



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3726

Introduced 2/24/2005, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/2A-56 new	
70 ILCS 3615/3B.02	from Ch. 111 2/3, par. 703B.02
70 ILCS 3615/3B.03	from Ch. 111 2/3, par. 703B.03
70 ILCS 3615/3B.06	from Ch. 111 2/3, par. 703B.06
70 ILCS 3615/3B.07	from Ch. 111 2/3, par. 703B.07
70 ILCS 3615/3B.12	from Ch. 111 2/3, par. 703B.12

Amends the Election Code and the Regional Transportation Authority Act. Provides for the nonpartisan election of members of the Commuter Rail Board, beginning at the consolidated election in 2007. Adds 2 additional members, and makes a pro rata reduction in member salaries. Makes other changes. Effective immediately.

LRB094 11136 EFG 41770 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning public transportation.

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 Section
5 2A-1.2 and by adding Section 2A-56 as follows:

6 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

7 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
8 Designated.

9 (a) At the general election in the appropriate
10 even-numbered years, the following offices shall be filled or
11 shall be on the ballot as otherwise required by this Code:

12 (1) Elector of President and Vice President of the
13 United States;

14 (2) United States Senator and United States
15 Representative;

16 (3) State Executive Branch elected officers;

17 (4) State Senator and State Representative;

18 (5) County elected officers, including State's
19 Attorney, County Board member, County Commissioners, and
20 elected President of the County Board or County Chief
21 Executive;

22 (6) Circuit Court Clerk;

23 (7) Regional Superintendent of Schools, except in
24 counties or educational service regions in which that
25 office has been abolished;

26 (8) Judges of the Supreme, Appellate and Circuit
27 Courts, on the question of retention, to fill vacancies and
28 newly created judicial offices;

29 (9) (Blank);

30 (10) Trustee of the Metropolitan Sanitary District of
31 Chicago, and elected Trustee of other Sanitary Districts;

32 (11) Special District elected officers, not otherwise

1 designated in this Section, where the statute creating or
2 authorizing the creation of the district requires an annual
3 election and permits or requires election of candidates of
4 political parties.

5 (b) At the general primary election:

6 (1) in each even-numbered year candidates of political
7 parties shall be nominated for those offices to be filled
8 at the general election in that year, except where pursuant
9 to law nomination of candidates of political parties is
10 made by caucus.

11 (2) in the appropriate even-numbered years the
12 political party offices of State central committeeman,
13 township committeeman, ward committeeman, and precinct
14 committeeman shall be filled and delegates and alternate
15 delegates to the National nominating conventions shall be
16 elected as may be required pursuant to this Code. In the
17 even-numbered years in which a Presidential election is to
18 be held, candidates in the Presidential preference primary
19 shall also be on the ballot.

20 (3) in each even-numbered year, where the municipality
21 has provided for annual elections to elect municipal
22 officers pursuant to Section 6(f) or Section 7 of Article
23 VII of the Constitution, pursuant to the Illinois Municipal
24 Code or pursuant to the municipal charter, the offices of
25 such municipal officers shall be filled at an election held
26 on the date of the general primary election, provided that
27 the municipal election shall be a nonpartisan election
28 where required by the Illinois Municipal Code. For partisan
29 municipal elections in even-numbered years, a primary to
30 nominate candidates for municipal office to be elected at
31 the general primary election shall be held on the Tuesday 6
32 weeks preceding that election.

33 (4) in each school district which has adopted the
34 provisions of Article 33 of the School Code, successors to
35 the members of the board of education whose terms expire in
36 the year in which the general primary is held shall be

1 elected.

