

1 AN ACT regarding 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 county chairman of the same political
23 party as the regional superintendent of schools the appointee
24 succeeds was at the time the regional superintendent of
25 schools was last elected county-board, with the advice and
26 consent of the county board, when such vacancy occurs in a
27 single county educational service region; or (ii) by
28 appointment of a committee composed of the county chairmen of
29 the same political party as the regional superintendent of
30 schools the appointee succeeds was at the time the regional
31 superintendent of schools was last elected county--boards of

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

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

29 (2) If the vacancy in office occurs during the time
30 provided in Section 7-12 of the Election Code for filing
31 nomination papers for county offices for the primary in
32 the next even-numbered year following commencement of the
33 term of office in which the vacancy occurs, the time for
34 filing nomination papers for the primary shall not be

1 more than 91 days nor less than 85 days prior to the date
2 of the primary.

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

27 (4) The resolution to fill the vacancy shall be
28 duly acknowledged before an officer qualified to take
29 acknowledgments of deeds and shall include, upon its
30 face, the following information: (A) the name of the
31 original nominee and the office vacated; (B) the date on
32 which the vacancy occurred; and (C) the name and address
33 of the nominee selected to fill the vacancy and the date
34 of selection. The resolution to fill the vacancy shall be

1 accompanied by a statement of candidacy, as prescribed in
2 Section 7-10 of the Election Code, completed by the
3 selected nominee, a certificate from the State Board of
4 Education, as prescribed in Section 3-1 of this Code, and
5 a receipt indicating that the nominee has filed a
6 statement of economic interests as required by the
7 Illinois Governmental Ethics Act.

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

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

23 Until July 1, 2003 or until the regional superintendent
24 of schools elected in 2002 takes office, whichever occurs
25 first, if a vacancy exists in the office of regional
26 superintendent of schools of an educational service region
27 that is located in a county that is a home rule unit and that
28 has a population of 2,000,000 or more inhabitants, then that
29 vacancy shall be filled by the first assistant
30 superintendent/deputy superintendent until the end of the
31 term to which the regional superintendent was elected.

32 Any person appointed to fill a vacancy in the office of
33 regional superintendent of schools of any educational service
34 region must possess the qualifications required to be elected

1 to the position of regional superintendent of schools, and
2 shall obtain a certificate of eligibility from the State
3 Superintendent of Education and file same with the county
4 clerk of the county in which the regional superintendent's
5 office is located.

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

20 (Source: P.A. 92-277, eff. 8-7-01; 92-869, eff. 1-3-03.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.