



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4180

Introduced 2/23/2022, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/2A-56 new	
10 ILCS 5/10-6	from Ch. 46, par. 10-6
10 ILCS 5/10-9	from Ch. 46, par. 10-9
10 ILCS 5/22-1	from Ch. 46, par. 22-1
10 ILCS 5/22-7	from Ch. 46, par. 22-7
105 ILCS 5/1A-1	from Ch. 122, par. 1A-1
105 ILCS 5/1A-2	from Ch. 122, par. 1A-2
105 ILCS 5/1A-2.1	from Ch. 122, par. 1A-2.1
105 ILCS 5/1A-4	from Ch. 122, par. 1A-4

Amends the Election Code and the School Code. Provides for 5 new members of the State Board of Education to be elected at the general election in 2024 and every 4 years thereafter (now, the Board consists of 8 members appointed by the Governor with the advice and consent of the Senate). Provides that one member shall be elected from each judicial district. Provides that the 5 members shall be elected on a non partisan basis. Provides that a petition for nomination of a candidate for member of the Board shall be signed by at least 0.5% of the total number of registered voters in the judicial district. Provides that beginning on the date when the 5 members initially elected take office, a majority of the Board shall constitute a quorum. Makes related changes.

LRB102 23728 NLB 32917 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 Election Code is amended by changing
5 Sections 2A-1.2, 10-6, 10-9, 22-1, and 22-7 and by adding
6 Section 2A-56 as follows:

7 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

8 (Text of Section before amendment by P.A. 102-177)

9 Sec. 2A-1.2. Consolidated schedule of elections; offices
10 designated.

11 (a) At the general election in the appropriate
12 even-numbered years, the following offices shall be filled or
13 shall be on the ballot as otherwise required by this Code:

14 (1) Elector of President and Vice President of the
15 United States;

16 (2) United States Senator and United States
17 Representative;

18 (3) State Executive Branch elected officers;

19 (4) State Senator and State Representative;

20 (5) County elected officers, including State's
21 Attorney, County Board member, County Commissioners, and
22 elected President of the County Board or County Chief
23 Executive;

1 (6) Circuit Court Clerk;

2 (7) Regional Superintendent of Schools, except in
3 counties or educational service regions in which that
4 office has been abolished;

5 (8) Judges of the Supreme, Appellate and Circuit
6 Courts, on the question of retention, to fill vacancies
7 and newly created judicial offices;

8 (9) (Blank);

9 (10) Trustee of the Metropolitan Water Reclamation
10 District of Greater Chicago, and elected Trustee of other
11 Sanitary Districts;

12 (11) Special District elected officers, not otherwise
13 designated in this Section, where the statute creating or
14 authorizing the creation of the district requires an
15 annual election and permits or requires election of
16 candidates of political parties.

17 (b) At the general primary election:

18 (1) in each even-numbered year candidates of political
19 parties shall be nominated for those offices to be filled
20 at the general election in that year, except where
21 pursuant to law nomination of candidates of political
22 parties is made by caucus.

23 (2) in the appropriate even-numbered years the
24 political party offices of State central committeeperson,
25 township committeeperson, ward committeeperson, and
26 precinct committeeperson shall be filled and delegates and

1 alternate delegates to the National nominating conventions
2 shall be elected as may be required pursuant to this Code.
3 In the even-numbered years in which a Presidential
4 election is to be held, candidates in the Presidential
5 preference primary shall also be on the ballot.

6 (3) in each even-numbered year, where the municipality
7 has provided for annual elections to elect municipal
8 officers pursuant to Section 6(f) or Section 7 of Article
9 VII of the Constitution, pursuant to the Illinois
10 Municipal Code or pursuant to the municipal charter, the
11 offices of such municipal officers shall be filled at an
12 election held on the date of the general primary election,
13 provided that the municipal election shall be a
14 nonpartisan election where required by the Illinois
15 Municipal Code. For partisan municipal elections in
16 even-numbered years, a primary to nominate candidates for
17 municipal office to be elected at the general primary
18 election shall be held on the Tuesday 6 weeks preceding
19 that election.

20 (4) in each school district which has adopted the
21 provisions of Article 33 of the School Code, successors to
22 the members of the board of education whose terms expire
23 in the year in which the general primary is held shall be
24 elected.

25 (c) At the consolidated election in the appropriate
26 odd-numbered years, the following offices shall be filled:

1 (1) Municipal officers, provided that in
2 municipalities in which candidates for alderperson or
3 other municipal office are not permitted by law to be
4 candidates of political parties, the runoff election where
5 required by law, or the nonpartisan election where
6 required by law, shall be held on the date of the
7 consolidated election; and provided further, in the case
8 of municipal officers provided for by an ordinance
9 providing the form of government of the municipality
10 pursuant to Section 7 of Article VII of the Constitution,
11 such offices shall be filled by election or by runoff
12 election as may be provided by such ordinance;

13 (2) Village and incorporated town library directors;

14 (3) City boards of stadium commissioners;

15 (4) Commissioners of park districts;

16 (5) Trustees of public library districts;

17 (6) Special District elected officers, not otherwise
18 designated in this Section, where the statute creating or
19 authorizing the creation of the district permits or
20 requires election of candidates of political parties;

21 (7) Township officers, including township park
22 commissioners, township library directors, and boards of
23 managers of community buildings, and Multi-Township
24 Assessors;

25 (8) Highway commissioners and road district clerks;

26 (9) Members of school boards in school districts which

1 adopt Article 33 of the School Code;

2 (10) The directors and chair of the Chain O Lakes - Fox
3 River Waterway Management Agency;

4 (11) Forest preserve district commissioners elected
5 under Section 3.5 of the Downstate Forest Preserve
6 District Act;

7 (12) Elected members of school boards, school
8 trustees, directors of boards of school directors,
9 trustees of county boards of school trustees (except in
10 counties or educational service regions having a
11 population of 2,000,000 or more inhabitants) and members
12 of boards of school inspectors, except school boards in
13 school districts that adopt Article 33 of the School Code;

14 (13) Members of Community College district boards;

15 (14) Trustees of Fire Protection Districts;

16 (15) Commissioners of the Springfield Metropolitan
17 Exposition and Auditorium Authority;

18 (16) Elected Trustees of Tuberculosis Sanitarium
19 Districts;

20 (17) Elected Officers of special districts not
21 otherwise designated in this Section for which the law
22 governing those districts does not permit candidates of
23 political parties.

