



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1489

Introduced 2/7/2023, by Sen. Tom Bennett

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 nonpartisan basis. Provides that each of these members shall serve for a term of 4 years. Specifies qualifications to be an elected member. Makes related changes. Effective immediately.

LRB103 26941 RJT 53306 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 Sec. 2A-1.2. Consolidated schedule of elections; offices
9 designated.

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

13 (1) Elector of President and Vice President of the
14 United States.

15 (2) United States Senator and United States
16 Representative.

17 (3) State Executive Branch elected officers.

18 (4) State Senator and State Representative.

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

23 (6) Circuit Court Clerk.

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

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

7 (9) (Blank).

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

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

16 (12) Beginning with the 2024 general election, the
17 elected members of the Chicago Board of Education; the
18 election of members of the Chicago Board of Education
19 shall be a nonpartisan election as provided for under this
20 Code and may be conducted on a separate ballot.

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

23 (b) At the general primary election:

24 (1) in each even-numbered year candidates of political
25 parties shall be nominated for those offices to be filled
26 at the general election in that year, except where

1 pursuant to law nomination of candidates of political
2 parties is made by caucus.

3 (2) in the appropriate even-numbered years the
4 political party offices of State central committeeperson,
5 township committeeperson, ward committeeperson, and
6 precinct committeeperson shall be filled and delegates and
7 alternate delegates to the National nominating conventions
8 shall be elected as may be required pursuant to this Code.
9 In the even-numbered years in which a Presidential
10 election is to be held, candidates in the Presidential
11 preference primary shall also be on the ballot.

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

26 (4) in each school district which has adopted the

1 provisions of Article 33 of the School Code, successors to
2 the members of the board of education whose terms expire
3 in the year in which the general primary is held shall be
4 elected.

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

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

19 (2) Village and incorporated town library directors;

20 (3) City boards of stadium commissioners;

21 (4) Commissioners of park districts;

22 (5) Trustees of public library districts;

23 (6) Special District elected officers, not otherwise
24 designated in this Section, where the statute creating or
25 authorizing the creation of the district permits or
26 requires election of candidates of political parties;

1 (7) Township officers, including township park
2 commissioners, township library directors, and boards of
3 managers of community buildings, and Multi-Township
4 Assessors;

5 (8) Highway commissioners and road district clerks;

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

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

10 (11) Forest preserve district commissioners elected
11 under Section 3.5 of the Downstate Forest Preserve
12 District Act;

13 (12) Elected members of school boards, school
14 trustees, directors of boards of school directors,
15 trustees of county boards of school trustees (except in
16 counties or educational service regions having a
17 population of 2,000,000 or more inhabitants) and members
18 of boards of school inspectors, except school boards in
19 school districts that adopt Article 33 of the School Code;

20 (13) Members of Community College district boards;

21 (14) Trustees of Fire Protection Districts;

22 (15) Commissioners of the Springfield Metropolitan
23 Exposition and Auditorium Authority;

24 (16) Elected Trustees of Tuberculosis Sanitarium
25 Districts;

26 (17) Elected Officers of special districts not

1 otherwise designated in this Section for which the law
2 governing those districts does not permit candidates of
3 political parties.

4 (d) At the consolidated primary election in each
5 odd-numbered year, candidates of political parties shall be
6 nominated for those offices to be filled at the consolidated
7 election in that year, except where pursuant to law nomination
8 of candidates of political parties is made by caucus, and
9 except those offices listed in paragraphs (12) through (17) of
10 subsection (c).

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

21 At the consolidated primary election in the appropriate
22 odd-numbered years, municipal officers shall be nominated or
23 elected, or elected subject to a runoff, as may be provided by
24 an ordinance providing a form of government of the
25 municipality pursuant to Section 7 of Article VII of the
26 Constitution.

1 (e) (Blank).

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

6 Notwithstanding the regular dates for election of officers
7 established in this Article, whenever a referendum is held for
8 the establishment of a political subdivision whose officers
9 are to be elected, the initial officers shall be elected at the
10 election at which such referendum is held if otherwise so
11 provided by law. In such cases, the election of the initial
12 officers shall be subject to the referendum.

