



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4832

by Rep. Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-25
10 ILCS 5/4-50
10 ILCS 5/5-50
10 ILCS 5/6-100
10 ILCS 5/19-4
10 ILCS 5/19A-35

from Ch. 46, par. 19-4

Amends the Election Code. Requires that information on the State Board of Elections' centralized statewide voter registration information website be accessible to federal political committees as well as State and local political committees and certain governmental entities. Requires the State Board to make copies of the electronic information available to those committees and entities at their request and for a reasonable charge.

LRB095 15829 JAM 41838 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-25, 4-50, 5-50, 6-100, 19-4, and 19A-35 as follows:

6 (10 ILCS 5/1A-25)

7 Sec. 1A-25. Centralized statewide voter registration list.
8 The centralized statewide voter registration list required by
9 Title III, Subtitle A, Section 303 of the Help America Vote Act
10 of 2002 shall be created and maintained by the State Board of
11 Elections as provided in this Section.

12 (1) The centralized statewide voter registration list
13 shall be compiled from the voter registration data bases of
14 each election authority in this State.

15 (2) All new voter registration forms and applications
16 to register to vote, including those reviewed by the
17 Secretary of State at a driver services facility, shall be
18 transmitted only to the appropriate election authority as
19 required by Articles 4, 5, and 6 of this Code and not to
20 the State Board of Elections. The election authority shall
21 process and verify each voter registration form and
22 electronically enter verified registrations on an
23 expedited basis onto the statewide voter registration

1 list. All original registration cards shall remain
2 permanently in the office of the election authority as
3 required by this Code.

4 (3) The centralized statewide voter registration list
5 shall:

6 (i) Be designed to allow election authorities to
7 utilize the registration data on the statewide voter
8 registration list pertinent to voters registered in
9 their election jurisdiction on locally maintained
10 software programs that are unique to each
11 jurisdiction.

12 (ii) Allow each election authority to perform
13 essential election management functions, including but
14 not limited to production of voter lists, processing of
15 absentee voters, production of individual, pre-printed
16 applications to vote, administration of election
17 judges, and polling place administration, but shall
18 not prevent any election authority from using
19 information from that election authority's own
20 systems.

21 (4) The registration information maintained by each
22 election authority shall be synchronized with that
23 authority's information on the statewide list at least once
24 every 24 hours.

25 To protect the privacy and confidentiality of voter
26 registration information, the disclosure of any portion of the

1 centralized statewide voter registration list to any person or
2 entity other than to a State, ~~or~~ local, or federal political
3 committee and other than to a governmental entity for a
4 governmental purpose is specifically prohibited except as
5 follows: subject to security measures adopted by the State
6 Board of Elections which, at a minimum, shall include the
7 keeping of a catalog or database, available for public view,
8 including the name, address, and telephone number of the person
9 viewing the list as well as the time of that viewing, any
10 person may view the list on a computer screen at the
11 Springfield office of the State Board of Elections, during
12 normal business hours other than during the 27 days before an
13 election, but the person viewing the list under this exception
14 may not print, duplicate, transmit, or alter the list. The
15 State Board of Elections shall furnish copies of such discs,
16 other electronic data, or compilations thereof to State or
17 local political committees registered pursuant to Article 9 of
18 this Code or the Federal Election Campaign Act (2U.S.C. 431 et
19 seq.) and to governmental entities, at their written request
20 and at a reasonable charge for costs.

21 (Source: P.A. 94-136, eff. 7-7-05; 94-645, eff. 8-22-05;
22 95-331, eff. 8-21-07.)

23 (10 ILCS 5/4-50)

24 Sec. 4-50. Grace period. Notwithstanding any other
25 provision of this Code to the contrary, each election authority

1 shall establish procedures for the registration of voters and
2 for change of address during the period from the close of
3 registration for a primary or election and until the 14th day
4 before the primary or election. During this grace period, an
5 unregistered qualified elector may register to vote, and a
6 registered voter may submit a change of address form, in person
7 in the office of the election authority or at a voter
8 registration location specifically designated for this purpose
9 by the election authority. The election authority shall
10 register that individual, or change a registered voter's
11 address, in the same manner as otherwise provided by this
12 Article for registration and change of address.

13 If a voter who registers or changes address during this
14 grace period wishes to vote at the first election or primary
15 occurring after the grace period, he or she must do so by grace
16 period voting, either in person in the office of the election
17 authority or at a location specifically designated for this
18 purpose by the election authority, or by mail, at the
19 discretion of the election authority. Grace period voting shall
20 be in a manner substantially similar to voting under Article
21 19.

