



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1936

Introduced 2/25/2005, by Sen. Richard J. Winkel, Jr.

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-101	from Ch. 127, par. 604A-101
10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/2A-53.5 new	
10 ILCS 5/7-1	from Ch. 46, par. 7-1
10 ILCS 5/7-9	from Ch. 46, par. 7-9
10 ILCS 5/22-1	from Ch. 46, par. 22-1
10 ILCS 5/22-7	from Ch. 46, par. 22-7
10 ILCS 5/23-1.1a	from Ch. 46, par. 23-1.1a
10 ILCS 5/23-1.2a	from Ch. 46, par. 23-1.2a
10 ILCS 5/23-1.13a	from Ch. 46, par. 23-1.13a
110 ILCS 310/1	from Ch. 144, par. 41

Amends the Illinois Governmental Ethics Act, the Election Code, and the University of Illinois Trustees Act. Provides for the election (instead of appointment) of trustees of the University of Illinois beginning in 2006. Effective immediately.

LRB094 11481 JAM 42425 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Section 4A-101 as follows:

6 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

7 Sec. 4A-101. Persons required to file. The following
8 persons shall file verified written statements of economic
9 interests, as provided in this Article:

10 (a) Members of the General Assembly and candidates for
11 nomination or election to the General Assembly.

12 (b) Persons holding an elected office in the Executive
13 Branch of this State or on the Board of Trustees of the
14 University of Illinois, and candidates for nomination or
15 election to these offices.

16 (c) Members of a Commission or Board created by the
17 Illinois Constitution, and candidates for nomination or
18 election to such Commission or Board.

19 (d) Persons whose appointment to office is subject to
20 confirmation by the Senate.

21 (e) Holders of, and candidates for nomination or
22 election to, the office of judge or associate judge of the
23 Circuit Court and the office of judge of the Appellate or
24 Supreme Court.

25 (f) Persons who are employed by any branch, agency,
26 authority or board of the government of this State,
27 including but not limited to, the Illinois State Toll
28 Highway Authority, the Illinois Housing Development
29 Authority, the Illinois Community College Board, and
30 institutions under the jurisdiction of the Board of
31 Trustees of the University of Illinois, Board of Trustees
32 of Southern Illinois University, Board of Trustees of

1 Chicago State University, Board of Trustees of Eastern
2 Illinois University, Board of Trustees of Governor's State
3 University, Board of Trustees of Illinois State
4 University, Board of Trustees of Northeastern Illinois
5 University, Board of Trustees of Northern Illinois
6 University, Board of Trustees of Western Illinois
7 University, or Board of Trustees of the Illinois
8 Mathematics and Science Academy, and are compensated for
9 services as employees and not as independent contractors
10 and who:

11 (1) are, or function as, the head of a department,
12 commission, board, division, bureau, authority or
13 other administrative unit within the government of
14 this State, or who exercise similar authority within
15 the government of this State;

16 (2) have direct supervisory authority over, or
17 direct responsibility for the formulation,
18 negotiation, issuance or execution of contracts
19 entered into by the State in the amount of \$5,000 or
20 more;

21 (3) have authority for the issuance or
22 promulgation of rules and regulations within areas
23 under the authority of the State;

24 (4) have authority for the approval of
25 professional licenses;

26 (5) have responsibility with respect to the
27 financial inspection of regulated nongovernmental
28 entities;

29 (6) adjudicate, arbitrate, or decide any judicial
30 or administrative proceeding, or review the
31 adjudication, arbitration or decision of any judicial
32 or administrative proceeding within the authority of
33 the State;

34 (7) have supervisory responsibility for 20 or more
35 employees of the State; or

36 (8) negotiate, assign, authorize, or grant naming

1 rights or sponsorship rights regarding any property or
2 asset of the State, whether real, personal, tangible,
3 or intangible.

4 (g) Persons who are elected to office in a unit of
5 local government, and candidates for nomination or
6 election to that office, including regional
7 superintendents of school districts.

