



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4091

Introduced 1/15/2004, by Paul D. Froehlich, Jack D. Franks,
Constance A. Howard

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-10

from Ch. 122, par. 10-10

Amends the School Code. Allows certain boards of education to give cumulative voting rights in the election of board members, in which case each elector may cast a specified number of votes, equal to the number of members to be elected at that election, for one candidate or distribute them equally among no more than the number of candidates that equals the number of members to be elected, and the candidates highest in votes shall be declared elected.

LRB093 17020 JAM 42683 b

1 AN ACT regarding the election of school board members.

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 Section
5 10-10 as follows:

6 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

7 Sec. 10-10. Board of education; Term; Vacancy. All school
8 districts having a population of not fewer than 1,000 and not
9 more than 500,000 inhabitants, as ascertained by any special or
10 general census, and not governed by special Acts, shall be
11 governed by a board of education consisting of 7 members,
12 serving without compensation except as herein provided. Each
13 member shall be elected for a term of 4 years except as
14 otherwise provided in subsection (a-5) of Section 11B-7 for the
15 initial members of the board of education of a combined school
16 district to which that subsection applies. If 5 members are
17 elected in 1983 pursuant to the extension of terms provided by
18 law for transition to the consolidated election schedule under
19 the general election law, 2 of those members shall be elected
20 to serve terms of 2 years and 3 shall be elected to serve terms
21 of 4 years; their successors shall serve for a 4 year term.
22 When the voters of a district have voted to elect members of
23 the board of education for 6 year terms, as provided in Section
24 9-5, the terms of office of members of the board of education
25 of that district expire when their successors assume office but
26 not later than 7 days after such election. If at the regular
27 school election held in the first odd-numbered year after the
28 determination to elect members for 6 year terms 2 members are
29 elected, they shall serve for a 6 year term; and of the members
30 elected at the next regular school election 3 shall serve for a
31 term of 6 years and 2 shall serve a term of 2 years. Thereafter
32 members elected in such districts shall be elected to a 6 year

1 term. If at the regular school election held in the first
2 odd-numbered year after the determination to elect members for
3 6 year terms 3 members are elected, they shall serve for a 6
4 year term; and of the members elected at the next regular
5 school election 2 shall serve for a term of 2 years and 2 shall
6 serve for a term of 6 years. Thereafter members elected in such
7 districts shall be elected to a 6 year term. If at the regular
8 school election held in the first odd-numbered year after the
9 determination to elect members for 6 year terms 4 members are
10 elected, 3 shall serve for a term of 6 years and one shall
11 serve for a term of 2 years; and of the members elected at the
12 next regular school election 2 shall serve for terms of 6 years
13 and 2 shall serve for terms of 2 years. Thereafter members
14 elected in such districts shall be elected to a 6 year term. If
15 at the regular school election held in the first odd-numbered
16 year after the determination to elect members for a 6 year term
17 5 members are elected, 3 shall serve for a term of 6 years and 2
18 shall serve for a term of 2 years; and of the members elected
19 at the next regular school election 2 shall serve for terms of
20 6 years and 2 shall serve for terms of 2 years. Thereafter
21 members elected in such districts shall be elected to a 6 year
22 term. An election for board members shall not be held in school
23 districts which by consolidation, annexation or otherwise
24 shall cease to exist as a school district within 6 months after
25 the election date, and the term of all board members which
26 would otherwise terminate shall be continued until such
27 district shall cease to exist. Each member, on the date of his
28 or her election, shall be a citizen of the United States of the
29 age of 18 years or over, shall be a resident of the State and
30 the territory of the district for at least one year immediately
31 preceding his or her election, shall be a registered voter as
32 provided in the general election law, shall not be a school
33 trustee or a school treasurer, and shall not be a child sex
34 offender as defined in Section 11-9.3 of the Criminal Code of
35 1961. When the board of education is the successor of the
36 school directors, all rights of property, and all rights

1 regarding causes of action existing or vested in such
2 directors, shall vest in it as fully as they were vested in the
3 school directors. Terms of members are subject to Section 2A-54
4 of the Election Code.

5 Nomination papers filed under this Section are not valid
6 unless the candidate named therein files with the secretary of
7 the board of education or with a person designated by the board
8 to receive nominating petitions a receipt from the county clerk
9 showing that the candidate has filed a statement of economic
10 interests as required by the Illinois Governmental Ethics Act.
11 Such receipt shall be so filed either previously during the
12 calendar year in which his nomination papers were filed or
13 within the period for the filing of nomination papers in
14 accordance with the general election law.

15 A board of education may give cumulative voting rights in
16 the election of board members, in which case each elector may
17 cast a specified number of votes, equal to the number of
18 members to be elected at that election, for one candidate or
19 distribute them equally among no more than the number of
20 candidates that equals the number of members to be elected, and
21 the candidates highest in votes shall be declared elected.

22 Whenever a vacancy occurs, the remaining members shall
23 notify the regional superintendent of that vacancy within 5
24 days after its occurrence and shall proceed to fill the vacancy
25 until the next regular school election, at which election a
26 successor shall be elected to serve the remainder of the
27 unexpired term. However, if the vacancy occurs with less than
28 868 days remaining in the term, or if the vacancy occurs less
29 than 88 days before the next regularly scheduled election for
30 this office then the person so appointed shall serve the
31 remainder of the unexpired term, and no election to fill the
32 vacancy shall be held. Should they fail so to act, within 45
33 days after the vacancy occurs, the regional superintendent of
34 schools under whose supervision and control the district is
35 operating, as defined in Section 3-14.2 of this Act, shall
36 within 30 days after the remaining members have failed to fill

1 the vacancy, fill the vacancy as provided for herein. Upon the
2 regional superintendent's failure to fill the vacancy, the
3 vacancy shall be filled at the next regularly scheduled
4 election. Whether elected or appointed by the remaining members
5 or regional superintendent, the successor shall be an
6 inhabitant of the particular area from which his or her
7 predecessor was elected if the residential requirements
8 contained in Section 11A-8, 11B-7, or 12-2 of this Act apply.

9 (Source: P.A. 93-309, eff. 1-1-04.)