



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3943

Introduced 10/29/2019, by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-16

10 ILCS 5/1A-16.1

10 ILCS 5/1A-16.2

10 ILCS 5/3-1

from Ch. 46, par. 3-1

Amends the Election Code. Prohibits the use of a municipal identification card to prove identification when registering to vote. Provides that a person who is not a citizen of the United States may not vote in any election.

LRB101 14965 SMS 63979 b

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
5 Sections 1A-16, 1A-16.1, 1A-16.2, and 3-1 as follows:

6 (10 ILCS 5/1A-16)

7 Sec. 1A-16. Voter registration information; Internet
8 posting; processing of voter registration forms; content of
9 such forms. Notwithstanding any law to the contrary, the
10 following provisions shall apply to voter registration under
11 this Code.

12 (a) Voter registration information; Internet posting of
13 voter registration form. Within 90 days after August 21, 2003
14 (the effective date of Public Act 93-574), the State Board of
15 Elections shall post on its World Wide Web site the following
16 information:

17 (1) A comprehensive list of the names, addresses, phone
18 numbers, and websites, if applicable, of all county clerks
19 and boards of election commissioners in Illinois.

20 (2) A schedule of upcoming elections and the deadline
21 for voter registration.

22 (3) A downloadable, printable voter registration form,
23 in at least English and in Spanish versions, that a person

1 may complete and mail or submit to the State Board of
2 Elections or the appropriate county clerk or board of
3 election commissioners.

4 Any forms described under paragraph (3) must state the
5 following:

6 If you do not have a driver's license or social
7 security number, and this form is submitted by mail, and
8 you have never registered to vote in the jurisdiction you
9 are now registering in, then you must send, with this
10 application, either (i) a copy of a current and valid photo
11 identification, or (ii) a copy of a current utility bill,
12 bank statement, government check, paycheck, or other
13 government document that shows the name and address of the
14 voter. If you do not provide the information required
15 above, then you will be required to provide election
16 officials with either (i) or (ii) described above the first
17 time you vote at a voting place.

18 (b) Acceptance of registration forms by the State Board of
19 Elections and county clerks and board of election
20 commissioners. The State Board of Elections, county clerks, and
21 board of election commissioners shall accept all completed
22 voter registration forms described in subsection (a) (3) of this
23 Section and Sections 1A-17 and 1A-30 that are:

24 (1) postmarked on or before the day that voter
25 registration is closed under this Code;

26 (2) not postmarked, but arrives no later than 5 days

1 after the close of registration;

2 (3) submitted in person by a person using the form on
3 or before the day that voter registration is closed under
4 this Code; or

5 (4) submitted in person by a person who submits one or
6 more forms on behalf of one or more persons who used the
7 form on or before the day that voter registration is closed
8 under this Code.

9 Upon the receipt of a registration form, the State Board of
10 Elections shall mark the date on which the form was received
11 and send the form via first class mail to the appropriate
12 county clerk or board of election commissioners, as the case
13 may be, within 2 business days based upon the home address of
14 the person submitting the registration form. The county clerk
15 and board of election commissioners shall accept and process
16 any form received from the State Board of Elections.

17 (c) Processing of registration forms by county clerks and
18 boards of election commissioners. The county clerk or board of
19 election commissioners shall promulgate procedures for
20 processing the voter registration form.

21 (c-5) Identification prohibitions. A county clerk or board
22 of election commissioners may not accept a municipal
23 identification card as proof of identification for processing a
24 voter registration form.

25 (d) Contents of the voter registration form. The State
26 Board shall create a voter registration form, which must

1 contain the following content:

2 (1) Instructions for completing the form.

3 (2) A summary of the qualifications to register to vote
4 in Illinois.

5 (3) Instructions for mailing in or submitting the form
6 in person.

7 (4) The phone number for the State Board of Elections
8 should a person submitting the form have questions.

9 (5) A box for the person to check that explains one of
10 3 reasons for submitting the form:

11 (a) new registration;

12 (b) change of address; or

13 (c) change of name.

14 (6) a box for the person to check yes or no that asks,
15 "Are you a citizen of the United States?", a box for the
16 person to check yes or no that asks, "Will you be 18 years
17 of age on or before election day?", and a statement of "If
18 you checked 'no' in response to either of these questions,
19 then do not complete this form."

20 (7) A space for the person to fill in his or her home
21 telephone number.

