

1 AN ACT concerning elections.

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  
5 Sections 2A-1.1, 7-8, and 8-4 as follows:

6 (10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

7 Sec. 2A-1.1. All Elections - Consolidated Schedule. (a)  
8 In even-numbered years, the general election shall be held on  
9 the first Tuesday after the first Monday of November; and an  
10 election to be known as the general primary election shall be  
11 held on the third Tuesday in March in years in which a  
12 President is elected and on June 2 in years in which a  
13 President is not elected;

14 (b) In odd-numbered years, an election to be known as  
15 the consolidated election shall be held on the first Tuesday  
16 in April except as provided in Section 2A-1.1a of this Act;  
17 and an election to be known as the consolidated primary  
18 election shall be held on the last Tuesday in February.

19 (Source: P.A. 90-358, eff. 1-1-98.)

20 (10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

21 Sec. 7-8. The State central committee shall be composed  
22 of one or two members from each congressional district in the  
23 State and shall be elected as follows:

24 State Central Committee

25 (a) Within 30 days after the effective date of this  
26 amendatory Act of 1983 the State central committee of each  
27 political party shall certify to the State Board of Elections  
28 which of the following alternatives it wishes to apply to the  
29 State central committee of that party.

30 Alternative A. At the general primary election held-on

1 the-third-Tuesday in March 1970, and at--the--primary--held  
2 every 4 years thereafter, each primary elector may vote for  
3 one candidate of his party for member of the State central  
4 committee for the congressional district in which he resides.  
5 The candidate receiving the highest number of votes shall be  
6 declared elected State central committeeman from the  
7 district. A political party may, in lieu of the foregoing, by  
8 a majority vote of delegates at any State convention of such  
9 party, determine to thereafter elect the State central  
10 committeemen in the manner following:

11 At the county convention held by such political party  
12 State central committeemen shall be elected in the same  
13 manner as provided in this Article for the election of  
14 officers of the county central committee, and such election  
15 shall follow the election of officers of the county central  
16 committee. Each elected ward, township or precinct  
17 committeeman shall cast as his vote one vote for each ballot  
18 voted in his ward, township, part of a township or precinct  
19 in the last preceding primary election of his political  
20 party. In the case of a county lying partially within one  
21 congressional district and partially within another  
22 congressional district, each ward, township or precinct  
23 committeeman shall vote only with respect to the  
24 congressional district in which his ward, township, part of a  
25 township or precinct is located. In the case of a  
26 congressional district which encompasses more than one  
27 county, each ward, township or precinct committeeman residing  
28 within the congressional district shall cast as his vote one  
29 vote for each ballot voted in his ward, township, part of a  
30 township or precinct in the last preceding primary election  
31 of his political party for one candidate of his party for  
32 member of the State central committee for the congressional  
33 district in which he resides and the Chairman of the county  
34 central committee shall report the results of the election to

1 the State Board of Elections. The State Board of Elections  
2 shall certify the candidate receiving the highest number of  
3 votes elected State central committeeman for that  
4 congressional district.

5 The State central committee shall adopt rules to provide  
6 for and govern the procedures to be followed in the election  
7 of members of the State central committee.

8 After the effective date of this amendatory Act of the  
9 91st General Assembly, whenever a vacancy occurs in the  
10 office of Chairman of a State central committee, or at the  
11 end of the term of office of Chairman, the State central  
12 committee of each political party that has selected  
13 Alternative A shall elect a Chairman who shall not be  
14 required to be a member of the State Central Committee. The  
15 Chairman shall be a registered voter in this State and of the  
16 same political party as the State central committee.

17 Alternative B. Each congressional committee shall,  
18 within 30 days after the adoption of this alternative,  
19 appoint a person of the sex opposite that of the incumbent  
20 member for that congressional district to serve as an  
21 additional member of the State central committee until his or  
22 her successor is elected at the general primary election in  
23 1986. Each congressional committee shall make this  
24 appointment by voting on the basis set forth in paragraph (e)  
25 of this Section. In each congressional district at the  
26 general primary election held in 1986 and every 4 years  
27 thereafter, the male candidate receiving the highest number  
28 of votes of the party's male candidates for State central  
29 committeeman, and the female candidate receiving the highest  
30 number of votes of the party's female candidates for State  
31 central committeewoman, shall be declared elected State  
32 central committeeman and State central committeewoman from  
33 the district. At the general primary election held in 1986  
34 and every 4 years thereafter, if all a party's candidates for

1 State central committeemen or State central committeewomen  
2 from a congressional district are of the same sex, the  
3 candidate receiving the highest number of votes shall be  
4 declared elected a State central committeeman or State  
5 central committeewoman from the district, and, because of a  
6 failure to elect one male and one female to the committee, a  
7 vacancy shall be declared to exist in the office of the  
8 second member of the State central committee from the  
9 district. This vacancy shall be filled by appointment by the  
10 congressional committee of the political party, and the  
11 person appointed to fill the vacancy shall be a resident of  
12 the congressional district and of the sex opposite that of  
13 the committeeman or committeewoman elected at the general  
14 primary election. Each congressional committee shall make  
15 this appointment by voting on the basis set forth in  
16 paragraph (e) of this Section.

17 The Chairman of a State central committee composed as  
18 provided in this Alternative B must be selected from the  
19 committee's members.

