



Sen. Bill Brady

Filed: 3/20/2007

09500SB1276sam003

LRB095 10703 JAM 33832 a

1 AMENDMENT TO SENATE BILL 1276

2 AMENDMENT NO. _____. Amend Senate Bill 1276 by inserting
3 immediately after the enacting clause the following:

4 "Section 2. 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 and

15 by replacing the introductory paragraph of Section 5 with the
16 following:

17 "Section 5. The Election Code is amended by changing
18 Sections 2A-1.2, 7-1, 7-9, 10-3, 10-6, 22-1, 22-7, 23-1.1a,
19 23-1.2a, and 23-1.13a and adding Section 2A-53.5 as follows:

20 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

21 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
22 Designated.

23 (a) At the general election in the appropriate

1 even-numbered years, the following offices shall be filled or
2 shall be on the ballot as otherwise required by this Code:

3 (1) Elector of President and Vice President of the
4 United States;

5 (2) United States Senator and United States
6 Representative;

7 (3) State Executive Branch elected officers;

8 (4) State Senator and State Representative;

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

13 (6) Circuit Court Clerk;

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

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

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

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

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

1 political parties.

2 (b) At the general primary election:

3 (1) in each even-numbered year candidates of political
4 parties shall be nominated for those offices to be filled
5 at the general election in that year, except where pursuant
6 to law nomination of candidates of political parties is
7 made by caucus.

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

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

1 nominate candidates for municipal office to be elected at
2 the general primary election shall be held on the Tuesday 6
3 weeks preceding that election.

4 (4) in each school district which has adopted the
5 provisions of Article 33 of the School Code, successors to
6 the members of the board of education whose terms expire in
7 the year in which the general primary is held shall be
8 elected.

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

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

23 (2) Village and incorporated town library directors;

24 (3) City boards of stadium commissioners;

25 (4) Commissioners of park districts;

26 (5) Trustees of public library districts;

1 (6) Special District elected officers, not otherwise
2 designated in this section, where the statute creating or
3 authorizing the creation of the district permits or
4 requires election of candidates of political parties;

5 (7) Township officers, including township park
6 commissioners, township library directors, and boards of
7 managers of community buildings, and Multi-Township
8 Assessors;

9 (8) Highway commissioners and road district clerks;

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

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

14 (11) Forest preserve district commissioners elected
15 under Section 3.5 of the Downstate Forest Preserve District
16 Act;

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

24 (13) Members of Community College district boards;

25 (14) Trustees of Fire Protection Districts;

26 (15) Commissioners of the Springfield Metropolitan

1 Exposition and Auditorium Authority;

2 (16) Elected Trustees of Tuberculosis Sanitarium
3 Districts;

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

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

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

25 At the consolidated primary election in the appropriate
26 odd-numbered years, municipal officers shall be nominated or

1 elected, or elected subject to a runoff, as may be provided by
2 an ordinance providing a form of government of the municipality
3 pursuant to Section 7 of Article VII of the Constitution.

4 (e) (Blank).

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

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

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

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

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

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

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

6 Sec. 2A-53.5. University of Illinois; trustee; time of
7 election. Beginning with the general election in 2008, a
8 trustee of the University of Illinois shall be elected at each
9 general election to succeed each incumbent trustee whose term
10 expires in January of the year next following that general
11 election.

12 (10 ILCS 5/7-1) (from Ch. 46, par. 7-1)

13 Sec. 7-1. Application of Article.

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

1 parties, as defined in Section 7-2 of this Article 7, shall be
2 made in the manner provided in this Article 7 and not
3 otherwise. The nomination of candidates for electors of
4 President and Vice President of the United States and for
5 trustees of the University of Illinois shall be made only in
6 the manner provided for in Section 7-9 of this Article.

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

1 (c) The words "township officers" or "township offices"
2 shall be construed, when used in this Article, to include
3 supervisors.

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

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

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

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

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

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

25 The county convention of each political party shall choose

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

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

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

1 District.

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

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

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

1 ballots so voted is not exactly a multiple of 500, there shall
2 be one delegate for such group which is less than 500, or for
3 such group representing the number of votes over the multiple
4 of 500, which delegate shall have 1/500 of one vote for each
5 primary vote so represented by him. The call for such
6 convention shall set forth this paragraph (e) of Section 7-9 in
7 full and shall direct that the number of delegates to be chosen
8 be calculated in compliance herewith and that such number of
9 delegates be chosen.

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

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

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

25 (i) Except as otherwise provided in this Act, whenever a
26 vacancy exists in the office of precinct committeeman because

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

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

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

20 in Section 5, by inserting after the last line of Sec. 10-6 the
21 following:

22 "(10 ILCS 5/22-1) (from Ch. 46, par. 22-1)
23 Sec. 22-1. Abstracts of votes. Within 21 days after the
24 close of the election at which candidates for offices

1 hereinafter named in this Section are voted upon, the election
2 authorities of the respective counties shall open the returns
3 and make abstracts of the votes on a separate sheet for each of
4 the following:

5 A. For Governor and Lieutenant Governor;

6 B. For State officers;

7 C. For presidential electors;

8 D. For United States Senators and Representatives to
9 Congress;

10 E. For judges of the Supreme Court;

11 F. For judges of the Appellate Court;

12 G. For judges of the circuit court;

13 H. For Senators and Representatives to the General
14 Assembly;

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

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

18 K. For county officers and for propositions submitted to
19 the electors of the county only;

20 L. For Regional Superintendent of Schools;

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

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

23 O. For trustees of the University of Illinois.

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

25 Multiple originals of each of the sheets shall be prepared
26 and one of each shall be turned over to the chairman of the

1 county central committee of each of the then existing
2 established political parties, as defined in Section 10-2, or
3 his duly authorized representative immediately after the
4 completion of the entries on the sheets and before the totals
5 have been compiled.

