



Rep. Elaine Nekritz

Filed: 3/23/2015

09900HB3302ham001

LRB099 06942 SXM 32991 a

1 AMENDMENT TO HOUSE BILL 3302

2 AMENDMENT NO. _____. Amend House Bill 3302 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Section 10-6 as follows:

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

7 Sec. 10-6. Time and manner of filing. Certificates of
8 nomination and nomination papers for the nomination of
9 candidates for offices to be filled by electors of the entire
10 State, or any district not entirely within a county, or for
11 congressional, state legislative or judicial offices, shall be
12 presented to the principal office of the State Board of
13 Elections not more than 141 nor less than 134 days previous to
14 the day of election for which the candidates are nominated. The
15 State Board of Elections shall endorse the certificates of
16 nomination or nomination papers, as the case may be, and the

1 date and hour of presentment to it. Except as otherwise
2 provided in this section, all other certificates for the
3 nomination of candidates shall be filed with the county clerk
4 of the respective counties not more than 141 but at least 134
5 days previous to the day of such election. Certificates of
6 nomination and nomination papers for the nomination of
7 candidates for school district offices to be filled at
8 consolidated elections shall be filed with the county clerk or
9 county board of election commissioners of the county ~~election~~
10 ~~authority~~ in which the principal office of the school district
11 is located not more than 113 nor less than 106 days before the
12 consolidated election. Certificates of nomination and
13 nomination papers for the nomination of candidates for the
14 other offices of political subdivisions to be filled at regular
15 elections other than the general election shall be filed with
16 the local election official of such 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.

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

16 (Source: P.A. 98-691, eff. 7-1-14.)

17 Section 10. The School Code is amended by changing Sections
18 9-10 and 10-10 as follows:

19 (105 ILCS 5/9-10) (from Ch. 122, par. 9-10)

20 Sec. 9-10. Candidates for office - Nominating petitions.
21 Candidates for the office of school director shall be nominated
22 by petition signed by at least 25 voters or 5% of the voters,
23 whichever is less, residing within the district and filed with
24 the county clerk or the county board of election commissioners,

1 as the case may be, of the county in which the principal office
2 of the school district is located.

3 Nominations for members of boards of education, including
4 non-high school boards of education shall be made by a petition
5 signed by at least 50 voters or 10% of the voters, whichever is
6 less, residing within the district and shall be filed with the
7 county clerk or the county board of election commissioners, as
8 the case may be, of the county in which the principal office of
9 the school district is located. In addition to the requirements
10 of the general election law, the form of such petitions shall
11 be substantially as follows:

12 NOMINATING PETITIONS

13 (LEAVE OUT THE INAPPLICABLE PART.)

14 To the (County Clerk or County Board of Election
15 Commissioners) of County:

16 We the undersigned, being (.... or more) (or 10% or more)
17 (or 5% or more) of the voters residing within said district,
18 hereby petition that who resides at in the (city or
19 village) of in Township (or who resides outside any
20 city, village or incorporated town and in Township) in
21 said district shall be a candidate for the office of of
22 the board of education (or board of directors) (full term)
23 (vacancy) to be voted for at the election to be held on (insert
24 date).

25 Name: Address:

1 In the designation of the name of a candidate on a petition
2 for nomination, the candidate's given name or names, initial or
3 initials, a nickname by which the candidate is commonly known,
4 or a combination thereof may be used in addition to the
5 candidate's surname. If a candidate has changed his or her
6 name, whether by a statutory or common law procedure in
7 Illinois or any other jurisdiction, within 3 years before the
8 last day for filing the petition, then (i) the candidate's name
9 on the petition must be followed by "formerly known as (list
10 all prior names during the 3-year period) until name changed on
11 (list date of each such name change)" and (ii) the petition
12 must be accompanied by the candidate's affidavit stating the
13 candidate's previous names during the period specified in
14 clause (i) and the date or dates each of those names was
15 changed; failure to meet these requirements shall be grounds
16 for denying certification of the candidate's name for the
17 ballot, but these requirements do not apply to name changes
18 resulting from adoption to assume an adoptive parent's or
19 parents' surname, marriage to assume a spouse's surname, or
20 dissolution of marriage or declaration of invalidity of
21 marriage to assume a former surname. No other designation, such
22 as a political slogan, as defined by Section 7-17 of the
23 Election Code, title or degree, or nickname suggesting or
24 implying possession of a title, degree or professional status,
25 or similar information may be used in connection with the
26 candidate's surname.

1 Nomination papers filed under this Section are not valid
2 unless the candidate named therein files with the county clerk
3 or the county board of election commissioners, as the case may
4 be, of the county in which the principal office of the school
5 district is located a receipt from the county clerk showing
6 that the candidate has filed a statement of economic interests
7 as required by the Illinois Governmental Ethics Act. Such
8 receipt shall be so filed either previously during the calendar
9 year in which his nomination papers were filed or within the
10 period for the filing of nomination papers in accordance with
11 the general election law.