2 (c) At the consolidated election in the appropriate
3 odd-numbered years, the following offices shall be filled:

4 (1) Municipal officers, provided that in
5 municipalities in which candidates for alderman or other
6 municipal office are not permitted by law to be candidates
7 of political parties, the runoff election where required by
8 law, or the nonpartisan election where required by law,
9 shall be held on the date of the consolidated election; and
10 provided further, in the case of municipal officers
11 provided for by an ordinance providing the form of
12 government of the municipality pursuant to Section 7 of
13 Article VII of the Constitution, such offices shall be
14 filled by election or by runoff election as may be provided
15 by such ordinance;

16 (2) Village and incorporated town library directors;

17 (3) City boards of stadium commissioners;

18 (4) Commissioners of park districts;

19 (5) Trustees of public library districts;

20 (6) Special District elected officers, not otherwise
21 designated in this section, where the statute creating or
22 authorizing the creation of the district permits or
23 requires election of candidates of political parties;

24 (7) Township officers, including township park
25 commissioners, township library directors, and boards of
26 managers of community buildings, and Multi-Township
27 Assessors;

28 (8) Highway commissioners and road district clerks;

29 (9) Members of school boards in school districts which
30 adopt Article 33 of the School Code;

31 (10) The directors and chairman of the Chain O Lakes -
32 Fox River Waterway Management Agency;

33 (11) Forest preserve district commissioners elected
34 under Section 3.5 of the Downstate Forest Preserve District
35 Act;

36 (11.5) Members of the Commuter Rail Board;

1 (12) Elected members of school boards, school
2 trustees, directors of boards of school directors,
3 trustees of county boards of school trustees (except in
4 counties or educational service regions having a
5 population of 2,000,000 or more inhabitants) and members of
6 boards of school inspectors, except school boards in school
7 districts that adopt Article 33 of the School Code;

8 (13) Members of Community College district boards;

9 (14) Trustees of Fire Protection Districts;

10 (15) Commissioners of the Springfield Metropolitan
11 Exposition and Auditorium Authority;

12 (16) Elected Trustees of Tuberculosis Sanitarium
13 Districts;

14 (17) Elected Officers of special districts not
15 otherwise designated in this Section for which the law
16 governing those districts does not permit candidates of
17 political parties.

18 (d) At the consolidated primary election in each
19 odd-numbered year, candidates of political parties shall be
20 nominated for those offices to be filled at the consolidated
21 election in that year, except where pursuant to law nomination
22 of candidates of political parties is made by caucus, and
23 except those offices listed in paragraphs (12) through (17) of
24 subsection (c).

25 At the consolidated primary election in the appropriate
26 odd-numbered years, the mayor, clerk, treasurer, and aldermen
27 shall be elected in municipalities in which candidates for
28 mayor, clerk, treasurer, or alderman are not permitted by law
29 to be candidates of political parties, subject to runoff
30 elections to be held at the consolidated election as may be
31 required by law, and municipal officers shall be nominated in a
32 nonpartisan election in municipalities in which pursuant to law
33 candidates for such office are not permitted to be candidates
34 of political parties.

35 At the consolidated primary election in the appropriate
36 odd-numbered years, municipal officers shall be nominated or

1 elected, or elected subject to a runoff, as may be provided by
2 an ordinance providing a form of government of the municipality
3 pursuant to Section 7 of Article VII of the Constitution.

4 (e) (Blank).

5 (f) At any election established in Section 2A-1.1, public
6 questions may be submitted to voters pursuant to this Code and
7 any special election otherwise required or authorized by law or
8 by court order may be conducted pursuant to this Code.

9 Notwithstanding the regular dates for election of officers
10 established in this Article, whenever a referendum is held for
11 the establishment of a political subdivision whose officers are
12 to be elected, the initial officers shall be elected at the
13 election at which such referendum is held if otherwise so
14 provided by law. In such cases, the election of the initial
15 officers shall be subject to the referendum.

16 Notwithstanding the regular dates for election of
17 officials established in this Article, any community college
18 district which becomes effective by operation of law pursuant
19 to Section 6-6.1 of the Public Community College Act, as now or
20 hereafter amended, shall elect the initial district board
21 members at the next regularly scheduled election following the
22 effective date of the new district.

23 (g) At any election established in Section 2A-1.1, if in
24 any precinct there are no offices or public questions required
25 to be on the ballot under this Code then no election shall be
26 held in the precinct on that date.

