



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1345

Introduced 2/6/2023, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

105 ILCS 5/9-2

from Ch. 122, par. 9-2

105 ILCS 5/9-3 new

Amends the School Code. Requires the State Board of Education to create a voter registration affidavit that shall be the exclusive means by which a noncitizen of the United States may register to vote in school board elections. Provides that the elections conducted under the provisions are considered non-State elections and are not subject to the citizenship requirement in the Illinois Constitution. Provides for what the individual shall attest to in the voter registration affidavit. Provides that the voter registration affidavit shall be valid for one school board election. Provides for the notice that shall appear in the voter registration affidavit.

LRB103 27014 RJT 53381 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 9-2 and by adding Section 9-3 as follows:

6 (105 ILCS 5/9-2) (from Ch. 122, par. 9-2)

7 Sec. 9-2. Election Definitions. As used in this Act in
8 connection with elections of school officials and referenda:

9 (a) "Voter" or "Legal voter" or "elector" means a person
10 qualified to vote under the general election law or a person
11 qualified to vote under Section 9-3.

12 (b) "Certify" and "certification", when used in connection
13 with elections of officers or referenda, refers to the
14 certification in accordance with the general election law of
15 offices, candidates or propositions to county clerks and
16 boards of election commissioners for inclusion on the ballot
17 at an election.

18 (c) "Submit" and "submission" when used in connection with
19 a referendum on a proposition or question refers to the
20 submission to the voters in accordance with the general
21 election law of the proposition or question by county clerks
22 and boards of election commissioners.

23 (d) "Local election official" means the secretary of a

1 board of education, the secretary or clerk of a board of school
2 directors, the treasurer of a township board of school
3 trustees, the secretary of township land commissioners and the
4 regional superintendent of schools with respect to the various
5 school officer elections and school referenda for which the
6 regional superintendent is assigned election duties pursuant
7 to this Code.

8 (Source: P.A. 84-1338.)

9 (105 ILCS 5/9-3 new)

10 Sec. 9-3. Noncitizen registration for school board
11 elections.

12 (a) The State Board of Education shall create a voter
13 registration affidavit that shall be the exclusive means by
14 which a noncitizen of the United States may register to vote in
15 school board elections. Registration affidavits shall be filed
16 with the local school board.

17 (1) Elections conducted under this Section, for the
18 purpose of Section 1, Article III of the Illinois
19 Constitution, are considered non-State elections and are
20 not subject to the citizenship requirement of that
21 Section.

22 (2) Upon request, a voter may obtain a ballot listing
23 only offices to be elected under this Section.

24 (b) The voter registration affidavit shall, in addition to
25 any other information required by the State Board of

1 Education, require the individual to attest under penalty of
2 perjury that:

3 (1) the individual is not a United States citizen;

4 (2) the individual is a resident within the boundaries
5 of a school district and intends to remain a resident
6 within those boundaries until the next school board
7 election;

8 (3) the individual is a parent, legal guardian, or
9 caregiver of a child who, at the time of the next school
10 board election, will be under age 19 and resides within
11 the boundaries of a school district;

12 (4) at the time of the next school board election, the
13 individual will be at least 18 years old; and

14 (5) the individual is not otherwise disqualified from
15 voting under Section 2, Article III of the Illinois
16 Constitution.

17 The voter registration affidavit shall also state that it
18 does not entitle an individual to vote in elections other than
19 school board elections.

20 (c) An individual's voter registration affidavit shall be
21 valid for one school board election. An individual must submit
22 a new voter registration affidavit prior to voting in each
23 school board election.

24 (d) The voter registration affidavit shall include the
25 following notice:

26 "IMPORTANT NOTICE FOR NONCITIZENS OF THE UNITED STATES.

1 Any information you provide to the local school board,
2 including your name and address, may be obtained by
3 Immigration and Customs Enforcement (ICE) and other agencies,
4 organizations, and individuals. In addition, if you apply for
5 naturalization, you will be asked whether you have ever
6 registered or voted in a federal, state, or local election in
7 the United States. You may wish to consult with an immigration
8 attorney, an organization that protects immigrant rights, or
9 other knowledgeable source before registering to vote in a
10 local school board election.".

11 (e) The notice in subsection (d) shall appear in
12 conspicuous type in contrast by typography, layout, or color
13 with all other words on each document or website where the
14 notice appears. The words "IMPORTANT NOTICE FOR NONCITIZENS OF
15 THE UNITED STATES" shall appear in capital letters. The notice
16 shall be included on both the State Board of Education's and
17 the local school board's Internet websites.