



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1859

Introduced 2/15/2019, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/2A-52	from Ch. 46, par. 2A-52
110 ILCS 805/7-1	from Ch. 122, par. 107-1
110 ILCS 805/7-2	from Ch. 122, par. 107-2
110 ILCS 805/7-2.1 new	
110 ILCS 805/7-2.2 new	
110 ILCS 805/7-2.3 new	
110 ILCS 805/7-3	from Ch. 122, par. 107-3

Amends the Election Code. Provides for the election of the board of trustees of the City Colleges of Chicago, Illinois Community College District No. 508, at the general primary election in 2020 on a nonpartisan ballot. Provides that a member of the board of trustees shall be elected at each consolidated election thereafter. Makes related changes. Amends the Public Community College Act. Sets forth provisions concerning nominating petitions and ballots. Provides that the City of Chicago shall be subdivided into 20 trustee districts by the General Assembly for seats on the board of trustees, in addition to one at-large trustee. Provides that in the year following each decennial census, the General Assembly shall redistrict the trustee districts to reflect the results of each decennial census. Makes other changes. Effective immediately.

LRB101 10960 SMS 56137 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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
5 Sections 2A-1.2 and 2A-52 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.

14 (b) At the general primary election:

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

20 (2) in the appropriate even-numbered years the
21 political party offices of State central committeeperson,
22 township committeeperson, ward committeeperson, and
23 precinct committeeperson shall be filled and delegates and
24 alternate delegates to the National nominating conventions
25 shall be elected as may be required pursuant to this Code.
26 In the even-numbered years in which a Presidential election

1 is to be held, candidates in the Presidential preference
2 primary shall also be on the ballot.

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

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

21 (5) in the 2020 primary election, the members of the
22 Board of Trustees of the City Colleges of Chicago, Illinois
23 Community College District No. 508, shall be elected to
24 serve a term of 5 years; successors shall be elected at the
25 consolidated election under subsection (c) to a term of 4
26 years as provided under Section 2A-48 of this Code. The

1 election of members of the Board of Trustees of the City
2 Colleges of Chicago held in 2020 shall be a nonpartisan
3 election as provided for under this Code and conducted on a
4 nonpartisan ballot.

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

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

19 (2) Village and incorporated town library directors;

20 (3) City boards of stadium commissioners;

21 (4) Commissioners of park districts;

22 (5) Trustees of public library districts;

23 (6) Special District elected officers, not otherwise
24 designated in this Section, where the statute creating or
25 authorizing the creation of the district permits or
26 requires election of candidates of political parties;

1 (7) Township officers, including township park
2 commissioners, township library directors, and boards of
3 managers of community buildings, and Multi-Township
4 Assessors;

5 (8) Highway commissioners and road district clerks;

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

8 (10) The directors and chair of the Chain O Lakes - Fox
9 River Waterway Management Agency;

10 (11) Forest preserve district commissioners elected
11 under Section 3.5 of the Downstate Forest Preserve District
12 Act;

13 (12) Elected members of school boards, school
14 trustees, directors of boards of school directors,
15 trustees of county boards of school trustees (except in
16 counties or educational service regions having a
17 population of 2,000,000 or more inhabitants) and members of
18 boards of school inspectors, except school boards in school
19 districts that adopt Article 33 of the School Code;

20 (13) Members of Community College district boards,
21 except as otherwise provided in paragraph (5) of subsection
22 (b);

23 (14) Trustees of Fire Protection Districts;

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

26 (16) Elected Trustees of Tuberculosis Sanitarium

1 Districts;

2 (17) Elected Officers of special districts not
3 otherwise designated in this Section for which the law
4 governing those districts does not permit candidates of
5 political parties.

6 (d) At the consolidated primary election in each
7 odd-numbered year, candidates of political parties shall be
8 nominated for those offices to be filled at the consolidated
9 election in that year, except where pursuant to law nomination
10 of candidates of political parties is made by caucus, and
11 except those offices listed in paragraphs (12) through (17) of
12 subsection (c).

