



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2500

Introduced 10/30/2009, by Sen. James T. Meeks

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code to add members of the Chicago Board of Election to the list of offices to be filled by ballot at the general election. Amends the School Code. Provides that terms of all members of the Chicago Board of Education holding office on the effective date of the amendatory Act are abolished upon election and seating of the members of the new board. Provides that the members of the board (instead of the Mayor) shall appoint a full-time, compensated chief executive officer, and his or her compensation as chief executive officer shall be determined by the board (instead of the Mayor). Provides that the board (instead of the Mayor, at his or her discretion) may appoint the President to serve simultaneously as the chief executive officer, who must possess a type 75 administrative certificate. Provides that any vacancy in the membership of the board shall be filled through appointment by the board, by majority vote, (instead of the Mayor) for the unexpired term. Adds provisions concerning (1) the composition of, (2) membership requirements for, (3) nomination and election process of, and (4) terms of office for members of the board. Adds provisions concerning vacancies on the board. Adds provisions concerning the election of the president, vice-president, and secretary of the Board. Adds provisions concerning (1) the organization of the board and (2) board duties with respect to the chief executive officer. Effective immediately.

LRB096 15433 MJR 30635 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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 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

1 counties or educational service regions in which that
2 office has been abolished;

3 (8) Judges of the Supreme, Appellate and Circuit
4 Courts, on the question of retention, to fill vacancies and
5 newly created judicial offices;

6 (9) (Blank);

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

9 (11) Special District elected officers, not otherwise
10 designated in this Section, where the statute creating or
11 authorizing the creation of the district requires an annual
12 election and permits or requires election of candidates of
13 political parties; and -

14 (12) Chicago Board of Education elected under Article
15 34 of the School Code.

16 (b) At the general primary election:

17 (1) in each even-numbered year candidates of political
18 parties shall be nominated for those offices to be filled
19 at the general election in that year, except where pursuant
20 to law nomination of candidates of political parties is
21 made by caucus.

22 (2) in the appropriate even-numbered years the
23 political party offices of State central committeeman,
24 township committeeman, ward committeeman, and precinct
25 committeeman shall be filled and delegates and alternate
26 delegates to the National nominating conventions shall be

1 elected as may be required pursuant to this Code. In the
2 even-numbered years in which a Presidential election is to
3 be held, candidates in the Presidential preference primary
4 shall also be on the ballot.

5 (3) in each even-numbered year, where the municipality
6 has provided for annual elections to elect municipal
7 officers pursuant to Section 6(f) or Section 7 of Article
8 VII of the Constitution, pursuant to the Illinois Municipal
9 Code or pursuant to the municipal charter, the offices of
10 such municipal officers shall be filled at an election held
11 on the date of the general primary election, provided that
12 the municipal election shall be a nonpartisan election
13 where required by the Illinois Municipal Code. For partisan
14 municipal elections in even-numbered years, a primary to
15 nominate candidates for municipal office to be elected at
16 the general primary election shall be held on the Tuesday 6
17 weeks preceding that election.

18 (4) in each school district which has adopted the
19 provisions of Article 33 of the School Code, successors to
20 the members of the board of education whose terms expire in
21 the year in which the general primary is held shall be
22 elected.

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

25 (1) Municipal officers, provided that in
26 municipalities in which candidates for alderman or other

1 municipal office are not permitted by law to be candidates
2 of political parties, the runoff election where required by
3 law, or the nonpartisan election where required by law,
4 shall be held on the date of the consolidated election; and
5 provided further, in the case of municipal officers
6 provided for by an ordinance providing the form of
7 government of the municipality pursuant to Section 7 of
8 Article VII of the Constitution, such offices shall be
9 filled by election or by runoff election as may be provided
10 by such ordinance;

11 (2) Village and incorporated town library directors;

12 (3) City boards of stadium commissioners;

13 (4) Commissioners of park districts;

14 (5) Trustees of public library districts;

15 (6) Special District elected officers, not otherwise
16 designated in this section, where the statute creating or
17 authorizing the creation of the district permits or
18 requires election of candidates of political parties;

