



Rep. David Reis

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LRB095 06748 NHT 34917 a

1 AMENDMENT TO HOUSE BILL 3289

2 AMENDMENT NO. _____. Amend House Bill 3289 by replacing
3 everything after the enacting clause with the following:

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

1 Illinois Constitution, and candidates for nomination or
2 election to such Commission or Board.

3 (d) Persons whose appointment to office is subject to
4 confirmation by the Senate.

5 (e) Holders of, and candidates for nomination or
6 election to, the office of judge or associate judge of the
7 Circuit Court and the office of judge of the Appellate or
8 Supreme Court.

9 (f) Persons who are employed by any branch, agency,
10 authority or board of the government of this State,
11 including but not limited to, the Illinois State Toll
12 Highway Authority, the Illinois Housing Development
13 Authority, the Illinois Community College Board, and
14 institutions under the jurisdiction of the Board of
15 Trustees of the University of Illinois, Board of Trustees
16 of Southern Illinois University, Board of Trustees of
17 Chicago State University, Board of Trustees of Eastern
18 Illinois University, Board of Trustees of Governor's State
19 University, Board of Trustees of Illinois State
20 University, Board of Trustees of Northeastern Illinois
21 University, Board of Trustees of Northern Illinois
22 University, Board of Trustees of Western Illinois
23 University, or Board of Trustees of the Illinois
24 Mathematics and Science Academy, and are compensated for
25 services as employees and not as independent contractors
26 and who:

1 (1) are, or function as, the head of a department,
2 commission, board, division, bureau, authority or
3 other administrative unit within the government of
4 this State, or who exercise similar authority within
5 the government of this State;

6 (2) have direct supervisory authority over, or
7 direct responsibility for the formulation,
8 negotiation, issuance or execution of contracts
9 entered into by the State in the amount of \$5,000 or
10 more;

11 (3) have authority for the issuance or
12 promulgation of rules and regulations within areas
13 under the authority of the State;

14 (4) have authority for the approval of
15 professional licenses;

16 (5) have responsibility with respect to the
17 financial inspection of regulated nongovernmental
18 entities;

19 (6) adjudicate, arbitrate, or decide any judicial
20 or administrative proceeding, or review the
21 adjudication, arbitration or decision of any judicial
22 or administrative proceeding within the authority of
23 the State;

24 (7) have supervisory responsibility for 20 or more
25 employees of the State; or

26 (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

1 exercise similar authority within the unit of local
2 government;

3 (2) have direct supervisory authority over, or
4 direct responsibility for the formulation,
5 negotiation, issuance or execution of contracts
6 entered into by the unit of local government in the
7 amount of \$1,000 or greater;

8 (3) have authority to approve licenses and permits
9 by the unit of local government; this item does not
10 include employees who function in a ministerial
11 capacity;

12 (4) adjudicate, arbitrate, or decide any judicial
13 or administrative proceeding, or review the
14 adjudication, arbitration or decision of any judicial
15 or administrative proceeding within the authority of
16 the unit of local government;

17 (5) have authority to issue or promulgate rules and
18 regulations within areas under the authority of the
19 unit of local government; or

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

22 (j) Persons on the Board of Trustees of the Illinois
23 Mathematics and Science Academy.

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

1 (1) Special government agents. A "special government
2 agent" is a person who is directed, retained, designated,
3 appointed, or employed, with or without compensation, by or
4 on behalf of a statewide executive branch constitutional
5 officer to make an ex parte communication under Section
6 5-50 of the State Officials and Employees Ethics Act or
7 Section 5-165 of the Illinois Administrative Procedure
8 Act.

9 This Section shall not be construed to prevent any unit of
10 local government from enacting financial disclosure
11 requirements that mandate more information than required by
12 this Act.