6 The foregoing abstracts shall be preserved by the election
7 authority in its office.

8 Whenever any county clerk is unable to canvass the vote,
9 the deputy county clerk or a designee of the county clerk shall
10 serve in his or her place.

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

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

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

1 94-647, eff. 1-1-06; revised 10-4-05.)

2 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

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

1 statutes elsewhere provide. The State Board of Elections shall
2 transmit to the State Comptroller a list of the persons elected
3 to the various offices. The State Board of Elections shall also
4 transmit to the Supreme Court the names of persons elected to
5 judgeships in adversary elections and the names of judges who
6 fail to win retention in office.

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

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

21 (10 ILCS 5/23-1.1a) (from Ch. 46, par. 23-1.1a)

22 Sec. 23-1.1a. Election contest - Statewide - Jurisdiction.
23 The Supreme Court shall have jurisdiction over contests of the
24 results of any election, including a primary, for an elected
25 officer provided for in Article V of the Constitution and for

1 trustee of the University of Illinois, and shall retain
2 jurisdiction throughout the course of such election contests.

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

4 (10 ILCS 5/23-1.2a) (from Ch. 46, par. 23-1.2a)

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

19 Any person, including a candidate, qualified pursuant to
20 this Section and desiring to contest the results of an election
21 for such an office shall, within 15 days of the date of the
22 official proclamation of results of such election, file a
23 Petition of State Election Contest with the clerk of the
24 Supreme Court together with a filing fee in the amount of
25 \$10,000.

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

2 (10 ILCS 5/23-1.13a) (from Ch. 46, par. 23-1.13a)

3 Sec. 23-1.13a. If any of the powers or duties to be
4 exercised or performed by the Supreme Court under Sections
5 23-1.1a through 23-1.12a may not constitutionally be exercised
6 or performed by the Supreme Court by reason of jurisdictional
7 limitations, then Sections 23-1.1a through 23-1.12a shall
8 nonetheless continue to govern contests of elections for
9 elected officers provided for in Article V of the Constitution
10 and for trustees of the University of Illinois, and in such
11 event the Supreme Court shall, pursuant to its general
12 administrative and supervisory powers, assign to a circuit
13 court those adjudicatory powers and duties with respect to such
14 a contest as may not be exercised or performed by the Supreme
15 Court, subject to appropriate judicial review.

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

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

19 (110 ILCS 310/1) (from Ch. 144, par. 41)

20 Sec. 1. Membership.

21 (a) The Board of Trustees of the University of Illinois
22 shall consist of the Governor and at least 12 trustees. Nine
23 trustees shall be appointed by the Governor, by and with the

1 advice and consent of the Senate; however, with respect to
2 these 9 trustees, beginning with the general election in 2008,
3 a trustee shall instead be elected at each general election to
4 succeed each incumbent trustee whose term expires in January of
5 the year next following that general election. The other
6 trustees shall be students, of whom one student shall be
7 selected from each University campus.

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

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

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

1 (e) Student trustees shall be chosen by campus-wide student
2 election, and the student trustee designated by the Governor to
3 possess a legally binding vote shall be one of the students
4 selected by this method. A student trustee who does not possess
5 a legally binding vote on a measure at a meeting of the Board
6 or any of its committees shall not be considered a trustee for
7 the purpose of determining whether a quorum is present at the
8 time that measure is voted upon. To be eligible for selection
9 as a student trustee and to be eligible to remain as a voting
10 or nonvoting student trustee, a student trustee must be a
11 resident of this State, must have and maintain a grade point
12 average that is equivalent to at least 2.5 on a 4.0 scale, and
13 must be a full time student enrolled at all times during his or
14 her term of office except for that part of the term which
15 follows the completion of the last full regular semester of an
16 academic year and precedes the first full regular semester of
17 the succeeding academic year at the University (sometimes
18 commonly referred to as the summer session or summer school).
19 If a voting or nonvoting student trustee fails to continue to
20 meet or maintain the residency, minimum grade point average, or
21 enrollment requirement established by this Section, his or her
22 membership on the Board shall be deemed to have terminated by
23 operation of law.

24 If a voting student trustee resigns or otherwise ceases to
25 serve on the Board, the Governor shall, within 30 days,
26 designate one of the remaining student trustees to possess the

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

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

1 Beginning with the general election in 2008, 3 trustees
2 shall be elected at the general election in November of each
3 even-numbered year in the manner provided by law. The term of
4 office of each elected trustee shall be 6 years from the third
5 Monday in January next succeeding his or her election and until
6 his or her successor is elected and qualified. In case of a
7 vacancy in an elected trustee's seat, the vacancy shall be
8 filled by appointment by the Governor (i) for the unexpired
9 term if 28 or fewer months remain in the term or (ii) if more
10 than 28 months remain in the term, until a trustee is elected
11 at the next general election to serve for the unexpired term
12 and is qualified.

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

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

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

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