

1 AN ACT in relation to 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
12 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
17 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 chairman of the county board, with the
23 advice and consent of the county board, when such vacancy
24 occurs in a single county educational service region; or (ii)
25 by appointment of a committee composed of the chairmen of the
26 county boards of those counties comprising the affected
27 educational service region when such vacancy occurs in a
28 multicounty educational service region, each committeeman to
29 be entitled to one vote for each vote that was received in
30 the county represented by such committeeman on the committee
31 by the regional superintendent of schools whose office is

1 vacant at the last election at which a regional
 2 superintendent was elected to such office, and the person
 3 receiving the highest number of affirmative votes from the
 4 committeemen for such vacant office to be deemed the person
 5 appointed by such committee to fill the vacancy. The
 6 appointee shall be a member of the same political party as
 7 the regional superintendent of schools the appointee succeeds
 8 was at the time such regional superintendent of schools last
 9 was elected. The appointee shall serve for the remainder of
 10 the term. However, if more than 28 months remain in that
 11 term, the appointment shall be until the next general
 12 election, at which time the vacated office shall be filled by
 13 election for the remainder of the term. Nominations shall be
 14 made and any vacancy in nomination shall be filled as
 15 follows:

16 (1) If the vacancy in office occurs before the
 17 first date provided in Section 7-12 of the Election Code
 18 for filing nomination papers for county offices for the
 19 primary in the next even-numbered year following
 20 commencement of the term of office in which the vacancy
 21 occurs, nominations for the election for filling the
 22 vacancy shall be made pursuant to Article 7 of the
 23 Election Code.

24 (2) If the vacancy in office occurs during the time
 25 provided in Section 7-12 of the Election Code for filing
 26 nomination papers for county offices for the primary in
 27 the next even-numbered year following commencement of the
 28 term of office in which the vacancy occurs, the time for
 29 filing nomination papers for the primary shall not be
 30 more than 91 days nor less than 85 days prior to the date
 31 of the primary.

32 (3) If the vacancy in office occurs after the last
 33 day provided in Section 7-12 of the Election Code for
 34 filing nomination papers for county offices for the

1 primary in the next even-numbered year following
2 commencement of the term of office in which the vacancy
3 occurs, a vacancy in nomination shall be deemed to have
4 occurred and the county central committee of each
5 established political party (if the vacancy occurs in a
6 single county educational service region) or the
7 multi-county educational service region committee of each
8 established political party (if the vacancy occurs in a
9 multi-county educational service region) shall nominate,
10 by resolution, a candidate to fill the vacancy in
11 nomination for election to the office at the general
12 election. In the nomination proceedings to fill the
13 vacancy in nomination, each member of the county central
14 committee or the multi-county educational service region
15 committee, whichever applies, shall have the voting
16 strength as set forth in Section 7-8 or 7-8.02 of the
17 Election Code, respectively. The name of the candidate
18 so nominated shall not appear on the ballot at the
19 general primary election. The vacancy in nomination
20 shall be filled prior to the date of certification of
21 candidates for the general election.

22 (4) The resolution to fill the vacancy shall be
23 duly acknowledged before an officer qualified to take
24 acknowledgments of deeds and shall include, upon its
25 face, the following information: (A) the name of the
26 original nominee and the office vacated; (B) the date on
27 which the vacancy occurred; and (C) the name and address
28 of the nominee selected to fill the vacancy and the date
29 of selection. The resolution to fill the vacancy shall be
30 accompanied by a statement of candidacy, as prescribed in
31 Section 7-10 of the Election Code, completed by the
32 selected nominee, a certificate from the State Board of
33 Education, as prescribed in Section 3-1 of this Code, and
34 a receipt indicating that the nominee has filed a

1 statement of economic interests as required by the
2 Illinois Governmental Ethics Act.

3 The provisions of Sections 10-8 through 10-10.1 of the
4 Election Code relating to objections to nomination papers,
5 hearings on objections, and judicial review shall also apply
6 to and govern objections to nomination papers and resolutions
7 for filling vacancies in nomination filed pursuant to this
8 Section. Unless otherwise specified in this Section, the
9 nomination and election provided for in this Section is
10 governed by the general election law. ~~until-the-next-general~~
11 ~~election-when-a-successor-shall-be-elected-in-accordance-with~~
12 ~~the-general-election-law-for-the-unexpired-term-or-for-a-full~~
13 ~~term, as the case may require.~~

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

21 Until July 1, 1994, if a vacancy occurs in the office of
22 regional superintendent of schools of an educational service
23 region that is located in a county that is a home rule unit
24 and that has a population of 2,000,000 or more inhabitants,
25 that vacancy shall be filled by the county board of that home
26 rule county unless otherwise provided by applicable county
27 ordinance or by law. On and after July 1, 1994, the
28 provisions of this Section shall have no application in any
29 educational service region that is located in any county,
30 including a county that is a home rule unit, if that
31 educational service region has a population of 2,000,000 or
32 more inhabitants.

33 Any person appointed to fill a vacancy in the office of
34 regional superintendent of schools of any educational service

1 region must possess the qualifications required to be elected
2 to the position of regional superintendent of schools, and
3 shall obtain a certificate of eligibility from the State
4 Superintendent of Education and file same with the county
5 clerk of the county in which the regional superintendent's
6 office is located.

7 If the regional superintendent of schools is called into
8 the active military service of the United States, his office
9 shall not be deemed to be vacant, but a temporary appointment
10 shall be made as in the case of a vacancy. The appointee
11 shall perform all the duties of the regional superintendent
12 of schools during the time the regional superintendent of
13 schools is in the active military service of the United
14 States, and shall be paid the same compensation apportioned
15 as to the time of service, and such appointment and all
16 authority thereunder shall cease upon the discharge of the
17 regional superintendent of schools from such active military
18 service. The appointee shall give the same bond as is
19 required of a regularly elected regional superintendent of
20 schools.

21 (Source: P.A. 87-654; 87-1251.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.