



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2418

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-1	from Ch. 46, par. 10-1
10 ILCS 5/10-6	from Ch. 46, par. 10-6
105 ILCS 5/10-10	from Ch. 122, par. 10-10

Amends the Election Code. Provides that certificates of nomination and nomination papers for the nomination of school board candidates shall be filed during the 7-day period beginning on the first Tuesday of December immediately preceding the consolidated election. Amends the School Code. In a Section concerning school board members, provides that, if a vacancy occurs within 90 days before the first date for filing petitions for the next regularly scheduled consolidated election (now, with less than 868 days remaining in the term or less than 88 days before the next regularly scheduled election for the office), then the person so appointed shall serve the remainder of the unexpired term and no election to fill the vacancy shall be held.

LRB098 07643 HLH 37715 b

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 Election Code is amended by changing
5 Sections 10-1 and 10-6 as follows:

6 (10 ILCS 5/10-1) (from Ch. 46, par. 10-1)

7 Sec. 10-1. Application of Article to minor political
8 parties.

9 (a) Political parties as defined in this Article and
10 individual voters to the number and in the manner specified in
11 this Article may nominate candidates for public offices whose
12 names shall be placed on the ballot to be furnished, as
13 provided in this Article. No nominations may be made under this
14 Article 10, however, by any established political party which,
15 at the general election next preceding, polled more than 5% of
16 the entire vote cast in the State, district, or unit of local
17 government for which the nomination is made. Those nominations
18 provided for in Section 45-5 of the Township Code shall be made
19 as prescribed in Sections 45-10 through 45-45 of that Code for
20 nominations by established political parties, but minor
21 political parties and individual voters are governed by this
22 Article. Any convention, caucus, or meeting of qualified voters
23 of any established political party as defined in this Article

1 may, however, make one nomination for each office therein to be
2 filled at any election for officers of a municipality with a
3 population of less than 5,000 by causing a certificate of
4 nomination to be filed with the municipal clerk as provided in
5 Section 10-6 of this Code ~~no earlier than 113 and no later than~~
6 ~~106 days before the election at which the nominated candidates~~
7 ~~are to be on the ballot.~~ The municipal caucuses shall be
8 conducted on the first Monday in December of even-numbered
9 years, except that, when that Monday is a holiday or the eve of
10 a holiday, the caucuses shall be held on the next business day
11 following the holiday. Every certificate of nomination shall
12 state the facts required in Section 10-5 of this Article and
13 shall be signed by the presiding officer and by the secretary
14 of the convention, caucus, or meeting, who shall add to their
15 signatures their places of residence. The certificates shall be
16 sworn to by them to be true to the best of their knowledge and
17 belief, and a certificate of the oath shall be annexed to the
18 certificate of nomination.

19 (b) Publication of the time and place of holding the caucus
20 shall be given by the municipal clerk. For municipalities of
21 over 500 population, notice of the caucus shall be published in
22 a newspaper published in the municipality. If there is no such
23 newspaper, then the notice shall be published in a newspaper
24 published in the county and having general circulation in the
25 municipality. For municipalities of 500 population or less,
26 notice of the caucus shall be given by the municipal clerk by

1 posting the notice in 3 of the most public places in the
2 municipality. The publication or posting shall be given at
3 least 10 days before the caucus.

4 (c) 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 (d) Any city, village, or incorporated town with a
9 population of 5,000 or less may, by ordinance, determine that
10 established political parties shall nominate candidates for
11 municipal office in the city, village, or incorporated town by
12 primary in accordance with Article 7.

13 (e) Only those voters who reside within the territory for
14 which the nomination is made shall be permitted to vote or take
15 part in the proceedings of any convention, caucus, or meeting
16 of individual voters or of any political party held under this
17 Section. No voter shall vote or take part in the proceedings of
18 more than one convention, caucus, or meeting to make a
19 nomination for the same office.

20 (Source: P.A. 97-81, eff. 7-5-11.)

21 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

22 Sec. 10-6. Time and manner of filing. Certificates of
23 nomination and nomination papers for the nomination of
24 candidates for offices to be filled by electors of the entire
25 State, or any district not entirely within a county, or for

1 congressional, state legislative or judicial offices, shall be
2 presented to the principal office of the State Board of
3 Elections not more than 141 nor less than 134 days previous to
4 the day of election for which the candidates are nominated. The
5 State Board of Elections shall endorse the certificates of
6 nomination or nomination papers, as the case may be, and the
7 date and hour of presentment to it. Except as otherwise
8 provided in this section, all other certificates for the
9 nomination of candidates shall be filed with the county clerk
10 of the respective counties not more than 141 but at least 134
11 days previous to the day of such election. Certificates of
12 nomination and nomination papers for the nomination of
13 candidates for the offices of political subdivisions to be
14 filled at regular elections other than the general election
15 shall be filed with the local election official of such
16 subdivision:

17 (1) (Blank);

18 (2) not more than 113 nor less than 106 days prior to
19 the consolidated election; or

20 (3) not more than 113 nor less than 106 days prior to
21 the general primary in the case of municipal offices to be
22 filled at the general primary election; or

