



Rep. Robert F. Martwick

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1 AMENDMENT TO HOUSE BILL 557

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 557 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Sections 2A-1.2 and 2A-48 as follows:

6 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

7 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices  
8 Designated.

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

12 (1) Elector of President and Vice President of the  
13 United States;

14 (2) United States Senator and United States  
15 Representative;

16 (3) State Executive Branch elected officers;

1 (4) State Senator and State Representative;

2 (5) County elected officers, including State's  
3 Attorney, County Board member, County Commissioners, and  
4 elected President of the County Board or County Chief  
5 Executive;

6 (6) Circuit Court Clerk;

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

10 (8) Judges of the Supreme, Appellate and Circuit  
11 Courts, on the question of retention, to fill vacancies and  
12 newly created judicial offices;

13 (9) (Blank);

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

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

21 (b) At the general primary election:

22 (1) in each even-numbered year candidates of political  
23 parties shall be nominated for those offices to be filled  
24 at the general election in that year, except where pursuant  
25 to law nomination of candidates of political parties is  
26 made by caucus.

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

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

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

1 elected.

2 (5) in 2018, the members of the Chicago Board of  
3 Education shall be elected to serve a term of 5 years;  
4 successors shall be elected at the consolidated election  
5 under subsection (c) of this Section as provided under  
6 Section 2A-48 of this Code.

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

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

21 (2) Village and incorporated town library directors;

22 (3) City boards of stadium commissioners;

23 (4) Commissioners of park districts;

24 (5) Trustees of public library districts;

25 (6) Special District elected officers, not otherwise  
26 designated in this section, where the statute creating or

1 authorizing the creation of the district permits or  
2 requires election of candidates of political parties;

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

7 (8) Highway commissioners and road district clerks;

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

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

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

15 (12) Elected members of school boards, school  
16 trustees, directors of boards of school directors,  
17 trustees of county boards of school trustees (except in  
18 counties or educational service regions having a  
19 population of 2,000,000 or more inhabitants) and members of  
20 boards of school inspectors, except school boards in school  
21 districts that adopt Article 33 of the School Code and  
22 except as otherwise provided in paragraph (5) of subsection  
23 (b) of this Section;

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-48) (from Ch. 46, par. 2A-48)

6 Sec. 2A-48. Board of School Directors and Board of  
7 Education - Member - Time of Election. A member of a Board of  
8 School Directors or a member of an elected Board of Education,  
9 as the case may be, shall be elected at each consolidated  
10 election to succeed each incumbent member whose term ends  
11 before the following consolidated election. However, a member  
12 of the Chicago Board of Education shall be elected at each  
13 consolidated election beginning with the April 2023 election to  
14 succeed each incumbent member whose term ends before the  
15 following consolidated election.

16 (Source: P.A. 90-358, eff. 1-1-98.)

17 Section 10. The School Code is amended by changing Sections  
18 34-3, 34-4, and 34-13.1 and by adding Section 34-21.9 as  
19 follows:

20 (105 ILCS 5/34-3) (from Ch. 122, par. 34-3)

21 Sec. 34-3. Chicago School Reform Board of Trustees; new  
22 Chicago Board of Education; members; term; vacancies.

23 (a) Within 30 days after the effective date of this



1 amendatory Act of 1995, the terms of all members of the Chicago  
2 Board of Education holding office on that date are abolished  
3 and the Mayor shall appoint, without the consent or approval of  
4 the City Council, a 5 member Chicago School Reform Board of  
5 Trustees which shall take office upon the appointment of the  
6 fifth member. The Chicago School Reform Board of Trustees and  
7 its members shall serve until, and the terms of all members of  
8 the Chicago School Reform Board of Trustees shall expire on,  
9 June 30, 1999 or upon the appointment of a new Chicago Board of  
10 Education as provided in subsection (b), whichever is later.  
11 Any vacancy in the membership of the Trustees shall be filled  
12 through appointment by the Mayor, without the consent or  
13 approval of the City Council, for the unexpired term. One of  
14 the members appointed by the Mayor to the Trustees shall be  
15 designated by the Mayor to serve as President of the Trustees.  
16 The Mayor shall appoint a full-time, compensated chief  
17 executive officer, and his or her compensation as such chief  
18 executive officer shall be determined by the Mayor. The Mayor,  
19 at his or her discretion, may appoint the President to serve  
20 simultaneously as the chief executive officer.