13 At the consolidated primary election in the appropriate
14 odd-numbered years, the mayor, clerk, treasurer, and aldermen
15 shall be elected in municipalities in which candidates for
16 mayor, clerk, treasurer, or alderman are not permitted by law
17 to be candidates of political parties, subject to runoff
18 elections to be held at the consolidated election as may be
19 required by law, and municipal officers shall be nominated in a
20 nonpartisan election in municipalities in which pursuant to law
21 candidates for such office are not permitted to be candidates
22 of political parties.

23 At the consolidated primary election in the appropriate
24 odd-numbered years, municipal officers shall be nominated or
25 elected, or elected subject to a runoff, as may be provided by
26 an ordinance providing a form of government of the municipality

1 pursuant to Section 7 of Article VII of the Constitution.

2 (e) (Blank).

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

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

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

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

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

1 (Source: P.A. 100-1027, eff. 1-1-19.)

2 (10 ILCS 5/2A-52) (from Ch. 46, par. 2A-52)

3 Sec. 2A-52. Community College District - Member - Time of
4 Election. A member of the Board of a Community College District
5 shall be elected at each consolidated election to succeed each
6 elected incumbent member of the Board whose term expires before
7 the following consolidated election. However, a member of the
8 Board of Trustees of the City Colleges of Chicago, Illinois
9 Community College District No. 508, shall be elected at each
10 consolidated election beginning with the April 2023 election to
11 succeed each incumbent member whose term ends before the
12 following consolidated election.

13 (Source: P.A. 90-358, eff. 1-1-98.)

14 Section 10. The Public Community College Act is amended by
15 changing Sections 7-1, 7-2, and 7-3 and by adding Sections
16 7-2.1, 7-2.2, and 7-2.3 as follows:

17 (110 ILCS 805/7-1) (from Ch. 122, par. 107-1)

18 Sec. 7-1. This Article applies only to community college
19 districts in cities having a population of 500,000 or more
20 inhabitants. Each such community college district shall
21 maintain a system of community colleges under the charge of a
22 board, ~~which is appointed~~ as provided in Section 7-2. Except as
23 otherwise provided in this Article, such a community college

1 district and its board have all the rights, duties, powers and
2 responsibilities and are subject to the same limitations as are
3 provided for other community college districts in this Act, as
4 now or hereafter amended.

5 (Source: P.A. 78-669.)

6 (110 ILCS 805/7-2) (from Ch. 122, par. 107-2)

7 Sec. 7-2. (a) This subsection (a) applies until March 21,
8 2020. The board shall consist of 7 members, appointed by the
9 mayor with the approval of the city council. Prior to the
10 expiration of the term of any member his successor shall be
11 appointed in like manner and shall hold office for a term of 3
12 years from July 1 of the year in which he is appointed and
13 until his successor is appointed and qualified. Any vacancy in
14 the membership of the board shall be filled through appointment
15 by the mayor, with the approval of the city council, for the
16 unexpired term. If any appointee fails to qualify within 30
17 days after his appointment, the office shall be filled by a new
18 appointment for the unexpired term. To be eligible for
19 appointment to a board under this Section, a person must
20 possess the same qualifications and meet the same requirements
21 as are prescribed by this Act for members of an elected board
22 of a community college district.

23 (b) On March 21, 2020, notwithstanding the provisions of
24 Section 3-7 of this Act, the terms of all members of the board
25 appointed under subsection (a) are abolished when the new

1 board, consisting of 21 members, is elected by the electors of
2 the community college district as provided in this subsection
3 (b) and takes office.