22 (8) Spaces for the person to fill in his or her first,
23 middle, and last names, street address (principal place of
24 residence), county, city, state, and zip code.

25 (9) Spaces for the person to fill in his or her mailing
26 address, city, state, and zip code if different from his or

1 her principal place of residence.

2 (10) A space for the person to fill in his or her
3 Illinois driver's license number if the person has a
4 driver's license.

5 (11) A space for a person without a driver's license to
6 fill in the last four digits of his or her social security
7 number if the person has a social security number.

8 (12) A space for a person without an Illinois driver's
9 license to fill in his or her identification number from
10 his or her State Identification card issued by the
11 Secretary of State.

12 (13) A space for the person to fill the name appearing
13 on his or her last voter registration, the street address
14 of his or her last registration, including the city,
15 county, state, and zip code.

16 (14) A space where the person swears or affirms the
17 following under penalty of perjury with his or her
18 signature:

19 (a) "I am a citizen of the United States.";

20 (b) "I will be at least 18 years old on or before
21 the next election.";

22 (c) "I will have lived in the State of Illinois and
23 in my election precinct at least 30 days as of the date
24 of the next election."; and

25 (d) "The information I have provided is true to the
26 best of my knowledge under penalty of perjury. If I

1 have provided false information, then I may be fined,
2 imprisoned, or, if I am not a U.S. citizen, deported
3 from or refused entry into the United States.".

4 (15) A space for the person to fill in his or her
5 e-mail address if he or she chooses to provide that
6 information.

7 (d-5) Compliance with federal law; rulemaking authority.
8 The voter registration form described in this Section shall be
9 consistent with the form prescribed by the Federal Election
10 Commission under the National Voter Registration Act of 1993,
11 P.L. 103-31, as amended from time to time, and the Help America
12 Vote Act of 2002, P.L. 107-252, in all relevant respects. The
13 State Board of Elections shall periodically update the form
14 based on changes to federal or State law. The State Board of
15 Elections shall promulgate any rules necessary for the
16 implementation of this Section; provided that the rules comport
17 with the letter and spirit of the National Voter Registration
18 Act of 1993 and Help America Vote Act of 2002 and maximize the
19 opportunity for a person to register to vote.

20 (e) Forms available in paper form. The State Board of
21 Elections shall make the voter registration form available in
22 regular paper stock and form in sufficient quantities for the
23 general public. The State Board of Elections may provide the
24 voter registration form to the Secretary of State, county
25 clerks, boards of election commissioners, designated agencies
26 of the State of Illinois, and any other person or entity

1 designated to have these forms by this Code in regular paper
2 stock and form or some other format deemed suitable by the
3 Board. Each county clerk or board of election commissioners has
4 the authority to design and print its own voter registration
5 form so long as the form complies with the requirements of this
6 Section. The State Board of Elections, county clerks, boards of
7 election commissioners, or other designated agencies of the
8 State of Illinois required to have these forms under this Code
9 shall provide a member of the public with any reasonable number
10 of forms that he or she may request. Nothing in this Section
11 shall permit the State Board of Elections, county clerk, board
12 of election commissioners, or other appropriate election
13 official who may accept a voter registration form to refuse to
14 accept a voter registration form because the form is printed on
15 photocopier or regular paper stock and form.

16 (f) (Blank).

17 (Source: P.A. 100-863, eff. 8-14-18.)

18 (10 ILCS 5/1A-16.1)

19 Sec. 1A-16.1. Automatic voter registration; Secretary of
20 State.

21 (a) The Office of the Secretary of State and the State
22 Board of Elections, pursuant to an interagency contract and
23 jointly-adopted rules, shall establish an automatic voter
24 registration program that satisfies the requirements of this
25 Section and other applicable law.

1 (b) If an application, an application for renewal, a change
2 of address form, or a recertification form for a driver's
3 license, other than a temporary visitor's driver's license, or
4 a State identification card issued by the Office of the
5 Secretary of State meets the requirements of the federal REAL
6 ID Act of 2005, then that application shall serve as a
7 dual-purpose application. The dual-purpose application shall:

8 (1) also serve as an application to register to vote in
9 Illinois;

10 (2) allow an applicant to change his or her registered
11 residence address or name as it appears on the voter
12 registration rolls;

13 (3) provide the applicant with an opportunity to
14 affirmatively decline to register to vote or to change his
15 or her registered residence address or name by providing a
16 check box on the application form without requiring the
17 applicant to state the reason; and

18 (4) unless the applicant declines to register to vote
19 or change his or her registered residence address or name,
20 require the applicant to attest, by signature under penalty
21 of perjury as described in subsection (e) of this Section,
22 to meeting the qualifications to register to vote in
23 Illinois at his or her residence address as indicated on
24 his or her driver's license or identification card
25 dual-purpose application.