21 (b) This subsection (b) applies until March 20, 2018.  
22 Within 30 days before the expiration of the terms of the  
23 members of the Chicago Reform Board of Trustees as provided in  
24 subsection (a), a new Chicago Board of Education consisting of  
25 7 members shall be appointed by the Mayor to take office on the  
26 later of July 1, 1999 or the appointment of the seventh member.

1 Three of the members initially so appointed under this  
2 subsection shall serve for terms ending June 30, 2002, 4 of the  
3 members initially so appointed under this subsection shall  
4 serve for terms ending June 30, 2003, and each member initially  
5 so appointed shall continue to hold office until his or her  
6 successor is appointed and qualified. Thereafter at the  
7 expiration of the term of any member a successor shall be  
8 appointed by the Mayor and shall hold office for a term of 4  
9 years, from July 1 of the year in which the term commences and  
10 until a successor is appointed and qualified. Any vacancy in  
11 the membership of the Chicago Board of Education shall be  
12 filled through appointment by the Mayor for the unexpired term.  
13 No appointment to membership on the Chicago Board of Education  
14 that is made by the Mayor under this subsection shall require  
15 the approval of the City Council, whether the appointment is  
16 made for a full term or to fill a vacancy for an unexpired term  
17 on the Board.

18 (b-5) On March 20, 2018, the terms of all members of the  
19 Chicago Board of Education appointed under subsection (b) of  
20 this Section are abolished when the new board, consisting of 21  
21 members, is elected by the electors of the school district as  
22 provided in this subsection (b-5) and takes office.

23 Each member shall be elected for a term of 4 years,  
24 commencing on the second Tuesday in May of the year in which  
25 the member is elected, and until the member's successor is  
26 elected and has qualified, except that members of the board

1 elected to terms commencing on March 20, 2018 shall organize on  
2 the date their terms commence to serve for terms of 5 years and  
3 until the member's successor is elected and has qualified. For  
4 purposes of elections conducted pursuant to this subsection  
5 (b-5), the City of Chicago shall be subdivided into 20  
6 electoral districts by the General Assembly for seats on the  
7 Chicago Board of Education, as provided under Section 34-21.9  
8 of this Code. Each district shall be represented by a member,  
9 and one member shall be elected at large and serve as the  
10 president of the board.

11 On March 20, 2018 and within 28 days after each election  
12 thereafter, the board shall organize by electing its vice  
13 president and fixing a time and place for the regular meetings.  
14 At least 50% of the board's regular meetings shall take place  
15 after regular business hours in order to maximize community  
16 participation. Upon organizing itself as provided in this  
17 subsection (b-5), the board shall enter upon the discharge of  
18 its duties.

19 Whenever a vacancy in the board occurs, the remaining  
20 members of the board shall notify the Mayor of that vacancy  
21 within 5 days after its occurrence and shall proceed to fill  
22 the vacancy until the next board election, at which election a  
23 successor shall be elected to serve the remainder of the  
24 unexpired term. However, if the vacancy occurs with less than  
25 28 months remaining in the term or if the vacancy occurs less  
26 than 88 days before the next board election, then the person so

1 appointed shall serve the remainder of the unexpired term, and  
2 no election to fill the vacancy shall be held. The successor  
3 shall have the same residential and other qualifications as his  
4 or her predecessor. Should the remaining board members fail to  
5 act within 45 days after the vacancy occurs, the Mayor shall,  
6 within 30 days after the remaining members have failed to fill  
7 the vacancy, fill the vacancy as provided for in this Section.  
8 Upon the Mayor's failure to fill the vacancy, the vacancy shall  
9 be filled at the next board election. The successor shall have  
10 the same residential and other qualifications as his or her  
11 predecessor.

12 (b-10) The board shall elect annually from its number a  
13 ~~president and~~ vice-president, in such manner and at such time  
14 as the board determines by its rules. The president elected by  
15 the voters and vice-president elected by the board ~~officers so~~  
16 ~~elected~~ shall each perform the duties imposed upon his or her  
17 ~~their~~ respective office by the rules of the board, provided  
18 that (i) the president shall preside at meetings of the board  
19 and vote as any other member but have no power of veto, and  
20 (ii) the vice president shall perform the duties of the  
21 president if that office is vacant or the president is absent  
22 or unable to act. The secretary of the board ~~Board~~ shall be  
23 selected by the board ~~Board~~ and shall be an employee of the  
24 board ~~Board~~ rather than a member of the board ~~Board~~,  
25 notwithstanding subsection (d) of Section 34-3.3. The duties of  
26 the secretary shall be imposed by the rules of the board ~~Board~~.