4 Each member shall be elected for a term of 4 years,
5 commencing on the second Tuesday in May of the year in which
6 the member is elected, and until the member's successor is
7 elected and has qualified, except that members of the board
8 elected to terms commencing on March 21, 2020 shall commence to
9 serve for terms of 5 years and until the member's successor is
10 elected and has qualified. For purposes of elections conducted
11 pursuant to this subsection (b), the City of Chicago shall be
12 subdivided into 20 trustee districts by the General Assembly
13 for seats on the board, as provided under Section 7-2.3 of this
14 Act. Each district shall be represented by a member, and one
15 member shall be elected at large and serve as the president of
16 the board. To be eligible for election or appointment to a
17 board under this Section, a person must possess the same
18 qualifications and meet the same requirements as are prescribed
19 by this Act for members of an elected board of a community
20 college district. A person is ineligible for election or
21 appointment to a board under this Section if that person is an
22 employee of a community college district within the city.

23 (c) No member shall have or be an employee or owner of a
24 company that has a contract with a community college within the
25 city. No former officer, member, or employee of the board
26 shall, within a period of one year immediately after

1 termination of service on the board, knowingly accept
2 employment or receive compensation or fees for services from a
3 person or entity if the officer, member, or employee, during
4 the year immediately preceding termination of service on the
5 board, participated personally and substantially in the award
6 of contracts with the board, community college district, or
7 community colleges within the city, or the issuance of contract
8 change orders with the board or the community college district,
9 or community college within the city, with a cumulative value
10 of \$25,000 or more to the person, the entity, or the entity's
11 parent or subsidiary.

12 (d) Whenever a vacancy occurs, the remaining members shall
13 fill the vacancy, and the person so appointed shall serve until
14 a successor is elected at the next regular election for board
15 members and is certified in accordance with Sections 22-17 and
16 22-18 of the Election Code. If the remaining members fail to
17 fill the vacancy within 60 days after the vacancy occurs, the
18 chairman of the State Board shall fill that vacancy, and the
19 person so appointed shall serve until a successor is elected at
20 the next regular election for board members and is certified in
21 accordance with Sections 22-17 and 22-18 of the Election Code.
22 The person appointed to fill a vacancy shall have the same
23 residential qualifications as his or her predecessor in office
24 was required to have. However, in either instance, if the
25 vacancy occurs with more than 28 months remaining until the
26 term expires, the appointed member shall serve only until a

1 successor is elected and qualified at the next scheduled
2 election.

3 (Source: P.A. 78-669.)

4 (110 ILCS 805/7-2.1 new)

5 Sec. 7-2.1. Nomination petitions. Notwithstanding Section
6 3-7.10 of this Act, in addition to the requirements of the
7 general election law, the form of petitions under this Section
8 shall be substantially as follows:

9 NOMINATING PETITIONS

10 (LEAVE OUT THE INAPPLICABLE PART.)

11 To the Board of Election Commissioners for the City of
12 Chicago:

13 We the undersigned, being (.... or more) of the voters
14 residing within said district, hereby petition that who
15 resides at in the City of Chicago shall be a candidate for
16 the office of of the Board of Trustees of the City
17 Colleges of Chicago, Illinois Community College District No.
18 508, (full term) (vacancy) to be voted for at the election to
19 be held on (insert date).

20 Name: Address:

21 In the designation of the name of a candidate on a petition
22 for nomination, the candidate's given name or names, initial or
23 initials, a nickname by which the candidate is commonly known,
24 or a combination thereof may be used in addition to the
25 candidate's surname. If a candidate has changed his or her

1 name, whether by a statutory or common law procedure in
2 Illinois or any other jurisdiction, within 3 years before the
3 last day for filing the petition, then (i) the candidate's name
4 on the petition must be followed by "formerly known as (list
5 all prior names during the 3-year period) until name changed on
6 (list date of each such name change)" and (ii) the petition
7 must be accompanied by the candidate's affidavit stating the
8 candidate's previous names during the period specified in
9 clause (i) and the date or dates each of those names was
10 changed; failure to meet these requirements shall be grounds
11 for denying certification of the candidate's name for the
12 ballot, but these requirements do not apply to name changes
13 resulting from adoption to assume an adoptive parent's or
14 parents' surname, marriage to assume a spouse's surname, or
15 dissolution of marriage or declaration of invalidity of
16 marriage to assume a former surname. No other designation, such
17 as a political slogan, as defined by Section 7-17 of the
18 Election Code, title or degree, or nickname suggesting or
19 implying possession of a title, degree or professional status,
20 or similar information may be used in connection with the
21 candidate's surname.