26 (b-5) If an application, an application for renewal, a

1 change of address form, or a recertification form for a
2 driver's license, other than a temporary visitor's driver's
3 license, or a State identification card issued by the Office of
4 the Secretary of State does not meet the requirements of the
5 federal REAL ID Act of 2005, then that application shall serve
6 as a dual-purpose application. The dual-purpose application
7 shall:

8 (1) also serve as an application to register to vote in
9 Illinois;

10 (2) allow an applicant to change his or her registered
11 residence address or name as it appears on the voter
12 registration rolls; and

13 (3) if the applicant chooses to register to vote or to
14 change his or her registered residence address or name,
15 then require the applicant to attest, by a separate
16 signature under penalty of perjury, to meeting the
17 qualifications to register to vote in Illinois at his or
18 her residence address as indicated on his or her
19 dual-purpose application.

20 (b-10) The Office of the Secretary of State shall clearly
21 and conspicuously inform each applicant in writing: (i) of the
22 qualifications to register to vote in Illinois, (ii) of the
23 penalties provided by law for submission of a false voter
24 registration application, (iii) that, unless the applicant
25 declines to register to vote or update his or her voter
26 registration, his or her dual-purpose application shall also

1 serve as both an application to register to vote and his or her
2 attestation that he or she meets the eligibility requirements
3 for voter registration, and that his or her application to
4 register to vote or update his or her registration will be
5 transmitted to the State Board of Elections for the purpose of
6 registering the person to vote at the residence address to be
7 indicated on his or her driver's license or identification
8 card, and (iv) that declining to register to vote is
9 confidential and will not affect any services the person may be
10 seeking from the Office of the Secretary of State.

11 (c) The Office of the Secretary of State shall review
12 information provided to the Office of the Secretary of State by
13 the State Board of Elections to inform each applicant for a
14 driver's license or permit, other than a temporary visitor's
15 driver's license, or a State identification card issued by the
16 Office of the Secretary of State whether the applicant is
17 currently registered to vote in Illinois and, if registered, at
18 what address.

19 (d) The Office of the Secretary of State shall not require
20 an applicant for a driver's license or State identification
21 card to provide duplicate identification or information in
22 order to complete an application to register to vote or change
23 his or her registered residence address or name. Before
24 transmitting any personal information about an applicant to the
25 State Board of Elections, the Office of the Secretary of State
26 shall review its records of the identification documents the

1 applicant provided in order to complete the application for a
2 driver's license or State identification card, to confirm that
3 nothing in those documents indicates that the applicant does
4 not satisfy the qualifications to register to vote in Illinois
5 at his or her residence address. The Office of the Secretary of
6 State may not accept a municipal identification card as proof
7 of identification for processing an application to register to
8 vote or change an applicant's registered residence address or
9 name.

10 (e) A completed, signed application for (i) a driver's
11 license or permit, other than a temporary visitor's driver's
12 license, or a State identification card issued by the Office of
13 the Secretary of State, that meets the requirements of the
14 federal REAL ID Act of 2005; or (ii) a completed application
15 under subsection (b-5) of this Section with a separate
16 signature attesting the applicant meets the qualifications to
17 register to vote in Illinois at his or her residence address as
18 indicated on his or her application shall constitute a signed
19 application to register to vote in Illinois at the residence
20 address indicated in the application unless the person
21 affirmatively declined in the application to register to vote
22 or to change his or her registered residence address or name.
23 If the identification documents provided to complete the
24 dual-purpose application indicate that he or she does not
25 satisfy the qualifications to register to vote in Illinois at
26 his or her residence address, the application shall be marked

1 as incomplete.

2 (f) For each completed and signed application that
3 constitutes an application to register to vote in Illinois or
4 provides for a change in the applicant's registered residence
5 address or name, the Office of the Secretary of State shall
6 electronically transmit to the State Board of Elections
7 personal information needed to complete the person's
8 registration to vote in Illinois at his or her residence
9 address. The application to register to vote shall be processed
10 in accordance with Section 1A-16.7.