19 (7) Township officers, including township park
20 commissioners, township library directors, and boards of
21 managers of community buildings, and Multi-Township
22 Assessors;

23 (8) Highway commissioners and road district clerks;

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

26 (10) The directors and chairman of the Chain O Lakes -

1 Fox River Waterway Management Agency;

2 (11) Forest preserve district commissioners elected
3 under Section 3.5 of the Downstate Forest Preserve District
4 Act;

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

12 (13) Members of Community College district boards;

13 (14) Trustees of Fire Protection Districts;

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

16 (16) Elected Trustees of Tuberculosis Sanitarium
17 Districts;

18 (17) Elected Officers of special districts not
19 otherwise designated in this Section for which the law
20 governing those districts does not permit candidates of
21 political parties.

22 (d) At the consolidated primary election in each
23 odd-numbered year, candidates of political parties shall be
24 nominated for those offices to be filled at the consolidated
25 election in that year, except where pursuant to law nomination
26 of candidates of political parties is made by caucus, and

1 except those offices listed in paragraphs (12) through (17) of
2 subsection (c).

3 At the consolidated primary election in the appropriate
4 odd-numbered years, the mayor, clerk, treasurer, and aldermen
5 shall be elected in municipalities in which candidates for
6 mayor, clerk, treasurer, or alderman are not permitted by law
7 to be candidates of political parties, subject to runoff
8 elections to be held at the consolidated election as may be
9 required by law, and municipal officers shall be nominated in a
10 nonpartisan election in municipalities in which pursuant to law
11 candidates for such office are not permitted to be candidates
12 of political parties.

13 At the consolidated primary election in the appropriate
14 odd-numbered years, municipal officers shall be nominated or
15 elected, or elected subject to a runoff, as may be provided by
16 an ordinance providing a form of government of the municipality
17 pursuant to Section 7 of Article VII of the Constitution.

18 (e) (Blank).

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

23 Notwithstanding the regular dates for election of officers
24 established in this Article, whenever a referendum is held for
25 the establishment of a political subdivision whose officers are
26 to be elected, the initial officers shall be elected at the

1 election at which such referendum is held if otherwise so
2 provided by law. In such cases, the election of the initial
3 officers shall be subject to the referendum.

4 Notwithstanding the regular dates for election of
5 officials established in this Article, any community college
6 district which becomes effective by operation of law pursuant
7 to Section 6-6.1 of the Public Community College Act, as now or
8 hereafter amended, shall elect the initial district board
9 members at the next regularly scheduled election following the
10 effective date of the new district.

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

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

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

19 Section 10. The School Code is amended by changing Sections
20 34-1 and 34-3 and by adding Sections 34-3.6, 34-3.7, 34-3.8,
21 34-3.9, and 34-3.10 as follows:

22 (105 ILCS 5/34-1) (from Ch. 122, par. 34-1)

23 Sec. 34-1. Application of article; Definitions. This
24 Article applies only to cities having a population exceeding

1 500,000.

2 "Trustees", when used in this Article, means the Chicago
3 School Reform Board of Trustees created by this amendatory Act
4 of 1995 and serving as the governing board of the school
5 district organized under this Article beginning with its
6 appointment on or after the effective date of this amendatory
7 Act of 1995 and continuing until June 30, 1999 or the
8 appointment of a new Chicago Board of Education as provided in
9 Section 34-3, whichever is later.

10 "Board", or "board of education" when used in this Article,
11 means: (i) the Chicago School Reform Board of Trustees for the
12 period that begins with the appointment of the Trustees and
13 that ends on the later of June 30, 1999 or the appointment of a
14 new Chicago Board of Education as provided in Section 34-3; ~~and~~
15 (ii) the new Chicago Board of Education from and after June 30,
16 1999 or from and after its appointment as provided in Section
17 34-3, whichever is later; and (iii) the Chicago Board of
18 Education established by this amendatory Act of the 96th
19 General Assembly upon that board being duly constituted.