22 Within one day after a voter casts a grace period ballot,
23 the election authority shall transmit the voter's name, street
24 address, and precinct, ward, township, and district numbers, as
25 the case may be, to the State Board of Elections, which shall
26 maintain those names and that information in an electronic

1 format on its website, arranged by county and accessible to
2 State, ~~and~~ local, and federal political committees. The name of
3 each person issued a grace period ballot shall also be placed
4 on the appropriate precinct list of persons to whom absentee
5 and early ballots have been issued, for use as provided in
6 Sections 17-9 and 18-5.

7 A person who casts a grace period ballot shall not be
8 permitted to revoke that ballot and vote another ballot with
9 respect to that primary or election. Ballots cast by persons
10 who register or change address during the grace period must be
11 transmitted to and counted at the election authority's central
12 ballot counting location and shall not be transmitted to and
13 counted at precinct polling places. The grace period ballots
14 determined to be valid shall be added to the vote totals for
15 the precincts for which they were cast in the order in which
16 the ballots were opened.

17 (Source: P.A. 93-1082, eff. 7-1-05; 94-1000, eff. 7-3-06.)

18 (10 ILCS 5/5-50)

19 Sec. 5-50. Grace period. Notwithstanding any other
20 provision of this Code to the contrary, each election authority
21 shall establish procedures for the registration of voters and
22 for change of address during the period from the close of
23 registration for a primary or election and until the 14th day
24 before the primary or election. During this grace period, an
25 unregistered qualified elector may register to vote, and a

1 registered voter may submit a change of address form, in person
2 in the office of the election authority or at a voter
3 registration location specifically designated for this purpose
4 by the election authority. The election authority shall
5 register that individual, or change a registered voter's
6 address, in the same manner as otherwise provided by this
7 Article for registration and change of address.

8 If a voter who registers or changes address during this
9 grace period wishes to vote at the first election or primary
10 occurring after the grace period, he or she must do so by grace
11 period voting, either in person in the office of the election
12 authority or at a location specifically designated for this
13 purpose by the election authority, or by mail, at the
14 discretion of the election authority. Grace period voting shall
15 be in a manner substantially similar to voting under Article
16 19.

17 Within one day after a voter casts a grace period ballot,
18 the election authority shall transmit the voter's name, street
19 address, and precinct, ward, township, and district numbers, as
20 the case may be, to the State Board of Elections, which shall
21 maintain those names and that information in an electronic
22 format on its website, arranged by county and accessible to
23 State, ~~and~~ local, and federal political committees. The name of
24 each person issued a grace period ballot shall also be placed
25 on the appropriate precinct list of persons to whom absentee
26 and early ballots have been issued, for use as provided in

1 Sections 17-9 and 18-5.

2 A person who casts a grace period ballot shall not be
3 permitted to revoke that ballot and vote another ballot with
4 respect to that primary or election. Ballots cast by persons
5 who register or change address during the grace period must be
6 transmitted to and counted at the election authority's central
7 ballot counting location and shall not be transmitted to and
8 counted at precinct polling places. The grace period ballots
9 determined to be valid shall be added to the vote totals for
10 the precincts for which they were cast in the order in which
11 the ballots were opened.

12 (Source: P.A. 93-1082, eff. 7-1-05; 94-1000, eff. 7-3-06.)

13 (10 ILCS 5/6-100)

14 Sec. 6-100. Grace period. Notwithstanding any other
15 provision of this Code to the contrary, each election authority
16 shall establish procedures for the registration of voters and
17 for change of address during the period from the close of
18 registration for a primary or election and until the 14th day
19 before the primary or election. During this grace period, an
20 unregistered qualified elector may register to vote, and a
21 registered voter may submit a change of address form, in person
22 in the office of the election authority or at a voter
23 registration location specifically designated for this purpose
24 by the election authority. The election authority shall
25 register that individual, or change a registered voter's

1 address, in the same manner as otherwise provided by this
2 Article for registration and change of address.

3 If a voter who registers or changes address during this
4 grace period wishes to vote at the first election or primary
5 occurring after the grace period, he or she must do so by grace
6 period voting, either in person in the office of the election
7 authority or at a location specifically designated for this
8 purpose by the election authority, or by mail, at the
9 discretion of the election authority. Grace period voting shall
10 be in a manner substantially similar to voting under Article
11 19.