24 (d) At the consolidated primary election in each
25 odd-numbered year, candidates of political parties shall be
26 nominated for those offices to be filled at the consolidated

1 election in that year, except where pursuant to law nomination
2 of candidates of political parties is made by caucus, and
3 except those offices listed in paragraphs (12) through (17) of
4 subsection (c).

5 At the consolidated primary election in the appropriate
6 odd-numbered years, the mayor, clerk, treasurer, and
7 alderpersons shall be elected in municipalities in which
8 candidates for mayor, clerk, treasurer, or alderperson are not
9 permitted by law to be candidates of political parties,
10 subject to runoff elections to be held at the consolidated
11 election as may be required by law, and municipal officers
12 shall be nominated in a nonpartisan election in municipalities
13 in which pursuant to law candidates for such office are not
14 permitted to be candidates of political parties.

15 At the consolidated primary election in the appropriate
16 odd-numbered years, municipal officers shall be nominated or
17 elected, or elected subject to a runoff, as may be provided by
18 an ordinance providing a form of government of the
19 municipality pursuant to Section 7 of Article VII of the
20 Constitution.

21 (e) (Blank).

22 (f) At any election established in Section 2A-1.1, public
23 questions may be submitted to voters pursuant to this Code and
24 any special election otherwise required or authorized by law
25 or by court order may be conducted pursuant to this Code.

26 Notwithstanding the regular dates for election of officers

1 established in this Article, whenever a referendum is held for
2 the establishment of a political subdivision whose officers
3 are to be elected, the initial officers shall be elected at the
4 election at which such referendum is held if otherwise so
5 provided by law. In such cases, the election of the initial
6 officers shall be subject to the referendum.

7 Notwithstanding the regular dates for election of
8 officials established in this Article, any community college
9 district which becomes effective by operation of law pursuant
10 to Section 6-6.1 of the Public Community College Act, as now or
11 hereafter amended, shall elect the initial district board
12 members at the next regularly scheduled election following the
13 effective date of the new district.

14 (g) At any election established in Section 2A-1.1, if in
15 any precinct there are no offices or public questions required
16 to be on the ballot under this Code then no election shall be
17 held in the precinct on that date.

18 (h) There may be conducted a referendum in accordance with
19 the provisions of Division 6-4 of the Counties Code.

20 (Source: P.A. 102-15, eff. 6-17-21; 102-558, eff. 8-20-21.)

21 (Text of Section after amendment by P.A. 102-177)

22 Sec. 2A-1.2. Consolidated schedule of elections; offices
23 designated.

24 (a) At the general election in the appropriate
25 even-numbered years, the following offices shall be filled or

1 shall be on the ballot as otherwise required by this Code:

2 (1) Elector of President and Vice President of the
3 United States.

4 (2) United States Senator and United States
5 Representative.

6 (3) State Executive Branch elected officers.

7 (4) State Senator and State Representative.

8 (5) County elected officers, including State's
9 Attorney, County Board member, County Commissioners, and
10 elected President of the County Board or County Chief
11 Executive.

12 (6) Circuit Court Clerk.

13 (7) Regional Superintendent of Schools, except in
14 counties or educational service regions in which that
15 office has been abolished.

16 (8) Judges of the Supreme, Appellate and Circuit
17 Courts, on the question of retention, to fill vacancies
18 and newly created judicial offices.

19 (9) (Blank).

20 (10) Trustee of the Metropolitan Water Reclamation
21 District of Greater Chicago, and elected Trustee of other
22 Sanitary Districts.

23 (11) Special District elected officers, not otherwise
24 designated in this Section, where the statute creating or
25 authorizing the creation of the district requires an
26 annual election and permits or requires election of

1 candidates of political parties.

2 (12) Beginning with the 2024 general election, the
3 elected members of the Chicago Board of Education; the
4 election of members of the Chicago Board of Education
5 shall be a nonpartisan election as provided for under this
6 Code and may be conducted on a separate ballot.

7 (13) Beginning on November 5, 2024, 5 members of the
8 State Board of Education.

9 (b) At the general primary election:

10 (1) in each even-numbered year candidates of political
11 parties shall be nominated for those offices to be filled
12 at the general election in that year, except where
13 pursuant to law nomination of candidates of political
14 parties is made by caucus.

15 (2) in the appropriate even-numbered years the
16 political party offices of State central committeeperson,
17 township committeeperson, ward committeeperson, and
18 precinct committeeperson shall be filled and delegates and
19 alternate delegates to the National nominating conventions
20 shall be elected as may be required pursuant to this Code.
21 In the even-numbered years in which a Presidential
22 election is to be held, candidates in the Presidential
23 preference primary shall also be on the ballot.

24 (3) in each even-numbered year, where the municipality
25 has provided for annual elections to elect municipal
26 officers pursuant to Section 6(f) or Section 7 of Article

1 VII of the Constitution, pursuant to the Illinois
2 Municipal Code or pursuant to the municipal charter, the
3 offices of such municipal officers shall be filled at an
4 election held on the date of the general primary election,
5 provided that the municipal election shall be a
6 nonpartisan election where required by the Illinois
7 Municipal Code. For partisan municipal elections in
8 even-numbered years, a primary to nominate candidates for
9 municipal office to be elected at the general primary
10 election shall be held on the Tuesday 6 weeks preceding
11 that election.

12 (4) in each school district which has adopted the
13 provisions of Article 33 of the School Code, successors to
14 the members of the board of education whose terms expire
15 in the year in which the general primary is held shall be
16 elected.