20 Except during the period that begins with the appointment
21 of the Chicago School Reform Board of Trustees on or after the
22 effective date of this amendatory Act of 1995 and that ends on
23 the later of June 30, 1999 or the appointment of a new Chicago
24 Board of Education as provided in Section 34-3: (i) the school
25 district organized under this Article may be subject to further
26 limitations imposed under Article 34A; and (ii) the provisions

1 of Article 34A prevail over the other provisions of this Act,
2 including the provisions of this Article, to the extent of any
3 conflict.

4 (Source: P.A. 89-15, eff. 5-30-95.)

5 (105 ILCS 5/34-3) (from Ch. 122, par. 34-3)

6 Sec. 34-3. Chicago School Reform Board of Trustees; new
7 Chicago Board of Education; members; term; vacancies.

8 (a) ~~The Within 30 days after the effective date of this~~
9 ~~amendatory Act of 1995, the~~ terms of all members of the Chicago
10 Board of Education holding office on the effective date of this
11 amendatory Act of the 96th General Assembly ~~that date~~ are
12 abolished upon election and seating of the members of the
13 Chicago Board of Education as provided in this amendatory Act
14 of the 96th General Assembly ~~and the Mayor shall appoint,~~
15 ~~without the consent or approval of the City Council, a 5 member~~
16 ~~Chicago School Reform Board of Trustees which shall take office~~
17 ~~upon the appointment of the fifth member. The Chicago School~~
18 ~~Reform Board of Trustees and its members shall serve until, and~~
19 ~~the terms of all members of the Chicago School Reform Board of~~
20 ~~Trustees shall expire on, June 30, 1999 or upon the appointment~~
21 ~~of a new Chicago Board of Education as provided in subsection~~
22 ~~(b), whichever is later. Any vacancy in the membership of the~~
23 ~~Trustees shall be filled through appointment by the Mayor,~~
24 ~~without the consent or approval of the City Council, for the~~
25 ~~unexpired term. One of the members appointed by the Mayor to~~

1 ~~the Trustees shall be designated by the Mayor to serve as~~
2 ~~President of the Trustees.~~ The members of the board ~~Mayor~~ shall
3 appoint a full-time, compensated chief executive officer, who
4 must possess an administrative certificate pursuant to Section
5 21-7.1 of this Code, and his or her compensation as ~~such~~ chief
6 executive officer shall be determined by the board ~~Mayor~~. The
7 board ~~Mayor, at his or her discretion,~~ may appoint the
8 President to serve simultaneously as the chief executive
9 officer.

10 (b) ~~Within 30 days before the expiration of the terms of~~
11 ~~the members of the Chicago Reform Board of Trustees as provided~~
12 ~~in subsection (a), a new Chicago Board of Education consisting~~
13 ~~of 7 members shall be appointed by the Mayor to take office on~~
14 ~~the later of July 1, 1999 or the appointment of the seventh~~
15 ~~member. Three of the members initially so appointed under this~~
16 ~~subsection shall serve for terms ending June 30, 2002, 4 of the~~
17 ~~members initially so appointed under this subsection shall~~
18 ~~serve for terms ending June 30, 2003, and each member initially~~
19 ~~so appointed shall continue to hold office until his or her~~
20 ~~successor is appointed and qualified. Thereafter at the~~
21 ~~expiration of the term of any member a successor shall be~~
22 ~~appointed by the Mayor and shall hold office for a term of 4~~
23 ~~years, from July 1 of the year in which the term commences and~~
24 ~~until a successor is appointed and qualified.~~ Any vacancy in
25 the membership of the Chicago Board of Education shall be
26 filled through appointment by the board, by majority vote,

1 ~~Mayor~~ for the unexpired term. ~~No appointment to membership on~~
2 ~~the Chicago Board of Education that is made by the Mayor under~~
3 ~~this subsection shall require the approval of the City Council,~~
4 ~~whether the appointment is made for a full term or to fill a~~
5 ~~vacancy for an unexpired term on the Board.~~ The board shall
6 elect annually from its number a president and vice-president,
7 in such manner and at such time as the board determines by its
8 rules. The officers so elected shall each perform the duties
9 imposed upon their respective office by the rules of the board,
10 provided that (i) the president shall preside at meetings of
11 the board and vote as any other member but have no power of
12 veto, and (ii) the vice president shall perform the duties of
13 the president if that office is vacant or the president is
14 absent or unable to act. The secretary of the Board shall be
15 selected by the Board and shall be an employee of the Board
16 rather than a member of the Board, notwithstanding subsection
17 (d) of Section 34-3.3. The duties of the secretary shall be
18 imposed by the rules of the Board.