20 Except as provided for in Alternative A with respect to  
21 the selection of the Chairman of the State central committee,  
22 under both of the foregoing alternatives, the State central  
23 committee of each political party shall be composed of  
24 members elected or appointed from the several congressional  
25 districts of the State, and of no other person or persons  
26 whomsoever. The members of the State central committee  
27 shall, within 30 days after each quadrennial election of the  
28 full committee, meet in the city of Springfield and organize  
29 by electing a chairman, and may at such time elect such  
30 officers from among their own number (or otherwise), as they  
31 may deem necessary or expedient. The outgoing chairman of the  
32 State central committee of the party shall, 10 days before  
33 the meeting, notify each member of the State central  
34 committee elected at the primary of the time and place of

1 such meeting. In the organization and proceedings of the  
2 State central committee, each State central committeeman and  
3 State central committeewoman shall have one vote for each  
4 ballot voted in his or her congressional district by the  
5 primary electors of his or her party at the primary election  
6 immediately preceding the meeting of the State central  
7 committee. Whenever a vacancy occurs in the State central  
8 committee of any political party, the vacancy shall be filled  
9 by appointment of the chairmen of the county central  
10 committees of the political party of the counties located  
11 within the congressional district in which the vacancy occurs  
12 and, if applicable, the ward and township committeemen of the  
13 political party in counties of 2,000,000 or more inhabitants  
14 located within the congressional district. If the  
15 congressional district in which the vacancy occurs lies  
16 wholly within a county of 2,000,000 or more inhabitants, the  
17 ward and township committeemen of the political party in that  
18 congressional district shall vote to fill the vacancy. In  
19 voting to fill the vacancy, each chairman of a county central  
20 committee and each ward and township committeeman in counties  
21 of 2,000,000 or more inhabitants shall have one vote for each  
22 ballot voted in each precinct of the congressional district  
23 in which the vacancy exists of his or her county, township,  
24 or ward cast by the primary electors of his or her party at  
25 the primary election immediately preceding the meeting to  
26 fill the vacancy in the State central committee. The person  
27 appointed to fill the vacancy shall be a resident of the  
28 congressional district in which the vacancy occurs, shall be  
29 a qualified voter, and, in a committee composed as provided  
30 in Alternative B, shall be of the same sex as his or her  
31 predecessor. A political party may, by a majority vote of the  
32 delegates of any State convention of such party, determine to  
33 return to the election of State central committeeman and  
34 State central committeewoman by the vote of primary electors.

1 Any action taken by a political party at a State convention  
2 in accordance with this Section shall be reported to the  
3 State Board of Elections by the chairman and secretary of  
4 such convention within 10 days after such action.

5 Ward, Township and Precinct Committeemen

6 (b) At the general primary election held-on-the-third  
7 Tuesday in March, 1972, and every 4 years thereafter, each  
8 primary elector in cities having a population of 200,000 or  
9 over may vote for one candidate of his party in his ward for  
10 ward committeeman. Each candidate for ward committeeman must  
11 be a resident of and in the ward where he seeks to be elected  
12 ward committeeman. The one having the highest number of votes  
13 shall be such ward committeeman of such party for such ward.  
14 At the primary election held on the third Tuesday in March,  
15 1970, and every 4 years thereafter, each primary elector in  
16 counties containing a population of 2,000,000 or more,  
17 outside of cities containing a population of 200,000 or more,  
18 may vote for one candidate of his party for township  
19 committeeman. Each candidate for township committeeman must  
20 be a resident of and in the township or part of a township  
21 (which lies outside of a city having a population of 200,000  
22 or more, in counties containing a population of 2,000,000 or  
23 more), and in which township or part of a township he seeks  
24 to be elected township committeeman. The one having the  
25 highest number of votes shall be such township committeeman  
26 of such party for such township or part of a township. At  
27 each general the primary election held-on-the-third-Tuesday  
28 in-March, 1970-and-every-2--years--thereafter, each primary  
29 elector, except in counties having a population of 2,000,000  
30 or over, may vote for one candidate of his party in his  
31 precinct for precinct committeeman. Each candidate for  
32 precinct committeeman must be a bona fide resident of the  
33 precinct where he seeks to be elected precinct committeeman.  
34 The one having the highest number of votes shall be such

1 precinct committeeman of such party for such precinct. The  
2 official returns of the primary shall show the name of the  
3 committeeman of each political party.

4 Terms of Committeemen. All precinct committeemen elected  
5 under the provisions of this Article shall continue as such  
6 committeemen until the date of the primary to be held in the  
7 second year after their election. Except as otherwise  
8 provided in this Section for certain State central  
9 committeemen who have 2 year terms, all State central  
10 committeemen, township committeemen and ward committeemen  
11 shall continue as such committeemen until the date of primary  
12 to be held in the fourth year after their election. However,  
13 a vacancy exists in the office of precinct committeeman when  
14 a precinct committeeman ceases to reside in the precinct in  
15 which he was elected and such precinct committeeman shall  
16 thereafter neither have nor exercise any rights, powers or  
17 duties as committeeman in that precinct, even if a successor  
18 has not been elected or appointed.

19 (c) The Multi-Township Central Committee shall consist  
20 of the precinct committeemen of such party, in the  
21 multi-township assessing district formed pursuant to Section  
22 2-10 of the Property Tax Code and shall be organized for the  
23 purposes set forth in Section 45-25 of the Township Code. In  
24 the organization and proceedings of the Multi-Township  
25 Central Committee each precinct committeeman shall have one  
26 vote for each ballot voted in his precinct by the primary  
27 electors of his party at the primary at which he was elected.

28 County Central Committee

29 (d) The county central committee of each political party  
30 in each county shall consist of the various township  
31 committeemen, precinct committeemen and ward committeemen, if  
32 any, of such party in the county. In the organization and  
33 proceedings of the county central committee, each precinct  
34 committeeman shall have one vote for each ballot voted in his

1 precinct by the primary electors of his party at the primary  
2 at which he was elected; each township committeeman shall  
3 have one vote for each ballot voted in his township or part  
4 of a township as the case may be by the primary electors of  
5 his party at the primary election for the nomination of  
6 candidates for election to the General Assembly immediately  
7 preceding the meeting of the county central committee; and in  
8 the organization and proceedings of the county central  
9 committee, each ward committeeman shall have one vote for  
10 each ballot voted in his ward by the primary electors of his  
11 party at the primary election for the nomination of  
12 candidates for election to the General Assembly immediately  
13 preceding the meeting of the county central committee.

14 Congressional Committee

15 (e) The congressional committee of each party in each  
16 congressional district shall be composed of the chairmen of  
17 the county central committees of the counties composing the  
18 congressional district, except that in congressional  
19 districts wholly within the territorial limits of one county,  
20 or partly within 2 or more counties, but not coterminous with  
21 the county lines of all of such counties, the precinct  
22 committeemen, township committeemen and ward committeemen, if  
23 any, of the party representing the precincts within the  
24 limits of the congressional district, shall compose the  
25 congressional committee. A State central committeeman in each  
26 district shall be a member and the chairman or, when a  
27 district has 2 State central committeemen, a co-chairman of  
28 the congressional committee, but shall not have the right to  
29 vote except in case of a tie.