17 (c) At the consolidated election in the appropriate
18 odd-numbered years, the following offices shall be filled:

19 (1) Municipal officers, provided that in
20 municipalities in which candidates for alderperson or
21 other municipal office are not permitted by law to be
22 candidates of political parties, the runoff election where
23 required by law, or the nonpartisan election where
24 required by law, shall be held on the date of the
25 consolidated election; and provided further, in the case
26 of municipal officers provided for by an ordinance

1 providing the form of government of the municipality
2 pursuant to Section 7 of Article VII of the Constitution,
3 such offices shall be filled by election or by runoff
4 election as may be provided by such ordinance;

5 (2) Village and incorporated town library directors;

6 (3) City boards of stadium commissioners;

7 (4) Commissioners of park districts;

8 (5) Trustees of public library districts;

9 (6) Special District elected officers, not otherwise
10 designated in this Section, where the statute creating or
11 authorizing the creation of the district permits or
12 requires election of candidates of political parties;

13 (7) Township officers, including township park
14 commissioners, township library directors, and boards of
15 managers of community buildings, and Multi-Township
16 Assessors;

17 (8) Highway commissioners and road district clerks;

18 (9) Members of school boards in school districts which
19 adopt Article 33 of the School Code;

20 (10) The directors and chair of the Chain O Lakes - Fox
21 River Waterway Management Agency;

22 (11) Forest preserve district commissioners elected
23 under Section 3.5 of the Downstate Forest Preserve
24 District Act;

25 (12) Elected members of school boards, school
26 trustees, directors of boards of school directors,

1 trustees of county boards of school trustees (except in
2 counties or educational service regions having a
3 population of 2,000,000 or more inhabitants) and members
4 of boards of school inspectors, except school boards in
5 school districts that adopt Article 33 of the School Code;

6 (13) Members of Community College district boards;

7 (14) Trustees of Fire Protection Districts;

8 (15) Commissioners of the Springfield Metropolitan
9 Exposition and Auditorium Authority;

10 (16) Elected Trustees of Tuberculosis Sanitarium
11 Districts;

12 (17) Elected Officers of special districts not
13 otherwise designated in this Section for which the law
14 governing those districts does not permit candidates of
15 political parties.

16 (d) At the consolidated primary election in each
17 odd-numbered year, candidates of political parties shall be
18 nominated for those offices to be filled at the consolidated
19 election in that year, except where pursuant to law nomination
20 of candidates of political parties is made by caucus, and
21 except those offices listed in paragraphs (12) through (17) of
22 subsection (c).

23 At the consolidated primary election in the appropriate
24 odd-numbered years, the mayor, clerk, treasurer, and
25 alderpersons shall be elected in municipalities in which
26 candidates for mayor, clerk, treasurer, or alderperson are not

1 permitted by law to be candidates of political parties,
2 subject to runoff elections to be held at the consolidated
3 election as may be required by law, and municipal officers
4 shall be nominated in a nonpartisan election in municipalities
5 in which pursuant to law candidates for such office are not
6 permitted to be candidates of political parties.

7 At the consolidated primary election in the appropriate
8 odd-numbered years, municipal officers shall be nominated or
9 elected, or elected subject to a runoff, as may be provided by
10 an ordinance providing a form of government of the
11 municipality pursuant to Section 7 of Article VII of the
12 Constitution.

13 (e) (Blank).

14 (f) At any election established in Section 2A-1.1, public
15 questions may be submitted to voters pursuant to this Code and
16 any special election otherwise required or authorized by law
17 or by court order may be conducted pursuant to this Code.

18 Notwithstanding the regular dates for election of officers
19 established in this Article, whenever a referendum is held for
20 the establishment of a political subdivision whose officers
21 are to be elected, the initial officers shall be elected at the
22 election at which such referendum is held if otherwise so
23 provided by law. In such cases, the election of the initial
24 officers shall be subject to the referendum.

25 Notwithstanding the regular dates for election of
26 officials established in this Article, any community college

1 district which becomes effective by operation of law pursuant
2 to Section 6-6.1 of the Public Community College Act, as now or
3 hereafter amended, shall elect the initial district board
4 members at the next regularly scheduled election following the
5 effective date of the new district.

6 (g) At any election established in Section 2A-1.1, if in
7 any precinct there are no offices or public questions required
8 to be on the ballot under this Code then no election shall be
9 held in the precinct on that date.

10 (h) There may be conducted a referendum in accordance with
11 the provisions of Division 6-4 of the Counties Code.

12 (Source: P.A. 102-15, eff. 6-17-21; 102-177, eff. 6-1-22;
13 102-558, eff. 8-20-21; 102-691, eff. 12-17-21.)

14 (10 ILCS 5/2A-56 new)

15 Sec. 2A-56. State Board of Education; time of election.
16 Five members of the State Board of Education shall be elected
17 at the general election in 2024 and at the general election
18 every 4 years thereafter.

19 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

20 Sec. 10-6. Time and manner of filing. Except as otherwise
21 provided in this Code, certificates of nomination and
22 nomination papers for the nomination of candidates for offices
23 to be filled by electors of the entire State, or any district
24 not entirely within a county, or for congressional, state

1 legislative, ~~or~~ judicial offices, or elected members of the
2 State Board of Education, shall be presented to the principal
3 office of the State Board of Elections not more than 141 nor
4 less than 134 days previous to the day of election for which
5 the candidates are nominated. The State Board of Elections
6 shall endorse the certificates of nomination or nomination
7 papers, as the case may be, and the date and hour of
8 presentment to it. Except as otherwise provided in this Code,
9 all other certificates for the nomination of candidates shall
10 be filed with the county clerk of the respective counties not
11 more than 141 but at least 134 days previous to the day of such
12 election. Certificates of nomination and nomination papers for
13 the nomination of candidates for school district offices to be
14 filled at consolidated elections shall be filed with the
15 county clerk or county board of election commissioners of the
16 county in which the principal office of the school district is
17 located not more than 113 nor less than 106 days before the
18 consolidated election. Except as otherwise provided in this
19 Code, certificates of nomination and nomination papers for the
20 nomination of candidates for the other offices of political
21 subdivisions to be filled at regular elections other than the
22 general election shall be filed with the local election
23 official of such subdivision:

