents' surname, marriage to assume a spouse's surname, or
13 dissolution of marriage or declaration of invalidity of
14 marriage to assume a former surname. No other designation, such
15 as a political slogan, as defined by Section 7-17 of the
16 Election Code, title or degree, or nickname suggesting or
17 implying possession of a title, degree or professional status,
18 or similar information may be used in connection with the
19 candidate's surname.

20 Nomination papers filed under this Section are not valid
21 unless the candidate named therein files with the county clerk
22 or the county board of election commissioners, as the case may
23 be, of the county in which the principal office of the school
24 district is located a receipt from the county clerk showing
25 that the candidate has filed a statement of economic interests
26 as required by the Illinois Governmental Ethics Act. Such

1 receipt shall be so filed either previously during the calendar
2 year in which his nomination papers were filed or within the
3 period for the filing of nomination papers in accordance with
4 the general election law.

5 All petitions for the nomination of members of a board of
6 education shall be filed with the county clerk or the county
7 board of election commissioners, as the case may be, of the
8 county in which the principal office of the school district is
9 located within the time provided for by the general election
10 law. ~~The county clerk or the county board of election~~
11 ~~commissioners shall receive and file only those petitions which~~
12 ~~include a statement of candidacy, the required number of voter~~
13 ~~signatures, the notarized signature of the petition circulator~~
14 ~~and a receipt from the County Clerk showing that the candidate~~
15 ~~has filed a statement of economic interest on or before the~~
16 ~~last day to file as required by the Illinois Governmental~~
17 ~~Ethics Act.~~ The county clerk or the county board of election
18 commissioners may have petition forms available for issuance to
19 potential candidates, and may give notice of the petition
20 filing period by publication in a newspaper of general
21 circulation within the school district not less than 10 days
22 prior to the first day of filing. The county clerk or the
23 county board of election commissioners shall make
24 certification to the proper election authorities in accordance
25 with the general election law.

26 The county clerk or the county board of election

1 commissioners, as the case may be, of the county in which the
2 principal office of the school district is located shall notify
3 the candidates for whom a petition for nomination is filed or
4 the appropriate committee of the obligations under the Campaign
5 Financing Act as provided in the general election law. Such
6 notice shall be given on a form prescribed by the State Board
7 of Elections and in accordance with the requirements of the
8 general election law. The county clerk or county board of
9 election commissioners shall within 7 days of filing or on the
10 last day for filing, whichever is earlier, acknowledge to the
11 petitioner in writing the office's acceptance of the petition.

12 A candidate for membership on the board of education or for
13 office as a school director, who has petitioned for nomination
14 to fill a full term and to fill a vacant term to be voted upon
15 at the same election, must withdraw his or her petition for
16 nomination from either the full term or the vacant term by
17 written declaration.

18 In all newly organized districts the petition for the
19 nomination of candidates for members of the board of education
20 at the first election shall be addressed to and filed with the
21 regional superintendent of schools in the manner herein
22 specified for the petitions for members of a board of
23 education. For such election the regional superintendent shall
24 fulfill all duties otherwise assigned to the secretary of the
25 board of education.

26 (Source: P.A. 98-115, eff. 7-29-13.)

1 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

2 Sec. 10-10. Board of education; term; vacancy. All school
3 districts having a population of not fewer than 1,000 and not
4 more than 500,000 inhabitants, as ascertained by any special or
5 general census, and not governed by special Acts, shall be
6 governed by a board of education consisting of 7 members,
7 serving without compensation except as herein provided. Each
8 member shall be elected for a term of 4 years for the initial
9 members of the board of education of a combined school district
10 to which that subsection applies. If 5 members are elected in
11 1983 pursuant to the extension of terms provided by law for
12 transition to the consolidated election schedule under the
13 general election law, 2 of those members shall be elected to
14 serve terms of 2 years and 3 shall be elected to serve terms of
15 4 years; their successors shall serve for a 4 year term. When
16 the voters of a district have voted to elect members of the
17 board of education for 6 year terms, as provided in Section
18 9-5, the terms of office of members of the board of education
19 of that district expire when their successors assume office but
20 not later than 7 days after such election. If at the regular
21 school election held in the first odd-numbered year after the
22 determination to elect members for 6 year terms 2 members are
23 elected, they shall serve for a 6 year term; and of the members
24 elected at the next regular school election 3 shall serve for a
25 term of 6 years and 2 shall serve a term of 2 years. Thereafter