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

14 Section 10. The Election Code is amended by changing
15 Sections 2A-1.2, 7-1, 7-9, 22-1, 22-7, 23-1.1a, 23-1.2a, and
16 23-1.13a and adding Section 2A-53.5 as follows:

17 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

18 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
19 Designated.

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

23 (1) Elector of President and Vice President of the
24 United States;

1 (2) United States Senator and United States
2 Representative;

3 (3) State Executive Branch elected officers;

4 (4) State Senator and State Representative;

5 (5) County elected officers, including State's
6 Attorney, County Board member, County Commissioners, and
7 elected President of the County Board or County Chief
8 Executive;

9 (6) Circuit Court Clerk;

10 (7) Regional Superintendent of Schools, except in
11 counties or educational service regions in which that
12 office has been abolished;

13 (8) Judges of the Supreme, Appellate and Circuit
14 Courts, on the question of retention, to fill vacancies and
15 newly created judicial offices;

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

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

19 (11) Special District elected officers, not otherwise
20 designated in this Section, where the statute creating or
21 authorizing the creation of the district requires an annual
22 election and permits or requires election of candidates of
23 political parties.

24 (b) At the general primary election:

25 (1) in each even-numbered year candidates of political
26 parties shall be nominated for those offices to be filled

1 at the general election in that year, except where pursuant
2 to law nomination of candidates of political parties is
3 made by caucus.

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

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

26 (4) in each school district which has adopted the

1 provisions of Article 33 of the School Code, successors to
2 the members of the board of education whose terms expire in
3 the year in which the general primary is held shall be
4 elected.

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 chairman of the Chain O Lakes -
9 Fox 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 (14) Trustees of Fire Protection Districts;

22 (15) Commissioners of the Springfield Metropolitan
23 Exposition and Auditorium Authority;

24 (16) Elected Trustees of Tuberculosis Sanitarium
25 Districts;

26 (17) Elected Officers of special districts not

1 otherwise designated in this Section for which the law
2 governing those districts does not permit candidates of
3 political parties.

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

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

21 At the consolidated primary election in the appropriate
22 odd-numbered years, municipal officers shall be nominated or
23 elected, or elected subject to a runoff, as may be provided by
24 an ordinance providing a form of government of the municipality
25 pursuant to Section 7 of Article VII of the Constitution.

26 (e) (Blank).

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

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

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

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

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

25 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
26 eff. 8-9-96; 90-358, eff. 1-1-98.)

1 (10 ILCS 5/2A-53.5 new)

2 Sec. 2A-53.5. University of Illinois; trustee; time of
3 election. Trustees of the University of Illinois, other than
4 the Governor and the student trustees, shall be elected at the
5 general election in 2008. Beginning with the general election
6 in 2010, a trustee of the University of Illinois shall be
7 elected at each general election to succeed each incumbent
8 trustee whose term expires in January of the year next
9 following that general election.

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

11 Sec. 7-1. Application of Article.

12 (a) Except as otherwise provided in this Article, the
13 nomination of all candidates for all elective State,
14 congressional, judicial, and county officers, State's
15 Attorneys (whether elected from a single county or from more
16 than one county), city, village, and incorporated town and
17 municipal officers, trustees of sanitary districts, township
18 officers in townships of over 5,000 population coextensive with
19 or included wholly within cities or villages not under the
20 commission form of government, precinct, township, ward, and
21 State central committeemen, and delegates and alternate
22 delegates to national nominating conventions by all political
23 parties, as defined in Section 7-2 of this Article 7, shall be
24 made in the manner provided in this Article 7 and not

1 otherwise. The nomination of candidates for electors of
2 President and Vice President of the United States and for
3 trustees of the University of Illinois shall be made only in
4 the manner provided for in Section 7-9 of this Article.

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

25 (c) The words "township officers" or "township offices"
26 shall be construed, when used in this Article, to include

1 supervisors.

2 (d) As provided in Sections 3.1-25-20 through 3.1-25-60 of
3 the Illinois Municipal Code, a village may adopt a system of
4 nonpartisan primary and general elections for the election of
5 village officers.

