

1 AMENDMENT TO HOUSE BILL 1839

2 AMENDMENT NO. _____. Amend House Bill 1839 by replacing
3 everything after the enacting clause with the following:

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

1 advice and consent of the county board, when such vacancy
2 occurs in a single county educational service region; or (ii)
3 by appointment of a committee composed of the chairmen of the
4 county boards of those counties comprising the affected
5 educational service region when such vacancy occurs in a
6 multicounty educational service region, each committeeman to
7 be entitled to one vote for each vote that was received in
8 the county represented by such committeeman on the committee
9 by the regional superintendent of schools whose office is
10 vacant at the last election at which a regional
11 superintendent was elected to such office, and the person
12 receiving the highest number of affirmative votes from the
13 committeemen for such vacant office to be deemed the person
14 appointed by such committee to fill the vacancy. The
15 appointee shall be a member of the same political party as
16 the regional superintendent of schools the appointee succeeds
17 was at the time such regional superintendent of schools last
18 was elected. The appointee shall serve for the remainder of
19 the term. However, if more than 28 months remain in that
20 term, the appointment shall be until the next general
21 election, at which time the vacated office shall be filled by
22 election for the remainder of the term. Nominations shall be
23 made and any vacancy in nomination shall be filled as
24 follows:

25 (1) If the vacancy in office occurs before the
26 first date provided in Section 7-12 of the Election Code
27 for filing nomination papers for county offices for the
28 primary in the next even-numbered year following
29 commencement of the term of office in which the vacancy
30 occurs, nominations for the election for filling the
31 vacancy shall be made pursuant to Article 7 of the
32 Election Code.

33 (2) If the vacancy in office occurs during the time
34 provided in Section 7-12 of the Election Code for filing

1 nomination papers for county offices for the primary in
2 the next even-numbered year following commencement of the
3 term of office in which the vacancy occurs, the time for
4 filing nomination papers for the primary shall not be
5 more than 91 days nor less than 85 days prior to the date
6 of the primary.

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

31 (4) The resolution to fill the vacancy shall be
32 duly acknowledged before an officer qualified to take
33 acknowledgments of deeds and shall include, upon its
34 face, the following information: (A) the name of the

1 original nominee and the office vacated; (B) the date on
2 which the vacancy occurred; and (C) the name and address
3 of the nominee selected to fill the vacancy and the date
4 of selection. The resolution to fill the vacancy shall be
5 accompanied by a statement of candidacy, as prescribed in
6 Section 7-10 of the Election Code, completed by the
7 selected nominee, a certificate from the State Board of
8 Education, as prescribed in Section 3-1 of this Code, and
9 a receipt indicating that the nominee has filed a
10 statement of economic interests as required by the
11 Illinois Governmental Ethics Act.

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

20 Except as otherwise provided by applicable county
21 ordinance or by law, 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 less than 2,000,000 inhabitants,
25 that vacancy shall be filled by the county board of such home
26 rule county.

27 On or after August 7, 1995, if a vacancy occurs in the
28 office of regional superintendent of schools of an
29 educational service region that is located in a county that
30 is a home rule unit and that has a population of 2,000,000 or
31 more inhabitants, then that vacancy shall be filled by the
32 first assistant superintendent/deputy superintendent until
33 the end of the term to which the regional superintendent was
34 elected. ~~Until--July--17--1994,--if--a--vacaney--occurs--in--the~~

1 office--of--regional--superintendent---of---schools---of---an
2 educational--service--region-that-is-located-in-a-county-that
3 is-a-home-rule-unit-and-that-has-a-population-of-2,000,000-or
4 more-inhabitants, that-vacancy-shall-be-filled-by-the--county
5 board--of--that-home-rule-county-unless-otherwise-provided-by
6 applicable-county-ordinance-or-by-law.-On-and-after--July--1,
7 1994,---the---provisions---of--this--Section--shall--have--no
8 application-in-any-educational-service-region-that-is-located
9 in-any-county, including-a-county-that-is-a-home--rule--unit,
10 if--that--educational--service--region--has--a--population-of
11 2,000,000-or-more-inhabitants.

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

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

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".