24 (1) (Blank);

25 (2) not more than 113 nor less than 106 days prior to
26 the consolidated election; or

1 (3) not more than 113 nor less than 106 days prior to
2 the general primary in the case of municipal offices to be
3 filled at the general primary election; or

4 (4) not more than 99 nor less than 92 days before the
5 consolidated primary in the case of municipal offices to
6 be elected on a nonpartisan basis pursuant to law
7 (including without limitation, those municipal offices
8 subject to Articles 4 and 5 of the Municipal Code); or

9 (5) not more than 113 nor less than 106 days before the
10 municipal primary in even numbered years for such
11 nonpartisan municipal offices where annual elections are
12 provided; or

13 (6) in the case of petitions for the office of
14 multi-township assessor, such petitions shall be filed
15 with the election authority not more than 113 nor less
16 than 106 days before the consolidated election.

17 However, where a political subdivision's boundaries are
18 co-extensive with or are entirely within the jurisdiction of a
19 municipal board of election commissioners, the certificates of
20 nomination and nomination papers for candidates for such
21 political subdivision offices shall be filed in the office of
22 such Board.

23 (Source: P.A. 102-15, eff. 6-17-21.)

24 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

25 Sec. 10-9. The following electoral boards are designated

1 for the purpose of hearing and passing upon the objector's
2 petition described in Section 10-8.

3 1. The State Board of Elections will hear and pass
4 upon objections to the nominations of candidates for State
5 offices, nominations of candidates for the elected members
6 of the State Board of Education, nominations of candidates
7 for congressional or legislative offices that are in more
8 than one county or are wholly located within a single
9 county with a population of less than 3,000,000 and
10 judicial offices of districts, subcircuits, or circuits
11 situated in more than one county, nominations of
12 candidates for the offices of State's attorney or regional
13 superintendent of schools to be elected from more than one
14 county, and petitions for proposed amendments to the
15 Constitution of the State of Illinois as provided for in
16 Section 3 of Article XIV of the Constitution.

17 2. The county officers electoral board of a county
18 with a population of less than 3,000,000 to hear and pass
19 upon objections to the nominations of candidates for
20 county offices and judicial offices of a district,
21 subcircuit, or circuit coterminous with or less than a
22 county, for any school district offices, for the office of
23 multi-township assessor where candidates for such office
24 are nominated in accordance with this Code, and for all
25 special district offices, shall be composed of the county
26 clerk, or an assistant designated by the county clerk, the

1 State's attorney of the county or an Assistant State's
2 Attorney designated by the State's Attorney, and the clerk
3 of the circuit court, or an assistant designated by the
4 clerk of the circuit court, of the county, of whom the
5 county clerk or his designee shall be the chair, except
6 that in any county which has established a county board of
7 election commissioners that board shall constitute the
8 county officers electoral board ex-officio. If a school
9 district is located in 2 or more counties, the county
10 officers electoral board of the county in which the
11 principal office of the school district is located shall
12 hear and pass upon objections to nominations of candidates
13 for school district office in that school district.

14 2.5. The county officers electoral board of a county
15 with a population of 3,000,000 or more to hear and pass
16 upon objections to the nominations of candidates for
17 county offices, candidates for congressional and
18 legislative offices if the district is wholly within a
19 county with a population of 3,000,000 or more, unless the
20 district is wholly or partially within the jurisdiction of
21 a municipal board of election commissioners, and judicial
22 offices of a district, subcircuit, or circuit coterminous
23 with or less than a county, for any school district
24 offices, for the office of multi-township assessor where
25 candidates for such office are nominated in accordance
26 with this Code, and for all special district offices,

1 shall be composed of the county clerk, or an assistant
2 designated by the county clerk, the State's Attorney of
3 the county or an Assistant State's Attorney designated by
4 the State's Attorney, and the clerk of the circuit court,
5 or an assistant designated by the clerk of the circuit
6 court, of the county, of whom the county clerk or his
7 designee shall be the chair, except that, in any county
8 which has established a county board of election
9 commissioners, that board shall constitute the county
10 officers electoral board ex-officio. If a school district
11 is located in 2 or more counties, the county officers
12 electoral board of the county in which the principal
13 office of the school district is located shall hear and
14 pass upon objections to nominations of candidates for
15 school district office in that school district.

16 3. The municipal officers electoral board to hear and
17 pass upon objections to the nominations of candidates for
18 officers of municipalities shall be composed of the mayor
19 or president of the board of trustees of the city, village
20 or incorporated town, and the city, village or
21 incorporated town clerk, and one member of the city
22 council or board of trustees, that member being designated
23 who is eligible to serve on the electoral board and has
24 served the greatest number of years as a member of the city
25 council or board of trustees, of whom the mayor or
26 president of the board of trustees shall be the chair.

1 4. The township officers electoral board to pass upon
2 objections to the nominations of township officers shall
3 be composed of the township supervisor, the town clerk,
4 and that eligible town trustee elected in the township who
5 has had the longest term of continuous service as town
6 trustee, of whom the township supervisor shall be the
7 chair.

8 5. The education officers electoral board to hear and
9 pass upon objections to the nominations of candidates for
10 offices in community college districts shall be composed
11 of the presiding officer of the community college district
12 board, who shall be the chair, the secretary of the
13 community college district board and the eligible elected
14 community college board member who has the longest term of
15 continuous service as a board member.