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

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

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

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

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

23 The county convention of each political party shall choose
24 delegates to the State convention of its party; but in any
25 county having within its limits any city having a population of

1 200,000, or over the delegates from such city shall be chosen
2 by wards, the ward committeemen from the respective wards
3 choosing the number of delegates to which such ward is entitled
4 on the basis prescribed in paragraph (e) of this Section such
5 delegates to be members of the delegation to the State
6 convention from such county. In all counties containing a
7 population of 2,000,000 or more outside of cities having a
8 population of 200,000 or more, the delegates from each of the
9 townships or parts of townships as the case may be shall be
10 chosen by townships or parts of townships as the case may be,
11 the township committeemen from the respective townships or
12 parts of townships as the case may be choosing the number of
13 delegates to which such townships or parts of townships as the
14 case may be are entitled, on the basis prescribed in paragraph
15 (e) of this Section such delegates to be members of the
16 delegation to the State convention from such county.

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

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

26 (b) State conventions shall be held within 180 days after

1 the general primary in the year 2000 and every 4 years
2 thereafter. In the year 1998, and every 4 years thereafter, the
3 chairman of a State central committee may issue a call for a
4 State convention within 180 days after the general primary.

5 The State convention of each political party has power to
6 make nominations of candidates of its political party for the
7 electors of President and Vice President of the United States
8 and for trustees of the University of Illinois, ~~and~~ to adopt
9 any party platform, and, to the extent determined by the State
10 central committee as provided in Section 7-14, to choose and
11 select delegates and alternate delegates at large to national
12 nominating conventions. The State Central Committee may adopt
13 rules to provide for and govern the procedures of the State
14 convention.

15 (c) The chairman and secretary of each State convention
16 shall, within 2 days thereafter, transmit to the State Board of
17 Elections of this State a certificate setting forth the names
18 and addresses of all persons nominated by such State convention
19 for electors of President and Vice President of the United
20 States and for trustees of the University of Illinois, and of
21 any persons selected by the State convention for delegates and
22 alternate delegates at large to national nominating
23 conventions; and the names of such candidates so chosen by such
24 State convention for electors of President and Vice President
25 of the United States and for trustees of the University of
26 Illinois, shall be caused by the State Board of Elections to be

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

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

13 (e) At least 33 days before the date of a State convention,
14 the chairman of the State central committee of each political
15 party shall file in the principal office of the State Board of
16 Elections a call for the State convention. Such call shall
17 state, among other things, the time and place (designating the
18 building or hall) for holding the State convention. Such call
19 shall be signed by the chairman and attested by the secretary
20 of the committee. In such convention each county shall be
21 entitled to one delegate for each 500 ballots voted by the
22 primary electors of the party in such county at the primary to
23 be held next after the issuance of such call; and if in such
24 county, less than 500 ballots are so voted or if the number of
25 ballots so voted is not exactly a multiple of 500, there shall
26 be one delegate for such group which is less than 500, or for

1 such group representing the number of votes over the multiple
2 of 500, which delegate shall have 1/500 of one vote for each
3 primary vote so represented by him. The call for such
4 convention shall set forth this paragraph (e) of Section 7-9 in
5 full and shall direct that the number of delegates to be chosen
6 be calculated in compliance herewith and that such number of
7 delegates be chosen.

8 (f) All precinct, township and ward committeemen when
9 elected as provided in this Section shall serve as though
10 elected at large irrespective of any changes that may be made
11 in precinct, township or ward boundaries and the voting
12 strength of each committeeman shall remain as provided in this
13 Section for the entire time for which he is elected.

14 (g) The officers elected at any convention provided for in
15 this Section shall serve until their successors are elected as
16 provided in this Act.