30 In the organization and proceedings of congressional  
31 committees composed of precinct committeemen or township  
32 committeemen or ward committeemen, or any combination  
33 thereof, each precinct committeeman shall have one vote for  
34 each ballot voted in his precinct by the primary electors of

1 his party at the primary at which he was elected, each  
2 township committeeman shall have one vote for each ballot  
3 voted in his township or part of a township as the case may  
4 be by the primary electors of his party at the primary  
5 election immediately preceding the meeting of the  
6 congressional committee, and each ward committeeman shall  
7 have one vote for each ballot voted in each precinct of his  
8 ward located in such congressional district by the primary  
9 electors of his party at the primary election immediately  
10 preceding the meeting of the congressional committee; and in  
11 the organization and proceedings of congressional committees  
12 composed of the chairmen of the county central committees of  
13 the counties within such district, each chairman of such  
14 county central committee shall have one vote for each ballot  
15 voted in his county by the primary electors of his party at  
16 the primary election immediately preceding the meeting of the  
17 congressional committee.

18 Judicial District Committee

19 (f) The judicial district committee of each political  
20 party in each judicial district shall be composed of the  
21 chairman of the county central committees of the counties  
22 composing the judicial district.

23 In the organization and proceedings of judicial district  
24 committees composed of the chairmen of the county central  
25 committees of the counties within such district, each  
26 chairman of such county central committee shall have one vote  
27 for each ballot voted in his county by the primary electors  
28 of his party at the primary election immediately preceding  
29 the meeting of the judicial district committee.

30 Circuit Court Committee

31 (g) The circuit court committee of each political party  
32 in each judicial circuit outside Cook County shall be  
33 composed of the chairmen of the county central committees of  
34 the counties composing the judicial circuit.

1           In the organization and proceedings of circuit court  
2 committees, each chairman of a county central committee shall  
3 have one vote for each ballot voted in his county by the  
4 primary electors of his party at the primary election  
5 immediately preceding the meeting of the circuit court  
6 committee.

7                           Judicial Subcircuit Committee

8           (g-1) The judicial subcircuit committee of each  
9 political party in each judicial subcircuit in Cook County  
10 shall be composed of the ward and township committeemen of  
11 the townships and wards composing the judicial subcircuit.

12           In the organization and proceedings of each judicial  
13 subcircuit committee, each township committeeman shall have  
14 one vote for each ballot voted in his township or part of a  
15 township, as the case may be, in the judicial subcircuit by  
16 the primary electors of his party at the primary election  
17 immediately preceding the meeting of the judicial subcircuit  
18 committee; and each ward committeeman shall have one vote for  
19 each ballot voted in his ward or part of a ward, as the case  
20 may be, in the judicial subcircuit by the primary electors of  
21 his party at the primary election immediately preceding the  
22 meeting of the judicial subcircuit committee.

23                           Municipal Central Committee

24           (h) The municipal central committee of each political  
25 party shall be composed of the precinct, township or ward  
26 committeemen, as the case may be, of such party representing  
27 the precincts or wards, embraced in such city, incorporated  
28 town or village. The voting strength of each precinct,  
29 township or ward committeeman on the municipal central  
30 committee shall be the same as his voting strength on the  
31 county central committee.

32           For political parties, other than a statewide political  
33 party, established only within a municipality or township,  
34 the municipal or township managing committee shall be

1 composed of the party officers of the local established  
2 party. The party officers of a local established party shall  
3 be as follows: the chairman and secretary of the caucus for  
4 those municipalities and townships authorized by statute to  
5 nominate candidates by caucus shall serve as party officers  
6 for the purpose of filling vacancies in nomination under  
7 Section 7-61; for municipalities and townships authorized by  
8 statute or ordinance to nominate candidates by petition and  
9 primary election, the party officers shall be the party's  
10 candidates who are nominated at the primary. If no party  
11 primary was held because of the provisions of Section 7-5,  
12 vacancies in nomination shall be filled by the party's  
13 remaining candidates who shall serve as the party's officers.

14 Powers

15 (i) Each committee and its officers shall have the  
16 powers usually exercised by such committees and by the  
17 officers thereof, not inconsistent with the provisions of  
18 this Article. The several committees herein provided for  
19 shall not have power to delegate any of their powers, or  
20 functions to any other person, officer or committee, but this  
21 shall not be construed to prevent a committee from appointing  
22 from its own membership proper and necessary subcommittees.

23 (j) The State central committee of a political party  
24 which elects its members by Alternative B under paragraph (a)  
25 of this Section shall adopt a plan to give effect to the  
26 delegate selection rules of the national political party and  
27 file a copy of such plan with the State Board of Elections  
28 when approved by a national political party.

29 (k) For the purpose of the designation of a proxy by a  
30 Congressional Committee to vote in place of an absent State  
31 central committeeman or committeewoman at meetings of the  
32 State central committee of a political party which elects its  
33 members by Alternative B under paragraph (a) of this Section,  
34 the proxy shall be appointed by the vote of the ward and

1 township committeemen, if any, of the wards and townships  
 2 which lie entirely or partially within the Congressional  
 3 District from which the absent State central committeeman or  
 4 committeewoman was elected and the vote of the chairmen of  
 5 the county central committees of those counties which lie  
 6 entirely or partially within that Congressional District and  
 7 in which there are no ward or township committeemen. When  
 8 voting for such proxy the county chairman, ward committeeman  
 9 or township committeeman, as the case may be shall have one  
 10 vote for each ballot voted in his county, ward or township,  
 11 or portion thereof within the Congressional District, by the  
 12 primary electors of his party at the primary at which he was  
 13 elected. However, the absent State central committeeman or  
 14 committeewoman may designate a proxy when permitted by the  
 15 rules of a political party which elects its members by  
 16 Alternative B under paragraph (a) of this Section.

