



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB5474**

by Rep. Theresa Mah

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-1-2	from Ch. 24, par. 1-1-2
65 ILCS 5/1-9-10 new	
65 ILCS 5/7-1-1.1	from Ch. 24, par. 7-1-1.1
105 ILCS 5/9-2	from Ch. 122, par. 9-2
105 ILCS 5/9-3 new	

Amends the Illinois Municipal Code and School Code. Requires the State Board of Elections 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 municipal and school board elections. Provides that the elections conducted under the provisions are considered non-State elections and not subject to the citizenship requirement in the Illinois Constitution. Provides what the individual shall attest to in the voter registration affidavit. Provides that the voter registration affidavit shall be valid for one municipal or school board election. Provides the notice that shall appear in the voter registration affidavit.

LRB101 18148 AWJ 67589 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 1-1-2 and 7-1-1.1 and adding Section 1-9-10  
6 as follows:

7 (65 ILCS 5/1-1-2) (from Ch. 24, par. 1-1-2)

8 Sec. 1-1-2. Definitions. In this Code:

9 (1) "Municipal" or "municipality" means a city, village, or  
10 incorporated town in the State of Illinois, but, unless the  
11 context otherwise provides, "municipal" or "municipality" does  
12 not include a township, town when used as the equivalent of a  
13 township, incorporated town that has superseded a civil  
14 township, county, school district, park district, sanitary  
15 district, or any other similar governmental district. If  
16 "municipal" or "municipality" is given a different definition  
17 in any particular Division or Section of this Act, that  
18 definition shall control in that division or Section only.

19 (2) "Corporate authorities" means (a) the mayor and  
20 aldermen or similar body when the reference is to cities, (b)  
21 the president and trustees or similar body when the reference  
22 is to villages or incorporated towns, and (c) the council when  
23 the reference is to municipalities under the commission form of

1 municipal government.

2 (3) "Electors" means persons qualified to vote for elective  
3 officers at municipal elections or a person qualified to vote  
4 under Section 1-9-10.

5 (4) "Person" means any individual, partnership,  
6 corporation, joint stock association, or the State of Illinois  
7 or any subdivision of the State; and includes any trustee,  
8 receiver, assignee, or personal representative of any of those  
9 entities.

10 (5) Except as otherwise provided by ordinance, "fiscal  
11 year" in all municipalities with fewer than 500,000  
12 inhabitants, and "municipal year" in all municipalities, means  
13 the period elapsing (a) between general municipal elections in  
14 succeeding calendar years, or (b) if general municipal  
15 elections are held biennially, then between a general municipal  
16 election and the same day of the same month of the following  
17 calendar year, and between that day and the next succeeding  
18 general municipal election, or (c) if general municipal  
19 elections are held quadrennially, then between a general  
20 municipal election and the same day of the same month of the  
21 following calendar year, and between that day and the same day  
22 of the same month of the next following calendar year, and  
23 between the last mentioned day and the same day of the same  
24 month of the next following calendar year, and between the last  
25 mentioned day and the next succeeding general municipal  
26 election. The fiscal year of each municipality with 500,000 or

1 more inhabitants shall commence on January 1.

2 (6) Where reference is made to a county within which a  
3 municipality, district, area, or territory is situated, the  
4 reference is to the county within which is situated the major  
5 part of the area of that municipality, district, area, or  
6 territory, in case the municipality, district, area, or  
7 territory is situated in 2 or more counties.

8 (7) Where reference is made for any purpose to any other  
9 Act, either specifically or generally, the reference shall be  
10 to that Act and to all amendments to that Act now in force or  
11 that may be hereafter enacted.

12 (8) Wherever the words "city council", "aldermen",  
13 "commissioners", or "mayor" occur, the provisions containing  
14 these words shall apply to the board of trustees, trustees, and  
15 president, respectively, of villages and incorporated towns  
16 and councilmen in cities, so far as those provisions are  
17 applicable to them.

18 (9) The terms "special charter" and "special Act" are  
19 synonymous.

20 (10) "General municipal election" means the biennial  
21 regularly scheduled election for the election of officers of  
22 cities, villages, and incorporated towns, as prescribed by the  
23 general election law; in the case of municipalities that elect  
24 officers annually, "general municipal election" means each  
25 regularly scheduled election for the election of officers of  
26 cities, villages, and incorporated towns.

1 (Source: P.A. 87-1119.)

2 (65 ILCS 5/1-9-10 new)

3 Sec. 1-9-10. Noncitizen registration for municipal  
4 elections.

5 (a) The State Board of Elections shall create a voter  
6 registration affidavit that shall be the exclusive means by  
7 which a noncitizen of the United States may register to vote in  
8 municipal elections. Registration affidavits shall be filed  
9 with a municipality's clerk.

10 Elections conducted under this Section, for the purpose of  
11 Section 1 of Article III of the Illinois Constitution, are  
12 considered non-State elections and are not subject to the  
13 citizenship requirement of that Section.

14 Upon request, a voter may obtain a ballot listing only  
15 offices to be elected under this Section.

16 (b) The voter registration affidavit shall, in addition to  
17 any other information required by the State Board of Elections,  
18 require the individual to attest under penalty of perjury that:

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

20 (2) the individual is a resident within the boundaries  
21 of a municipality and intends to remain a resident within  
22 those boundaries until the next municipal election;

23 (3) at the time of the next municipal election, the  
24 individual will be at least 18 years old; and

25 (4) the individual is not otherwise disqualified from

1 voting under Section 2 of Article III of the Illinois  
2 Constitution.