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

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

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

26 (Source: P.A. 102-15, eff. 6-17-21; 102-177, eff. 6-1-22;

1 102-558, eff. 8-20-21; 102-691, eff. 12-17-21.)

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

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

7 (10 ILCS 5/10-6) (from Ch. 46, par. 10-6)

8 Sec. 10-6. Time and manner of filing. Except as otherwise
9 provided in this Code, certificates of nomination and
10 nomination papers for the nomination of candidates for offices
11 to be filled by electors of the entire State, or any district
12 not entirely within a county, ~~or~~ or for congressional, state
13 legislative, or judicial offices, or for elected members of
14 the State Board of Education, shall be presented to the
15 principal office of the State Board of Elections not more than
16 141 nor less than 134 days previous to the day of election for
17 which the candidates are nominated. The State Board of
18 Elections shall endorse the certificates of nomination or
19 nomination papers, as the case may be, and the date and hour of
20 presentment to it. Except as otherwise provided in this Code,
21 all other certificates for the nomination of candidates shall
22 be filed with the county clerk of the respective counties not
23 more than 141 but at least 134 days previous to the day of such
24 election. Certificates of nomination and nomination papers for

1 the nomination of candidates for school district offices to be
2 filled at consolidated elections shall be filed with the
3 county clerk or county board of election commissioners of the
4 county in which the principal office of the school district is
5 located not more than 113 nor less than 106 days before the
6 consolidated election. Except as otherwise provided in this
7 Code, certificates of nomination and nomination papers for the
8 nomination of candidates for the other offices of political
9 subdivisions to be filled at regular elections other than the
10 general election shall be filed with the local election
11 official of such subdivision:

12 (1) (Blank);

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

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

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

23 (5) not more than 113 nor less than 106 days before the
24 municipal primary in even numbered years for such
25 nonpartisan municipal offices where annual elections are
26 provided; or

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

5 However, where a political subdivision's boundaries are
6 co-extensive with or are entirely within the jurisdiction of a
7 municipal board of election commissioners, the certificates of
8 nomination and nomination papers for candidates for such
9 political subdivision offices shall be filed in the office of
10 such Board.

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

12 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

13 Sec. 10-9. The following electoral boards are designated
14 for the purpose of hearing and passing upon the objector's
15 petition described in Section 10-8.

16 1. The State Board of Elections will hear and pass
17 upon objections to the nominations of candidates for State
18 offices, nominations of candidates for the elected members
19 of the State Board of Education, nominations of candidates
20 for congressional or legislative offices that are in more
21 than one county or are wholly located within a single
22 county with a population of less than 3,000,000 and
23 judicial offices of districts, subcircuits, or circuits
24 situated in more than one county, nominations of
25 candidates for the offices of State's attorney or regional

1 superintendent of schools to be elected from more than one
2 county, and petitions for proposed amendments to the
3 Constitution of the State of Illinois as provided for in
4 Section 3 of Article XIV of the Constitution.

5 2. The county officers electoral board of a county
6 with a population of less than 3,000,000 to hear and pass
7 upon objections to the nominations of candidates for
8 county offices and judicial offices of a district,
9 subcircuit, or circuit coterminous with or less than a
10 county, for any school district offices, for the office of
11 multi-township assessor where candidates for such office
12 are nominated in accordance with this Code, and for all
13 special district offices, shall be composed of the county
14 clerk, or an assistant designated by the county clerk, the
15 State's attorney of the county or an Assistant State's
16 Attorney designated by the State's Attorney, and the clerk
17 of the circuit court, or an assistant designated by the
18 clerk of the circuit court, of the county, of whom the
19 county clerk or his designee shall be the chair, except
20 that in any county which has established a county board of
21 election commissioners that board shall constitute the
22 county officers electoral board ex-officio. If a school
23 district is located in 2 or more counties, the county
24 officers electoral board of the county in which the
25 principal office of the school district is located shall
26 hear and pass upon objections to nominations of candidates

1 for school district office in that school district.