27 (h) There may be conducted a referendum in accordance with
28 the provisions of Division 6-4 of the Counties Code.

29 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
30 eff. 8-9-96; 90-358, eff. 1-1-98.)

31 (10 ILCS 5/2A-56 new)

32 Sec. 2A-56. A Commuter Rail Board member under Section
33 3B.02 of the Regional Transportation Authority Act shall be
34 elected at the consolidated election to succeed each incumbent
35 Commuter Rail Board member whose term expires before the

1 following consolidated election.

2 Section 10. The Regional Transportation Authority Act is
3 amended by changing Sections 3B.02, 3B.03, 3B.06, 3B.07, and
4 3B.12 as follows:

5 (70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

6 Sec. 3B.02. Commuter Rail Board.

7 (1) Until May 1, 2007, the ~~The~~ governing body of the
8 Commuter Rail Division shall be a board consisting of 7
9 directors appointed pursuant to Sections 3B.03 and 3B.04 and
10 subject to the provisions of this subsection (1), as follows:

11 (a) One director shall be appointed by the Chairman of the
12 Board of DuPage County with the advice and consent of the
13 County Board of DuPage County and shall reside in DuPage
14 County;

15 (b) Two directors appointed by the Chairmen of the County
16 Boards of Kane, Lake, McHenry and Will Counties with the
17 concurrence of not less than a majority of the chairmen from
18 such counties, from nominees by the Chairmen. Each such
19 chairman may nominate not more than two persons for each
20 position. Each such director shall reside in a county in the
21 metropolitan region other than Cook or DuPage County.

22 (c) Three directors appointed by the members of the Cook
23 County Board elected from that part of Cook County outside of
24 Chicago, or, in the event such Board of Commissioners becomes
25 elected from single member districts, by those Commissioners
26 elected from districts, a majority of the residents of which
27 reside outside Chicago. In either case, such appointment shall
28 be with the concurrence of four such Commissioners. Each such
29 director shall reside in that part of Cook County outside
30 Chicago.

31 (d) One director appointed by the Mayor of the City of
32 Chicago, with the advice and consent of the City Council of the
33 City of Chicago. Such director shall reside in the City of
34 Chicago.

1 The chairman shall be appointed by the directors, from the
2 members of the board, with the concurrence of 5 of such
3 directors.

4 No director, while serving as such, shall be an officer, a
5 member of the board of directors or trustee or an employee of
6 any transportation agency, or be an employee of the State of
7 Illinois or any department or agency thereof, or of any unit of
8 local government or receive any compensation from any elected
9 or appointed office under the Constitution and laws of
10 Illinois.

11 Each appointment made under paragraphs (a) through (d) of
12 this subsection (1) and under Section 3B.03 shall be certified
13 by the appointing authority to the Commuter Rail Board which
14 shall maintain the certifications as part of the official
15 records of the Commuter Rail Board; provided that the initial
16 appointments shall be certified to the Secretary of State, who
17 shall transmit the certifications to the Commuter Rail Board
18 following its organization.

19 Appointments to the Commuter Rail Board shall be
20 apportioned so as to represent the City of Chicago, that part
21 of Cook County outside of the City of Chicago, and DuPage
22 County and that part of the metropolitan region other than Cook
23 and DuPage Counties based on morning boardings of the services
24 provided by the Commuter Rail Division as certified to the
25 Board of the Authority by the Commuter Rail Board, provided
26 however that the Mayor of the City of Chicago shall appoint no
27 fewer than 1 member of the Commuter Rail Board. Within two
28 years after each federal decennial census, the Board of the
29 Authority shall review the composition of the Commuter Rail
30 Board and, if change is needed to comply with this requirement,
31 shall provide for the necessary reapportionment by July 1 of
32 the second year after such census. Insofar as may be
33 practicable, the changes in board membership necessary to
34 achieve this purpose shall take effect as appropriate members
35 terms expire, no member's term being reduced by reason of such
36 revision of the composition of the Commuter Rail Board.