17 (Source: P.A. 90-627, eff. 7-10-98; 91-426, eff. 8-6-99.)

18 (10 ILCS 5/8-4) (from Ch. 46, par. 8-4)

19 ~~Sec. 8-4. A primary shall be held on the third Tuesday in~~  
 20 ~~March of each even-numbered year for~~ The nomination of  
 21 candidates for legislative offices shall be made at the  
 22 general primary election.

23 (Source: P.A. 82-750.)

24 Section 10. The School Code is amended by changing  
 25 Sections 7A-2, 11A-3, 11B-3 and 33-1 as follows:

26 (105 ILCS 5/7A-2) (from Ch. 122, par. 7A-2)

27 Sec. 7A-2. Petition filing; notice; hearing; decision.  
 28 Any petition to dissolve a unit school district, create an  
 29 elementary school district therefrom and annex the same  
 30 territory to a contiguous high school district as provided in  
 31 Section 7A-1 shall be filed with the regional superintendent

1 of schools of the educational service region in which the  
2 territory described in the petition or the greater portion of  
3 the equalized assessed valuation of such territory is  
4 situated, signed by at least 10% of the voters residing  
5 within each district affected or by the boards of each  
6 district affected. The petition shall: (i) request the  
7 submission of the proposition at a regular scheduled election  
8 for the purpose of voting for or against the dissolution of  
9 such unit school district, creation of an elementary school  
10 district therefrom and annexation of the same territory to an  
11 existing contiguous high school district as provided in  
12 Section 7A-1; (ii) describe the territory of the unit school  
13 district proposed to be dissolved which shall be stated in  
14 the petition to be the same as the territory comprising the  
15 proposed elementary school district and the same as the  
16 territory proposed to be annexed to the existing contiguous  
17 high school district; (iii) describe the territory of the  
18 existing high school district to which the territory proposed  
19 to be annexed is contiguous; and (iv) set forth the maximum  
20 tax rates for educational and operations, building and  
21 maintenance purposes and the purchase of school grounds,  
22 pupil transportation, and fire prevention and safety purposes  
23 which the annexing high school district and the elementary  
24 school district proposed to be created each shall be  
25 authorized to levy.

26 The petition may request that if the proposition to  
27 dissolve a unit school district, create an elementary school  
28 district therefrom, and annex the same territory to a  
29 contiguous high school district is submitted to the voters at  
30 the consolidated election which ~~occurs in April of~~  
31 ~~odd-numbered years~~, at the general primary election which  
32 ~~occurs in March of even-numbered years, at the nonpartisan~~  
33 ~~election which occurs in November of odd-numbered years~~, or  
34 at the general election which ~~occurs in November of~~

1 even-numbered--years, that at that same election a board of  
2 education be elected on a separate ballot to serve as the  
3 board of education of the proposed new elementary school  
4 district. Any election of board members at the same election  
5 at which the proposition to create the elementary school  
6 district to be served by that board is submitted to the  
7 voters shall proceed under the supervision of the Regional  
8 Superintendent as provided in Section 7A-6.

9 When the petition contains more than 10 signatures, the  
10 petition shall designate a committee of 10 of the petitioners  
11 as attorney in fact for all petitioners, any 7 of whom may  
12 make binding stipulations on behalf of all petitioners as to  
13 any question with respect to the petition or hearing,  
14 including the power to stipulate to accountings or waiver  
15 thereof between school districts. The regional  
16 superintendent of schools required to hold a hearing on the  
17 petition as provided in this Section may accept any such  
18 stipulation instead of evidence or proof of the matter  
19 stipulated, or may refuse to accept any such stipulation.

20 Upon the filing of such petition with the regional  
21 superintendent of schools as provided in this Section, such  
22 regional superintendent of schools shall cause a copy of the  
23 petition to be given to the board of each district affected  
24 and to the regional superintendent of schools of any other  
25 educational service region in which any part of the territory  
26 described in the petition is situated. The regional  
27 superintendent of schools with whom the petition is required  
28 to be filed shall cause a notice thereof to be published at  
29 least once each week for 3 successive weeks in at least one  
30 newspaper having general circulation within the area of all  
31 territory described in the petition. The notice shall state  
32 when and to whom the petition was presented, the description  
33 of the territory of the unit school district proposed to be  
34 dissolved which shall be stated in the notice to be the same

1 as the territory comprising the proposed elementary school  
2 district and the same as the territory proposed to be annexed  
3 to the existing contiguous high school district, the  
4 description of the existing high school district to which the  
5 territory proposed to be annexed is contiguous, a statement  
6 of the maximum tax rates for educational and operations,  
7 building and maintenance purposes and the purchase of school  
8 grounds, pupil transportation, and fire prevention and safety  
9 purposes which the annexing high school district and the  
10 proposed elementary school district each shall be authorized  
11 to levy or establish, the prayer of the petition, and the day  
12 on which the hearing upon the petition shall be held. The  
13 petitioners shall pay the expense of publishing the notice.

14 No more than 30 days after the last date on which the  
15 required notice is published the regional superintendent of  
16 schools with whom the petition is required to be filed shall  
17 hold a hearing on the petition, provided that the regional  
18 superintendent of schools may adjourn the hearing from time  
19 to time or may continue the matter for want of sufficient  
20 notice or other good cause. Prior to the hearing the  
21 petitioners shall submit to the regional superintendent of  
22 schools maps showing the districts affected, a written report  
23 of financial and educational conditions of the districts  
24 affected and the probable effect of the proposed dissolution  
25 of the unit school district, creation of an elementary school  
26 district therefrom and annexation of the same territory to  
27 the existing contiguous high school district. The reports  
28 and maps submitted by the petitioners shall be made a part of  
29 the record of proceedings of the regional superintendent of  
30 schools holding the hearing, and if the boards of the  
31 districts affected are not the petitioners, such regional  
32 superintendent of schools shall send copies of such reports  
33 and maps to such boards not less than 5 days prior to the  
34 date on which the hearing is to be held.