12 Within one day after a voter casts a grace period ballot,
13 the election authority shall transmit the voter's name, street
14 address, and precinct, ward, township, and district numbers, as
15 the case may be, to the State Board of Elections, which shall
16 maintain those names and that information in an electronic
17 format on its website, arranged by county and accessible to
18 State, ~~and~~ local, and federal political committees. The name of
19 each person issued a grace period ballot shall also be placed
20 on the appropriate precinct list of persons to whom absentee
21 and early ballots have been issued, for use as provided in
22 Sections 17-9 and 18-5.

23 A person who casts a grace period ballot shall not be
24 permitted to revoke that ballot and vote another ballot with
25 respect to that primary or election. Ballots cast by persons
26 who register or change address during the grace period must be

1 transmitted to and counted at the election authority's central
2 ballot counting location and shall not be transmitted to and
3 counted at precinct polling places. The grace period ballots
4 determined to be valid shall be added to the vote totals for
5 the precincts for which they were cast in the order in which
6 the ballots were opened.

7 (Source: P.A. 93-1082, eff. 7-1-05; 94-1000, eff. 7-3-06.)

8 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

9 Sec. 19-4. Mailing or delivery of ballots - Time.)
10 Immediately upon the receipt of such application either by
11 mail, not more than 40 days nor less than 5 days prior to such
12 election, or by personal delivery not more than 40 days nor
13 less than one day prior to such election, at the office of such
14 election authority, it shall be the duty of such election
15 authority to examine the records to ascertain whether or not
16 such applicant is lawfully entitled to vote as requested,
17 including a verification of the applicant's signature by
18 comparison with the signature on the official registration
19 record card, and if found so to be entitled to vote, to post
20 within one business day thereafter the name, street address,
21 ward and precinct number or township and district number, as
22 the case may be, of such applicant given on a list, the pages
23 of which are to be numbered consecutively to be kept by such
24 election authority for such purpose in a conspicuous, open and
25 public place accessible to the public at the entrance of the

1 office of such election authority, and in such a manner that
2 such list may be viewed without necessity of requesting
3 permission therefor. Within one day after posting the name and
4 other information of an applicant for an absentee ballot, the
5 election authority shall transmit that name and other posted
6 information to the State Board of Elections, which shall
7 maintain those names and other information in an electronic
8 format on its website, arranged by county and accessible to
9 State, ~~and~~ local, and federal political committees. Within 2
10 business days after posting a name and other information on the
11 list within its office, the election authority shall mail,
12 postage prepaid, or deliver in person in such office an
13 official ballot or ballots if more than one are to be voted at
14 said election. Mail delivery of Temporarily Absent Student
15 ballot applications pursuant to Section 19-12.3 shall be by
16 nonforwardable mail. However, for the consolidated election,
17 absentee ballots for certain precincts may be delivered to
18 applicants not less than 25 days before the election if so much
19 time is required to have prepared and printed the ballots
20 containing the names of persons nominated for offices at the
21 consolidated primary. The election authority shall enclose
22 with each absentee ballot or application written instructions
23 on how voting assistance shall be provided pursuant to Section
24 17-14 and a document, written and approved by the State Board
25 of Elections, enumerating the circumstances under which a
26 person is authorized to vote by absentee ballot pursuant to

1 this Article; such document shall also include a statement
2 informing the applicant that if he or she falsifies or is
3 solicited by another to falsify his or her eligibility to cast
4 an absentee ballot, such applicant or other is subject to
5 penalties pursuant to Section 29-10 and Section 29-20 of the
6 Election Code. Each election authority shall maintain a list of
7 the name, street address, ward and precinct, or township and
8 district number, as the case may be, of all applicants who have
9 returned absentee ballots to such authority, and the name of
10 such absent voter shall be added to such list within one
11 business day from receipt of such ballot. If the absentee
12 ballot envelope indicates that the voter was assisted in
13 casting the ballot, the name of the person so assisting shall
14 be included on the list. The list, the pages of which are to be
15 numbered consecutively, shall be kept by each election
16 authority in a conspicuous, open, and public place accessible
17 to the public at the entrance of the office of the election
18 authority and in a manner that the list may be viewed without
19 necessity of requesting permission for viewing.

20 Each election authority shall maintain a list for each
21 election of the voters to whom it has issued absentee ballots.
22 The list shall be maintained for each precinct within the
23 jurisdiction of the election authority. Prior to the opening of
24 the polls on election day, the election authority shall deliver
25 to the judges of election in each precinct the list of
26 registered voters in that precinct to whom absentee ballots

1 have been issued by mail.