1 Notwithstanding any other provision of this Act, however,
2 the terms of all members of the Commuter Rail Board serving on
3 April 30, 2007 shall terminate at the close of business on that
4 day, and the Commuter Rail Board shall thereupon be
5 reconstituted as provided in subsection (2) of this Section.

6 (2) Beginning May 1, 2007, the governing body of the
7 Commuter Rail Division shall be a board consisting of 9
8 directors elected as follows:

9 (a) One director shall be elected by the electors of
10 the City of Chicago, and shall represent and reside in the
11 City of Chicago;

12 (b) Three directors shall be elected by the electors of
13 that part of Cook County outside the City of Chicago, and
14 shall represent and reside in that part of Cook County;

15 (c) One director shall be elected by the electors of
16 DuPage County, and shall represent and reside in DuPage
17 County;

18 (d) One director shall be elected by the electors of
19 Kane County, and shall represent and reside in Kane County;

20 (e) One director shall be elected by the electors of
21 Lake County, and shall represent and reside in Lake County;

22 (f) One director shall be elected by the electors of
23 McHenry County, and shall represent and reside in McHenry
24 County;

25 (g) One director shall be elected by the electors of
26 Will County, and shall represent and reside in Will County.

27 The chairman shall be appointed by the directors, from the
28 members of the board, with the concurrence of at least 6 of the
29 directors.

30 No director, while serving as such, shall be an officer, a
31 member of the board of directors or trustees, or an employee of
32 any transportation agency, or be an employee of the State of
33 Illinois or any department or agency thereof, or of any unit of
34 local government, or receive any compensation from any other
35 elected or appointed office under the Constitution and laws of
36 Illinois.

1 The directors provided for in this subsection (2) shall be
2 nominated and elected on a nonpartisan basis as provided in
3 Section 3B.03 of this Act and in the Election Code.

4
5 (Source: P.A. 83-886.)

6 (70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

7 Sec. 3B.03. Terms, Elections, Vacancies.

8 (1) This subsection (1) applies only to directors appointed
9 under subsection (1) of Section 3B.02.

10 The initial term of the director appointed pursuant to
11 subdivision (1)(a) of Section 3B.02 and the initial term of one
12 of the directors appointed pursuant to subdivision (1)(b) of
13 Section 3B.02 shall expire on June 30, 1985; the initial term
14 of one of the directors appointed pursuant to subdivision
15 (1)(b) of Section 3B.02 and the initial term of one of the
16 directors appointed pursuant to subdivision (1)(c) of Section
17 3B.02 shall expire on June 30, 1986; the initial terms of two
18 of the directors appointed pursuant to subdivision (1)(c) of
19 Section 3B.02 shall expire on June 30, 1987; the initial term
20 of the director appointed pursuant to subdivision (1)(d) of
21 Section 3B.02 shall expire on June 30, 1988. Thereafter, each
22 director shall be appointed for a term of 4 years, and until
23 his successor has been appointed and qualified.

24 A vacancy shall occur upon the resignation, death,
25 conviction of a felony, or removal from office of a director.
26 Any appointed director may be removed from office upon the
27 concurrence of not less than 6 directors, on a formal finding
28 of incompetence, neglect of duty, or malfeasance in office.
29 Within 30 days after the office of any appointed director
30 becomes vacant for any reason other than the termination of
31 appointed directors under subsection (1) of Section 3B.02, the
32 appropriate appointing authorities of such director, as
33 provided in subsection (1) of Section 3B.02, shall make an
34 appointment to fill the vacancy. A vacancy shall be filled for
35 the unexpired term.

1 (2) The directors provided for in subsection (2) of Section
2 3B.02 shall be elected on a nonpartisan basis at the
3 consolidated election, beginning in 2007.