1           Upon the regional superintendent of schools determining  
2           that the petitioners have paid the expense of publishing the  
3           notice of hearing, that the petition as filed is proper and  
4           -- if the petitioners be voters residing in each district  
5           affected -- that the petition is in compliance with any  
6           applicable petition requirements of the Election Code, the  
7           regional superintendent of schools shall hear evidence as to  
8           the school needs and conditions in all territory described in  
9           the petition and in the area adjacent thereto, shall hear  
10          evidence with respect to the ability of the elementary school  
11          district proposed to be created and the ability of the  
12          contiguous existing high school district, after the proposed  
13          annexation, to meet standards of recognition as prescribed by  
14          the State Board of Education, shall take into consideration  
15          any division of funds or assets if the petition is approved,  
16          and shall determine whether it is for the best interests of  
17          the schools of the area and the educational welfare of the  
18          pupils therein that such unit school district be dissolved,  
19          an elementary school district be created therefrom and the  
20          same territory be annexed to an existing contiguous high  
21          school district. No petition filed under this Article and no  
22          referendum held pursuant to any petition so filed shall be  
23          null and void or invalidated or deemed in noncompliance with  
24          the Election Code because of the failure to publish a notice  
25          of intention to file the petition or to attach to the  
26          petition an affidavit attesting to the publication of that  
27          notice as required under subsection (g) of Section 28-2 of  
28          the Election Code for petitions that are not filed under  
29          Article 7A, 11A, 11B, or 11D of the School Code.

30          At the hearing any resident of any territory described in  
31          the petition and any regional superintendent of schools  
32          entitled under the provisions of this Section to be given a  
33          copy of the petition by the regional superintendent of  
34          schools conducting the hearing may appear in person or by an

1 attorney at law in support of or in objection to the prayer  
2 of the petition, and may submit evidence in support of either  
3 such position. A transcript of the proceedings in the  
4 hearing before the regional superintendent of schools shall  
5 be prepared, and the expense of preparing the same shall be  
6 paid by the petitioners.

7 Within 14 days after the conclusion of the hearing, the  
8 regional superintendent of schools shall make a decision  
9 either approving or denying the petition, and shall thereupon  
10 submit the petition and all evidence taken at the hearing to  
11 the State Superintendent of Education who shall, within 30  
12 days thereafter, review the entire record of the proceedings  
13 had before the regional superintendent of schools, including  
14 the transcript of such proceedings, and approve or deny the  
15 petition upon consideration of and in accordance with the  
16 following criteria:

17 (i) whether the proposed elementary school district  
18 and the contiguous existing high school district after  
19 the proposed annexation will have sufficient size (pupil  
20 enrollment) and financial resources (assessed valuation)  
21 to provide and maintain a recognized educational program  
22 for their respective districts as proposed;

23 (ii) whether the dissolution of the unit school  
24 district, creation of an elementary school district  
25 therefrom and annexation of the same territory to the  
26 existing high school district is for the best interests  
27 of the schools of the area and the educational welfare of  
28 the pupils therein; and

29 (iii) whether the territory of the proposed  
30 elementary school district and the territory of the  
31 contiguous existing high school district after the  
32 proposed annexation are each compact and contiguous for  
33 school purposes.

34 If the State Superintendent of Education denies the

1 petition the reasons for such denial shall be communicated to  
2 the boards of each district affected, to any committee  
3 designated as attorney in fact for the petitioners as  
4 provided in this Section, to any regional superintendent of  
5 schools entitled under the provisions of this Section to be  
6 given a copy of the petition by the regional superintendent  
7 of schools who conducted the hearing and to any resident of  
8 any territory described in the petition who appears at the  
9 hearing, or to any attorney at law appearing of record in the  
10 hearing on behalf of any such board, committee, regional  
11 superintendent of schools or resident otherwise entitled to  
12 receive communication of the reasons for such denial; and no  
13 further proceedings shall be had.

14 (Source: P.A. 86-13; 87-10; 87-185; 87-839; 87-1270.)

15 (105 ILCS 5/11A-3) (from Ch. 122, par. 11A-3)

16 Sec. 11A-3. Petition filing; notice; hearing; decision.  
17 A petition shall be filed with the Regional Superintendent of  
18 the region in which the territory described in the petition  
19 or that part of the territory with the greater per cent of  
20 equalized assessed valuation is situated, signed by at least  
21 200 voters residing in at least 3/4 of the school districts  
22 or parts of districts and residing in the territory included  
23 in the petition, or the petition may be filed by the board of  
24 education of each of the school districts wholly or partially  
25 included in the territory described in the petition. A  
26 petition that is not filed by the board of education of each  
27 of the school districts wholly or partially included in the  
28 territory described in the petition must contain signatures  
29 from 50 legal resident voters from each of the school  
30 districts wholly or partially included in the territory  
31 described in the petition or from 10% of the legal resident  
32 voters from each of the school districts wholly or partially  
33 included in the territory described in the petition,

1     whichever is lesser. Provided, however, that no petition  
2     filed, or election held under this Article shall be null or  
3     void or invalidated or deemed in noncompliance with the  
4     Election Code for the failure of any person or persons  
5     seeking the creation of a new school district hereunder to  
6     publish a notice of intention to file such petition or to  
7     attach an affidavit attesting to the publication of such  
8     notice to such petition as required under subsection (g) of  
9     Section 28-2 of the Election Code for petitions that are not  
10    filed under Article 7A, 11A, 11B, or 11D of the School Code.  
11    The petition shall (1) request the submission of the  
12    proposition at a regular scheduled election for the purpose  
13    of voting for or against the establishment of a community  
14    unit school district in the territory; (2) describe the  
15    territory comprising the proposed district; (3) set forth the  
16    maximum tax rates for educational, operations and maintenance  
17    and the purchase and improvements of school grounds, pupil  
18    transportation, and fire prevention and safety purposes the  
19    proposed district shall be authorized to levy; and (4)  
20    designate a committee of 10 of the petitioners, any 7 of whom  
21    may at any time, prior to the final decision of the Regional  
22    Superintendent, amend the petition in all respects (except  
23    that there may not be an increase or decrease of more than  
24    25% of the territory to be included in the proposed  
25    district), and may make binding stipulations on behalf of all  
26    petitioners as to any question with respect to the petition  
27    or hearing and the Regional Superintendent may accept such  
28    stipulation instead of evidence or proof of the matter  
29    stipulated, which committee of petitioners may stipulate to  
30    accountings or waiver thereof between school districts;  
31    however, the Regional Superintendent may refuse to accept  
32    such stipulation; those designated as the Committee of Ten  
33    shall serve in such capacity until such time as the Regional  
34    Superintendent should determine that, because of death,

