



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1935

Introduced 2/4/2025, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/3A-6

from Ch. 122, par. 3A-6

Amends the Educational Service Regions Article of the School Code. Provides that when a vacancy occurs in the office of regional superintendent of schools and more than 28 months remain in that term and the vacancy occurs at least 130 days before the next general election, appointment to fill the vacancy shall be until the next general election (rather than if more than 28 months remain in that term, the appointment shall be until the next general election). Provides that if the vacancy occurs during the time provided for filing nomination papers for county offices for the primary in the next even-numbered year following commencement of the term of office in which the vacancy occurs, the time for filing nomination papers for the primary shall not be more than 120 (rather than 91) days nor less than 113 (rather than 85) days prior to the date of the primary.

LRB104 06957 LNS 16994 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 3A-6 as follows:

6 (105 ILCS 5/3A-6) (from Ch. 122, par. 3A-6)

7 Sec. 3A-6. Election of Superintendent for consolidated  
8 region - Bond - Vacancies in any educational service region.

9 (a) The regional superintendent to be elected under  
10 Section 3A-5 shall be elected at the time provided in the  
11 general election law and must possess the qualifications  
12 described in Section 3-1 of this Act.

13 (b) The bond required under Section 3-2 shall be filed in  
14 the office of the county clerk in the county where the regional  
15 office is situated, and a certified copy of that bond shall be  
16 filed in the office of the county clerk in each of the other  
17 counties in the region.

18 (c) When a vacancy occurs in the office of regional  
19 superintendent of schools of any educational service region  
20 which is not located in a county which is a home rule unit,  
21 such vacancy shall be filled within 60 days (i) by appointment  
22 of the chairman of the county board, with the advice and  
23 consent of the county board, when such vacancy occurs in a

1 single county educational service region; or (ii) by  
2 appointment of a committee composed of the chairmen of the  
3 county boards of those counties comprising the affected  
4 educational service region when such vacancy occurs in a  
5 multicounty educational service region, each committeeman to  
6 be entitled to one vote for each vote that was received in the  
7 county represented by such committeeman on the committee by  
8 the regional superintendent of schools whose office is vacant  
9 at the last election at which a regional superintendent was  
10 elected to such office, and the person receiving the highest  
11 number of affirmative votes from the committeemen for such  
12 vacant office to be deemed the person appointed by such  
13 committee to fill the vacancy. The appointee shall be a member  
14 of the same political party as the regional superintendent of  
15 schools the appointee succeeds was at the time such regional  
16 superintendent of schools last was elected. The appointee  
17 shall serve for the remainder of the term. However, if more  
18 than 28 months remain in that term and the vacancy occurs at  
19 least 130 days before the next general election, the  
20 appointment shall be until the next general election, at which  
21 time the vacated office shall be filled by election for the  
22 remainder of the term. Nominations shall be made and any  
23 vacancy in nomination shall be filled as follows:

- 24 (1) If the vacancy in office occurs before the first  
25 date provided in Section 7-12 of the Election Code for  
26 filing nomination papers for county offices for the

1 primary in the next even-numbered year following  
2 commencement of the term of office in which the vacancy  
3 occurs, nominations for the election for filling the  
4 vacancy shall be made pursuant to Article 7 of the  
5 Election Code.

6 (2) If the vacancy in office occurs during the time  
7 provided in Section 7-12 of the Election Code for filing  
8 nomination papers for county offices for the primary in  
9 the next even-numbered year following commencement of the  
10 term of office in which the vacancy occurs, the time for  
11 filing nomination papers for the primary shall not be more  
12 than 120 ~~91~~ days nor less than 113 ~~85~~ days prior to the  
13 date of the primary.

14 (3) If the vacancy in office occurs after the last day  
15 provided in Section 7-12 of the Election Code for filing  
16 nomination papers for county offices for the primary in  
17 the next even-numbered year following commencement of the  
18 term of office in which the vacancy occurs, a vacancy in  
19 nomination shall be deemed to have occurred and the county  
20 central committee of each established political party (if  
21 the vacancy occurs in a single county educational service  
22 region) or the multi-county educational service region  
23 committee of each established political party (if the  
24 vacancy occurs in a multi-county educational service  
25 region) shall nominate, by resolution, a candidate to fill  
26 the vacancy in nomination for election to the office at

1 the general election. In the nomination proceedings to  
2 fill the vacancy in nomination, each member of the county  
3 central committee or the multi-county educational service  
4 region committee, whichever applies, shall have the voting  
5 strength as set forth in Section 7-8 or 7-8.02 of the  
6 Election Code, respectively. The name of the candidate so  
7 nominated shall not appear on the ballot at the general  
8 primary election. The vacancy in nomination shall be  
9 filled prior to the date of certification of candidates  
10 for the general election.

11 (4) The resolution to fill the vacancy shall be duly  
12 acknowledged before an officer qualified to take  
13 acknowledgments of deeds and shall include, upon its face,  
14 the following information: (A) the name of the original  
15 nominee and the office vacated; (B) the date on which the  
16 vacancy occurred; and (C) the name and address of the  
17 nominee selected to fill the vacancy and the date of  
18 selection. The resolution to fill the vacancy shall be  
19 accompanied by a statement of candidacy, as prescribed in  
20 Section 7-10 of the Election Code, completed by the  
21 selected nominee, a certificate from the State Board of  
22 Education, as prescribed in Section 3-1 of this Code, and  
23 a receipt indicating that the nominee has filed a  
24 statement of economic interests as required by the  
25 Illinois Governmental Ethics Act.

26 The provisions of Sections 10-8 through 10-10.1 of the

1 Election Code relating to objections to nomination papers,  
2 hearings on objections, and judicial review shall also apply  
3 to and govern objections to nomination papers and resolutions  
4 for filling vacancies in nomination filed pursuant to this  
5 Section. Unless otherwise specified in this Section, the  
6 nomination and election provided for in this Section is  
7 governed by the general election law.

8 Except as otherwise provided by applicable county  
9 ordinance or by law, if a vacancy occurs in the office of  
10 regional superintendent of schools of an educational service  
11 region that is located in a county that is a home rule unit and  
12 that has a population of less than 2,000,000 inhabitants, that  
13 vacancy shall be filled by the county board of such home rule  
14 county.

15 Any person appointed to fill a vacancy in the office of  
16 regional superintendent of schools of any educational service  
17 region must possess the qualifications required to be elected  
18 to the position of regional superintendent of schools, and  
19 shall obtain a certificate of eligibility from the State  
20 Superintendent of Education and file same with the county  
21 clerk of the county in which the regional superintendent's  
22 office is located.

23 If the regional superintendent of schools is called into  
24 the active military service of the United States, his office  
25 shall not be deemed to be vacant, but a temporary appointment  
26 shall be made as in the case of a vacancy. The appointee shall

1 perform all the duties of the regional superintendent of  
2 schools during the time the regional superintendent of schools  
3 is in the active military service of the United States, and  
4 shall be paid the same compensation apportioned as to the time  
5 of service, and such appointment and all authority thereunder  
6 shall cease upon the discharge of the regional superintendent  
7 of schools from such active military service. The appointee  
8 shall give the same bond as is required of a regularly elected  
9 regional superintendent of schools.

10 (Source: P.A. 96-893, eff. 7-1-10.)