1 members elected in such districts shall be elected to a 6 year
2 term. If at the regular school election held in the first
3 odd-numbered year after the determination to elect members for
4 6 year terms 3 members are elected, they shall serve for a 6
5 year term; and of the members elected at the next regular
6 school election 2 shall serve for a term of 2 years and 2 shall
7 serve for a term of 6 years. Thereafter members elected in such
8 districts shall be elected to a 6 year term. If at the regular
9 school election held in the first odd-numbered year after the
10 determination to elect members for 6 year terms 4 members are
11 elected, 3 shall serve for a term of 6 years and one shall
12 serve for a term of 2 years; and of the members elected at the
13 next regular school election 2 shall serve for terms of 6 years
14 and 2 shall serve for terms of 2 years. Thereafter members
15 elected in such districts shall be elected to a 6 year term. If
16 at the regular school election held in the first odd-numbered
17 year after the determination to elect members for a 6 year term
18 5 members are elected, 3 shall serve for a term of 6 years and 2
19 shall serve for a term of 2 years; and of the members elected
20 at the next regular school election 2 shall serve for terms of
21 6 years and 2 shall serve for terms of 2 years. Thereafter
22 members elected in such districts shall be elected to a 6 year
23 term. An election for board members shall not be held in school
24 districts which by consolidation, annexation or otherwise
25 shall cease to exist as a school district within 6 months after
26 the election date, and the term of all board members which

1 would otherwise terminate shall be continued until such
2 district shall cease to exist. Each member, on the date of his
3 or her election, shall be a citizen of the United States of the
4 age of 18 years or over, shall be a resident of the State and
5 the territory of the district for at least one year immediately
6 preceding his or her election, shall be a registered voter as
7 provided in the general election law, shall not be a school
8 trustee, must not have been removed from a school board
9 pursuant to Section 2-3.25f-5 of this Code (unless subsequently
10 appointed as a member of an Independent Authority or if it has
11 been 10 years since the abolition of the Independent Authority
12 in the district), and shall not be a child sex offender as
13 defined in Section 11-9.3 of the Criminal Code of 2012. When
14 the board of education is the successor of the school
15 directors, all rights of property, and all rights regarding
16 causes of action existing or vested in such directors, shall
17 vest in it as fully as they were vested in the school
18 directors. Terms of members are subject to Section 2A-54 of the
19 Election Code.

20 Nomination papers filed under this Section are not valid
21 unless the candidate named therein files with the county clerk
22 or the county board of election commissioners, as the case may
23 be, of the county in which the principal office of the school
24 district is located a receipt from the county clerk showing
25 that the candidate has filed a statement of economic interests
26 as required by the Illinois Governmental Ethics Act. Such

1 receipt shall be so filed either previously during the calendar
2 year in which his nomination papers were filed or within the
3 period for the filing of nomination papers in accordance with
4 the general election law.

5 Whenever a vacancy occurs, the remaining members shall
6 notify the regional superintendent of that vacancy within 5
7 days after its occurrence and shall proceed to fill the vacancy
8 until the next regular school election, at which election a
9 successor shall be elected to serve the remainder of the
10 unexpired term. However, if, after the effective date of this
11 amendatory Act of the 99th General Assembly, if the vacancy
12 occurs within 90 days before the first date for filing
13 petitions for the next regularly scheduled consolidated
14 election, with less than 868 days remaining in the term, or if
15 the vacancy occurs less than 88 days before the next regularly
16 scheduled election for this office then the person so appointed
17 shall serve the remainder of the unexpired term, and no
18 election to fill the vacancy shall be held. Should they fail so
19 to act, within 60 ~~45~~ days after the vacancy occurs, the
20 regional superintendent of schools under whose supervision and
21 control the district is operating, as defined in Section 3-14.2
22 of this Act, shall within 30 days after the remaining members
23 have failed to fill the vacancy, fill the vacancy as provided
24 for herein. Upon the regional superintendent's failure to fill
25 the vacancy, the vacancy shall be filled at the next regularly
26 scheduled election. Whether elected or appointed by the

1 remaining members or regional superintendent, the successor
2 shall be an inhabitant of the particular area from which his or
3 her predecessor was elected if the residential requirements
4 contained in Section 10-10.5 or 12-2 of this Code apply.

5 A board of education may appoint a student to the board to
6 serve in an advisory capacity. The student member shall serve
7 for a term as determined by the board. The board may not grant
8 the student member any voting privileges, but shall consider
9 the student member as an advisor. The student member may not
10 participate in or attend any executive session of the board.

11 (Source: P.A. 97-1150, eff. 1-25-13; 98-115, eff. 7-29-13;
12 98-1155, eff. 1-9-15.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.