2 2.5. The county officers electoral board of a county
3 with a population of 3,000,000 or more to hear and pass
4 upon objections to the nominations of candidates for
5 county offices, candidates for congressional and
6 legislative offices if the district is wholly within a
7 county with a population of 3,000,000 or more, unless the
8 district is wholly or partially within the jurisdiction of
9 a municipal board of election commissioners, and judicial
10 offices of a district, subcircuit, or circuit coterminous
11 with or less than a county, for any school district
12 offices, for the office of multi-township assessor where
13 candidates for such office are nominated in accordance
14 with this Code, and for all special district offices,
15 shall be composed of the county clerk, or an assistant
16 designated by the county clerk, the State's Attorney of
17 the county or an Assistant State's Attorney designated by
18 the State's Attorney, and the clerk of the circuit court,
19 or an assistant designated by the clerk of the circuit
20 court, of the county, of whom the county clerk or his
21 designee shall be the chair, except that, in any county
22 which has established a county board of election
23 commissioners, that board shall constitute the county
24 officers electoral board ex-officio. If a school district
25 is located in 2 or more counties, the county officers
26 electoral board of the county in which the principal

1 office of the school district is located shall hear and
2 pass upon objections to nominations of candidates for
3 school district office in that school district.

4 3. The municipal officers electoral board to hear and
5 pass upon objections to the nominations of candidates for
6 officers of municipalities shall be composed of the mayor
7 or president of the board of trustees of the city, village
8 or incorporated town, and the city, village or
9 incorporated town clerk, and one member of the city
10 council or board of trustees, that member being designated
11 who is eligible to serve on the electoral board and has
12 served the greatest number of years as a member of the city
13 council or board of trustees, of whom the mayor or
14 president of the board of trustees shall be the chair.

15 4. The township officers electoral board to pass upon
16 objections to the nominations of township officers shall
17 be composed of the township supervisor, the town clerk,
18 and that eligible town trustee elected in the township who
19 has had the longest term of continuous service as town
20 trustee, of whom the township supervisor shall be the
21 chair.

22 5. The education officers electoral board to hear and
23 pass upon objections to the nominations of candidates for
24 offices in community college districts shall be composed
25 of the presiding officer of the community college district
26 board, who shall be the chair, the secretary of the

1 community college district board and the eligible elected
2 community college board member who has the longest term of
3 continuous service as a board member.

4 6. In all cases, however, where the Congressional,
5 Legislative, or Representative district is wholly or
6 partially within the jurisdiction of a single municipal
7 board of election commissioners in Cook County and in all
8 cases where the school district or special district is
9 wholly within the jurisdiction of a municipal board of
10 election commissioners and in all cases where the
11 municipality or township is wholly or partially within the
12 jurisdiction of a municipal board of election
13 commissioners, the board of election commissioners shall
14 ex-officio constitute the electoral board.

15 For special districts situated in more than one county,
16 the county officers electoral board of the county in which the
17 principal office of the district is located has jurisdiction
18 to hear and pass upon objections. For purposes of this
19 Section, "special districts" means all political subdivisions
20 other than counties, municipalities, townships and school and
21 community college districts.

22 In the event that any member of the appropriate board is a
23 candidate for the office with relation to which the objector's
24 petition is filed, he shall not be eligible to serve on that
25 board and shall not act as a member of the board and his place
26 shall be filled as follows:

1 a. In the county officers electoral board by the
2 county treasurer, and if he or she is ineligible to serve,
3 by the sheriff of the county.

4 b. In the municipal officers electoral board by the
5 eligible elected city council or board of trustees member
6 who has served the second greatest number of years as a
7 city council or board of trustees member.

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

11 d. In the education officers electoral board by the
12 eligible elected community college district board member
13 who has had the second longest term of continuous service
14 as a board member.