11 (g) If the federal REAL ID Act of 2005 is repealed,
12 abrogated, superseded, or otherwise no longer in effect, then
13 the State Board of Elections shall establish criteria for
14 determining reliable personal information indicating
15 citizenship status and shall adopt rules as necessary for the
16 Secretary of State to continue processing dual-purpose
17 applications under this Section.

18 (h) As used in this Section, "dual-purpose application"
19 means an application, an application for renewal, a change of
20 address form, or a recertification form for driver's license or
21 permit, other than a temporary visitor's driver's license, or a
22 State identification card offered by the Secretary of State
23 that also serves as an application to register to vote in
24 Illinois. "Dual-purpose application" does not mean an
25 application under subsection (c) of Section 6-109 of the
26 Illinois Vehicle Code.

1 (Source: P.A. 100-464, eff. 8-28-17.)

2 (10 ILCS 5/1A-16.2)

3 Sec. 1A-16.2. Automatic voter registration; designated
4 automatic voter registration agencies.

5 (a) Each designated automatic voter registration agency
6 shall, pursuant to an interagency contract and jointly-adopted
7 rules with the State Board of Elections, agree to participate
8 in an automatic voter registration program established by the
9 State Board of Elections that satisfies the requirements of
10 this Section and other applicable law. If the designated
11 automatic voter registration agency provides applications,
12 applications for renewal, change of address forms, or
13 recertification forms to individuals for services offered by
14 another agency, then the State Board of Elections and the
15 designated automatic voter agency shall consult with the other
16 agency. The State Board of Elections shall consider the current
17 technological capabilities of the designated voter
18 registration agency when drafting interagency contracts and
19 jointly-adopted rules. The State Board of Elections and the
20 designated automatic voter registration agency shall amend
21 these contracts and rules as the technological capabilities of
22 the designated voter registration agencies improve.

23 (b) As provided in subsection (a) of this Section, each
24 designated automatic voter registration agency that collects
25 or cross-references reliable personal information indicating

1 citizenship status may provide that an application for a
2 license, permit, program, or service shall serve as a
3 dual-purpose application. The dual-purpose application shall:

4 (1) also serve as an application to register to vote in
5 Illinois;

6 (2) allow an applicant to change his or her registered
7 residence address or name as it appears on the voter
8 registration rolls;

9 (3) provide the applicant with an opportunity to
10 affirmatively decline to register to vote or change his or
11 her registered residence address or name by providing a
12 check box on the application form without requiring the
13 applicant to state the reason; and

14 (4) unless the applicant declines to register to vote
15 or to change his or her registered residence address or
16 name, require the applicant to attest, by signature under
17 penalty of perjury, to meeting the qualifications to
18 register to vote in Illinois at his or her residence
19 address as indicated on his or her dual-purpose
20 application.

21 (c) As provided in subsection (a) of this Section, each
22 designated automatic voter registration agency that does not
23 collect or cross-reference records containing reliable
24 personal information indicating citizenship status may provide
25 that an application, an application for renewal, a change of
26 address form, or a recertification form for a license, permit,

1 program, or service shall serve as a dual-purpose application.

2 The dual-purpose application shall:

3 (1) also serve as an application to register to vote in
4 Illinois;

5 (2) allow an applicant to change his or her registered
6 residence address or name as it appears on the voter
7 registration rolls; and

8 (3) if the applicant chooses to register to vote or to
9 change his or her registered residence address or name,
10 then require the applicant to attest, by a separate
11 signature under penalty of perjury, to meeting the
12 qualifications to register to vote in Illinois at his or
13 her residence address as indicated on his or her
14 dual-purpose application.

15 (c-5) The designated automatic voter registration agency
16 shall clearly and conspicuously inform each applicant in
17 writing: (i) of the qualifications to register to vote in
18 Illinois, (ii) of the penalties provided by law for submission
19 of a false voter registration application, (iii) that, unless
20 the applicant declines to register to vote or update his or her
21 voter registration, his or her application shall also serve as
22 both an application to register to vote and his or her
23 attestation that he or she meets the eligibility requirements
24 for voter registration, and that his or her application to
25 register to vote or update his or her registration will be
26 transmitted to the State Board of Elections for the purpose of

1 registering the person to vote at the residence address to be
2 indicated on the dual-purpose application, (iv) that
3 information identifying the agency at which he or she applied
4 to register to vote is confidential, (v) that declining to
5 register to vote is confidential and will not affect any
6 services the person may be seeking from the agency, and (vi)
7 any additional information needed in order to comply with
8 Section 7 of the federal National Voter Registration Act of
9 1993.