16 6. In all cases, however, where the Congressional,
17 Legislative, or Representative district is wholly or
18 partially within the jurisdiction of a single municipal
19 board of election commissioners in Cook County and in all
20 cases where the school district or special district is
21 wholly within the jurisdiction of a municipal board of
22 election commissioners and in all cases where the
23 municipality or township is wholly or partially within the
24 jurisdiction of a municipal board of election
25 commissioners, the board of election commissioners shall
26 ex-officio constitute the electoral board.

1 For special districts situated in more than one county,
2 the county officers electoral board of the county in which the
3 principal office of the district is located has jurisdiction
4 to hear and pass upon objections. For purposes of this
5 Section, "special districts" means all political subdivisions
6 other than counties, municipalities, townships and school and
7 community college districts.

8 In the event that any member of the appropriate board is a
9 candidate for the office with relation to which the objector's
10 petition is filed, he shall not be eligible to serve on that
11 board and shall not act as a member of the board and his place
12 shall be filled as follows:

13 a. In the county officers electoral board by the
14 county treasurer, and if he or she is ineligible to serve,
15 by the sheriff of the county.

16 b. In the municipal officers electoral board by the
17 eligible elected city council or board of trustees member
18 who has served the second greatest number of years as a
19 city council or board of trustees member.

20 c. In the township officers electoral board by the
21 eligible elected town trustee who has had the second
22 longest term of continuous service as a town trustee.

23 d. In the education officers electoral board by the
24 eligible elected community college district board member
25 who has had the second longest term of continuous service
26 as a board member.

1 In the event that the chair of the electoral board is
2 ineligible to act because of the fact that he or she is a
3 candidate for the office with relation to which the objector's
4 petition is filed, then the substitute chosen under the
5 provisions of this Section shall be the chair; In this case,
6 the officer or board with whom the objector's petition is
7 filed, shall transmit the certificate of nomination or
8 nomination papers as the case may be, and the objector's
9 petition to the substitute chair of the electoral board.

10 When 2 or more eligible individuals, by reason of their
11 terms of service on a city council or board of trustees,
12 township board of trustees, or community college district
13 board, qualify to serve on an electoral board, the one to serve
14 shall be chosen by lot.

15 Any vacancies on an electoral board not otherwise filled
16 pursuant to this Section shall be filled by public members
17 appointed by the Chief Judge of the Circuit Court for the
18 county wherein the electoral board hearing is being held upon
19 notification to the Chief Judge of such vacancies. The Chief
20 Judge shall be so notified by a member of the electoral board
21 or the officer or board with whom the objector's petition was
22 filed. In the event that none of the individuals designated by
23 this Section to serve on the electoral board are eligible, the
24 chair of an electoral board shall be designated by the Chief
25 Judge.

26 (Source: P.A. 100-1027, eff. 1-1-19.)

1 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

2 Sec. 22-1. Abstracts of votes. Within 21 days after the
3 close of the election at which candidates for offices
4 hereinafter named in this Section are voted upon, the election
5 authorities of the respective counties shall open the returns
6 and make abstracts of the votes on a separate sheet for each of
7 the following:

8 A. For Governor and Lieutenant Governor;

9 B. For State officers;

10 C. For presidential electors;

11 D. For United States Senators and Representatives to
12 Congress;

13 E. For judges of the Supreme Court;

14 F. For judges of the Appellate Court;

15 G. For judges of the circuit court;

16 H. For Senators and Representatives to the General
17 Assembly;

18 I. For State's Attorneys elected from 2 or more
19 counties;

20 J. For amendments to the Constitution, and for other
21 propositions submitted to the electors of the entire
22 State;

23 K. For county officers and for propositions submitted
24 to the electors of the county only;

25 L. For Regional Superintendent of Schools;

- 1 M. For trustees of Sanitary Districts; ~~and~~
2 N. For Trustee of a Regional Board of School Trustees;
3 ~~and~~;
4 O. For elected members of the State Board of
5 Education.

6 Each sheet shall report the returns by precinct or ward.

7 Multiple originals of each of the sheets shall be prepared
8 and one of each shall be turned over to the chair of the county
9 central committee of each of the then existing established
10 political parties, as defined in Section 10-2, or his duly
11 authorized representative immediately after the completion of
12 the entries on the sheets and before the totals have been
13 compiled.

14 The foregoing abstracts shall be preserved by the election
15 authority in its office.

16 Whenever any county clerk is unable to canvass the vote,
17 the deputy county clerk or a designee of the county clerk shall
18 serve in his or her place.

19 The powers and duties of the election authority canvassing
20 the votes are limited to those specified in this Section.

21 No person who is shown by the election authority's
22 proclamation to have been elected at the consolidated election
23 or general election as a write-in candidate shall take office
24 unless that person has first filed with the certifying office
25 or board a statement of candidacy pursuant to Section 7-10 or
26 Section 10-5, a statement pursuant to Section 7-10.1, and a

1 receipt for filing a statement of economic interests in
2 relation to the unit of government to which he or she has been
3 elected. For officers elected at the consolidated election,
4 the certifying officer shall notify the election authority of
5 the receipt of those documents, and the county clerk shall
6 issue the certification of election under the provisions of
7 Section 22-18.

8 (Source: P.A. 100-1027, eff. 1-1-19.)

9 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

10 Sec. 22-7. Canvass of votes; declaration and proclamation
11 of result. The State Board of Elections, shall proceed within
12 31 days after the election, and sooner if all the returns are
13 received, to canvass the votes given for United States
14 Senators and Representatives to Congress, State executive
15 officers, elected members of the State Board of Education,
16 judges of the Supreme Court, judges of the Appellate Court,
17 judges of the Circuit Court, Senators, Representatives to the
18 General Assembly, State's Attorneys and Regional
19 Superintendents of Schools elected from 2 or more counties,
20 respectively, and the persons having the highest number of
21 votes for the respective offices shall be declared duly
22 elected, but if it appears that more than the number of persons
23 to be elected have the highest and an equal number of votes for
24 the same office, the electoral board shall decide by lot which
25 of such persons shall be elected; and to each person duly

1 elected, the Governor shall give a certificate of election or
2 commission, as the case may require, and shall cause
3 proclamation to be made of the result of the canvass, and they
4 shall at the same time and in the same manner, canvass the vote
5 cast upon amendments to the Constitution, and upon other
6 propositions submitted to the electors of the entire State;
7 and the Governor shall cause to be made such proclamation of
8 the result of the canvass as the statutes elsewhere provide.
9 The State Board of Elections shall transmit to the State
10 Comptroller a list of the persons elected to the various
11 offices. The State Board of Elections shall also transmit to
12 the Supreme Court the names of persons elected to judgeships
13 in adversary elections and the names of judges who fail to win
14 retention in office.