8 (h) Persons appointed to the governing board of a unit
9 of local government, or of a special district, and persons
10 appointed to a zoning board, or zoning board of appeals, or
11 to a regional, county, or municipal plan commission, or to
12 a board of review of any county, and persons appointed to
13 the Board of the Metropolitan Pier and Exposition Authority
14 and any Trustee appointed under Section 22 of the
15 Metropolitan Pier and Exposition Authority Act, and
16 persons appointed to a board or commission of a unit of
17 local government who have authority to authorize the
18 expenditure of public funds. This subsection does not apply
19 to members of boards or commissions who function in an
20 advisory capacity.

21 (i) Persons who are employed by a unit of local
22 government and are compensated for services as employees
23 and not as independent contractors and who:

24 (1) are, or function as, the head of a department,
25 division, bureau, authority or other administrative
26 unit within the unit of local government, or who
27 exercise similar authority within the unit of local
28 government;

29 (2) have direct supervisory authority over, or
30 direct responsibility for the formulation,
31 negotiation, issuance or execution of contracts
32 entered into by the unit of local government in the
33 amount of \$1,000 or greater;

34 (3) have authority to approve licenses and permits
35 by the unit of local government; this item does not
36 include employees who function in a ministerial

1 capacity;

2 (4) adjudicate, arbitrate, or decide any judicial
3 or administrative proceeding, or review the
4 adjudication, arbitration or decision of any judicial
5 or administrative proceeding within the authority of
6 the unit of local government;

7 (5) have authority to issue or promulgate rules and
8 regulations within areas under the authority of the
9 unit of local government; or

10 (6) have supervisory responsibility for 20 or more
11 employees of the unit of local government.

12 (j) Persons on the Board of Trustees of the Illinois
13 Mathematics and Science Academy.

14 (k) Persons employed by a school district in positions
15 that require that person to hold an administrative or a
16 chief school business official endorsement.

17 (l) Special government agents. A "special government
18 agent" is a person who is directed, retained, designated,
19 appointed, or employed, with or without compensation, by or
20 on behalf of a statewide executive branch constitutional
21 officer to make an ex parte communication under Section
22 5-50 of the State Officials and Employees Ethics Act or
23 Section 5-165 of the Illinois Administrative Procedure
24 Act.

25 This Section shall not be construed to prevent any unit of
26 local government from enacting financial disclosure
27 requirements that mandate more information than required by
28 this Act.

29 (Source: P.A. 93-617, eff. 12-9-03; 93-816, eff. 7-27-04.)

30 Section 10. The Election Code is amended by changing
31 Sections 2A-1.2, 7-1, 7-9, 22-1, 22-7, 23-1.1a, 23-1.2a, and
32 23-1.13a and adding Section 2A-53.5 as follows:

33 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

34 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices

1 Designated.

2 (a) At the general election in the appropriate
3 even-numbered years, the following offices shall be filled or
4 shall be on the ballot as otherwise required by this Code:

5 (1) Elector of President and Vice President of the
6 United States;

7 (2) United States Senator and United States
8 Representative;

9 (3) State Executive Branch elected officers;

10 (4) State Senator and State Representative;

11 (5) County elected officers, including State's
12 Attorney, County Board member, County Commissioners, and
13 elected President of the County Board or County Chief
14 Executive;

15 (6) Circuit Court Clerk;

16 (7) Regional Superintendent of Schools, except in
17 counties or educational service regions in which that
18 office has been abolished;

19 (8) Judges of the Supreme, Appellate and Circuit
20 Courts, on the question of retention, to fill vacancies and
21 newly created judicial offices;

22 (9) Trustee of the University of Illinois ~~(Blank)~~;

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

25 (11) Special District elected officers, not otherwise
26 designated in this Section, where the statute creating or
27 authorizing the creation of the district requires an annual
28 election and permits or requires election of candidates of
29 political parties.

