



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4924

Introduced 2/7/2024, by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

105 ILCS 5/9-10

from Ch. 122, par. 9-10

105 ILCS 5/34-4.1

Amends the School Code. In provisions concerning the nominating petitions for school board candidates, provides that the name change requirements do not apply to name changes resulting from a civil union to assume a spouse's surname or dissolution of a civil union or declaration of invalidity of a civil union to assume a former surname or a name change that conforms the candidate's name to the candidate's gender identity. Effective immediately.

LRB103 38188 RJT 68321 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 Sections
5 9-10 and 34-4.1 as follows:

6 (105 ILCS 5/9-10) (from Ch. 122, par. 9-10)

7 Sec. 9-10. Candidates for office - nominating petitions.
8 Candidates for the office of school director shall be
9 nominated by petition signed by at least 25 voters or 5% of the
10 voters, whichever is less, residing within the district and
11 filed with the county clerk or the county board of election
12 commissioners, as the case may be, of the county in which the
13 principal office of the school district is located.

14 Nominations for members of boards of education, including
15 non-high school boards of education shall be made by a
16 petition signed by at least 50 voters or 10% of the voters,
17 whichever is less, residing within the district and shall be
18 filed with the county clerk or the county board of election
19 commissioners, as the case may be, of the county in which the
20 principal office of the school district is located. In
21 addition to the requirements of the general election law, the
22 form of such petitions shall be substantially as follows:

23 NOMINATING PETITIONS

1 (LEAVE OUT THE INAPPLICABLE PART.)

2 To the (County Clerk or County Board of Election
3 Commissioners) of County:

4 We the undersigned, being (.... or more) (or 10% or more)
5 (or 5% or more) of the voters residing within said district,
6 hereby petition that who resides at in the (city or
7 village) of in Township (or who resides outside any
8 city, village or incorporated town and in Township) in
9 said district shall be a candidate for the office of of
10 the board of education (or board of directors) (full term)
11 (vacancy) to be voted for at the election to be held on (insert
12 date).

13 Name: Address:

14 In the designation of the name of a candidate on a petition
15 for nomination, the candidate's given name or names, initial
16 or initials, a nickname by which the candidate is commonly
17 known, or a combination thereof may be used in addition to the
18 candidate's surname. If a candidate has changed his or her
19 name, whether by a statutory or common law procedure in
20 Illinois or any other jurisdiction, within 3 years before the
21 last day for filing the petition, then (i) the candidate's
22 name on the petition must be followed by "formerly known as
23 (list all prior names during the 3-year period) until name
24 changed on (list date of each such name change)" and (ii) the
25 petition must be accompanied by the candidate's affidavit

1 stating the candidate's previous names during the period
2 specified in clause (i) and the date or dates each of those
3 names was changed; failure to meet these requirements shall be
4 grounds for denying certification of the candidate's name for
5 the ballot, but these requirements do not apply to name
6 changes resulting from adoption to assume an adoptive parent's
7 or parents' surname, marriage or civil union to assume a
8 spouse's surname, or dissolution of marriage or civil union or
9 declaration of invalidity of marriage or civil union to assume
10 a former surname or a name change that conforms the
11 candidate's name to the candidate's gender identity. No other
12 designation, such as a political slogan, as defined by Section
13 7-17 of the Election Code, title or degree, or nickname
14 suggesting or implying possession of a title, degree or
15 professional status, or similar information may be used in
16 connection with the candidate's surname.

17 Nomination papers filed under this Section are not valid
18 unless the candidate named therein files with the county clerk
19 or the county board of election commissioners, as the case may
20 be, of the county in which the principal office of the school
21 district is located a receipt from the county clerk showing
22 that the candidate has filed a statement of economic interests
23 as required by the Illinois Governmental Ethics Act. Such
24 receipt shall be so filed either previously during the
25 calendar year in which his nomination papers were filed or
26 within the period for the filing of nomination papers in

1 accordance with the general election law.

2 All petitions for the nomination of members of a board of
3 education shall be filed with the county clerk or the county
4 board of election commissioners, as the case may be, of the
5 county in which the principal office of the school district is
6 located within the time provided for by the general election
7 law. The county clerk or the county board of election
8 commissioners may have petition forms available for issuance
9 to potential candidates, and may give notice of the petition
10 filing period by publication in a newspaper of general
11 circulation within the school district not less than 10 days
12 prior to the first day of filing. The county clerk or the
13 county board of election commissioners shall make
14 certification to the proper election authorities in accordance
15 with the general election law.

16 The county clerk or the county board of election
17 commissioners, as the case may be, of the county in which the
18 principal office of the school district is located shall
19 notify the candidates for whom a petition for nomination is
20 filed or the appropriate committee of the obligations under
21 the Campaign Financing Act as provided in the general election
22 law. Such notice shall be given on a form prescribed by the
23 State Board of Elections and in accordance with the
24 requirements of the general election law. The county clerk or
25 county board of election commissioners shall within 7 days of
26 filing or on the last day for filing, whichever is earlier,

1 acknowledge to the petitioner in writing the office's
2 acceptance of the petition.