4 Nomination shall be by petition, signed by at least 0.1% of
5 the registered voters of the area to be represented, filed with
6 the appropriate election authority in accordance with the
7 general election law. In elections for directors representing
8 that part of Cook County outside the City of Chicago, when more
9 than one such director is to be elected, the electors may vote
10 for as many candidates as there are directors to be elected,
11 but may not give any one candidate more than one vote.

12 Of the directors elected in 2007, (i) the directors
13 described in items (c), (e), and (g) of subsection (2) of
14 Section 3B.02, and the director described in item (b) thereof
15 who receives the greatest number of votes in the consolidated
16 election, shall be elected for terms of 4 years; and (ii) the
17 directors described in items (a), (d), and (f) of subsection
18 (2) of Section 3B.02, and the 2 directors described in item (b)
19 thereof who receive the second and third greatest number of
20 votes, shall be elected for terms of 2 years. Thereafter, all
21 directors shall be elected for terms of 4 years. All terms
22 shall begin on May 1, and directors shall continue to serve
23 until their successors are elected and have qualified.

24 (3) Beginning May 1, 2007, a vacancy shall be filled for
25 the remainder of the term by a person appointed by the county
26 board chairman of the county represented by the director
27 causing the vacancy, or in the case of the director
28 representing the City of Chicago, by the Mayor of the City of
29 Chicago.

30 (Source: P.A. 84-939.)

31 (70 ILCS 3615/3B.06) (from Ch. 111 2/3, par. 703B.06)

32 Sec. 3B.06. Compensation. The Chairman of the Commuter Rail
33 Board shall receive an annual salary of \$25,000. Until May 1,
34 2007, other members of the Commuter Rail Board other than the
35 chairman shall receive an annual salary of \$15,000. Beginning

1 May 1, 2007, members of the Commuter Rail Board other than the
2 chairman shall receive an annual salary of \$11,250. Each member
3 shall be reimbursed for actual expenses incurred in the
4 performance of his duties.

5 Officers of the Division shall not be required to comply
6 with the requirements of the Public Funds Statement Publication
7 Act ~~"An Act requiring certain custodians of public monies to~~
8 ~~file and publish statements of the receipts and disbursements~~
9 ~~thereof", approved June 24, 1919, as now or hereafter amended.~~

10 (Source: P.A. 83-1156.)

11 (70 ILCS 3615/3B.07) (from Ch. 111 2/3, par. 703B.07)

12 Sec. 3B.07. Meetings. The Commuter Rail Board shall
13 prescribe the times and places for meetings and the manner in
14 which special meetings may be called. The Commuter Rail Board
15 shall comply in all respects with the "Open Meetings Act", as
16 now or hereafter amended. All records, documents and papers of
17 the Commuter Rail Division, other than those relating to
18 matters concerning which closed sessions of the Commuter Rail
19 Board may be held, shall be available for public examination,
20 subject to such reasonable regulations as the board may adopt.

21 A majority of the members shall constitute a quorum for the
22 conduct of business. Until May 1, 2007, the ~~The~~ affirmative
23 votes of at least 4 members shall be necessary for any action
24 required by this Act to be taken by ordinance. Beginning May 1,
25 2007, the affirmative votes of at least 5 members shall be
26 necessary for any action required by this Act to be taken by
27 ordinance.

28 (Source: P.A. 83-886.)

29 (70 ILCS 3615/3B.12) (from Ch. 111 2/3, par. 703B.12)

30 Sec. 3B.12. Working Cash Borrowing. The Commuter Rail Board
31 with the affirmative vote of at least two-thirds ~~of 5~~ of its
32 Directors may demand and direct the Board of the Authority to
33 issue Working Cash Notes at such time and in such amounts and
34 having such maturities as the Commuter Rail Board deems proper,

1 provided however any such borrowing shall have been
2 specifically identified in the budget of the Commuter Rail
3 Board as approved by the Board of the Authority. Provided
4 further, that the Commuter Rail Board may not demand and direct
5 the Board of the Authority to have issued and have outstanding
6 at any time in excess of \$20,000,000 in Working Cash Notes.

7 (Source: P.A. 83-886.)

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