30 (b) At the general primary election:

31 (1) in each even-numbered year candidates of political
32 parties shall be nominated for those offices to be filled
33 at the general election in that year, except where pursuant
34 to law nomination of candidates of political parties is
35 made by caucus.

36 (2) in the appropriate even-numbered years the

1 political party offices of State central committeeman,
2 township committeeman, ward committeeman, and precinct
3 committeeman shall be filled and delegates and alternate
4 delegates to the National nominating conventions shall be
5 elected as may be required pursuant to this Code. In the
6 even-numbered years in which a Presidential election is to
7 be held, candidates in the Presidential preference primary
8 shall also be on the ballot.

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

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

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

29 (1) Municipal officers, provided that in
30 municipalities in which candidates for alderman or other
31 municipal office are not permitted by law to be candidates
32 of political parties, the runoff election where required by
33 law, or the nonpartisan election where required by law,
34 shall be held on the date of the consolidated election; and
35 provided further, in the case of municipal officers
36 provided for by an ordinance providing the form of

1 government of the municipality pursuant to Section 7 of
2 Article VII of the Constitution, such offices shall be
3 filled by election or by runoff election as may be provided
4 by such ordinance;

5 (2) Village and incorporated town library directors;

6 (3) City boards of stadium commissioners;

7 (4) Commissioners of park districts;

8 (5) Trustees of public library districts;

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

13 (7) Township officers, including township park
14 commissioners, township library directors, and boards of
15 managers of community buildings, and Multi-Township
16 Assessors;

17 (8) Highway commissioners and road district clerks;

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

20 (10) The directors and chairman of the Chain O Lakes -
21 Fox River Waterway Management Agency;

22 (11) Forest preserve district commissioners elected
23 under Section 3.5 of the Downstate Forest Preserve District
24 Act;

25 (12) Elected members of school boards, school
26 trustees, directors of boards of school directors,
27 trustees of county boards of school trustees (except in
28 counties or educational service regions having a
29 population of 2,000,000 or more inhabitants) and members of
30 boards of school inspectors, except school boards in school
31 districts that adopt Article 33 of the School Code;

32 (13) Members of Community College district boards;

33 (14) Trustees of Fire Protection Districts;

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

36 (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
27 pursuant to Section 7 of Article VII of the Constitution.

28 (e) (Blank).

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

33 Notwithstanding the regular dates for election of officers
34 established in this Article, whenever a referendum is held for
35 the establishment of a political subdivision whose officers are
36 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 (10 ILCS 5/2A-53.5 new)

20 Sec. 2A-53.5. University of Illinois; trustee; time of
21 election. Beginning with the general election in 2006, a
22 trustee of the University of Illinois shall be elected at each
23 general election to succeed each incumbent trustee whose term
24 expires in January of the year next following that general
25 election.

26 (10 ILCS 5/7-1) (from Ch. 46, par. 7-1)

27 Sec. 7-1. Application of Article.

28 (a) Except as otherwise provided in this Article, the
29 nomination of all candidates for all elective State,
30 congressional, judicial, and county officers, State's
31 Attorneys (whether elected from a single county or from more
32 than one county), city, village, and incorporated town and
33 municipal officers, trustees of sanitary districts, township
34 officers in townships of over 5,000 population coextensive with

1 or included wholly within cities or villages not under the
2 commission form of government, precinct, township, ward, and
3 State central committeemen, and delegates and alternate
4 delegates to national nominating conventions by all political
5 parties, as defined in Section 7-2 of this Article 7, shall be
6 made in the manner provided in this Article 7 and not
7 otherwise. The nomination of candidates for electors of
8 President and Vice President of the United States and for
9 trustees of the University of Illinois shall be made only in
10 the manner provided for in Section 7-9 of this Article.