17 (h) A special meeting of any central committee may be
18 called by the chairman, or by not less than 25% of the members
19 of such committee, by giving 5 days notice to members of such
20 committee in writing designating the time and place at which
21 such special meeting is to be held and the business which it is
22 proposed to present at such special meeting.

23 (i) Except as otherwise provided in this Act, whenever a
24 vacancy exists in the office of precinct committeeman because
25 no one was elected to that office or because the precinct
26 committeeman ceases to reside in the precinct or for any other

1 reason, the chairman of the county central committee of the
2 appropriate political party may fill the vacancy in such office
3 by appointment of a qualified resident of the county and the
4 appointed precinct committeeman shall serve as though elected;
5 however, no such appointment may be made between the general
6 primary election and the 30th day after the general primary
7 election.

8 (j) If the number of Congressional Districts in the State
9 of Illinois is reduced as a result of reapportionment of
10 Congressional Districts following a federal decennial census,
11 the State Central Committeemen and Committeewomen of a
12 political party which elects its State Central Committee by
13 either Alternative A or by Alternative B under paragraph (a) of
14 Section 7-8 who were previously elected shall continue to serve
15 as if no reapportionment had occurred until the expiration of
16 their terms.

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

18 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

19 Sec. 22-1. Abstracts of votes. Within 21 days after the
20 close of the election at which candidates for offices
21 hereinafter named in this Section are voted upon, the election
22 authorities of the respective counties shall open the returns
23 and make abstracts of the votes on a separate sheet for each of
24 the following:

25 A. For Governor and Lieutenant Governor;

- 1 B. For State officers;
- 2 C. For presidential electors;
- 3 D. For United States Senators and Representatives to
4 Congress;
- 5 E. For judges of the Supreme Court;
- 6 F. For judges of the Appellate Court;
- 7 G. For judges of the circuit court;
- 8 H. For Senators and Representatives to the General
9 Assembly;
- 10 I. For State's Attorneys elected from 2 or more counties;
- 11 J. For amendments to the Constitution, and for other
12 propositions submitted to the electors of the entire State;
- 13 K. For county officers and for propositions submitted to
14 the electors of the county only;
- 15 L. For Regional Superintendent of Schools;
- 16 M. For trustees of Sanitary Districts; ~~and~~
- 17 N. For Trustee of a Regional Board of School Trustees; ~~and~~
- 18 O. For trustees of the University of Illinois.

19 Each sheet shall report the returns by precinct or ward.

20 Multiple originals of each of the sheets shall be prepared
21 and one of each shall be turned over to the chairman of the
22 county central committee of each of the then existing
23 established political parties, as defined in Section 10-2, or
24 his duly authorized representative immediately after the
25 completion of the entries on the sheets and before the totals
26 have been compiled.

1 The foregoing abstracts shall be preserved by the election
2 authority in its office.

3 Whenever any county clerk is unable to canvass the vote,
4 the deputy county clerk or a designee of the county clerk shall
5 serve in his or her place.

6 The powers and duties of the election authority canvassing
7 the votes are limited to those specified in this Section.

8 No person who is shown by the election authority's
9 ~~canvassing board's~~ proclamation to have been elected at the
10 consolidated election or general election as a write-in
11 candidate shall take office unless that person has first filed
12 with the certifying office or board a statement of candidacy
13 pursuant to Section 7-10 or Section 10-5, a statement pursuant
14 to Section 7-10.1, and a receipt for filing a statement of
15 economic interests in relation to the unit of government to
16 which he or she has been elected. For officers elected at the
17 consolidated election, the certifying officer shall notify the
18 election authority of the receipt of those documents, and the
19 county clerk shall issue the certification of election under
20 the provisions of Section 22-18.

21 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;
22 94-647, eff. 1-1-06; revised 10-4-05.)