22 All petitions for the nomination of members of the board
23 shall be filed with the board of election commissioners of the
24 jurisdiction in which the principal office of the community
25 college district is located within the time provided for by the
26 general election law, except that petitions for the nomination

1 of members of the board for the March 20, 2020 election shall
2 be prepared and certified on the same schedule as the petition
3 schedule for the candidates for the General Assembly. The board
4 of election commissioners shall receive and file only those
5 petitions that include a statement of candidacy, the required
6 number of voter signatures, the notarized signature of the
7 petition circulator, and a receipt from the County Clerk
8 showing that the candidate has filed a statement of economic
9 interest on or before the last day to file as required by the
10 Illinois Governmental Ethics Act. The board of election
11 commissioners may have petition forms available for issuance to
12 potential candidates and may give notice of the petition filing
13 period by publication in a newspaper of general circulation
14 within the community college district not less than 10 days
15 prior to the first day of filing. The board of election
16 commissioners shall make certification to the proper election
17 authorities in accordance with the general election law.

18 The board of election commissioners of the jurisdiction in
19 which the principal office of the community college district is
20 located shall notify the candidates for whom a petition for
21 nomination is filed or the appropriate committee of the
22 obligations under the Campaign Financing Act as provided in the
23 general election law. Such notice shall be given on a form
24 prescribed by the State Board of Elections and in accordance
25 with the requirements of the general election law. The board of
26 election commissioners shall within 7 days of filing or on the

1 last day for filing, whichever is earlier, acknowledge to the
2 petitioner in writing the office's acceptance of the petition.

3 A candidate for membership on the board who has petitioned
4 for nomination to fill a full term and to fill a vacant term to
5 be voted upon at the same election must withdraw his or her
6 petition for nomination from either the full term or the vacant
7 term by written declaration.

8 Nomination petitions are not valid unless the candidate
9 named therein files with the board of election commissioners a
10 receipt from the county clerk showing that the candidate has
11 filed a statement of economic interests as required by the
12 Illinois Governmental Ethics Act. Such receipt shall be so
13 filed either previously during the calendar year in which his
14 or her nomination papers were filed or within the period for
15 the filing of nomination papers in accordance with the general
16 election law.

17 (110 ILCS 805/7-2.2 new)

18 Sec. 7-2.2. Ballots. The board of election commissioners of
19 the jurisdiction in which the principal office of the community
20 college district is located shall conduct a lottery to
21 determine the ballot order of candidates for full terms in the
22 event of any simultaneous petition filings. Such candidate
23 lottery shall be conducted as follows:

24 All petitions filed by persons waiting in line as of 8:00
25 a.m. on the first day for filing, or as of the normal opening

1 hour of the office involved on such day, shall be deemed
2 simultaneously filed as of 8:00 a.m. or the normal opening
3 hour, as the case may be. Petitions filed by mail and received
4 after midnight of the first day for filing and in the first
5 mail delivery or pickup of that day shall be deemed
6 simultaneously filed as of 8:00 a.m. of that day or as of the
7 normal opening hour of such day, as the case may be. All
8 petitions received thereafter shall be deemed filed in the
9 order of actual receipt. However, 2 or more petitions filed
10 within the last hour of the filing deadline shall be deemed
11 filed simultaneously.