12 All petitions for the nomination of members of a board of
13 education shall be filed with the county clerk or the county
14 board of election commissioners, as the case may be, of the
15 county in which the principal office of the school district is
16 located within the time provided for by the general election
17 law. ~~The county clerk or the county board of election~~
18 ~~commissioners shall receive and file only those petitions which~~
19 ~~include a statement of candidacy, the required number of voter~~
20 ~~signatures, the notarized signature of the petition circulator~~
21 ~~and a receipt from the County Clerk showing that the candidate~~
22 ~~has filed a statement of economic interest on or before the~~
23 ~~last day to file as required by the Illinois Governmental~~
24 ~~Ethics Act.~~ The county clerk or the county board of election
25 commissioners may have petition forms available for issuance to
26 potential candidates, and may give notice of the petition

1 filing period by publication in a newspaper of general
2 circulation within the school district not less than 10 days
3 prior to the first day of filing. The county clerk or the
4 county board of election commissioners shall make
5 certification to the proper election authorities in accordance
6 with the general election law.

7 The county clerk or the county board of election
8 commissioners, as the case may be, of the county in which the
9 principal office of the school district is located shall notify
10 the candidates for whom a petition for nomination is filed or
11 the appropriate committee of the obligations under the Campaign
12 Financing Act as provided in the general election law. Such
13 notice shall be given on a form prescribed by the State Board
14 of Elections and in accordance with the requirements of the
15 general election law. The county clerk or county board of
16 election commissioners shall within 7 days of filing or on the
17 last day for filing, whichever is earlier, acknowledge to the
18 petitioner in writing the office's acceptance of the petition.

19 A candidate for membership on the board of education or for
20 office as a school director, who has petitioned for nomination
21 to fill a full term and to fill a vacant term to be voted upon
22 at the same election, must withdraw his or her petition for
23 nomination from either the full term or the vacant term by
24 written declaration.

25 In all newly organized districts the petition for the
26 nomination of candidates for members of the board of education

1 at the first election shall be addressed to and filed with the
2 regional superintendent of schools in the manner herein
3 specified for the petitions for members of a board of
4 education. For such election the regional superintendent shall
5 fulfill all duties otherwise assigned to the secretary of the
6 board of education.

7 (Source: P.A. 98-115, eff. 7-29-13.)

8 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

9 Sec. 10-10. Board of education; term; vacancy. All school
10 districts having a population of not fewer than 1,000 and not
11 more than 500,000 inhabitants, as ascertained by any special or
12 general census, and not governed by special Acts, shall be
13 governed by a board of education consisting of 7 members,
14 serving without compensation except as herein provided. Each
15 member shall be elected for a term of 4 years for the initial
16 members of the board of education of a combined school district
17 to which that subsection applies. If 5 members are elected in
18 1983 pursuant to the extension of terms provided by law for
19 transition to the consolidated election schedule under the
20 general election law, 2 of those members shall be elected to
21 serve terms of 2 years and 3 shall be elected to serve terms of
22 4 years; their successors shall serve for a 4 year term. When
23 the voters of a district have voted to elect members of the
24 board of education for 6 year terms, as provided in Section
25 9-5, the terms of office of members of the board of education

1 of that district expire when their successors assume office but
2 not later than 7 days after such election. If at the regular
3 school election held in the first odd-numbered year after the
4 determination to elect members for 6 year terms 2 members are
5 elected, they shall serve for a 6 year term; and of the members
6 elected at the next regular school election 3 shall serve for a
7 term of 6 years and 2 shall serve a term of 2 years. Thereafter
8 members elected in such districts shall be elected to a 6 year
9 term. If at the regular school election held in the first
10 odd-numbered year after the determination to elect members for
11 6 year terms 3 members are elected, they shall serve for a 6
12 year term; and of the members elected at the next regular
13 school election 2 shall serve for a term of 2 years and 2 shall
14 serve for a term of 6 years. Thereafter members elected in such
15 districts shall be elected to a 6 year term. If at the regular
16 school election held in the first odd-numbered year after the
17 determination to elect members for 6 year terms 4 members are
18 elected, 3 shall serve for a term of 6 years and one shall
19 serve for a term of 2 years; and of the members elected at the
20 next regular school election 2 shall serve for terms of 6 years
21 and 2 shall serve for terms of 2 years. Thereafter members
22 elected in such districts shall be elected to a 6 year term. If
23 at the regular school election held in the first odd-numbered
24 year after the determination to elect members for a 6 year term
25 5 members are elected, 3 shall serve for a term of 6 years and 2
26 shall serve for a term of 2 years; and of the members elected