23 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

24 Sec. 22-7. Canvass of votes; declaration and proclamation
25 of result. The State Board of Elections~~7~~ shall proceed~~7~~ within

1 31 days after the election, and sooner if all the returns are
2 received, to canvass the votes given for United States Senators
3 and Representatives to Congress, State executive officers,
4 judges of the Supreme Court, judges of the Appellate Court,
5 judges of the Circuit Court, Senators, Representatives to the
6 General Assembly, State's Attorneys and Regional
7 Superintendents of Schools elected from 2 or more counties, and
8 trustees of the University of Illinois, respectively, and the
9 persons having the highest number of votes for the respective
10 offices shall be declared duly elected, but if it appears that
11 more than the number of persons to be elected have the highest
12 and an equal number of votes for the same office, the electoral
13 board shall decide by lot which of such persons shall be
14 elected; and to each person duly elected, the Governor shall
15 give a certificate of election or commission, as the case may
16 require, and shall cause proclamation to be made of the result
17 of the canvass, and they shall at the same time and in the same
18 manner, canvass the vote cast upon amendments to the
19 Constitution, and upon other propositions submitted to the
20 electors of the entire State; and the Governor shall cause to
21 be made such proclamation of the result of the canvass as the
22 statutes elsewhere provide. The State Board of Elections shall
23 transmit to the State Comptroller a list of the persons elected
24 to the various offices. The State Board of Elections shall also
25 transmit to the Supreme Court the names of persons elected to
26 judgeships in adversary elections and the names of judges who

1 fail to win retention in office.

2 No person who is shown by the canvassing board's
3 proclamation to have been elected at the consolidated election
4 or general election as a write-in candidate shall take office
5 unless that person has first filed with the certifying office
6 or board a statement of candidacy pursuant to Section 7-10 or
7 Section 10-5, a statement pursuant to Section 7-10.1, and a
8 receipt for filing a statement of economic interests in
9 relation to the unit of government to which he or she has been
10 elected. For officers elected at the consolidated election, the
11 certifying officer shall notify the election authority of the
12 receipt of those documents, and the county clerk shall issue
13 the certification of election under the provisions of Section
14 22-18.

15 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05.)

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)

1 Sec. 23-1.2a. Election contest - Statewide offices - Who
2 may contest - Time and place for filing - Fee. The results of
3 an election, including a primary, for an elected executive
4 officer provided for in Article V of the Constitution or for
5 trustee of the University of Illinois may be challenged (1) by
6 any candidate whose name was on the ballot for that office, (2)
7 by any person who filed a declaration of intent to be a
8 write-in candidate for that office, or (3) by any person who
9 voted in that election, provided that such person's challenge
10 is supported by a verified petition signed by persons who voted
11 in the election in a number no less than the largest number of
12 signatures required to nominate a person to be a candidate of
13 any political party which nominated a candidate for the office
14 being contested.

15 Any person, including a candidate, qualified pursuant to
16 this Section and desiring to contest the results of an election
17 for such an office shall, within 15 days of the date of the
18 official proclamation of results of such election, file a
19 Petition of State Election Contest with the clerk of the
20 Supreme Court together with a filing fee in the amount of
21 \$10,000.

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

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

24 Sec. 23-1.13a. If any of the powers or duties to be
25 exercised or performed by the Supreme Court under Sections

1 23-1.1a through 23-1.12a may not constitutionally be exercised
2 or performed by the Supreme Court by reason of jurisdictional
3 limitations, then Sections 23-1.1a through 23-1.12a shall
4 nonetheless continue to govern contests of elections for
5 elected officers provided for in Article V of the Constitution
6 and for trustees of the University of Illinois, and in such
7 event the Supreme Court shall, pursuant to its general
8 administrative and supervisory powers, assign to a circuit
9 court those adjudicatory powers and duties with respect to such
10 a contest as may not be exercised or performed by the Supreme
11 Court, subject to appropriate judicial review.