15 No person who is shown by the canvassing board's
16 proclamation to have been elected at the consolidated election
17 or general election as a write-in candidate shall take office
18 unless that person has first filed with the certifying office
19 or board a statement of candidacy pursuant to Section 7-10 or
20 Section 10-5, a statement pursuant to Section 7-10.1, and a
21 receipt for filing a statement of economic interests in
22 relation to the unit of government to which he or she has been
23 elected. For officers elected at the consolidated election,
24 the certifying officer shall notify the election authority of
25 the receipt of those documents, and the county clerk shall
26 issue the certification of election under the provisions of

1 Section 22-18.

2 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05.)

3 Section 10. The School Code is amended by changing
4 Sections 1A-1, 1A-2, 1A-2.1, and 1A-4 as follows:

5 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

6 Sec. 1A-1. Members and terms.

7 (a) (Blank).

8 (b) The State Board of Education shall consist of 5
9 members initially to be elected under this amendatory Act of
10 the 102nd General Assembly have taken office and 8 appointed
11 members and a chairperson, who shall be appointed by the
12 Governor with the advice and consent of the Senate from a
13 pattern of regional representation as follows: 2 appointees
14 shall be selected from among those counties of the State other
15 than Cook County and the 5 counties contiguous to Cook County,
16 one of whom must represent the educator community; 2
17 appointees shall be selected from Cook County, one of whom
18 shall be a resident of the City of Chicago and one of whom
19 shall be a resident of that part of Cook County which lies
20 outside the city limits of Chicago and of whom one must
21 represent the educator community; 2 appointees shall be
22 selected from among the 5 counties of the State that are
23 contiguous to Cook County, one of whom must represent the
24 educator community; and 3 members shall be selected as

1 members-at-large (one of which shall be the chairperson). With
2 respect to the educator community appointments, no more than
3 one member may be employed as a district superintendent,
4 principal, school business official, or teacher and no more
5 than one may be employed by the same school district or school.
6 The changes made to this Section by this amendatory Act of the
7 100th General Assembly apply to appointments made after the
8 effective date of this amendatory Act of the 100th General
9 Assembly. The Governor who takes office on the second Monday
10 of January after his or her election shall be the person who
11 nominates members to fill vacancies whose terms begin after
12 that date and before the term of the next Governor begins.

13 The term of each member of the State Board of Education
14 whose term expires on January 12, 2005 shall instead terminate
15 on the effective date of this amendatory Act of the 93rd
16 General Assembly. Of these 3 seats, (i) the member initially
17 appointed pursuant to this amendatory Act of the 93rd General
18 Assembly whose seat was vacant on April 27, 2004 shall serve
19 until the second Wednesday of January, 2009 and (ii) the other
20 2 members initially appointed pursuant to this amendatory Act
21 of the 93rd General Assembly shall serve until the second
22 Wednesday of January, 2007.

23 The term of the member of the State Board of Education
24 whose seat was vacant on April 27, 2004 and whose term expires
25 on January 10, 2007 shall instead terminate on the effective
26 date of this amendatory Act of the 93rd General Assembly. The

1 member initially appointed pursuant to this amendatory Act of
2 the 93rd General Assembly to fill this seat shall be the
3 chairperson and shall serve until the second Wednesday of
4 January, 2007.

5 The term of the member of the State Board of Education
6 whose seat was vacant on May 28, 2004 but after April 27, 2004
7 and whose term expires on January 10, 2007 shall instead
8 terminate on the effective date of this amendatory Act of the
9 93rd General Assembly. The member initially appointed pursuant
10 to this amendatory Act of the 93rd General Assembly to fill
11 this seat shall serve until the second Wednesday of January,
12 2007.

13 The term of the other member of the State Board of
14 Education whose term expires on January 10, 2007 shall instead
15 terminate on the effective date of this amendatory Act of the
16 93rd General Assembly. The member initially appointed pursuant
17 to this amendatory Act of the 93rd General Assembly to fill
18 this seat shall serve until the second Wednesday of January,
19 2007.

20 The term of the member of the State Board of Education
21 whose term expires on January 14, 2009 and who was selected
22 from among the 5 counties of the State that are contiguous to
23 Cook County and is a resident of Lake County shall instead
24 terminate on the effective date of this amendatory Act of the
25 93rd General Assembly. The member initially appointed pursuant
26 to this amendatory Act of the 93rd General Assembly to fill

1 this seat shall serve until the second Wednesday of January,
2 2009.

3 Upon expiration of the terms of the members initially
4 appointed under this amendatory Act of the 93rd General
5 Assembly and members whose terms were not terminated by this
6 amendatory Act of the 93rd General Assembly, their respective
7 successors shall be appointed for terms of 4 years, from the
8 second Wednesday in January of each odd numbered year and
9 until their respective successors are appointed and qualified.

10 (c) Of the 4 members, excluding the chairperson, whose
11 terms expire on the second Wednesday of January, 2007 and
12 every 4 years thereafter, one of those members must be an
13 at-large member and at no time may more than 2 of those members
14 be from one political party. Of the 4 members whose terms
15 expire on the second Wednesday of January, 2009 and every 4
16 years thereafter, one of those members must be an at-large
17 member and at no time may more than 2 of those members be from
18 one political party. Party membership is defined as having
19 voted in the primary of the party in the last primary before
20 appointment.