11 (b) This Article 7 shall not apply to (i) the nomination of
12 candidates for school elections and township elections, except
13 in those townships specifically mentioned in subsection (a) and
14 except in those cases in which a township central committee
15 determines under Section 6A-2 of the Township Law of 1874 or
16 Section 45-55 of the Township Code that its candidates for
17 township offices shall be nominated by primary in accordance
18 with this Article, (ii) the nomination of park commissioners in
19 park districts organized under the Park District Code, (iii)
20 the nomination of officers of cities and villages organized
21 under special charters, or (iv) the nomination of municipal
22 officers for cities, villages, and incorporated towns with a
23 population of 5,000 or less, except where a city, village, or
24 incorporated town with a population of 5,000 or less has by
25 ordinance determined that political parties shall nominate
26 candidates for municipal office in the city, village, or
27 incorporated town by primary in accordance with this Article.
28 In that event, the municipal clerk shall certify the ordinance
29 to the proper election officials no later than November 15 in
30 the year preceding the consolidated primary election.

31 (c) The words "township officers" or "township offices"
32 shall be construed, when used in this Article, to include
33 supervisors.

34 (d) As provided in Sections 3.1-25-20 through 3.1-25-60 of
35 the Illinois Municipal Code, a village may adopt a system of
36 nonpartisan primary and general elections for the election of

1 village officers.

2 (Source: P.A. 88-670, eff. 12-2-94; 89-5, eff. 1-1-96.)

3 (10 ILCS 5/7-9) (from Ch. 46, par. 7-9)

4 Sec. 7-9. County central committee; county and State
5 conventions.

6 (a) On the 29th day next succeeding the primary at which
7 committeemen are elected, the county central committee of each
8 political party shall meet within the county and proceed to
9 organize by electing from its own number a chairman and either
10 from its own number, or otherwise, such other officers as such
11 committee may deem necessary or expedient. Such meeting of the
12 county central committee shall be known as the county
13 convention.

14 The chairman of each county committee shall within 10 days
15 after the organization, forward to the State Board of
16 Elections, the names and post office addresses of the officers,
17 precinct committeemen and representative committeemen elected
18 by his political party.

19 The county convention of each political party shall choose
20 delegates to the State convention of its party; but in any
21 county having within its limits any city having a population of
22 200,000, or over the delegates from such city shall be chosen
23 by wards, the ward committeemen from the respective wards
24 choosing the number of delegates to which such ward is entitled
25 on the basis prescribed in paragraph (e) of this Section such
26 delegates to be members of the delegation to the State
27 convention from such county. In all counties containing a
28 population of 2,000,000 or more outside of cities having a
29 population of 200,000 or more, the delegates from each of the
30 townships or parts of townships as the case may be shall be
31 chosen by townships or parts of townships as the case may be,
32 the township committeemen from the respective townships or
33 parts of townships as the case may be choosing the number of
34 delegates to which such townships or parts of townships as the
35 case may be are entitled, on the basis prescribed in paragraph

1 (e) of this Section such delegates to be members of the
2 delegation to the State convention from such county.

3 Each member of the State Central Committee of a political
4 party which elects its members by Alternative B under paragraph
5 (a) of Section 7-8 shall be a delegate to the State Convention,
6 ex officio.

7 Each member of the State Central Committee of a political
8 party which elects its members by Alternative B under paragraph
9 (a) of Section 7-8 may appoint 2 delegates to the State
10 Convention who must be residents of the member's Congressional
11 District.

12 (b) State conventions shall be held within 180 days after
13 the general primary in the year 2000 and every 4 years
14 thereafter. In the year 1998, and every 4 years thereafter, the
15 chairman of a State central committee may issue a call for a
16 State convention within 180 days after the general primary.

17 The State convention of each political party has power to
18 make nominations of candidates of its political party for the
19 electors of President and Vice President of the United States
20 and for trustees of the University of Illinois, ~~and~~ to adopt
21 any party platform, and, to the extent determined by the State
22 central committee as provided in Section 7-14, to choose and
23 select delegates and alternate delegates at large to national
24 nominating conventions. The State Central Committee may adopt
25 rules to provide for and govern the procedures of the State
26 convention.