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

13 Section 15. The University of Illinois Act is amended by
14 changing Section 11 as follows:

15 (110 ILCS 305/11) (from Ch. 144, par. 32)

16 Sec. 11. No elected or selected member of the Board of
17 Trustees shall receive any compensation for attending on the
18 meetings of the Board, but they shall be reimbursed for their
19 actual and necessary expenses while engaged in the performance
20 of their duties. Expenses necessarily incurred by any
21 non-voting student member may, at the discretion of the
22 President of the Board, be provided for by advance payment to
23 such member, who shall account therefor to the Board
24 immediately after each meeting. At all the stated and other

1 meetings of the Board of Trustees, called by the regent or
2 corresponding secretary, or any 4 ~~5~~ members of the Board, a
3 majority of the members shall constitute a quorum, provided all
4 the members have been duly notified.

5 At each regular and special meeting that is open to the
6 public, members of the public and employees of the University
7 shall be afforded time, subject to reasonable constraints, to
8 make comments to or ask questions of the Board.

9 (Source: P.A. 91-715, eff. 1-1-01.)

10 Section 20. The University of Illinois Trustees Act is
11 amended by changing Section 1 as follows:

12 (110 ILCS 310/1) (from Ch. 144, par. 41)

13 Sec. 1. Membership.

14 (a) Until all of the new members initially to be elected
15 under this amendatory Act of the 95th General Assembly have
16 taken office, the ~~The~~ Board of Trustees of the University of
17 Illinois shall consist of the Governor and at least 12
18 trustees, with 9. ~~Nine~~ trustees ~~shall be~~ appointed by the
19 Governor, by and with the advice and consent of the Senate. The
20 term of each appointed member of the Board of Trustees shall
21 terminate when all of the new members initially to be elected
22 under this amendatory Act of the 95th General Assembly have
23 taken office. Beginning on the date when all of the new members
24 initially to be elected under this amendatory Act of the 95th

1 General Assembly have taken office, the Board of Trustees shall
2 consist of the Governor and at least 10 members. Seven of these
3 members shall be elected in the manner provided by law, with 3
4 members elected from the First Judicial District and one member
5 elected from each of the 4 other judicial districts. These 7
6 trustees shall initially be elected at the general election in
7 2008. Beginning with the general election in 2010, a trustee
8 shall be elected at each general election to succeed each
9 incumbent trustee whose term expires in January of the year
10 next following that general election. A petition for nomination
11 of a candidate for member of the Board of Trustees shall be
12 signed by at least 0.5% of the total number of registered
13 voters in the judicial district in which the person is a
14 candidate for nomination. The other trustees shall be students,
15 of whom one student shall be selected from each University
16 campus.

17 (b) Each student trustee shall serve a term of one year,
18 beginning on July 1 or on the date of his or her selection,
19 whichever is later, and expiring on the next succeeding June
20 30.

21 (c) Each trustee shall have all of the privileges of
22 membership, except that only one student trustee shall have the
23 right to cast a legally binding vote. The student trustees
24 shall select one of their number to ~~The Governor shall~~
25 ~~designate which one of the student trustees shall possess,~~ for
26 his or her entire term, the right to cast a legally binding

1 vote. However, if a student trustee has served more than one
2 term and during one of those terms, he or she was selected to
3 possess a legally binding vote, then he or she is ineligible to
4 be selected again to possess a legally binding vote. If the
5 student trustees fail to come to an agreement on which student
6 trustee shall possess a legally binding vote, none of the
7 student trustees may possess a legally binding vote for the
8 remainder of their term. Each student trustee who does not
9 possess the right to cast a legally binding vote shall have the
10 right to cast an advisory vote and the right to make and second
11 motions and to attend executive sessions.

12 (d) Each trustee shall be governed by the same conflict of
13 interest standards. Pursuant to those standards, it shall not
14 be a conflict of interest for a student trustee to vote on
15 matters pertaining to students generally, such as tuition and
16 fees. However, it shall be a conflict of interest for a student
17 trustee to vote on faculty member tenure or promotion.