3 A candidate for membership on the board of education or
4 for office as a school director, who has petitioned for
5 nomination to fill a full term and to fill a vacant term to be
6 voted upon at the same election, must withdraw his or her
7 petition for nomination from either the full term or the
8 vacant term by written declaration.

9 In all newly organized districts the petition for the
10 nomination of candidates for members of the board of education
11 at the first election shall be addressed to and filed with the
12 regional superintendent of schools in the manner herein
13 specified for the petitions for members of a board of
14 education. For such election the regional superintendent shall
15 fulfill all duties otherwise assigned to the secretary of the
16 board of education.

17 (Source: P.A. 98-115, eff. 7-29-13; 99-522, eff. 6-30-16.)

18 (105 ILCS 5/34-4.1)

19 Sec. 34-4.1. Nomination petitions. In addition to the
20 requirements of the general election law, the form of
21 petitions under Section 34-4 of this Code shall be
22 substantially as follows:

23 NOMINATING PETITIONS

24 (LEAVE OUT THE INAPPLICABLE PART.)

25 To the Board of Election Commissioners for the City of

1 Chicago:

2 We the undersigned, being (.... or more) of the voters
3 residing within said district, hereby petition that who
4 resides at in the City of Chicago shall be a candidate for
5 the office of of the board of education (full term)
6 (vacancy) to be voted for at the election to be held on (insert
7 date).

8 Name: Address:

9 In the designation of the name of a candidate on a petition
10 for nomination, the candidate's given name or names, initial
11 or initials, a nickname by which the candidate is commonly
12 known, or a combination thereof may be used in addition to the
13 candidate's surname. If a candidate has changed his or her
14 name, whether by a statutory or common law procedure in
15 Illinois or any other jurisdiction, within 3 years before the
16 last day for filing the petition, then (i) the candidate's
17 name on the petition must be followed by "formerly known as
18 (list all prior names during the 3-year period) until name
19 changed on (list date of each such name change)" and (ii) the
20 petition must be accompanied by the candidate's affidavit
21 stating the candidate's previous names during the period
22 specified in clause (i) and the date or dates each of those
23 names was changed; failure to meet these requirements shall be
24 grounds for denying certification of the candidate's name for
25 the ballot, but these requirements do not apply to name
26 changes resulting from adoption to assume an adoptive parent's

1 or parents' surname, marriage or civil union to assume a
2 spouse's surname, or dissolution of marriage or civil union or
3 declaration of invalidity of marriage or civil union to assume
4 a former surname or a name change that conforms the
5 candidate's name to the candidate's gender identity. No other
6 designation, such as a political slogan, as defined by Section
7 7-17 of the Election Code, title or degree, or nickname
8 suggesting or implying possession of a title, degree or
9 professional status, or similar information may be used in
10 connection with the candidate's surname.

11 All petitions for the nomination of members of a board of
12 education shall be filed with the board of election
13 commissioners of the jurisdiction in which the principal
14 office of the school district is located. The board of
15 election commissioners shall receive and file only those
16 petitions that include a statement of candidacy, the required
17 number of voter signatures, the notarized signature of the
18 petition circulator, and a receipt from the county clerk
19 showing that the candidate has filed a statement of economic
20 interest on or before the last day to file as required by the
21 Illinois Governmental Ethics Act. The board of election
22 commissioners may have petition forms available for issuance
23 to potential candidates and may give notice of the petition
24 filing period by publication in a newspaper of general
25 circulation within the school district not less than 10 days
26 prior to the first day of filing. The board of election

1 commissioners shall make certification to the proper election
2 authorities in accordance with the general election law.

3 The board of election commissioners of the jurisdiction in
4 which the principal office of the school district is located
5 shall notify the candidates for whom a petition for nomination
6 is filed or the appropriate committee of the obligations under
7 the Campaign Financing Act as provided in the general election
8 law. Such notice shall be given on a form prescribed by the
9 State Board of Elections and in accordance with the
10 requirements of the general election law. The board of
11 election commissioners shall within 7 days of filing or on the
12 last day for filing, whichever is earlier, acknowledge to the
13 petitioner in writing the office's acceptance of the petition.

14 A candidate for membership on the board of education who
15 has petitioned for nomination to fill a full term and to fill a
16 vacant term to be voted upon at the same election must withdraw
17 his or her petition for nomination from either the full term or
18 the vacant term by written declaration.

19 Nomination petitions are not valid unless the candidate
20 named therein files with the board of election commissioners a
21 receipt from the county clerk showing that the candidate has
22 filed a statement of economic interests as required by the
23 Illinois Governmental Ethics Act. Such receipt shall be so
24 filed either previously during the calendar year in which his
25 or her nomination papers were filed or within the period for
26 the filing of nomination papers in accordance with the general

1 election law.

2 (Source: P.A. 102-177, eff. 6-1-22; 102-691, eff. 12-17-21;

3 103-467, eff. 8-4-23.)

4 Section 99. Effective date. This Act takes effect upon

5 becoming law.