23 (4) not more than 99 nor less than 92 days before the
24 consolidated primary in the case of municipal offices to be
25 elected on a nonpartisan basis pursuant to law (including
26 without limitation, those municipal offices subject to

1 Articles 4 and 5 of the Municipal Code); or

2 (5) not more than 113 nor less than 106 days before the
3 municipal primary in even numbered years for such
4 nonpartisan municipal offices where annual elections are
5 provided; or

6 (6) in the case of petitions for the office of
7 multi-township assessor, such petitions shall be filed
8 with the election authority not more than 113 nor less than
9 106 days before the consolidated election; or -

10 (7) in the case of petitions for school boards, during
11 the 7-day period beginning on the first Tuesday of December
12 immediately preceding the consolidated election.

13 However, where a political subdivision's boundaries are
14 co-extensive with or are entirely within the jurisdiction of a
15 municipal board of election commissioners, the certificates of
16 nomination and nomination papers for candidates for such
17 political subdivision offices shall be filed in the office of
18 such Board.

19 (Source: P.A. 95-699, eff. 11-9-07; 96-1008, eff. 7-6-10.)

20 Section 10. The School Code is amended by changing Section
21 10-10 as follows:

22 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

23 Sec. 10-10. Board of education; Term; Vacancy. All school
24 districts having a population of not fewer than 1,000 and not

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

1 year term; and of the members elected at the next regular
2 school election 2 shall serve for a term of 2 years and 2 shall
3 serve for a term of 6 years. Thereafter members elected in such
4 districts shall be elected to a 6 year term. If at the regular
5 school election held in the first odd-numbered year after the
6 determination to elect members for 6 year terms 4 members are
7 elected, 3 shall serve for a term of 6 years and one shall
8 serve for a term of 2 years; and of the members elected at the
9 next regular school election 2 shall serve for terms of 6 years
10 and 2 shall serve for terms of 2 years. Thereafter members
11 elected in such districts shall be elected to a 6 year term. If
12 at the regular school election held in the first odd-numbered
13 year after the determination to elect members for a 6 year term
14 5 members are elected, 3 shall serve for a term of 6 years and 2
15 shall serve for a term of 2 years; and of the members elected
16 at the next regular school election 2 shall serve for terms of
17 6 years and 2 shall serve for terms of 2 years. Thereafter
18 members elected in such districts shall be elected to a 6 year
19 term. An election for board members shall not be held in school
20 districts which by consolidation, annexation or otherwise
21 shall cease to exist as a school district within 6 months after
22 the election date, and the term of all board members which
23 would otherwise terminate shall be continued until such
24 district shall cease to exist. Each member, on the date of his
25 or her election, shall be a citizen of the United States of the
26 age of 18 years or over, shall be a resident of the State and

1 the territory of the district for at least one year immediately
2 preceding his or her election, shall be a registered voter as
3 provided in the general election law, shall not be a school
4 trustee, and shall not be a child sex offender as defined in
5 Section 11-9.3 of the Criminal Code of 2012. When the board of
6 education is the successor of the school directors, all rights
7 of property, and all rights regarding causes of action existing
8 or vested in such directors, shall vest in it as fully as they
9 were vested in the school directors. Terms of members are
10 subject to Section 2A-54 of the Election Code.

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

21 Whenever a vacancy occurs, the remaining members shall
22 notify the regional superintendent of that vacancy within 5
23 days after its occurrence and shall proceed to fill the vacancy
24 until the next regular school election, at which election a
25 successor shall be elected to serve the remainder of the
26 unexpired term. However, if, on and after the effective date of

1 this amendatory Act of the 98th General Assembly, the vacancy
2 occurs within 90 days before the first date for filing
3 petitions for the next regularly scheduled consolidated
4 election, ~~with less than 868 days remaining in the term, or if~~
5 ~~the vacancy occurs less than 88 days before the next regularly~~
6 ~~scheduled election for this office~~ then the person so appointed
7 shall serve the remainder of the unexpired term, and no
8 election to fill the vacancy shall be held. Should they fail so
9 to act, within 45 days after the vacancy occurs, the regional
10 superintendent of schools under whose supervision and control
11 the district is operating, as defined in Section 3-14.2 of this
12 Act, shall within 30 days after the remaining members have
13 failed to fill the vacancy, fill the vacancy as provided for
14 herein. Upon the regional superintendent's failure to fill the
15 vacancy, the vacancy shall be filled at the next regularly
16 scheduled election. Whether elected or appointed by the
17 remaining members or regional superintendent, the successor
18 shall be an inhabitant of the particular area from which his or
19 her predecessor was elected if the residential requirements
20 contained in Section 10-10.5 or 12-2 of this Code apply.

21 A board of education may appoint a student to the board to
22 serve in an advisory capacity. The student member shall serve
23 for a term as determined by the board. The board may not grant
24 the student member any voting privileges, but shall consider
25 the student member as an advisor. The student member may not
26 participate in or attend any executive session of the board.

1 (Source: P.A. 96-538, eff. 8-14-09; 97-1150, eff. 1-25-13.)