3 The voter registration affidavit shall also state that it  
4 does not entitle an individual to vote for candidates in any  
5 other election other than municipal elections, except if  
6 registered for school board elections under Section 9-3 of the  
7 School Code.

8 (c) An individual's voter registration affidavit shall be  
9 valid for one municipal election. An individual must submit a  
10 new voter registration affidavit prior to voting in each  
11 municipal election.

12 (d) The voter registration affidavit shall include the  
13 following notice:

14 "IMPORTANT NOTICE FOR NONCITIZENS OF THE UNITED STATES. Any  
15 information you provide to the municipality, including your  
16 name and address, may be obtained by Immigration and Customs  
17 Enforcement (ICE) and other agencies, organizations, and  
18 individuals. In addition, if you apply for naturalization, you  
19 will be asked whether you have ever registered or voted in a  
20 federal, state, or local election in the United States. You may  
21 wish to consult with an immigration attorney, an organization  
22 that protects immigrant rights, or other knowledgeable source  
23 before registering to vote in a local municipal election."

24 (e) The notice in subsection (d) shall appear in  
25 conspicuous type in contrast by typography, layout, or color  
26 with all other words on each document or website where the

1 notice appears. The words "IMPORTANT NOTICE FOR NONCITIZENS OF  
2 THE UNITED STATES" shall appear in capital letters. The notice  
3 shall be included on both the State Board of Elections' and the  
4 municipality's websites.

5 (65 ILCS 5/7-1-1.1) (from Ch. 24, par. 7-1-1.1)

6 Sec. 7-1-1.1. Elector. For the purposes of this Division 1,  
7 "elector" means anyone registered to vote or a person qualified  
8 to vote under Section 1-9-10.

9 (Source: P.A. 90-14, eff. 7-1-97.)

10 Section 10. The School Code is amended by changing Section  
11 9-2 and by adding Section 9-3 as follows:

12 (105 ILCS 5/9-2) (from Ch. 122, par. 9-2)

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

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

18 (b) "Certify" and "certification", when used in connection  
19 with elections of officers or referenda, refers to the  
20 certification in accordance with the general election law of  
21 offices, candidates or propositions to county clerks and boards  
22 of election commissioners for inclusion on the ballot at an  
23 election.

1 (c) "Submit" and "submission" when used in connection with  
2 a referendum on a proposition or question refers to the  
3 submission to the voters in accordance with the general  
4 election law of the proposition or question by county clerks  
5 and boards of election commissioners.

6 (d) "Local election official" means the secretary of a  
7 board of education, the secretary or clerk of a board of school  
8 directors, the treasurer of a township board of school  
9 trustees, the secretary of township land commissioners and the  
10 regional superintendent of schools with respect to the various  
11 school officer elections and school referenda for which the  
12 regional superintendent is assigned election duties pursuant  
13 to this Code.

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

15 (105 ILCS 5/9-3 new)

16 Sec. 9-3. Noncitizen registration for school board  
17 elections.

18 (a) The State Board of Elections shall create a voter  
19 registration affidavit that shall be the exclusive means by  
20 which a noncitizen of the United States may register to vote in  
21 school board elections. Registration affidavits shall be filed  
22 with a local board of education.

23 Elections conducted under this Section, for the purpose of  
24 Section 1 of Article III of the Illinois Constitution, are  
25 considered non-State elections and are not subject to the



1 citizenship requirement of that Section.

2 Upon request, a voter may obtain a ballot listing only  
3 offices to be elected under this Section.

4 (b) The voter registration affidavit shall, in addition to  
5 any other information required by the State Board of Education,  
6 require the individual to attest under penalty of perjury that:

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

8 (2) the individual is a resident within the boundaries  
9 of a school district and intends to remain a resident  
10 within those boundaries until the next school board  
11 election;

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

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

18 (5) the individual is not otherwise disqualified from  
19 voting under Section 2 of Article III of the Illinois  
20 Constitution.

21 The voter registration affidavit shall also state that it  
22 does not entitle an individual to vote for candidates in any  
23 other election other than school board elections, except if  
24 registered for municipal elections under Section 1-9-10 of the  
25 Illinois Municipal Code.

26 (c) An individual's voter registration affidavit shall be

1 valid for one school board election. An individual must submit  
2 a new voter registration affidavit prior to voting in each  
3 school board election.

4 (d) The voter registration affidavit shall include the  
5 following notice:

6 "IMPORTANT NOTICE FOR NONCITIZENS OF THE UNITED STATES. Any  
7 information you provide to the local board of education,  
8 including your name and address, may be obtained by Immigration  
9 and Customs Enforcement (ICE) and other agencies,  
10 organizations, and individuals. In addition, if you apply for  
11 naturalization, you will be asked whether you have ever  
12 registered or voted in a federal, state, or local election in  
13 the United States. You may wish to consult with an immigration  
14 attorney, an organization that protects immigrant rights, or  
15 other knowledgeable source before registering to vote in a  
16 local school board election."

17 (e) The notice in subsection (d) shall appear in  
18 conspicuous type in contrast by typography, layout, or color  
19 with all other words on each document or website where the  
20 notice appears. The words "IMPORTANT NOTICE FOR NONCITIZENS OF  
21 THE UNITED STATES" shall appear in capital letters. The notice  
22 shall be included on both the State Board of Elections' and a  
23 local school board's websites.