1 resignation, transfer of residency from the territory,  
2 failure to qualify or for any other reason, the office of a  
3 particular member of the Committee is vacant. Failure of a  
4 person designated as a member of the Committee of Ten to sign  
5 the petition, whether filed prior or subsequent to September  
6 23, 1983 (the effective date of P.A. 83-686), shall not  
7 disqualify such person as a member thereof and such person  
8 may sign the petition at any time prior to final disposition  
9 of the petition and the conclusion of the proceedings to form  
10 a unit district, including all litigation pertaining to the  
11 petition or proceedings. Upon determination by the Regional  
12 Superintendent that such vacancies exist, he shall so declare  
13 such vacancies and shall notify the remaining members to  
14 appoint a petitioner or petitioners, as the case may be, to  
15 fill the vacancies in the Committee of Ten so designated.  
16 Such appointment by the Committee of Ten of any such new  
17 membership shall be made by a simple majority vote of the  
18 designated remaining members. The Committee of Ten shall  
19 act, unless otherwise herein specified, by majority vote of  
20 the membership. The Committee of Ten may voluntarily dismiss  
21 their petition at any time before the final decision of the  
22 Regional Superintendent.

23 The petition may request that the referendum at which the  
24 proposition is submitted for the purpose of voting for or  
25 against the establishment of a community unit school district  
26 include as part of the proposition the election of board  
27 members by school board district rather than at large. Any  
28 petition requesting the election of board members by district  
29 shall divide the proposed school district into 7 school board  
30 districts, each of which must be compact and contiguous and  
31 substantially equal in population to each other school board  
32 district. Any election of board members by school board  
33 district shall proceed under the supervision of the Regional  
34 Superintendent as provided in Section 11A-8. The Committee of

1 Ten may amend any petition approved by the Regional  
2 Superintendent and State Superintendent of Education prior to  
3 July 29, 1988 to include as part of the proposition the  
4 election of board members by district as provided above. The  
5 Regional Superintendent shall, following approval by the  
6 State Superintendent of Education, submit the proposition as  
7 provided in the amended petition to the appropriate election  
8 authorities.

9 The petition may request that if the proposition to  
10 create a community unit school district is submitted to the  
11 voters at the consolidated election ~~which occurs in April of~~  
12 ~~odd-numbered years,~~ at the general primary election ~~which~~  
13 ~~occurs in March of even-numbered years, at the nonpartisan~~  
14 ~~election which occurs in November of odd-numbered years,~~ or  
15 at the general election ~~which occurs in November of~~  
16 ~~even-numbered years,~~ that at that same election a board of  
17 education be elected on a separate ballot to serve as the  
18 board of education of the proposed new district. Any  
19 election of board members at the same election at which the  
20 proposition to create the district to be served by that board  
21 is submitted to the voters shall proceed under the  
22 supervision of the Regional Superintendent as provided in  
23 Section 11A-8.

24 The petition may also request that the referendum at  
25 which the proposition shall be submitted for the purpose of  
26 voting for or against the establishment of a community unit  
27 school district in the territory include a proposition on a  
28 separate ballot authorizing the issuance of bonds by the  
29 district when organized, in accordance with this Act. The  
30 principal amount of the bonds and the purposes of issuance  
31 shall be stated in such petition and in all notices and  
32 propositions submitted thereunder.

33 A petition to form a new community unit school district  
34 from the entire territory of 2 or more school districts may

1 also request that the bonded indebtedness of each existing  
2 school district be assumed by the entire territory of the new  
3 community unit school district in the manner provided by  
4 subsection (b) of Section 11A-12.

5       Upon the filing of a petition with the Regional  
6 Superintendent of the Region in which the greater portion of  
7 the equalized assessed valuation of the territory described  
8 in the petition lies, the Regional Superintendent shall cause  
9 a copy of such petition to be given to each board of any  
10 district involved in the proposed formation of the new  
11 district and shall cause a notice thereof to be published at  
12 least once each week for 3 successive weeks in at least one  
13 newspaper having general circulation within the area of the  
14 territory of the proposed district. The notice shall state  
15 when and to whom the petition was presented, the description  
16 of the territory of the proposed district, if requested in  
17 the petition a statement of the proposition to issue bonds  
18 and indicating the amount and purpose thereof, and the day on  
19 which the hearing upon the petition will be held. Not more  
20 than 30 days after the publication of notice the Regional  
21 Superintendent shall hold a hearing on the petition.

22       Upon the Regional Superintendent determining that the  
23 petition, as filed or amended, is proper and is in compliance  
24 with any applicable petition requirements set forth in the  
25 Election Code, he shall hear evidence as to the school needs  
26 and conditions of the territory and in the area within and  
27 adjacent thereto and take into consideration the division of  
28 funds and assets which will result from the organization of  
29 the district, and shall determine whether it is for the best  
30 interests of the schools of the area and the educational  
31 welfare of the pupils therein that such district be  
32 organized.

33       At the hearing, any resident in the proposed district or  
34 any district affected thereby may appear in support of the

1 petition or to object thereto. The Regional Superintendent  
2 may adjourn the hearing from time to time. Within 14 days  
3 after the conclusion of the hearing the Regional  
4 Superintendent shall make a decision either approving or  
5 denying the petition. Upon the Regional Superintendent  
6 approving or denying the petition he shall submit the  
7 petition and all evidence submitted to the State  
8 Superintendent of Education who shall, within 30 days after  
9 the decision of the Regional Superintendent, approve or deny  
10 the petition according to the following criteria:

11 He shall review the entire record of the proceedings had  
12 before the Regional Superintendent, including the transcript  
13 of said proceedings, and based upon a review of the same  
14 shall take into consideration:

15 (1) whether the proposed district will have  
16 sufficient size (pupil enrollment) and financial  
17 resources (assessed valuation) to provide and maintain a  
18 recognized educational program for grades kindergarten  
19 through 12;

20 (2) whether the proposed school district is for the  
21 best interests of the schools of the area and the  
22 educational welfare of the pupils therein; and

23 (3) whether the territory for the proposed school  
24 district is compact and contiguous for school purposes.