1 (c) The board may appoint a student to the board to serve  
2 in an advisory capacity. The student member shall serve for a  
3 term as determined by the board. The board may not grant the  
4 student member any voting privileges, but shall consider the  
5 student member as an advisor. The student member may not  
6 participate in or attend any executive session of the board.

7 (Source: P.A. 94-231, eff. 7-14-05.)

8 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

9 Sec. 34-4. Eligibility.

10 (a) To be eligible for ~~election appointment~~ to the board, a  
11 person shall be a citizen of the United States, shall be a  
12 registered voter as provided in the Election Code, shall have  
13 been a resident of the city and the electoral district for at  
14 least one year ~~3 years~~ immediately preceding his or her  
15 ~~election appointment~~, and shall not be a child sex offender as  
16 defined in Section 11-9.3 of the Criminal Code of 2012. A  
17 person is ineligible to run for office if that person is an  
18 employee of the school district. All persons eligible for  
19 election to the board shall obtain no less than 250 signatures  
20 on a petition in order to be placed on the ballot. Petitions  
21 must be prepared and certified on the same schedule as the  
22 petition schedule for candidates for the General Assembly.  
23 Nomination papers are not valid unless the candidate named  
24 therein files with the board of election commissioners a  
25 receipt from the county clerk showing that the candidate has

1 filed a statement of economic interests as required by the  
2 Illinois Governmental Ethics Act. Such receipt shall be so  
3 filed either previously during the calendar year in which his  
4 or her nomination papers were filed or within the period for  
5 the filing of nomination papers in accordance with the general  
6 election law. Permanent removal from the city by any member of  
7 the board during his or her term of office constitutes a  
8 resignation therefrom and creates a vacancy in the board. Board  
9 members shall receive reasonable compensation. Board ~~Except~~  
10 ~~for the President of the Chicago School Reform Board of~~  
11 ~~Trustees who may be paid compensation for his or her services~~  
12 ~~as chief executive officer as determined by the Mayor as~~  
13 ~~provided in subsection (a) of Section 34-3, board members shall~~  
14 ~~serve without any compensation; provided, that board members~~  
15 shall be reimbursed for expenses incurred while in the  
16 performance of their duties upon submission of proper receipts  
17 or upon submission of a signed voucher in the case of an  
18 expense allowance evidencing the amount of such reimbursement  
19 or allowance to the president of the board for verification and  
20 approval. Board members ~~The board of education may continue to~~  
21 ~~provide health care insurance coverage, employer pension~~  
22 ~~contributions, employee pension contributions, and life~~  
23 ~~insurance premium payments for an employee required to resign~~  
24 ~~from an administrative, teaching, or career service position in~~  
25 ~~order to qualify as a member of the board of education. They~~  
26 shall not hold other public office under the Federal, State or

1 any local government other than that of Director of the  
2 Regional Transportation Authority, member of the economic  
3 development commission of a city having a population exceeding  
4 500,000, notary public or member of the National Guard, and by  
5 accepting any such office while members of the board, or by not  
6 resigning any such office held at the time of being elected  
7 ~~appointed~~ to the board within 30 days after such election  
8 ~~appointment~~, shall be deemed to have vacated their membership  
9 in the board.

10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 (105 ILCS 5/34-13.1)

12 Sec. 34-13.1. Inspector General.

13 (a) The Inspector General and his office in existence on  
14 the effective date of this amendatory Act of 1995 shall be  
15 transferred to the jurisdiction of the board upon appointment  
16 of the Chicago School Reform Board of Trustees. The Inspector  
17 General shall have the authority to conduct investigations into  
18 allegations of or incidents of waste, fraud, and financial  
19 mismanagement in public education within the jurisdiction of  
20 the board by a local school council member or an employee,  
21 contractor, or member of the board or involving school projects  
22 managed or handled by the Public Building Commission. The  
23 Inspector General shall make recommendations to the board about  
24 the investigations. The Inspector General in office on the  
25 effective date of this amendatory Act of 1996 shall serve for a