10 (d) The designated automatic voter registration agency
11 shall review information provided to the agency by the State
12 Board of Elections to inform each applicant whether the
13 applicant is currently registered to vote in Illinois and, if
14 registered, at what address.

15 (e) The designated automatic voter registration agency
16 shall not require an applicant for a dual-purpose application
17 to provide duplicate identification or information in order to
18 complete an application to register to vote or change his or
19 her registered residence address or name. Before transmitting
20 any personal information about an applicant to the State Board
21 of Elections, the agency shall review its records of the
22 identification documents the applicant provided or that the
23 agency cross-references in order to complete the dual-purpose
24 application, to confirm that nothing in those documents
25 indicates that the applicant does not satisfy the
26 qualifications to register to vote in Illinois at his or her

1 residence address. A completed and signed dual-purpose
2 application, including a completed application under
3 subsection (c) of this Section with a separate signature
4 attesting that the applicant meets the qualifications to
5 register to vote in Illinois at his or her residence address as
6 indicated on his or her application, shall constitute an
7 application to register to vote in Illinois at the residence
8 address indicated in the application unless the person
9 affirmatively declined in the application to register to vote
10 or to change his or her registered residence address or name.
11 If the identification documents provided to complete the
12 dual-purpose application, or that the agency cross-references,
13 indicate that he or she does not satisfy the qualifications to
14 register to vote in Illinois at his or her residence address,
15 the application shall be marked as incomplete. The designated
16 automatic voter registration agency may not accept a municipal
17 identification card as proof of identification for processing
18 an application to register to vote or change an applicant's
19 registered residence address or name.

20 (f) For each completed and signed dual-purpose application
21 that constitutes an application to register to vote in Illinois
22 or provides for a change in the applicant's registered
23 residence address or name, the designated automatic voter
24 registration agency shall electronically transmit to the State
25 Board of Elections personal information needed to complete the
26 person's registration to vote in Illinois at his or her

1 residence address. The application to register to vote shall be
2 processed in accordance with Section 1A-16.7.

3 (g) As used in this Section:

4 "Designated automatic voter registration agency" or
5 "agency" means the divisions of Family and Community
6 Services and Rehabilitation Services of the Department of
7 Human Services, the Department of Employment Security, the
8 Department of Financial and Professional Regulation, the
9 Department of Natural Resources, or an agency of the State
10 or federal government that has been determined by the State
11 Board of Elections to have access to reliable personal
12 information and has entered into an interagency contract
13 with the State Board of Elections to participate in the
14 automatic voter registration program under this Section.

15 "Dual-purpose application" means an application, an
16 application for renewal, a change of address form, or a
17 recertification form for a license, permit, program, or
18 service offered by a designated automatic voter
19 registration agency that also serves as an application to
20 register to vote in Illinois.

21 "Reliable personal information" means information
22 about individuals obtained from government sources that
23 may be used to verify whether an individual is eligible to
24 register to vote.

25 (h) This Section shall be implemented no later than July 1,
26 2019.

1 (Source: P.A. 100-464, eff. 8-28-17.)

2 (10 ILCS 5/3-1) (from Ch. 46, par. 3-1)

3 Sec. 3-1.

4 (a) Every person (i) who has resided in this State and in
5 the election district 30 days next preceding any election
6 therein, or (ii) who has resided in and is registered to vote
7 from the election district 30 days next preceding any election
8 therein and has moved to another election district in this
9 State within said 30 days and has made and subscribed to the
10 affidavit provided in paragraph (b) of Section 17-10 of this
11 Act, or (iii) who has resided in and is registered to vote from
12 the election district 30 days next preceding any election
13 therein and has not moved to another residence but whose
14 address has changed as a result of implementation of a 9-1-1
15 emergency telephone system and has made and subscribed to the
16 affidavit provided in subsection (a) of Section 17-10, and who
17 is a citizen of the United States, of the age of 18 or more
18 years is entitled to vote at such election for all offices and
19 on all propositions. Any military establishment within the
20 boundaries of Illinois is "in this State" even though the
21 government of the United States may have exclusive jurisdiction
22 over such establishment.

23 (b) A person who is not a citizen of the United States may
24 not vote in any election under this Code.

25 (Source: P.A. 90-664, eff. 7-30-98.)