



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5617

by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-8

from Ch. 46, par. 1A-8

730 ILCS 5/3-14-1

from Ch. 38, par. 1003-14-1

Amends the Unified Code of Corrections. Provides that upon a person's release from the Department of Corrections, the Department shall provide the person with a voting rights information form from the State Board of Elections that is tailored to a person released from a Department of Corrections facility and contains information that includes, but is not limited to, information on eligibility to vote, voting locations, voter registration, and automatic voter registration. Amends the Election Code to require the State Board of Elections to create the form and post it on its website.

LRB100 20403 MJP 35725 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning elections.

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 Section
5 1A-8 as follows:

6 (10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

7 Sec. 1A-8. The State Board of Elections shall exercise the
8 following powers and perform the following duties in addition
9 to any powers or duties otherwise provided for by law:

10 (1) Assume all duties and responsibilities of the State
11 Electoral Board and the Secretary of State as heretofore
12 provided in this Code Act;

13 (2) Disseminate information to and consult with
14 election authorities concerning the conduct of elections
15 and registration in accordance with the laws of this State
16 and the laws of the United States;

17 (3) Furnish to each election authority prior to each
18 primary and general election and any other election it
19 deems necessary, a manual of uniform instructions
20 consistent with the provisions of this Code Act which shall
21 be used by election authorities in the preparation of the
22 official manual of instruction to be used by the judges of
23 election in any such election. In preparing such manual,

1 the State Board shall consult with representatives of the
2 election authorities throughout the State. The State Board
3 may provide separate portions of the uniform instructions
4 applicable to different election jurisdictions which
5 administer elections under different options provided by
6 law. The State Board may by regulation require particular
7 portions of the uniform instructions to be included in any
8 official manual of instructions published by election
9 authorities. Any manual of instructions published by any
10 election authority shall be identical with the manual of
11 uniform instructions issued by the Board, but may be
12 adapted by the election authority to accommodate special or
13 unusual local election problems, provided that all manuals
14 published by election authorities must be consistent with
15 the provisions of this Code Act in all respects and must
16 receive the approval of the State Board of Elections prior
17 to publication; provided further that if the State Board
18 does not approve or disapprove of a proposed manual within
19 60 days of its submission, the manual shall be deemed
20 approved.

21 (4) Prescribe and require the use of such uniform
22 forms, notices, and other supplies not inconsistent with
23 the provisions of this Code Act as it shall deem advisable
24 which shall be used by election authorities in the conduct
25 of elections and registrations;

26 (5) Prepare and certify the form of ballot for any

1 proposed amendment to the Constitution of the State of
2 Illinois, or any referendum to be submitted to the electors
3 throughout the State or, when required to do so by law, to
4 the voters of any area or unit of local government of the
5 State;

6 (6) Require such statistical reports regarding the
7 conduct of elections and registration from election
8 authorities as may be deemed necessary;

9 (7) Review and inspect procedures and records relating
10 to conduct of elections and registration as may be deemed
11 necessary, and to report violations of election laws to the
12 appropriate State's Attorney or the Attorney General;

13 (8) Recommend to the General Assembly legislation to
14 improve the administration of elections and registration;

15 (9) Adopt, amend or rescind rules and regulations in
16 the performance of its duties provided that all such rules
17 and regulations must be consistent with the provisions of
18 this Article 1A or issued pursuant to authority otherwise
19 provided by law;

20 (10) Determine the validity and sufficiency of
21 petitions filed under Article XIV, Section 3, of the
22 Constitution of the State of Illinois of 1970;

23 (11) Maintain in its principal office a research
24 library that includes, but is not limited to, abstracts of
25 votes by precinct for general primary elections and general
26 elections, current precinct maps and current precinct poll

1 lists from all election jurisdictions within the State. The
2 research library shall be open to the public during regular
3 business hours. Such abstracts, maps and lists shall be
4 preserved as permanent records and shall be available for
5 examination and copying at a reasonable cost;

6 (12) Supervise the administration of the registration
7 and election laws throughout the State;

8 (13) Obtain from the Department of Central Management
9 Services, under Section 405-250 of the Department of
10 Central Management Services Law (20 ILCS 405/405-250),
11 such use of electronic data processing equipment as may be
12 required to perform the duties of the State Board of
13 Elections and to provide election-related information to
14 candidates, public and party officials, interested civic
15 organizations and the general public in a timely and
16 efficient manner;