27 (c) The chairman and secretary of each State convention
28 shall, within 2 days thereafter, transmit to the State Board of
29 Elections of this State a certificate setting forth the names
30 and addresses of all persons nominated by such State convention
31 for electors of President and Vice President of the United
32 States and for trustees of the University of Illinois, and of
33 any persons selected by the State convention for delegates and
34 alternate delegates at large to national nominating
35 conventions; and the names of such candidates so chosen by such
36 State convention for electors of President and Vice President

1 of the United States and for trustees of the University of
2 Illinois, shall be caused by the State Board of Elections to be
3 printed upon the official ballot at the general election, in
4 the manner required by law, and shall be certified to the
5 various county clerks of the proper counties in the manner as
6 provided in Section 7-60 of this Article 7 for the certifying
7 of the names of persons nominated by any party for State
8 offices. If and as long as this Act prescribes that the names
9 of such electors be not printed on the ballot, then the names
10 of such electors shall be certified in such manner as may be
11 prescribed by the parts of this Act applicable thereto.

12 (d) Each convention may perform all other functions
13 inherent to such political organization and not inconsistent
14 with this Article.

15 (e) At least 33 days before the date of a State convention,
16 the chairman of the State central committee of each political
17 party shall file in the principal office of the State Board of
18 Elections a call for the State convention. Such call shall
19 state, among other things, the time and place (designating the
20 building or hall) for holding the State convention. Such call
21 shall be signed by the chairman and attested by the secretary
22 of the committee. In such convention each county shall be
23 entitled to one delegate for each 500 ballots voted by the
24 primary electors of the party in such county at the primary to
25 be held next after the issuance of such call; and if in such
26 county, less than 500 ballots are so voted or if the number of
27 ballots so voted is not exactly a multiple of 500, there shall
28 be one delegate for such group which is less than 500, or for
29 such group representing the number of votes over the multiple
30 of 500, which delegate shall have 1/500 of one vote for each
31 primary vote so represented by him. The call for such
32 convention shall set forth this paragraph (e) of Section 7-9 in
33 full and shall direct that the number of delegates to be chosen
34 be calculated in compliance herewith and that such number of
35 delegates be chosen.

36 (f) All precinct, township and ward committeemen when

1 elected as provided in this Section shall serve as though
2 elected at large irrespective of any changes that may be made
3 in precinct, township or ward boundaries and the voting
4 strength of each committeeman shall remain as provided in this
5 Section for the entire time for which he is elected.

6 (g) The officers elected at any convention provided for in
7 this Section shall serve until their successors are elected as
8 provided in this Act.

9 (h) A special meeting of any central committee may be
10 called by the chairman, or by not less than 25% of the members
11 of such committee, by giving 5 days notice to members of such
12 committee in writing designating the time and place at which
13 such special meeting is to be held and the business which it is
14 proposed to present at such special meeting.

15 (i) Except as otherwise provided in this Act, whenever a
16 vacancy exists in the office of precinct committeeman because
17 no one was elected to that office or because the precinct
18 committeeman ceases to reside in the precinct or for any other
19 reason, the chairman of the county central committee of the
20 appropriate political party may fill the vacancy in such office
21 by appointment of a qualified resident of the county and the
22 appointed precinct committeeman shall serve as though elected;
23 however, no such appointment may be made between the general
24 primary election and the 30th day after the general primary
25 election.

26 (j) If the number of Congressional Districts in the State
27 of Illinois is reduced as a result of reapportionment of
28 Congressional Districts following a federal decennial census,
29 the State Central Committeemen and Committeewomen of a
30 political party which elects its State Central Committee by
31 either Alternative A or by Alternative B under paragraph (a) of
32 Section 7-8 who were previously elected shall continue to serve
33 as if no reapportionment had occurred until the expiration of
34 their terms.

35 (Source: P.A. 93-847, eff. 7-30-04.)