1 at the next regular school election 2 shall serve for terms of
2 6 years and 2 shall serve for terms of 2 years. Thereafter
3 members elected in such districts shall be elected to a 6 year
4 term. An election for board members shall not be held in school
5 districts which by consolidation, annexation or otherwise
6 shall cease to exist as a school district within 6 months after
7 the election date, and the term of all board members which
8 would otherwise terminate shall be continued until such
9 district shall cease to exist. Each member, on the date of his
10 or her election, shall be a citizen of the United States of the
11 age of 18 years or over, shall be a resident of the State and
12 the territory of the district for at least one year immediately
13 preceding his or her election, shall be a registered voter as
14 provided in the general election law, shall not be a school
15 trustee, must not have been removed from a school board
16 pursuant to Section 2-3.25f-5 of this Code (unless subsequently
17 appointed as a member of an Independent Authority or if it has
18 been 10 years since the abolition of the Independent Authority
19 in the district), and shall not be a child sex offender as
20 defined in Section 11-9.3 of the Criminal Code of 2012. When
21 the board of education is the successor of the school
22 directors, all rights of property, and all rights regarding
23 causes of action existing or vested in such directors, shall
24 vest in it as fully as they were vested in the school
25 directors. Terms of members are subject to Section 2A-54 of the
26 Election Code.

1 Nomination papers filed under this Section are not valid
2 unless the candidate named therein files with the county clerk
3 or the county board of election commissioners, as the case may
4 be, of the county in which the principal office of the school
5 district is located a receipt from the county clerk showing
6 that the candidate has filed a statement of economic interests
7 as required by the Illinois Governmental Ethics Act. Such
8 receipt shall be so filed either previously during the calendar
9 year in which his nomination papers were filed or within the
10 period for the filing of nomination papers in accordance with
11 the general election law.

12 Whenever a vacancy occurs, the remaining members shall
13 notify the regional superintendent of that vacancy within 5
14 days after its occurrence and shall proceed to fill the vacancy
15 until the next regular school election, at which election a
16 successor shall be elected to serve the remainder of the
17 unexpired term. However, for school boards for which members
18 are elected for 4-year terms, if the vacancy occurs after the
19 beginning of the period for circulating nomination petitions to
20 be placed on the ballot for the next consolidated election, the
21 person so appointed shall serve the remainder of the unexpired
22 term and no election to fill the vacancy shall be held. For
23 school boards for which members are elected for 6-year terms,
24 a) if the vacancy occurs after the beginning of the period for
25 circulating nomination petitions to be placed on the ballot for
26 the second consolidated election following the election at

1 which the member who vacated the position was elected, the
2 person so appointed shall serve the remainder of the unexpired
3 term and no election to fill the vacancy shall be held; b) if
4 the vacancy occurs after the beginning of the period for
5 circulating nomination petitions to be placed on the ballot for
6 the first consolidated election following the election at which
7 the member who vacated the election was elected, the person so
8 appointed shall serve until the next consolidated election, at
9 which a successor shall be elected to serve the remainder of
10 the unexpired term; or c) if the vacancy occurs at any other
11 time, the person so appointed shall serve until the next
12 consolidated election, at which a successor shall be elected to
13 serve the remainder of the unexpired term. ~~if the vacancy~~
14 ~~occurs with less than 868 days remaining in the term, or if the~~
15 ~~vacancy occurs less than 88 days before the next regularly~~
16 ~~scheduled election for this office then the person so appointed~~
17 ~~shall serve the remainder of the unexpired term, and no~~
18 ~~election to fill the vacancy shall be held.~~ Should they fail so
19 to act, within 60 ~~45~~ days after the vacancy occurs, the
20 regional superintendent of schools under whose supervision and
21 control the district is operating, as defined in Section 3-14.2
22 of this Act, shall within 30 days after the remaining members
23 have failed to fill the vacancy, fill the vacancy as provided
24 for herein. Upon the regional superintendent's failure to fill
25 the vacancy, the vacancy shall be filled at the next regularly
26 scheduled election. Whether elected or appointed by the

1 remaining members or regional superintendent, the successor
2 shall be an inhabitant of the particular area from which his or
3 her predecessor was elected if the residential requirements
4 contained in Section 10-10.5 or 12-2 of this Code apply.

5 A board of education may appoint a student to the board to
6 serve in an advisory capacity. The student member shall serve
7 for a term as determined by the board. The board may not grant
8 the student member any voting privileges, but shall consider
9 the student member as an advisor. The student member may not
10 participate in or attend any executive session of the board.

11 (Source: P.A. 97-1150, eff. 1-25-13; 98-115, eff. 7-29-13;
12 98-1155, eff. 1-9-15.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."