



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1565

Introduced 2/26/2021, 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.

LRB102 12941 CMG 18284 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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.