1 term expiring on June 30, 1998. His or her successors in office  
2 shall each be appointed by the Mayor, without the consent or  
3 approval of the City Council, for 4 year terms expiring on June  
4 30th of an even numbered year; however, beginning on March 20,  
5 2018, successors shall be appointed by the board instead of the  
6 Mayor. If the Inspector General leaves office or if a vacancy  
7 in that office otherwise occurs, the Mayor shall appoint,  
8 without the consent or approval of the City Council, a  
9 successor to serve under this Section for the remainder of the  
10 unexpired term; however, beginning on March 20, 2018,  
11 successors shall be appointed by the board instead of the  
12 Mayor. The Inspector General shall be independent of the  
13 operations of the board and the School Finance Authority, and  
14 shall perform other duties requested by the board.

15 (b) The Inspector General shall have access to all  
16 information and personnel necessary to perform the duties of  
17 the office. If the Inspector General determines that a possible  
18 criminal act has been committed or that special expertise is  
19 required in the investigation, he or she shall immediately  
20 notify the Chicago Police Department and the Cook County  
21 State's Attorney. All investigations conducted by the  
22 Inspector General shall be conducted in a manner that ensures  
23 the preservation of evidence for use in criminal prosecutions.

24 (c) At all times the Inspector General shall be granted  
25 access to any building or facility that is owned, operated, or  
26 leased by the board, the Public Building Commission, or the



1 city in trust and for the use and benefit of the schools of the  
2 district.

3 (d) The Inspector General shall have the power to subpoena  
4 witnesses and compel the production of books and papers  
5 pertinent to an investigation authorized by this Code. Any  
6 person who (1) fails to appear in response to a subpoena; (2)  
7 fails to answer any question; (3) fails to produce any books or  
8 papers pertinent to an investigation under this Code; or (4)  
9 knowingly gives false testimony during an investigation under  
10 this Code, is guilty of a Class A misdemeanor.

11 (e) The Inspector General shall provide to the board and  
12 the Illinois General Assembly a summary of reports and  
13 investigations made under this Section for the previous fiscal  
14 year no later than January 1 of each year, except that the  
15 Inspector General shall provide the summary of reports and  
16 investigations made under this Section for the period  
17 commencing July 1, 1998 and ending April 30, 1999 no later than  
18 May 1, 1999. The summaries shall detail the final disposition  
19 of those recommendations. The summaries shall not contain any  
20 confidential or identifying information concerning the  
21 subjects of the reports and investigations. The summaries shall  
22 also include detailed recommended administrative actions and  
23 matters for consideration by the General Assembly.

24 (f) (Blank).

25 (g) (Blank).

26 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97.)

1 (105 ILCS 5/34-21.9 new)

2 Sec. 34-21.9. Creation of electoral districts;  
3 reapportionment of districts.

4 (a) For purposes of elections conducted pursuant to  
5 subsection (b-5) of Section 34-3 of this Code, the City of  
6 Chicago shall be subdivided into 20 electoral districts after  
7 the effective date of this amendatory Act of the 99th General  
8 Assembly by the General Assembly for seats on the Chicago Board  
9 of Education. The electoral districts must be drawn on or  
10 before January 1, 2017. Each district must be compact,  
11 contiguous, and substantially equal in population and  
12 consistent with the U.S. Constitution, the Illinois  
13 Constitution, and the federal Voting Rights Act of 1965. In  
14 addition, each of the districts must be drawn to reflect the  
15 following principles: the preservation of communities of  
16 interests, respect for wards and other political subdivision  
17 boundaries, proposals or other input submitted by members of  
18 the public and stakeholder groups, respect for geographic  
19 features and natural or logical boundaries, and other  
20 redistricting principles recognized by State and federal court  
21 decisions.

22 (b) In the year following each decennial census, the  
23 General Assembly shall reapportion the electoral districts to  
24 reflect the results of the decennial census. The electoral  
25 districts shall be reapportioned consistent with the

1 requirements in subsection (a) of this Section. The  
2 reapportionment plan shall be completed and formally approved  
3 by the General Assembly not less than 90 days before the last  
4 date established by law for the filing of nominating petitions  
5 for the second school board election after the decennial census  
6 year. If by reapportionment a board member no longer resides  
7 within the electoral district from which the member was  
8 elected, the member shall continue to serve in office until the  
9 expiration of the member's regular term. All new members shall  
10 be elected from the electoral districts as reapportioned.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law."