

1 AMENDMENT TO SENATE BILL 616

2 AMENDMENT NO. _____. Amend Senate Bill 616, AS AMENDED,
3 by replacing the title with the following:

4 "AN ACT concerning schools."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The School Code is amended by changing
8 Section 3A-6 as follows:

9 (105 ILCS 5/3A-6) (from Ch. 122, par. 3A-6)

10 Sec. 3A-6. Election of Superintendent for consolidated
11 region - Bond - Vacancies in any educational service region.

12 (a) The regional superintendent to be elected under
13 Section 3A-5 shall be elected at the time provided in the
14 general election law and must possess the qualifications
15 described in Section 3-1 of this Act.

16 (b) The bond required under Section 3-2 shall be filed
17 in the office of the county clerk in the county where the
18 regional office is situated, and a certified copy of that
19 bond shall be filed in the office of the county clerk in each
20 of the other counties in the region.

21 (c) When a vacancy occurs in the office of regional

1 superintendent of schools of any educational service region
2 which is not located in a county which is a home rule unit,
3 such vacancy shall be filled within 60 days (i) by
4 appointment of the chairman of the county board, with the
5 advice and consent of the county board, when such vacancy
6 occurs in a single county educational service region; or (ii)
7 by appointment of a committee composed of the chairmen of the
8 county boards of those counties comprising the affected
9 educational service region when such vacancy occurs in a
10 multicounty educational service region, each committeeman to
11 be entitled to one vote for each vote that was received in
12 the county represented by such committeeman on the committee
13 by the regional superintendent of schools whose office is
14 vacant at the last election at which a regional
15 superintendent was elected to such office, and the person
16 receiving the highest number of affirmative votes from the
17 committeemen for such vacant office to be deemed the person
18 appointed by such committee to fill the vacancy. The
19 appointee shall be a member of the same political party as
20 the regional superintendent of schools the appointee succeeds
21 was at the time such regional superintendent of schools last
22 was elected. The appointee shall serve for the remainder of
23 the term. However, if more than 28 months remain in that
24 term, the appointment shall be until the next general
25 election, at which time the vacated office shall be filled by
26 election for the remainder of the term. Nominations shall be
27 made and any vacancy in nomination shall be filled as
28 follows:

29 (1) If the vacancy in office occurs before the
30 first date provided in Section 7-12 of the Election Code
31 for filing nomination papers for county offices for the
32 primary in the next even-numbered year following
33 commencement of the term of office in which the vacancy
34 occurs, nominations for the election for filling the

1 vacancy shall be made pursuant to Article 7 of the
2 Election Code.

3 (2) If the vacancy in office occurs during the time
4 provided in Section 7-12 of the Election Code for filing
5 nomination papers for county offices for the primary in
6 the next even-numbered year following commencement of the
7 term of office in which the vacancy occurs, the time for
8 filing nomination papers for the primary shall not be
9 more than 91 days nor less than 85 days prior to the date
10 of the primary.

11 (3) If the vacancy in office occurs after the last
12 day provided in Section 7-12 of the Election Code for
13 filing nomination papers for county offices for the
14 primary in the next even-numbered year following
15 commencement of the term of office in which the vacancy
16 occurs, a vacancy in nomination shall be deemed to have
17 occurred and the county central committee of each
18 established political party (if the vacancy occurs in a
19 single county educational service region) or the
20 multi-county educational service region committee of each
21 established political party (if the vacancy occurs in a
22 multi-county educational service region) shall nominate,
23 by resolution, a candidate to fill the vacancy in
24 nomination for election to the office at the general
25 election. In the nomination proceedings to fill the
26 vacancy in nomination, each member of the county central
27 committee or the multi-county educational service region
28 committee, whichever applies, shall have the voting
29 strength as set forth in Section 7-8 or 7-8.02 of the
30 Election Code, respectively. The name of the candidate
31 so nominated shall not appear on the ballot at the
32 general primary election. The vacancy in nomination
33 shall be filled prior to the date of certification of
34 candidates for the general election.

1 (4) The resolution to fill the vacancy shall be
2 duly acknowledged before an officer qualified to take
3 acknowledgments of deeds and shall include, upon its
4 face, the following information: (A) the name of the
5 original nominee and the office vacated; (B) the date on
6 which the vacancy occurred; and (C) the name and address
7 of the nominee selected to fill the vacancy and the date
8 of selection. The resolution to fill the vacancy shall be
9 accompanied by a statement of candidacy, as prescribed in
10 Section 7-10 of the Election Code, completed by the
11 selected nominee, a certificate from the State Board of
12 Education, as prescribed in Section 3-1 of this Code, and
13 a receipt indicating that the nominee has filed a
14 statement of economic interests as required by the
15 Illinois Governmental Ethics Act.

16 The provisions of Sections 10-8 through 10-10.1 of the
17 Election Code relating to objections to nomination papers,
18 hearings on objections, and judicial review shall also apply
19 to and govern objections to nomination papers and resolutions
20 for filling vacancies in nomination filed pursuant to this
21 Section. Unless otherwise specified in this Section, the
22 nomination and election provided for in this Section is
23 governed by the general election law.

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

31 Until July 1, 2003 or until the regional superintendent
32 of schools elected in 2002 takes office, whichever occurs
33 first, if a vacancy exists in the office of regional
34 superintendent of schools of an educational service region

1 that is located in a county that is a home rule unit and that
2 has a population of 2,000,000 or more inhabitants, then that
3 vacancy shall be filled by the first assistant
4 superintendent/deputy superintendent until the end of the
5 term to which the regional superintendent was elected. Until
6 ~~July--1,--1994,--if--a--vacancy--occurs--in--the--office--of--regional~~
7 ~~superintendent--of--schools--of--an--educational--service--region~~
8 ~~that--is--located--in--a--county--that--is--a--home--rule--unit--and--that~~
9 ~~has--a--population--of--2,000,000--or--more--inhabitants,--that~~
10 ~~vacancy--shall--be--filled--by--the--county--board--of--that--home--rule~~
11 ~~county--unless--otherwise--provided--by--applicable--county~~
12 ~~ordinance--or--by--law. On--and--after--July--1,--1994,--the~~
13 ~~provisions--of--this--Section--shall--have--no--application--in--any~~
14 ~~educational--service--region--that--is--located--in--any--county,~~
15 ~~including--a--county--that--is--a--home--rule--unit,--if--that~~
16 ~~educational--service--region--has--a--population--of--2,000,000--or~~
17 ~~more--inhabitants.~~

18 Any person appointed to fill a vacancy in the office of
19 regional superintendent of schools of any educational service
20 region must possess the qualifications required to be elected
21 to the position of regional superintendent of schools, and
22 shall obtain a certificate of eligibility from the State
23 Superintendent of Education and file same with the county
24 clerk of the county in which the regional superintendent's
25 office is located.

26 If the regional superintendent of schools is called into
27 the active military service of the United States, his office
28 shall not be deemed to be vacant, but a temporary appointment
29 shall be made as in the case of a vacancy. The appointee
30 shall perform all the duties of the regional superintendent
31 of schools during the time the regional superintendent of
32 schools is in the active military service of the United
33 States, and shall be paid the same compensation apportioned
34 as to the time of service, and such appointment and all

1 authority thereunder shall cease upon the discharge of the
2 regional superintendent of schools from such active military
3 service. The appointee shall give the same bond as is
4 required of a regularly elected regional superintendent of
5 schools.

6 (Source: P.A. 92-277, eff. 8-7-01.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."