1 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

2 Sec. 22-1. Abstracts of votes. Within 21 days after the
3 close of the election at which candidates for offices
4 hereinafter named in this Section are voted upon, the county
5 clerks of the respective counties, with the assistance of the
6 chairmen of the county central committees of the Republican and
7 Democratic parties of the county, shall open the returns and
8 make abstracts of the votes on a separate sheet for each of the
9 following:

10 A. For Governor and Lieutenant Governor;

11 B. For State officers;

12 C. For presidential electors;

13 D. For United States Senators and Representatives to
14 Congress;

15 E. For judges of the Supreme Court;

16 F. For judges of the Appellate Court;

17 G. For judges of the circuit court;

18 H. For Senators and Representatives to the General
19 Assembly;

20 I. For State's Attorneys elected from 2 or more counties;

21 J. For amendments to the Constitution, and for other
22 propositions submitted to the electors of the entire State;

23 K. For county officers and for propositions submitted to
24 the electors of the county only;

25 L. For Regional Superintendent of Schools;

26 M. For trustees of Sanitary Districts; ~~and~~

27 N. For Trustee of a Regional Board of School Trustees; ~~and~~

28 O. For trustees of the University of Illinois.

29 Multiple originals of each of the sheets shall be prepared
30 and one of each shall be turned over to the chairman of the
31 county central committee of each of the then existing
32 established political parties, as defined in Section 10-2, or
33 his duly authorized representative immediately after the
34 completion of the entries on the sheets and before the totals
35 have been compiled.

36 The foregoing abstracts shall be preserved by the county

1 clerk in his office.

2 Whenever any county chairman is also county clerk or
3 whenever any county chairman is unable to serve as a member of
4 such canvassing board the vice-chairman or secretary of his
5 county central committee, in that order, shall serve in his
6 place as member of such canvassing board; provided, that if
7 none of these persons is able to serve, the county chairman may
8 appoint a member of his county central committee to serve as a
9 member of such canvassing board.

10 The powers and duties of the county canvassing board are
11 limited to those specified in this Section. In no event shall
12 such canvassing board open any package in which the ballots
13 have been wrapped or any envelope containing "defective" or
14 "objected to" ballots, or in any manner undertake to examine
15 the ballots used in the election, except as provided in Section
16 22-9.1 or when directed by a court in an election contest. Nor
17 shall such canvassing board call in the precinct judges of
18 election or any other persons to open or recount the ballots.

19 (Source: P.A. 93-847, eff. 7-30-04.)

20 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

21 Sec. 22-7. Canvass of votes; declaration and proclamation
22 of result. The State Board of Elections, shall proceed within
23 31 days after the election, and sooner if all the returns are
24 received, to canvass the votes given for United States Senators
25 and Representatives to Congress, State executive officers,
26 judges of the Supreme Court, judges of the Appellate Court,
27 judges of the Circuit Court, Senators, Representatives to the
28 General Assembly, State's Attorneys and Regional
29 Superintendents of Schools elected from 2 or more counties, and
30 trustees of the University of Illinois, respectively, and the
31 persons having the highest number of votes for the respective
32 offices shall be declared duly elected, but if it appears that
33 more than the number of persons to be elected have the highest
34 and an equal number of votes for the same office, the electoral
35 board shall decide by lot which of such persons shall be

1 elected; and to each person duly elected, the Governor shall
2 give a certificate of election or commission, as the case may
3 require, and shall cause proclamation to be made of the result
4 of the canvass, and they shall at the same time and in the same
5 manner, canvass the vote cast upon amendments to the
6 Constitution, and upon other propositions submitted to the
7 electors of the entire State; and the Governor shall cause to
8 be made such proclamation of the result of the canvass as the
9 statutes elsewhere provide. The State Board of Elections shall
10 transmit to the State Comptroller a list of the persons elected
11 to the various offices. The State Board of Elections shall also
12 transmit to the Supreme Court the names of persons elected to
13 judgeships in adversary elections and the names of judges who
14 fail to win retention in office.

15 (Source: P.A. 93-847, eff. 7-30-04.)