18 (e) Student trustees shall be chosen by campus-wide student
19 election, ~~and the student trustee designated by the Governor to~~
20 ~~possess a legally binding vote shall be one of the students~~
21 ~~selected by this method.~~ A student trustee who does not possess
22 a legally binding vote on a measure at a meeting of the Board
23 or any of its committees shall not be considered a trustee for
24 the purpose of determining whether a quorum is present at the
25 time that measure is voted upon. To be eligible for selection
26 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~~ shall determine
18 which one of them shall ~~to~~ possess the right to cast a legally
19 binding vote for the remainder of his or her term. However, if
20 a student trustee has served more than one term and during one
21 of those terms, he or she was selected to possess a legally
22 binding vote, then he or she is ineligible to be selected again
23 to possess a legally binding vote. If the remaining student
24 trustees fail to come to an agreement on which student trustee
25 shall possess a legally binding vote, none of the remaining
26 student trustees may possess a legally binding vote for the

1 remainder of their term. If a nonvoting student trustee resigns
2 or otherwise ceases to serve on the Board, the chief executive
3 of the student government from that campus shall, within 30
4 days, select a new nonvoting student trustee to serve for the
5 remainder of the term.

6 (f) Until those members elected at the general election in
7 2008 have taken office, no more than 5 of the 9 appointed
8 trustees shall be affiliated with the same political party.
9 ~~Each trustee appointed by the Governor must be a resident of~~
10 ~~this State. A failure to meet or maintain this residency~~
11 ~~requirement constitutes a resignation from and creates a~~
12 ~~vacancy in the Board.~~ The term of office of each of these
13 appointed trustees ~~trustee~~ shall be 6 years from the third
14 Monday in January of each odd numbered year. The regular terms
15 of office of these ~~the~~ appointed trustees shall be staggered so
16 that 3 terms expire in each odd-numbered year. Vacancies for
17 these appointed trustees shall be filled for the unexpired term
18 in the same manner as original appointments. If these vacancies
19 ~~a vacancy~~ in membership occur ~~occurs~~ at a time when the Senate
20 is not in session, the Governor shall make temporary
21 appointments until the next meeting of the Senate, when he
22 shall appoint persons to fill such memberships for the
23 remainder of their respective terms. ~~If the Senate is not in~~
24 ~~session when appointments for a full term are made,~~
25 ~~appointments shall be made as in the case of vacancies.~~

26 The term of office of each elected trustee shall be 6 years

1 from the third Monday in January next succeeding his or her
2 election and until his or her successor is elected and
3 qualified. However, the 3 members from the First Judicial
4 District initially elected pursuant to this amendatory Act of
5 the 95th General Assembly shall draw lots to determine one of
6 their number to serve a 2-year term, one of their number to
7 serve a 4-year term, and one of their number to serve a 6-year
8 term. The other 4 members initially elected pursuant to this
9 amendatory Act of the 95th General Assembly shall draw lots to
10 determine 2 of their number to serve a 2-year term, one of
11 their number to serve a 4-year term, and one of their number to
12 serve a 6-year term. In case of a vacancy in an elected
13 trustee's seat, the vacancy shall be filled by appointment by
14 the Governor (i) for the unexpired term if 28 or fewer months
15 remain in the term or (ii) if more than 28 months remain in the
16 term, until a trustee is elected at the next general election
17 to serve for the unexpired term and is qualified.

18 (g) Each elected or appointed trustee must be a resident of
19 this State. To be an elected member, a person must also be a
20 resident of the judicial district from which he or she was
21 elected, and a person selected to fill a vacancy left by an
22 elected member must be a resident of the judicial district from
23 which the elected member was elected. A failure to meet or
24 maintain these residency requirements constitutes a
25 resignation from and creates a vacancy in the board.

26 (h) No action of the board shall be invalidated by reason

1 of any vacancies on the board, or by reason of any failure to
2 select student trustees.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".