17 (14) To take such action as may be necessary or
18 required to give effect to directions of the national
19 committee or State central committee of an established
20 political party under Sections 7-8, 7-11, and 7-14.1 or
21 such other provisions as may be applicable pertaining to
22 the selection of delegates and alternate delegates to an
23 established political party's national nominating
24 conventions or, notwithstanding any candidate
25 certification schedule contained within this ~~the Election~~
26 Code, the certification of the Presidential and Vice

1 Presidential candidate selected by the established
2 political party's national nominating convention;

3 (15) To post all early voting sites separated by
4 election authority and hours of operation on its website at
5 least 5 business days before the period for early voting
6 begins; ~~and~~

7 (16) To post on its website the statewide totals, and
8 totals separated by each election authority, for each of
9 the counts received pursuant to Section 1-9.2; ~~and~~.

10 (17) To create and post on its website a voting rights
11 information form for distribution by the Department of
12 Corrections under subsection (a-3) of Section 3-14-1 of the
13 Unified Code of Corrections with information tailored to a
14 person released from a Department of Corrections facility
15 that includes, but is not limited to, information on
16 eligibility to vote, voting locations, voter registration,
17 and automatic voter registration.

18 The Board may by regulation delegate any of its duties or
19 functions under this Article, except that final determinations
20 and orders under this Article shall be issued only by the
21 Board.

22 The requirement for reporting to the General Assembly shall
23 be satisfied by filing copies of the report with the Speaker,
24 the Minority Leader, and the Clerk of the House of
25 Representatives, ~~and~~ the President, the Minority Leader, and
26 the Secretary of the Senate, and the Legislative Research Unit,

1 as required by Section 3.1 of the General Assembly Organization
2 Act ~~"An Act to revise the law in relation to the General~~
3 ~~Assembly", approved February 25, 1874, as amended,~~ and filing
4 such additional copies with the State Government Report
5 Distribution Center for the General Assembly as is required
6 under paragraph (t) of Section 7 of the State Library Act.

7 (Source: P.A. 98-1171, eff. 6-1-15; revised 9-21-17.)

8 Section 10. The Unified Code of Corrections is amended by
9 changing Section 3-14-1 as follows:

10 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

11 Sec. 3-14-1. Release from the institution.

12 (a) Upon release of a person on parole, mandatory release,
13 final discharge or pardon the Department shall return all
14 property held for him, provide him with suitable clothing and
15 procure necessary transportation for him to his designated
16 place of residence and employment. It may provide such person
17 with a grant of money for travel and expenses which may be paid
18 in installments. The amount of the money grant shall be
19 determined by the Department.

20 (a-1) The Department shall, before a wrongfully imprisoned
21 person, as defined in Section 3-1-2 of this Code, is discharged
22 from the Department, provide him or her with any documents
23 necessary after discharge.

24 (a-2) The Department of Corrections may establish and

1 maintain, in any institution it administers, revolving funds to
2 be known as "Travel and Allowances Revolving Funds". These
3 revolving funds shall be used for advancing travel and expense
4 allowances to committed, paroled, and discharged prisoners.
5 The moneys paid into such revolving funds shall be from
6 appropriations to the Department for Committed, Paroled, and
7 Discharged Prisoners.

8 (a-3) Upon release of a person on parole, mandatory
9 release, final discharge, or pardon the Department of
10 Corrections shall provide the person with a voting rights
11 information form created by the State Board of Elections under
12 paragraph (17) of Section 1A-8 of the Election Code.

13 (b) (Blank).

14 (c) Except as otherwise provided in this Code, the
15 Department shall establish procedures to provide written
16 notification of any release of any person who has been
17 convicted of a felony to the State's Attorney and sheriff of
18 the county from which the offender was committed, and the
19 State's Attorney and sheriff of the county into which the
20 offender is to be paroled or released. Except as otherwise
21 provided in this Code, the Department shall establish
22 procedures to provide written notification to the proper law
23 enforcement agency for any municipality of any release of any
24 person who has been convicted of a felony if the arrest of the
25 offender or the commission of the offense took place in the
26 municipality, if the offender is to be paroled or released into