25 If the State Superintendent of Education denies the  
26 petition the reasons for such denial shall be communicated to  
27 appropriate groups, agencies or instrumentalities  
28 representing the petitioners.

29 If a majority of the voters in at least 2 community unit  
30 school districts have voted in favor of a proposition to  
31 create a new community unit school district, but the  
32 proposition was not approved under the standards set forth in  
33 Section 11A-8 of the School Code, then the members of the  
34 Committee of Ten shall submit an amended petition for

1 consolidation to the boards of education of those districts  
2 as long as the territory involved is compact and contiguous.  
3 The petition submitted to the boards of education shall be  
4 identical in form and substance to the petition previously  
5 approved by the Regional Superintendent of Schools with the  
6 sole exception that the territory comprising the proposed  
7 district shall be amended to include the compact and  
8 contiguous territory of those community unit school districts  
9 in which a majority of the voters voted in favor of the  
10 proposal.

11 Each board of education to which the petition is  
12 submitted shall meet and vote to approve or not approve the  
13 amended petition no more than 30 days after it has been filed  
14 with the board. The Regional Superintendent shall make  
15 available to each board of education with which a petition  
16 has been filed all transcripts and records of the previous  
17 petition hearing. The boards of education shall, by the  
18 appropriate resolution, approve or disapprove the amended  
19 petition. No board of education may approve an amended  
20 petition unless it first finds that the territory described  
21 in the petition is compact and contiguous.

22 If a majority of the members of each board of education  
23 to whom a petition is submitted votes in favor of the amended  
24 petition, the approved petition shall be transmitted by the  
25 secretary of each board of education to the State  
26 Superintendent of Education who shall, within 30 days of  
27 receipt, approve or deny the amended petition based on the  
28 criteria stated in this Section which governed the State  
29 Superintendent of Education in his initial review of the  
30 petition. If approved by the State Superintendent of  
31 Education, the petition shall be placed on the ballot at the  
32 next regularly scheduled election.

33 (Source: P.A. 87-10; 87-185; 87-839; 87-1270; 88-555, eff.  
34 7-27-94.)

1 (105 ILCS 5/11B-3) (from Ch. 122, par. 11B-3)

2 Sec. 11B-3. Petition filing; notice; hearing; decision.

3 A petition shall be filed with the Regional Superintendent of  
4 the region in which the territory described in the petition  
5 or the greater portion of the equalized assessed valuation of  
6 the territory is situated, signed by at least 10% of the  
7 voters residing within each district included in the  
8 territory or filed by the boards of each school district  
9 affected. The petition shall: (1) request the submission of  
10 the proposition at a regular scheduled election for the  
11 purpose of voting for or against the establishment of a  
12 combined school district in the territory; (2) describe the  
13 territory comprising the proposed district by districts; (3)  
14 set forth the maximum tax rates for educational, operations  
15 and maintenance and the purchase and improvements of school  
16 grounds, pupil transportation and fire prevention and safety  
17 purposes the proposed district shall be authorized to levy;  
18 and (4) designate a committee of 10 of the petitioners, any 7  
19 of whom may at any time prior to the regional  
20 superintendent's final decision amend the petition in all  
21 respects and make binding stipulations on behalf of all  
22 petitioners as to any question with respect to the petition  
23 or hearing, including stipulations for accountings or the  
24 waiver thereof between school districts. The regional  
25 superintendent who is required to hold a hearing on the  
26 petition as provided in this Section may accept any such  
27 stipulation instead of evidence or proof of the matter  
28 stipulated or may refuse to accept the stipulation. Those  
29 designated as the Committee of Ten shall serve in that  
30 capacity until such time as the regional superintendent  
31 determines that because of death, resignation, transfer of  
32 residency from the territory, failure to qualify or any other  
33 reason the office of a particular member of the Committee is  
34 vacant. Failure of a person designated as a member of the

1 Committee of Ten to sign the petition shall not disqualify  
2 that person as a member thereof, and that person may sign the  
3 petition at any time prior to final disposition of the  
4 petition and the conclusion of the proceedings to form the  
5 new combined school district, including all litigation  
6 pertaining to the petition or proceedings. Upon  
7 determination by the regional superintendent that vacancies  
8 exist, he shall declare the vacancies and shall notify the  
9 remaining members to appoint a petitioner or petitioners, as  
10 the case may be, to fill the vacancies in the Committee of  
11 Ten so designated. An appointment by the Committee of Ten to  
12 fill any such vacancy shall be made by a simple majority vote  
13 of the designated remaining members. The Committee of Ten  
14 shall act, unless otherwise herein specified, by majority  
15 vote of the membership. The Committee of Ten may voluntarily  
16 dismiss their petition at any time before the final decision  
17 of the Regional Superintendent.

18 The petition may request that if the proposition to  
19 create a combined school district is submitted to the voters  
20 at the consolidated election ~~which occurs in April of~~  
21 ~~odd-numbered years,~~ at the general primary election ~~which~~  
22 ~~occurs in March of even-numbered years,~~ ~~at the nonpartisan~~  
23 ~~election which occurs in November of odd-numbered years,~~ or  
24 at the general election ~~which occurs in November of~~  
25 ~~even-numbered years,~~ that at that same election a board of  
26 education be elected on a separate ballot to serve as the  
27 board of education of the proposed new district. Any  
28 election of board members at the same election at which the  
29 proposition to create the district to be served by that board  
30 is submitted to the voters shall proceed under the  
31 supervision of the Regional Superintendent as provided in  
32 Section 11B-7.