16 (10 ILCS 5/23-1.1a) (from Ch. 46, par. 23-1.1a)

17 Sec. 23-1.1a. Election contest - Statewide - Jurisdiction.
18 The Supreme Court shall have jurisdiction over contests of the
19 results of any election, including a primary, for an elected
20 officer provided for in Article V of the Constitution and for
21 trustee of the University of Illinois, and shall retain
22 jurisdiction throughout the course of such election contests.

23 (Source: P.A. 89-5, eff. 1-1-96.)

24 (10 ILCS 5/23-1.2a) (from Ch. 46, par. 23-1.2a)

25 Sec. 23-1.2a. Election contest - Statewide offices - Who
26 may contest - Time and place for filing - Fee. The results of
27 an election, including a primary, for an elected executive
28 officer provided for in Article V of the Constitution or for
29 trustee of the University of Illinois may be challenged (1) by
30 any candidate whose name was on the ballot for that office, (2)
31 by any person who filed a declaration of intent to be a
32 write-in candidate for that office, or (3) by any person who
33 voted in that election, provided that such person's challenge
34 is supported by a verified petition signed by persons who voted

1 in the election in a number no less than the largest number of
2 signatures required to nominate a person to be a candidate of
3 any political party which nominated a candidate for the office
4 being contested.

5 Any person, including a candidate, qualified pursuant to
6 this Section and desiring to contest the results of an election
7 for such an office shall, within 15 days of the date of the
8 official proclamation of results of such election, file a
9 Petition of State Election Contest with the clerk of the
10 Supreme Court together with a filing fee in the amount of
11 \$10,000.

12 (Source: P.A. 89-5, eff. 1-1-96.)

13 (10 ILCS 5/23-1.13a) (from Ch. 46, par. 23-1.13a)

14 Sec. 23-1.13a. If any of the powers or duties to be
15 exercised or performed by the Supreme Court under Sections
16 23-1.1a through 23-1.12a may not constitutionally be exercised
17 or performed by the Supreme Court by reason of jurisdictional
18 limitations, then Sections 23-1.1a through 23-1.12a shall
19 nonetheless continue to govern contests of elections for
20 elected officers provided for in Article V of the Constitution
21 and for trustees of the University of Illinois, and in such
22 event the Supreme Court shall, pursuant to its general
23 administrative and supervisory powers, assign to a circuit
24 court those adjudicatory powers and duties with respect to such
25 a contest as may not be exercised or performed by the Supreme
26 Court, subject to appropriate judicial review.

27 (Source: P.A. 89-5, eff. 1-1-96.)

28 Section 15. The University of Illinois Trustees Act is
29 amended by changing Section 1 as follows:

30 (110 ILCS 310/1) (from Ch. 144, par. 41)

31 Sec. 1. Membership.

32 (a) The Board of Trustees of the University of Illinois
33 shall consist of the Governor and at least 12 trustees. Nine

1 trustees shall be appointed by the Governor, by and with the
2 advice and consent of the Senate; however, with respect to
3 these 9 trustees, beginning with the general election in 2006,
4 a trustee shall instead be elected at each general election to
5 succeed each incumbent trustee whose term expires in January of
6 the year next following that general election. The other
7 trustees shall be students, of whom one student shall be
8 selected from each University campus.

9 (b) Each student trustee shall serve a term of one year,
10 beginning on July 1 or on the date of his or her selection,
11 whichever is later, and expiring on the next succeeding June
12 30.

13 (c) Each trustee shall have all of the privileges of
14 membership, except that only one student trustee shall have the
15 right to cast a legally binding vote. The Governor shall
16 designate which one of the student trustees shall possess, for
17 his or her entire term, the right to cast a legally binding
18 vote. Each student trustee who does not possess the right to
19 cast a legally binding vote shall have the right to cast an
20 advisory vote and the right to make and second motions and to
21 attend executive sessions.