1 the municipality, or if the offender resided in the
2 municipality at the time of the commission of the offense. If a
3 person convicted of a felony who is in the custody of the
4 Department of Corrections or on parole or mandatory supervised
5 release informs the Department that he or she has resided,
6 resides, or will reside at an address that is a housing
7 facility owned, managed, operated, or leased by a public
8 housing agency, the Department must send written notification
9 of that information to the public housing agency that owns,
10 manages, operates, or leases the housing facility. The written
11 notification shall, when possible, be given at least 14 days
12 before release of the person from custody, or as soon
13 thereafter as possible. The written notification shall be
14 provided electronically if the State's Attorney, sheriff,
15 proper law enforcement agency, or public housing agency has
16 provided the Department with an accurate and up to date email
17 address.

18 (c-1) (Blank).

19 (c-2) The Department shall establish procedures to provide
20 notice to the Department of State Police of the release or
21 discharge of persons convicted of violations of the
22 Methamphetamine Control and Community Protection Act or a
23 violation of the Methamphetamine Precursor Control Act. The
24 Department of State Police shall make this information
25 available to local, State, or federal law enforcement agencies
26 upon request.

1 (c-5) If a person on parole or mandatory supervised release
2 becomes a resident of a facility licensed or regulated by the
3 Department of Public Health, the Illinois Department of Public
4 Aid, or the Illinois Department of Human Services, the
5 Department of Corrections shall provide copies of the following
6 information to the appropriate licensing or regulating
7 Department and the licensed or regulated facility where the
8 person becomes a resident:

9 (1) The mittimus and any pre-sentence investigation
10 reports.

11 (2) The social evaluation prepared pursuant to Section
12 3-8-2.

13 (3) Any pre-release evaluation conducted pursuant to
14 subsection (j) of Section 3-6-2.

15 (4) Reports of disciplinary infractions and
16 dispositions.

17 (5) Any parole plan, including orders issued by the
18 Prisoner Review Board, and any violation reports and
19 dispositions.

20 (6) The name and contact information for the assigned
21 parole agent and parole supervisor.

22 This information shall be provided within 3 days of the
23 person becoming a resident of the facility.

24 (c-10) If a person on parole or mandatory supervised
25 release becomes a resident of a facility licensed or regulated
26 by the Department of Public Health, the Illinois Department of

1 Public Aid, or the Illinois Department of Human Services, the
2 Department of Corrections shall provide written notification
3 of such residence to the following:

4 (1) The Prisoner Review Board.

5 (2) The chief of police and sheriff in the municipality
6 and county in which the licensed facility is located.

7 The notification shall be provided within 3 days of the
8 person becoming a resident of the facility.

9 (d) Upon the release of a committed person on parole,
10 mandatory supervised release, final discharge or pardon, the
11 Department shall provide such person with information
12 concerning programs and services of the Illinois Department of
13 Public Health to ascertain whether such person has been exposed
14 to the human immunodeficiency virus (HIV) or any identified
15 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

16 (e) Upon the release of a committed person on parole,
17 mandatory supervised release, final discharge, pardon, or who
18 has been wrongfully imprisoned, the Department shall verify the
19 released person's full name, date of birth, and social security
20 number. If verification is made by the Department by obtaining
21 a certified copy of the released person's birth certificate and
22 the released person's social security card or other documents
23 authorized by the Secretary, the Department shall provide the
24 birth certificate and social security card or other documents
25 authorized by the Secretary to the released person. If
26 verification by the Department is done by means other than

1 obtaining a certified copy of the released person's birth
2 certificate and the released person's social security card or
3 other documents authorized by the Secretary, the Department
4 shall complete a verification form, prescribed by the Secretary
5 of State, and shall provide that verification form to the
6 released person.

7 (f) Forty-five days prior to the scheduled discharge of a
8 person committed to the custody of the Department of
9 Corrections, the Department shall give the person who is
10 otherwise uninsured an opportunity to apply for health care
11 coverage including medical assistance under Article V of the
12 Illinois Public Aid Code in accordance with subsection (b) of
13 Section 1-8.5 of the Illinois Public Aid Code, and the
14 Department of Corrections shall provide assistance with
15 completion of the application for health care coverage
16 including medical assistance. The Department may adopt rules to
17 implement this Section.

18 (Source: P.A. 98-267, eff. 1-1-14; 99-415, eff. 8-20-15;
19 99-907, eff. 7-1-17.)