19 (c) The board may appoint a student to the board to serve
20 in an advisory capacity. The student member shall serve for a
21 term as determined by the board. The board may not grant the
22 student member any voting privileges, but shall consider the
23 student member as an advisor. The student member may not
24 participate in or attend any executive session of the board.

25 (d) School districts organized under this Article shall be
26 governed by a Chicago Board of Education consisting of 7

1 members, serving without compensation except as provided by
2 law. Each member shall be elected for a term of 6 years,
3 beginning at the next general election occurring after the
4 effective date of this amendatory Act of the 96th General
5 Assembly. Each member, on the date of his or her election,
6 shall (1) be a citizen of the United States of the age of 18
7 years or over, (2) be a resident of the State and the territory
8 of the district for at least one year immediately preceding his
9 or her election, (3) be a registered voter as provided in the
10 general election law, (4) not be a school trustee, and (5) not
11 be a child sex offender as defined in Section 11-9.3 of the
12 Criminal Code of 1961.

13 (e) Nomination papers filed under this Section are not
14 valid unless the candidate named in those nomination papers
15 files with the secretary of the board or with a person
16 designated by the board to receive nominating petitions a
17 receipt from the county clerk showing that the candidate has
18 filed a statement of economic interests as required by the
19 Illinois Governmental Ethics Act. The receipt shall be so filed
20 either previously during the calendar year in which his
21 nomination papers were filed or within the period for the
22 filing of nomination papers in accordance with the general
23 election law.

24 (f) All board members shall be elected at large by the
25 voters of the City in a non-partisan election held during the
26 general election, beginning with the general election held in

1 2010 and each succeeding general election. Seven board members
2 shall be elected, with candidates receiving the highest,
3 second-highest, third-highest, and fourth-highest number of
4 votes being elected for 4-year terms. Candidates receiving the
5 fifth-highest, sixth-highest, and seventh-highest number of
6 votes shall be elected for 2-year terms.

7 (g) The term of office for the board members elected under
8 this Section shall begin on the first Monday of the month
9 following the month of the election. Each board member, before
10 entering upon the duties of his or her office, shall take an
11 oath to faithfully discharge his or her duties as a board
12 member. The board member shall hold his or her office until his
13 or her successors are elected and qualified. No board member
14 shall serve simultaneously as a commissioner and a member or
15 chairperson of another countywide elected board, commission,
16 or agency. If a vacancy in the position of board president or
17 commissioner occurs, other than by expiration of the
18 president's or board member's term, then the board shall
19 declare that a vacancy exists. If the vacancy occurs in the
20 office of the president, then the board shall, within 30 days
21 after the date of the vacancy, appoint a person to serve for
22 the remainder of the unexpired term or until his or her
23 successor is elected and qualified. If a vacancy occurs in the
24 office of board member, then the Mayor shall, within 60 days
25 after the date of the vacancy, and with the majority approval
26 of City Council, appoint a person to serve for the remainder of

1 the unexpired term or until his or her successor is elected and
2 qualified. If more than 28 months remain in the unexpired term
3 of a board member, then the appointment shall be until the next
4 general election, at which time the vacated office shall be
5 filled by election for the remainder of the term.

6 (Source: P.A. 94-231, eff. 7-14-05.)

7 (105 ILCS 5/34-3.6 new)

8 Sec. 34-3.6. President of the board.

9 (a) The president of the board shall be elected by the
10 members thereof from among their number and serve for 2 years,
11 except that the board by resolution may establish a policy for
12 the term of office to be one year.