22 (d) Each trustee shall be governed by the same conflict of
23 interest standards. Pursuant to those standards, it shall not
24 be a conflict of interest for a student trustee to vote on
25 matters pertaining to students generally, such as tuition and
26 fees. However, it shall be a conflict of interest for a student
27 trustee to vote on faculty member tenure or promotion.

28 (e) Student trustees shall be chosen by campus-wide student
29 election, and the student trustee designated by the Governor to
30 possess a legally binding vote shall be one of the students
31 selected by this method. A student trustee who does not possess
32 a legally binding vote on a measure at a meeting of the Board
33 or any of its committees shall not be considered a trustee for
34 the purpose of determining whether a quorum is present at the
35 time that measure is voted upon. To be eligible for selection
36 as a student trustee and to be eligible to remain as a voting

1 or nonvoting student trustee, a student trustee must be a
2 resident of this State, must have and maintain a grade point
3 average that is equivalent to at least 2.5 on a 4.0 scale, and
4 must be a full time student enrolled at all times during his or
5 her term of office except for that part of the term which
6 follows the completion of the last full regular semester of an
7 academic year and precedes the first full regular semester of
8 the succeeding academic year at the University (sometimes
9 commonly referred to as the summer session or summer school).
10 If a voting or nonvoting student trustee fails to continue to
11 meet or maintain the residency, minimum grade point average, or
12 enrollment requirement established by this Section, his or her
13 membership on the Board shall be deemed to have terminated by
14 operation of law.

15 If a voting student trustee resigns or otherwise ceases to
16 serve on the Board, the Governor shall, within 30 days,
17 designate one of the remaining student trustees to possess the
18 right to cast a legally binding vote for the remainder of his
19 or her term. If a nonvoting student trustee resigns or
20 otherwise ceases to serve on the Board, the chief executive of
21 the student government from that campus shall, within 30 days,
22 select a new nonvoting student trustee to serve for the
23 remainder of the term.

24 (f) Until those members elected at the general election in
25 2006 have taken office, no more than 5 of the 9 appointed
26 trustees shall be affiliated with the same political party.
27 ~~Each trustee appointed by the Governor must be a resident of~~
28 ~~this State. A failure to meet or maintain this residency~~
29 ~~requirement constitutes a resignation from and creates a~~
30 ~~vacancy in the Board.~~ The term of office of each of these
31 appointed trustees ~~trustee~~ shall be 6 years from the third
32 Monday in January of each odd numbered year. The regular terms
33 of office of these ~~the~~ appointed trustees shall be staggered so
34 that 3 terms expire in each odd-numbered year. Vacancies for
35 these appointed trustees shall be filled for the unexpired term
36 in the same manner as original appointments. If these vacancies

1 ~~a vacancy~~ in membership occur ~~occurs~~ at a time when the Senate
2 is not in session, the Governor shall make temporary
3 appointments until the next meeting of the Senate, when he
4 shall appoint persons to fill such memberships for the
5 remainder of their respective terms. If the Senate is not in
6 session when appointments for a full term are made,
7 appointments shall be made as in the case of vacancies.

8 Beginning with the general election in 2006, 3 trustees
9 shall be elected at the general election in November of each
10 even-numbered year in the manner provided by law. The term of
11 office of each elected trustee shall be 6 years from the third
12 Monday in January next succeeding his or her election and until
13 his or her successor is elected and qualified. In case of a
14 vacancy in an elected trustee's seat, the vacancy shall be
15 filled by appointment by the Governor (i) for the unexpired
16 term if 28 or fewer months remain in the term or (ii) if more
17 than 28 months remain in the term, until a trustee is elected
18 at the next general election to serve for the unexpired term
19 and is qualified.

20 (g) Each elected or appointed trustee must be a resident of
21 this State. A failure to meet or maintain this residency
22 requirement constitutes a resignation from and creates a
23 vacancy in the Board.

24 (h) No action of the board shall be invalidated by reason
25 of any vacancies on the board, or by reason of any failure to
26 select student trustees.

27 (Source: P.A. 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; 92-16,
28 eff. 6-28-01.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.