12 Where 2 or more petitions are received simultaneously for
13 the same office as of 8:00 a.m. on the first day for petition
14 filing or as of the normal opening hour of the office of the
15 board of election commissioners with whom such petitions are
16 filed, the board of election commissioners shall break ties and
17 determine the order of filing by means of a lottery or other
18 fair and impartial method of random selection. Such lottery
19 shall be conducted within 9 days following the last day for
20 petition filing and shall be open to the public. Seven days
21 written notice of the time and place of conducting such random
22 selection shall be given by the board of election commissioners
23 to all candidates who filed their petitions simultaneously and
24 to each organization of citizens within the election
25 jurisdiction that was entitled, under the general election law,
26 at the next preceding election, to have poll watchers present

1 on the day of election. The board of election commissioners
2 shall post in a conspicuous, open, and public place, at the
3 entrance of his or her office, notice of the time and place of
4 such lottery.

5 All candidates shall be certified in the order in which
6 their petitions have been filed and in the manner prescribed by
7 Section 10-15 of the Election Code. Where candidates have filed
8 simultaneously, they shall be certified in the order prescribed
9 by this Section and prior to candidates who filed for the same
10 office at a later time.

11 Where elections are conducted for unexpired terms, a second
12 lottery to determine ballot order shall be conducted for
13 candidates who simultaneously file petitions for such
14 unexpired terms. Such lottery shall be conducted in the same
15 manner as prescribed by this Section for full term candidates.

16 Ballots for the election of board members shall be in the
17 following form:

18 (BALLOT FORMAT

19 Ballot position for candidates shall be determined by the
20 order of petition filing or lottery held pursuant to this
21 Section.

22 The community college district is divided into 20 trustee
23 districts, each of which elects one member to the board and
24 votes on one member to serve at-large.)

25 OFFICIAL BALLOT

1 DISTRICT (1 through 20)

2 FOR MEMBERS OF THE BOARD OF TRUSTEES OF THE CITY COLLEGES OF

3 CHICAGO TO SERVE

4 A FULL 4-YEAR TERM

5 VOTE FOR ONE

6 ()

7 ()

8 ()

9 OFFICIAL BALLOT

10 AT LARGE

11 FOR MEMBERS OF THE BOARD OF TRUSTEES OF THE CITY COLLEGES OF

12 CHICAGO TO SERVE

13 A FULL 4-YEAR TERM

14 VOTE FOR ONE

15 ()

16 ()

17 ()

18 REVERSE SIDE:

19 OFFICIAL BALLOT

20 DISTRICT (1 through 20)

21 (Precinct name or number)

22 Community College District No., County,

23 Illinois

24 Election Tuesday (insert date)

25 (facsimile signature of Election Authority)

26 (County)

1 (110 ILCS 805/7-2.3 new)

2 Sec. 7-2.3. Creation of trustee districts; reapportionment
3 of districts.

4 (a) For purposes of elections conducted pursuant to
5 subsection (b) of Section 7-2 of this Act, the City of Chicago
6 shall be subdivided into 20 trustee districts after the
7 effective date of this amendatory Act of the 101st General
8 Assembly by the General Assembly for seats on the board. The
9 trustee districts must be drawn on or before January 1, 2020.
10 Each trustee district must be compact, contiguous, and
11 substantially equal in population.

12 (b) In the year following each decennial census, the
13 General Assembly shall redistrict the trustee districts to
14 reflect the results of the decennial census consistent with the
15 requirements in subsection (a). The reapportionment plan shall
16 be completed and formally approved by the General Assembly not
17 less than 90 days before the last date established by law for
18 the filing of nominating petitions for the second board
19 election after the decennial census year. If by reapportionment
20 a board member no longer resides within the trustee district
21 from which the member was elected, the member shall continue to
22 serve in office until the expiration of the member's regular
23 term. All new members shall be elected from the trustee
24 districts as reapportioned.

1 (110 ILCS 805/7-3) (from Ch. 122, par. 107-3)

2 Sec. 7-3. The organization of the board and election of
3 officers for the a board ~~appointed under Section 7-2~~ shall be
4 conducted in accordance with the general election law and this
5 Act.

6 (Source: P.A. 81-1489.)

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