15 In the event that the chair of the electoral board is
16 ineligible to act because of the fact that he or she is a
17 candidate for the office with relation to which the objector's
18 petition is filed, then the substitute chosen under the
19 provisions of this Section shall be the chair; In this case,
20 the officer or board with whom the objector's petition is
21 filed, shall transmit the certificate of nomination or
22 nomination papers as the case may be, and the objector's
23 petition to the substitute chair of the electoral board.

24 When 2 or more eligible individuals, by reason of their
25 terms of service on a city council or board of trustees,
26 township board of trustees, or community college district

1 board, qualify to serve on an electoral board, the one to serve
2 shall be chosen by lot.

3 Any vacancies on an electoral board not otherwise filled
4 pursuant to this Section shall be filled by public members
5 appointed by the Chief Judge of the Circuit Court for the
6 county wherein the electoral board hearing is being held upon
7 notification to the Chief Judge of such vacancies. The Chief
8 Judge shall be so notified by a member of the electoral board
9 or the officer or board with whom the objector's petition was
10 filed. In the event that none of the individuals designated by
11 this Section to serve on the electoral board are eligible, the
12 chair of an electoral board shall be designated by the Chief
13 Judge.

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

15 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

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

- 22 A. For Governor and Lieutenant Governor;
- 23 B. For State officers;
- 24 C. For presidential electors;
- 25 D. For United States Senators and Representatives to

- 1 Congress;
- 2 E. For judges of the Supreme Court;
- 3 F. For judges of the Appellate Court;
- 4 G. For judges of the circuit court;
- 5 H. For Senators and Representatives to the General
6 Assembly;
- 7 I. For State's Attorneys elected from 2 or more
8 counties;
- 9 J. For amendments to the Constitution, and for other
10 propositions submitted to the electors of the entire
11 State;
- 12 K. For county officers and for propositions submitted
13 to the electors of the county only;
- 14 L. For Regional Superintendent of Schools;
- 15 M. For trustees of Sanitary Districts; ~~and~~
- 16 N. For Trustee of a Regional Board of School Trustees;
17 and;
- 18 O. For elected members of the State Board of
19 Education.

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

21 Multiple originals of each of the sheets shall be prepared
22 and one of each shall be turned over to the chair of the county
23 central committee of each of the then existing established
24 political parties, as defined in Section 10-2, or his duly
25 authorized representative immediately after the completion of
26 the entries on the sheets and before the totals have been

1 compiled.

2 The foregoing abstracts shall be preserved by the election
3 authority in its office.

4 Whenever any county clerk is unable to canvass the vote,
5 the deputy county clerk or a designee of the county clerk shall
6 serve in his or her place.

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

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

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

23 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

24 Sec. 22-7. Canvass of votes; declaration and proclamation
25 of result. The State Board of Elections, shall proceed within

1 31 days after the election, and sooner if all the returns are
2 received, to canvass the votes given for United States
3 Senators and Representatives to Congress, State executive
4 officers, elected members of the State Board of Education,
5 judges of the Supreme Court, judges of the Appellate Court,
6 judges of the Circuit Court, Senators, Representatives to the
7 General Assembly, State's Attorneys and Regional
8 Superintendents of Schools elected from 2 or more counties,
9 respectively, and the persons having the highest number of
10 votes for the respective offices shall be declared duly
11 elected, but if it appears that more than the number of persons
12 to be elected have the highest and an equal number of votes for
13 the same office, the electoral board shall decide by lot which
14 of such persons shall be elected; and to each person duly
15 elected, the Governor shall give a certificate of election or
16 commission, as the case may require, and shall cause
17 proclamation to be made of the result of the canvass, and they
18 shall at the same time and in the same manner, canvass the vote
19 cast upon amendments to the Constitution, and upon other
20 propositions submitted to the electors of the entire State;
21 and the Governor shall cause to be made such proclamation of
22 the result of the canvass as the statutes elsewhere provide.
23 The State Board of Elections shall transmit to the State
24 Comptroller a list of the persons elected to the various
25 offices. The State Board of Elections shall also transmit to
26 the Supreme Court the names of persons elected to judgeships

1 in adversary elections and the names of judges who fail to win
2 retention in office.

