

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 nominations 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.