21 (c-5) Five members of the Board shall be elected on a
22 nonpartisan basis at the general election in 2024 and every 4
23 years thereafter. One member shall be elected from each of the
24 judicial districts. A petition for nomination of a candidate
25 for member of the Board shall be signed by at least 0.5% of the
26 total number of registered voters in the judicial district in

1 which the person is a candidate for nomination. Each of these
2 members shall serve for a term of 4 years, from the second
3 Wednesday of January until after the member's election and
4 until the member's successor takes office.

5 (d) Vacancies in appointed terms shall be filled by
6 appointment by the Governor with the advice and consent of the
7 Senate for the extent of the unexpired term. If a vacancy in
8 membership occurs at a time when the Senate is not in session,
9 the Governor shall make a temporary appointment until the next
10 meeting of the Senate, when the Governor shall appoint a
11 person to fill that membership for the remainder of its term.
12 If the Senate is not in session when appointments for a full
13 term are made, the appointments shall be made as in the case of
14 vacancies.

15 (d-5) Beginning on the date when all of the new members
16 initially to be elected under this amendatory Act of the 102nd
17 General Assembly have taken office, vacancies in elected terms
18 shall be filled by appointment and confirmed by the remaining
19 members of the State Board of Education. A person selected to
20 fill a vacancy left by an elected member must meet all
21 eligibility requirements for the position.

22 (Source: P.A. 100-1135, eff. 11-28-18.)

23 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

24 Sec. 1A-2. Qualifications. In order to be a member ~~The~~
25 ~~members~~ of the State Board of Education, a person must be a

1 citizen shall be citizens of the United States and a resident
2 residents of the State of Illinois. To be an elected member, a
3 person must also be a resident of the judicial district from
4 which the person was elected. Appointed members and shall be
5 selected as far as may be practicable on the basis of their
6 knowledge of, or interest and experience in, problems of
7 public education. No elected member of the State Board of
8 Education may be employed by a public or private school; a
9 college, including community or junior college; a university;
10 the State Board of Education; a regional office of education;
11 or any other educational institution. No elected member of the
12 State Board of Education shall be a member of a board of
13 directors of a public school district or private school. No
14 member of the State Board of Education shall benefit from
15 funds provided by the State Board of Education to an
16 institution of higher learning, public or private, within
17 Illinois, nor shall members be school trustees of a public or
18 nonpublic college, university or technical institution within
19 Illinois. No member shall be appointed to more than 2 4-year
20 terms. No member shall be elected to more than 2 consecutive
21 4-year terms. Members shall be reimbursed for all ordinary and
22 necessary expenses incurred in performing their duties as
23 members of the Board. Expenses shall be approved by the Board
24 and be consistent with the laws, policies, and requirements of
25 the State of Illinois regarding such expenditures, plus any
26 member may include in the member's ~~his or her~~ claim for

1 expenses \$50 per day for meeting days.

2 (Source: P.A. 100-1135, eff. 11-28-18.)

3 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

4 Sec. 1A-2.1. Vacancies. The Governor may remove for
5 incompetence, neglect of duty, or malfeasance in office any
6 member of the State Board of Education. A vacancy also exists
7 on the State Board of Education when one or more of the
8 following events occur:

9 1. A member dies.

10 2. A member files a written resignation with the
11 Governor.

12 3. A member is adjudicated to be a person under legal
13 disability under the Probate Act of 1975 or a person
14 subject to involuntary admission under the Mental Health
15 and Developmental Disabilities Code.

16 4. For appointed members, a ~~A~~ member ceases to be a
17 resident of the region from which the member ~~he or she~~ was
18 appointed.

19 5. A member is convicted of an infamous crime or of any
20 offense involving a violation of his or her duties under
21 this Code.

22 6. A member fails to maintain the qualifications
23 stated in Sections 1A-1 and 1A-2 of this Code.

24 (Source: P.A. 100-1135, eff. 11-28-18.)

1 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

2 Sec. 1A-4. Powers and duties of the Board.

3 A. (Blank).

4 B. The Board shall determine the qualifications of and
5 appoint a chief education officer, to be known as the State
6 Superintendent of Education, who may be proposed by the
7 Governor and who shall serve at the pleasure of the Board and
8 pursuant to a performance-based contract linked to statewide
9 student performance and academic improvement within Illinois
10 schools. Upon expiration or buyout of the contract of the
11 State Superintendent of Education in office on the effective
12 date of this amendatory Act of the 93rd General Assembly, a
13 State Superintendent of Education shall be appointed by a
14 State Board of Education that includes the 7 new Board members
15 who were appointed to fill seats of members whose terms were
16 terminated on the effective date of this amendatory Act of the
17 93rd General Assembly. Thereafter, a State Superintendent of
18 Education must, at a minimum, be appointed at the beginning of
19 each term of a Governor after that Governor has made
20 appointments to the Board. A performance-based contract issued
21 for the employment of a State Superintendent of Education
22 entered into on or after the effective date of this amendatory
23 Act of the 93rd General Assembly must expire no later than
24 February 1, 2007, and subsequent contracts must expire no
25 later than February 1 each 4 years thereafter. No contract
26 shall be extended or renewed beyond February 1, 2007 and

1 February 1 each 4 years thereafter, but a State Superintendent
2 of Education shall serve until his or her successor is
3 appointed. Each contract entered into on or before January 8,
4 2007 with a State Superintendent of Education must provide
5 that the State Board of Education may terminate the contract
6 for cause, and the State Board of Education shall not
7 thereafter be liable for further payments under the contract.
8 With regard to this amendatory Act of the 93rd General
9 Assembly, it is the intent of the General Assembly that,
10 beginning with the Governor who takes office on the second
11 Monday of January, 2007, a State Superintendent of Education
12 be appointed at the beginning of each term of a Governor after
13 that Governor has made appointments to the Board. The State
14 Superintendent of Education shall not serve as a member of the
15 State Board of Education. The Board shall set the compensation
16 of the State Superintendent of Education who shall serve as
17 the Board's chief executive officer. The Board shall also
18 establish the duties, powers and responsibilities of the State
19 Superintendent, which shall be included in the State
20 Superintendent's performance-based contract along with the
21 goals and indicators of student performance and academic
22 improvement used to measure the performance and effectiveness
23 of the State Superintendent. The State Board of Education may
24 delegate to the State Superintendent of Education the
25 authority to act on the Board's behalf, provided such
26 delegation is made pursuant to adopted board policy or the

1 powers delegated are ministerial in nature. The State Board
2 may not delegate authority under this Section to the State
3 Superintendent to (1) nonrecognize school districts, (2)
4 withhold State payments as a penalty, or (3) make final
5 decisions under the contested case provisions of the Illinois
6 Administrative Procedure Act unless otherwise provided by law.