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

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

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

19 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

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

21 (a) (Blank).

22 (b) The State Board of Education shall consist of 5
23 members initially to be elected under this amendatory Act of
24 the 103rd General Assembly and 8 appointed members and a

1 chairperson, who shall be appointed by the Governor with the
2 advice and consent of the Senate from a pattern of regional
3 representation as follows: 2 appointees shall be selected from
4 among those counties of the State other than Cook County and
5 the 5 counties contiguous to Cook County, one of whom must
6 represent the educator community; 2 appointees shall be
7 selected from Cook County, one of whom shall be a resident of
8 the City of Chicago and one of whom shall be a resident of that
9 part of Cook County which lies outside the city limits of
10 Chicago and of whom one must represent the educator community;
11 2 appointees shall be selected from among the 5 counties of the
12 State that are contiguous to Cook County, one of whom must
13 represent the educator community; and 3 members shall be
14 selected as members-at-large (one of which shall be the
15 chairperson). With respect to the educator community
16 appointments, no more than one member may be employed as a
17 district superintendent, principal, school business official,
18 or teacher and no more than one may be employed by the same
19 school district or school. The changes made to this Section by
20 this amendatory Act of the 100th General Assembly apply to
21 appointments made after the effective date of this amendatory
22 Act of the 100th General Assembly. The Governor who takes
23 office on the second Monday of January after his or her
24 election shall be the person who nominates members to fill
25 vacancies whose terms begin after that date and before the
26 term of the next Governor begins.

1 The term of each member of the State Board of Education
2 whose term expires on January 12, 2005 shall instead terminate
3 on the effective date of this amendatory Act of the 93rd
4 General Assembly. Of these 3 seats, (i) the member initially
5 appointed pursuant to this amendatory Act of the 93rd General
6 Assembly whose seat was vacant on April 27, 2004 shall serve
7 until the second Wednesday of January, 2009 and (ii) the other
8 2 members initially appointed pursuant to this amendatory Act
9 of the 93rd General Assembly shall serve until the second
10 Wednesday of January, 2007.

11 The term of the member of the State Board of Education
12 whose seat was vacant on April 27, 2004 and whose term expires
13 on January 10, 2007 shall instead terminate on the effective
14 date of this amendatory Act of the 93rd General Assembly. The
15 member initially appointed pursuant to this amendatory Act of
16 the 93rd General Assembly to fill this seat shall be the
17 chairperson and shall serve until the second Wednesday of
18 January, 2007.

19 The term of the member of the State Board of Education
20 whose seat was vacant on May 28, 2004 but after April 27, 2004
21 and whose term expires on January 10, 2007 shall instead
22 terminate on the effective date of this amendatory Act of the
23 93rd General Assembly. The member initially appointed pursuant
24 to this amendatory Act of the 93rd General Assembly to fill
25 this seat shall serve until the second Wednesday of January,
26 2007.

1 The term of the other member of the State Board of
2 Education whose term expires on January 10, 2007 shall instead
3 terminate on the effective date of this amendatory Act of the
4 93rd General Assembly. The member initially appointed pursuant
5 to this amendatory Act of the 93rd General Assembly to fill
6 this seat shall serve until the second Wednesday of January,
7 2007.

8 The term of the member of the State Board of Education
9 whose term expires on January 14, 2009 and who was selected
10 from among the 5 counties of the State that are contiguous to
11 Cook County and is a resident of Lake County shall instead
12 terminate on the effective date of this amendatory Act of the
13 93rd General Assembly. The member initially appointed pursuant
14 to this amendatory Act of the 93rd General Assembly to fill
15 this seat shall serve until the second Wednesday of January,
16 2009.

17 Upon expiration of the terms of the members initially
18 appointed under this amendatory Act of the 93rd General
19 Assembly and members whose terms were not terminated by this
20 amendatory Act of the 93rd General Assembly, their respective
21 successors shall be appointed for terms of 4 years, from the
22 second Wednesday in January of each odd numbered year and
23 until their respective successors are appointed and qualified.

