

1 AN ACT concerning 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.

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

18 Until July 1, 2003 or until the regional superintendent
19 of schools elected in 2002 takes office, whichever occurs
20 first, if a vacancy exists in the office of regional
21 superintendent of schools of an educational service region
22 that is located in a county that is a home rule unit and that
23 has a population of 2,000,000 or more inhabitants, then that
24 vacancy shall be filled by the first assistant
25 superintendent/deputy superintendent until the end of the
26 term to which the regional superintendent was elected. Until
27 ~~July 1, 1994, if a vacancy occurs in the office of regional~~
28 ~~superintendent of schools of an educational service region~~
29 ~~that is located in a county that is a home rule unit and that~~
30 ~~has a population of 2,000,000 or more inhabitants, that~~
31 ~~vacancy shall be filled by the county board of that home rule~~
32 ~~county unless otherwise provided by applicable county~~
33 ~~ordinance or by law. On and after July 1, 1994, the~~
34 ~~provisions of this Section shall have no application in any~~

1 educational--service--region--that--is--located--in--any--county,
 2 including--a--county--that--is--a--home--rule--unit,--if--that
 3 educational--service--region--has--a--population--of--2,000,000--or
 4 more--inhabitants.

5 Any person appointed to fill a vacancy in the office of
 6 regional superintendent of schools of any educational service
 7 region must possess the qualifications required to be elected
 8 to the position of regional superintendent of schools, and
 9 shall obtain a certificate of eligibility from the State
 10 Superintendent of Education and file same with the county
 11 clerk of the county in which the regional superintendent's
 12 office is located.

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

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

28 Section 99. Effective date. This Act takes effect upon
 29 becoming law.