7 C. The powers and duties of the State Board of Education
8 shall encompass all duties delegated to the Office of
9 Superintendent of Public Instruction on January 12, 1975,
10 except as the law providing for such powers and duties is
11 thereafter amended, and such other powers and duties as the
12 General Assembly shall designate. The Board shall be
13 responsible for the educational policies and guidelines for
14 public schools, pre-school through grade 12 and Vocational
15 Education in the State of Illinois. The Board shall analyze
16 the present and future aims, needs, and requirements of
17 education in the State of Illinois and recommend to the
18 General Assembly the powers which should be exercised by the
19 Board. The Board shall recommend the passage and the
20 legislation necessary to determine the appropriate
21 relationship between the Board and local boards of education
22 and the various State agencies and shall recommend desirable
23 modifications in the laws which affect schools.

24 D. Two members of the Board shall be appointed by the
25 chairperson to serve on a standing joint Education Committee,
26 2 others shall be appointed from the Board of Higher

1 Education, 2 others shall be appointed by the chairperson of
2 the Illinois Community College Board, and 2 others shall be
3 appointed by the chairperson of the Human Resource Investment
4 Council. The Committee shall be responsible for making
5 recommendations concerning the submission of any workforce
6 development plan or workforce training program required by
7 federal law or under any block grant authority. The Committee
8 will be responsible for developing policy on matters of mutual
9 concern to elementary, secondary and higher education such as
10 Occupational and Career Education, Teacher Preparation and
11 Certification, Educational Finance, Articulation between
12 Elementary, Secondary and Higher Education and Research and
13 Planning. The joint Education Committee shall meet at least
14 quarterly and submit an annual report of its findings,
15 conclusions, and recommendations to the State Board of
16 Education, the Board of Higher Education, the Illinois
17 Community College Board, the Human Resource Investment
18 Council, the Governor, and the General Assembly. All meetings
19 of this Committee shall be official meetings for reimbursement
20 under this Act. On the effective date of this amendatory Act of
21 the 95th General Assembly, the Joint Education Committee is
22 abolished.

23 E. Until the 5 members initially to be elected under this
24 amendatory Act of the 102nd General Assembly have taken
25 office, five ~~Five~~ members of the Board shall constitute a
26 quorum. Beginning on the date when the 5 members initially to

1 be elected under this amendatory Act of the 102nd General
2 Assembly have taken office, a majority of the Board shall
3 constitute a quorum. Until the 5 members initially to be
4 elected under this amendatory Act of the 102nd General
5 Assembly have taken office a ~~A~~ majority vote of the members
6 appointed, confirmed and serving on the Board is required to
7 approve any action, except that the 7 new Board members who
8 were appointed to fill seats of members whose terms were
9 terminated on the effective date of this amendatory act of the
10 93rd General Assembly may vote to approve actions when
11 appointed and serving. Beginning on the date when the 5
12 members initially to be elected under this amendatory Act of
13 the 102nd General Assembly have taken office, a majority vote
14 of the elected members and the members appointed, confirmed
15 and serving on the Board is required to approve any action.

16 Using the most recently available data, the Board shall
17 prepare and submit to the General Assembly and the Governor on
18 or before January 14, 1976 and annually thereafter a report or
19 reports of its findings and recommendations. Such annual
20 report shall contain a separate section which provides a
21 critique and analysis of the status of education in Illinois
22 and which identifies its specific problems and recommends
23 express solutions therefor. Such annual report also shall
24 contain the following information for the preceding year
25 ending on June 30: each act or omission of a school district of
26 which the State Board of Education has knowledge as a

1 consequence of scheduled, approved visits and which
2 constituted a failure by the district to comply with
3 applicable State or federal laws or regulations relating to
4 public education, the name of such district, the date or dates
5 on which the State Board of Education notified the school
6 district of such act or omission, and what action, if any, the
7 school district took with respect thereto after being notified
8 thereof by the State Board of Education. The report shall also
9 include the statewide high school dropout rate by grade level,
10 sex and race and the annual student dropout rate of and the
11 number of students who graduate from, transfer from or
12 otherwise leave bilingual programs. The Auditor General shall
13 annually perform a compliance audit of the State Board of
14 Education's performance of the reporting duty imposed by this
15 amendatory Act of 1986. A regular system of communication with
16 other directly related State agencies shall be implemented.

17 The requirement for reporting to the General Assembly
18 shall be satisfied by filing copies of the report with the
19 Speaker, the Minority Leader and the Clerk of the House of
20 Representatives and the President, the Minority Leader and the
21 Secretary of the Senate and the Legislative Council, as
22 required by Section 3.1 of the General Assembly Organization
23 Act, and filing such additional copies with the State
24 Government Report Distribution Center for the General Assembly
25 as is required under paragraph (t) of Section 7 of the State
26 Library Act.

1 F. Upon appointment of the 7 new Board members who were
2 appointed to fill seats of members whose terms were terminated
3 on the effective date of this amendatory Act of the 93rd
4 General Assembly, the Board shall review all of its current
5 rules in an effort to streamline procedures, improve
6 efficiency, and eliminate unnecessary forms and paperwork.
7 (Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.