24 (c) Of the 4 members, excluding the chairperson, whose
25 terms expire on the second Wednesday of January, 2007 and
26 every 4 years thereafter, one of those members must be an

1 at-large member and at no time may more than 2 of those members
2 be from one political party. Of the 4 members whose terms
3 expire on the second Wednesday of January, 2009 and every 4
4 years thereafter, one of those members must be an at-large
5 member and at no time may more than 2 of those members be from
6 one political party. Party membership is defined as having
7 voted in the primary of the party in the last primary before
8 appointment.

9 (c-5) Five members of the State Board of Education shall
10 be elected on a nonpartisan basis at the general election in
11 2024 and every 4 years thereafter. One member shall be elected
12 from each of the judicial districts. A petition for nomination
13 of a candidate for member of the State Board shall be signed by
14 (i) at least 0.5% of the total number of registered voters in
15 the judicial district in which the person is a candidate for
16 nomination or (ii) at least 500 signatures for candidates in
17 the First Judicial District or 300 signatures for candidates
18 in every other judicial district, whichever is less. Each of
19 these members shall serve for a term of 4 years, from the
20 second Wednesday of January until after the member's election
21 and until the member's successor takes office.

22 (d) Vacancies in appointed terms shall be filled by
23 appointment by the Governor with the advice and consent of the
24 Senate for the extent of the unexpired term. If a vacancy in
25 membership occurs at a time when the Senate is not in session,
26 the Governor shall make a temporary appointment until the next

1 meeting of the Senate, when the Governor shall appoint a
2 person to fill that membership for the remainder of its term.
3 If the Senate is not in session when appointments for a full
4 term are made, the appointments shall be made as in the case of
5 vacancies.

6 (d-5) Beginning on the date when all of the new members
7 initially to be elected under this amendatory Act of the 103rd
8 General Assembly have taken office, whenever a vacancy in the
9 term of an elected board member occurs, the chairperson of the
10 State Board of Education shall notify the Governor of the
11 vacancy within 7 days after its occurrence and, within 30
12 days, the vacancy shall be filled for the remainder of the
13 unexpired term by a majority vote of the remaining members of
14 the State Board of Education. A person selected to fill a
15 vacancy left by an elected member must meet all eligibility
16 requirements for the position.

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

18 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

19 Sec. 1A-2. Qualifications. In order to be a member ~~The~~
20 ~~members~~ of the State Board of Education, a person must be a
21 citizen ~~shall be citizens~~ of the United States and a resident
22 ~~residents~~ of the State of Illinois. To be an elected member, a
23 person must also be a resident of the judicial district from
24 which the person was elected. Appointed members ~~and~~ shall be
25 selected as far as may be practicable on the basis of their

1 knowledge of, or interest and experience in, problems of
2 public education. No elected member of the State Board of
3 Education may be employed by a public or nonpublic school; a
4 college, including a community or junior college; a
5 university; the State Board of Education; a regional office of
6 education; or any other educational institution. No elected
7 member of the State Board of Education may be a member of the
8 governing body of a public school district or nonpublic
9 school. No member of the State Board of Education shall
10 benefit from funds provided by the State Board of Education to
11 an institution of higher learning, public or private, within
12 Illinois, nor shall members be school trustees of a public or
13 nonpublic college, university or technical institution within
14 Illinois. No member shall be appointed to more than 2 4-year
15 terms. No member may be elected to more than 2 consecutive
16 4-year terms. Members shall be reimbursed for all ordinary and
17 necessary expenses incurred in performing their duties as
18 members of the Board. Expenses shall be approved by the Board
19 and be consistent with the laws, policies, and requirements of
20 the State of Illinois regarding such expenditures, plus any
21 member may include in the member's ~~his or her~~ claim for
22 expenses \$50 per day for meeting days.