33 The petition may also request that the referendum include  
34 a proposition on a separate ballot authorizing the issuance

1 of bonds by the district when organized in accordance with  
2 this Article. The principal amount of the bonds and the  
3 purposes of the issuance shall be stated in the petition and  
4 in all notices and propositions submitted thereunder.

5 Upon the filing of a petition with the Regional  
6 Superintendent under the provisions of Section 11B-2 of this  
7 Article, the Regional Superintendent shall cause a copy of  
8 such petition to be given to each board of any district  
9 involved in the proposed formation of the new district and  
10 shall cause a notice thereof to be published at least once  
11 each week for 3 successive weeks in at least one newspaper  
12 having general circulation within the area of the territory  
13 of the proposed district. The notice shall state when and to  
14 whom the petition was presented, the description of the  
15 territory of the proposed district, and the day on which the  
16 hearing upon the petition will be held. Not more than 30  
17 days after the publication of notice, the Regional  
18 Superintendent shall hold a hearing on the petition. Prior  
19 to the hearing, the petitioners shall submit to the Regional  
20 Superintendent maps showing the districts involved, and any  
21 other information pertinent to the proposed formation of a  
22 new district. The reports and maps submitted shall be made a  
23 part of the records of the proceedings of the Regional  
24 Superintendent. A copy of the reports and maps submitted  
25 shall be sent to the board of each district involved, not  
26 less than 5 days prior to the date upon which the hearing is  
27 to be held. The Regional Superintendent shall hear evidence  
28 as to the school needs and conditions in the territory which  
29 will form the proposed new district and as to the ability of  
30 the proposed new district to meet the standards of  
31 recognition as prescribed by the State Board of Education.

32 At the hearing, any resident in the territory described  
33 in the petition may appear in person or by an attorney in  
34 support of the petition or to object to the granting of the

1 petition and may present evidence in support of his position.  
2 At the conclusion of the hearing, the Regional Superintendent  
3 of schools shall within 14 days enter an order either  
4 granting or denying the petition and shall deliver to any  
5 attorney of record and affected school board a copy of his  
6 order. Upon the Regional Superintendent approving or denying  
7 the petition he shall submit the petition and all evidence  
8 submitted to the State Superintendent of Education for  
9 review. The Superintendent shall, within 30 days after the  
10 decision of the Regional Superintendent, approve or deny the  
11 petition according to the following criteria:

12 He shall review the entire record of the proceedings had  
13 before the Regional Superintendent, including the transcript  
14 of said proceedings, and based upon a review of the same  
15 shall take into consideration:

16 (1) whether the proposed district will have  
17 sufficient size (pupil enrollment) and financial  
18 resources (assessed valuation) to provide and maintain a  
19 recognized educational program for the proposed school  
20 district;

21 (2) whether the proposed school district is for the  
22 best interests of schools of the area and the educational  
23 welfare of the pupils therein; and

24 (3) whether the territory for the proposed school  
25 district is compact and contiguous for school purposes.

26 If the State Superintendent of Education denies the  
27 petition the reasons for such denial shall be communicated to  
28 appropriate groups, agencies or instrumentalities  
29 representing the petitioners and no further proceedings shall  
30 be had.

31 (Source: P.A. 87-10; 87-107; 87-839; 87-1270.)

32 (105 ILCS 5/33-1) (from Ch. 122, par. 33-1)

33 Sec. 33-1. Board of Education - Election - Terms. In

1 all school districts, including special charter districts  
2 having a population of 100,000 and not more than 500,000,  
3 which adopt this Article, as hereinafter provided, there  
4 shall be maintained a system of free schools in charge of a  
5 board of education, which shall be a body politic and  
6 corporate by the name of "Board of Education of the City  
7 of....". The board shall consist of 7 members elected by the  
8 voters of the district. ~~Except as provided in Section 33-1b~~  
9 ~~of this Act,~~ The regular election for members of the board  
10 shall be held at the consolidated election and at the general  
11 primary election ~~on the first Tuesday of April in odd~~  
12 ~~numbered years and on the third Tuesday of March in even~~  
13 ~~numbered years.~~ The law governing the registration of voters  
14 for the primary election shall apply to the regular election.  
15 At the first regular election 7 persons shall be elected as  
16 members of the board. The person who receives the greatest  
17 number of votes shall be elected for a term of 5 years. The  
18 2 persons who receive the second and third greatest number of  
19 votes shall be elected for a term of 4 years. The person who  
20 receives the fourth greatest number of votes shall be elected  
21 for a term of 3 years. The 2 persons who receive the fifth  
22 and sixth greatest number of votes shall be elected for a  
23 term of 2 years. The person who receives the seventh  
24 greatest number of votes shall be elected for a term of 1  
25 year. Thereafter, at each regular election for members of the  
26 board, the successors of the members whose terms expire in  
27 the year of election shall be elected for a term of 5 years.  
28 All terms shall commence on July 1 next succeeding the  
29 elections. Any vacancy occurring in the membership of the  
30 board shall be filled by appointment until the next regular  
31 election for members of the board.

32 In any school district which has adopted this Article, a  
33 proposition for the election of board members by school board  
34 district rather than at large may be submitted to the voters

1 of the district at the regular school election of any year in  
2 the manner provided in Section 9-22. If the proposition is  
3 approved by a majority of those voting on the propositions,  
4 the board shall divide the school district into 7 school  
5 board districts as provided in Section 9-22. At the regular  
6 school election in the year following the adoption of such  
7 proposition, one member shall be elected from each school  
8 board district, and the 7 members so elected shall, by lot,  
9 determine one to serve for one year, 2 for 2 years, one for 3  
10 years, 2 for 4 years, and one for 5 years. Thereafter their  
11 respective successors shall be elected for terms of 5 years.  
12 The terms of all incumbent members expire July 1 of the year  
13 following the adoption of such a proposition.

14 Any school district which has adopted this Article may,  
15 by referendum in accordance with Section 33-1a, adopt the  
16 method of electing members of the board of education provided  
17 in that Section.

18 Reapportionment of the voting districts provided for in  
19 this Article or created pursuant to a court order, shall be  
20 completed pursuant to Section 33-1c.

21 (Source: P.A. 82-1014; 86-1331.)