13 (b) The president shall preside at all meetings and shall
14 perform such duties as are imposed upon him or her by law or by
15 action of the Board. If he is absent from any meeting or
16 refuses to perform his duties, then a president pro tempore
17 shall be appointed. The vice-president of the Board shall be
18 appointed the president pro tempore.

19 (105 ILCS 5/34-3.7 new)

20 Sec. 34-3.7. Vice-president of the board.

21 (a) A vice-president of the board shall be elected by the
22 members thereof from among their number and serve for 2 years,
23 except that the board by resolution may establish a policy for
24 the term of office to be one year.

1 (b) The vice-president shall perform the duties of the
2 president if there is a vacancy in the office of president or
3 in case of the president's absence or inability to act, and
4 other duties imposed upon him by the rules of the board.

5 (105 ILCS 5/34-3.8 new)

6 Sec. 34-3.8. Secretary of the board.

7 (a) The secretary of the board shall be elected by the
8 board and may be a member thereof and shall serve for 2 years,
9 except that the board by resolution may establish a policy for
10 the term of office to be one year. The secretary, if not a
11 member of the board, may receive such compensation as shall be
12 fixed by the board of education prior to the election of the
13 secretary. If the secretary is a member of the board, then he
14 or she may receive compensation not to exceed \$500 per year as
15 shall be fixed by the board and may vote on all questions
16 coming before the board.

17 (b) The secretary shall perform the duties usually
18 pertaining to his office, or to the clerk of a board of
19 directors, and those as are imposed on him by law, or by action
20 of the board of education. If he or she is absent from any
21 meeting or refuses to perform his duties, then a secretary pro
22 tempore who may but need not be a member of the board shall be
23 appointed.

24 (105 ILCS 5/34-3.9 new)

1 Sec. 34-3.9. Organization of the board.

2 (a) Within 28 days after the consolidated election, other
3 than the consolidated elections in 1999 and 2001, the board
4 shall organize by electing its officers and fixing a time and
5 place for the regular meetings. Upon organizing itself as
6 provided in this paragraph, the board shall enter upon the
7 discharge of its duties.

8 (b) Special meetings of the board of education may be
9 called by the president or by any 3 members of the board by
10 giving notice in writing, stating the time, place, and purpose
11 of the meeting. Notice may be served by mail 48 hours before
12 the meeting or by personal service 24 hours before the meeting.
13 Public notice of meetings must also be given as prescribed in
14 Sections 2.02 and 2.03 of the Open Meetings Act.

15 At each regular and special meeting that is open to the
16 public, members of the public and employees of the district
17 shall be afforded time, subject to reasonable constraints, to
18 comment to or ask questions of the board.

19 (c) The president or chief executive officer shall, at each
20 regular board meeting, report any requests made of the district
21 under provisions of the Freedom of Information Act and shall
22 report the status of the district's response.

23 (105 ILCS 5/34-3.10 new)

24 Sec. 34-3.10. Board duties with respect to the chief
25 executive officer. In addition to all other powers and duties

1 enumerated in this Article, the board shall make all employment
2 decisions pertaining to the chief executive officer. The board
3 shall direct, through policy, the chief executive officer in
4 his or her charge of the administration of the school district,
5 including without limitation considering the recommendations
6 of the chief executive officer concerning the budget, building
7 plans, the locations of sites, the selection, retention, and
8 dismissal of employees, and the selection of textbooks,
9 instructional material, and courses of study. The board shall
10 evaluate the chief executive officer in his or her
11 administration of board policies and his or her stewardship of
12 the assets of the district.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 10 ILCS 5/2A-1.2 from Ch. 46, par. 2A-1.2

4 105 ILCS 5/34-1 from Ch. 122, par. 34-1

5 105 ILCS 5/34-3 from Ch. 122, par. 34-3

6 105 ILCS 5/34-3.6 new

7 105 ILCS 5/34-3.7 new

8 105 ILCS 5/34-3.8 new

9 105 ILCS 5/34-3.9 new

10 105 ILCS 5/34-3.10 new