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

24 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

25 Sec. 1A-2.1. Vacancies. The Governor may remove for

1 incompetence, neglect of duty, or malfeasance in office any
2 member of the State Board of Education. A vacancy also exists
3 on the State Board of Education when one or more of the
4 following events occur:

5 1. A member dies.

6 2. A member files a written resignation with the
7 Governor.

8 3. A member is adjudicated to be a person under legal
9 disability under the Probate Act of 1975 or a person
10 subject to involuntary admission under the Mental Health
11 and Developmental Disabilities Code.

12 4. For appointed members, a ~~A~~ member ceases to be a
13 resident of the region from which the member ~~he or she~~ was
14 appointed.

15 5. A member is convicted of an infamous crime or of any
16 offense involving a violation of his or her duties under
17 this Code.

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

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

21 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

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

23 A. (Blank).

24 B. The Board shall determine the qualifications of and
25 appoint a chief education officer, to be known as the State

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

1 for cause, and the State Board of Education shall not
2 thereafter be liable for further payments under the contract.
3 With regard to this amendatory Act of the 93rd General
4 Assembly, it is the intent of the General Assembly that,
5 beginning with the Governor who takes office on the second
6 Monday of January, 2007, a State Superintendent of Education
7 be appointed at the beginning of each term of a Governor after
8 that Governor has made appointments to the Board. The State
9 Superintendent of Education shall not serve as a member of the
10 State Board of Education. The Board shall set the compensation
11 of the State Superintendent of Education who shall serve as
12 the Board's chief executive officer. The Board shall also
13 establish the duties, powers and responsibilities of the State
14 Superintendent, which shall be included in the State
15 Superintendent's performance-based contract along with the
16 goals and indicators of student performance and academic
17 improvement used to measure the performance and effectiveness
18 of the State Superintendent. The State Board of Education may
19 delegate to the State Superintendent of Education the
20 authority to act on the Board's behalf, provided such
21 delegation is made pursuant to adopted board policy or the
22 powers delegated are ministerial in nature. The State Board
23 may not delegate authority under this Section to the State
24 Superintendent to (1) nonrecognize school districts, (2)
25 withhold State payments as a penalty, or (3) make final
26 decisions under the contested case provisions of the Illinois

1 Administrative Procedure Act unless otherwise provided by law.

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

19 D. Two members of the Board shall be appointed by the
20 chairperson to serve on a standing joint Education Committee,
21 2 others shall be appointed from the Board of Higher
22 Education, 2 others shall be appointed by the chairperson of
23 the Illinois Community College Board, and 2 others shall be
24 appointed by the chairperson of the Human Resource Investment
25 Council. The Committee shall be responsible for making
26 recommendations concerning the submission of any workforce

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

18 E. Until the 5 members initially to be elected under this
19 amendatory Act of the 103rd General Assembly have taken
20 office, 5 ~~Five~~ members of the Board shall constitute a quorum.
21 Beginning on the date when the 5 members initially to be
22 elected under this amendatory Act of the 103rd General
23 Assembly have taken office, a majority of the Board shall
24 constitute a quorum. Until the 5 members initially to be
25 elected under this amendatory Act of the 103rd General
26 Assembly have taken office, a ~~A~~ majority vote of the members

1 appointed, confirmed and serving on the Board is required to
2 approve any action, except that the 7 new Board members who
3 were appointed to fill seats of members whose terms were
4 terminated on the effective date of this amendatory act of the
5 93rd General Assembly may vote to approve actions when
6 appointed and serving. Beginning on the date when the 5
7 members initially to be elected under this amendatory Act of
8 the 103rd General Assembly have taken office, a majority vote
9 of the elected members and the members appointed, confirmed,
10 and serving on the Board is required to approve any action.

11 F. Upon appointment of the 7 new Board members who were
12 appointed to fill seats of members whose terms were terminated
13 on the effective date of this amendatory Act of the 93rd
14 General Assembly, the Board shall review all of its current
15 rules in an effort to streamline procedures, improve
16 efficiency, and eliminate unnecessary forms and paperwork.

17 (Source: P.A. 102-894, eff. 5-20-22.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.