2 Each election authority shall maintain a list for each
3 election of voters to whom it has issued temporarily absent
4 student ballots. The list shall be maintained for each election
5 jurisdiction within which such voters temporarily abide.
6 Immediately after the close of the period during which
7 application may be made by mail for absentee ballots, each
8 election authority shall mail to each other election authority
9 within the State a certified list of all such voters
10 temporarily abiding within the jurisdiction of the other
11 election authority.

12 In the event that the return address of an application for
13 ballot by a physically incapacitated elector is that of a
14 facility licensed or certified under the Nursing Home Care Act,
15 within the jurisdiction of the election authority, and the
16 applicant is a registered voter in the precinct in which such
17 facility is located, the ballots shall be prepared and
18 transmitted to a responsible judge of election no later than 9
19 a.m. on the Saturday, Sunday or Monday immediately preceding
20 the election as designated by the election authority under
21 Section 19-12.2. Such judge shall deliver in person on the
22 designated day the ballot to the applicant on the premises of
23 the facility from which application was made. The election
24 authority shall by mail notify the applicant in such facility
25 that the ballot will be delivered by a judge of election on the
26 designated day.

1 All applications for absentee ballots shall be available at
2 the office of the election authority for public inspection upon
3 request from the time of receipt thereof by the election
4 authority until 30 days after the election, except during the
5 time such applications are kept in the office of the election
6 authority pursuant to Section 19-7, and except during the time
7 such applications are in the possession of the judges of
8 election.

9 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

10 (10 ILCS 5/19A-35)

11 Sec. 19A-35. Procedure for voting.

12 (a) Not more than 23 days before the start of the election,
13 the county clerk shall make available to the election official
14 conducting early voting by personal appearance a sufficient
15 number of early ballots, envelopes, and printed voting
16 instruction slips for the use of early voters. The election
17 official shall receipt for all ballots received and shall
18 return unused or spoiled ballots at the close of the early
19 voting period to the county clerk and must strictly account for
20 all ballots received. The ballots delivered to the election
21 official must include early ballots for each precinct in the
22 election authority's jurisdiction and must include separate
23 ballots for each political subdivision conducting an election
24 of officers or a referendum at that election.

25 (b) In conducting early voting under this Article, the

1 election judge or official is required to verify the signature
2 of the early voter by comparison with the signature on the
3 official registration card, and the judge or official must
4 verify (i) the identity of the applicant, (ii) that the
5 applicant is a registered voter, (iii) the precinct in which
6 the applicant is registered, and (iv) the proper ballots of the
7 political subdivision in which the applicant resides and is
8 entitled to vote before providing an early ballot to the
9 applicant. The applicant's identity must be verified by the
10 applicant's presentation of an Illinois driver's license, a
11 non-driver identification card issued by the Illinois
12 Secretary of State, or another government-issued
13 identification document containing the applicant's photograph.
14 The election judge or official must verify the applicant's
15 registration from the most recent poll list provided by the
16 election authority, and if the applicant is not listed on that
17 poll list, by telephoning the office of the election authority.

18 (b-5) A person requesting an early voting ballot to whom an
19 absentee ballot was issued may vote early if the person submits
20 that absentee ballot to the judges of election or official
21 conducting early voting for cancellation. If the voter is
22 unable to submit the absentee ballot, it shall be sufficient
23 for the voter to submit to the judges or official (i) a portion
24 of the absentee ballot if the absentee ballot was torn or
25 mutilated or (ii) an affidavit executed before the judges or
26 official specifying that (A) the voter never received an

1 absentee ballot or (B) the voter completed and returned an
2 absentee ballot and was informed that the election authority
3 did not receive that absentee ballot.

4 (b-10) Within one day after a voter casts an early voting
5 ballot, the election authority shall transmit the voter's name,
6 street address, and precinct, ward, township, and district
7 numbers, as the case may be, to the State Board of Elections,
8 which shall maintain those names and that information in an
9 electronic format on its website, arranged by county and
10 accessible to State, ~~and~~ local, and federal political
11 committees.

12 (b-15) Immediately after voting an early ballot, the voter
13 shall be instructed whether the voting equipment accepted or
14 rejected the ballot or identified that ballot as under-voted
15 for a statewide constitutional office. A voter whose ballot is
16 identified as under-voted may return to the voting booth and
17 complete the voting of that ballot. A voter whose early voting
18 ballot is not accepted by the voting equipment may, upon
19 surrendering the ballot, request and vote another early voting
20 ballot. The voter's surrendered ballot shall be initialed by
21 the election judge or official conducting the early voting and
22 handled as provided in the appropriate Article governing the
23 voting equipment used.

24 (c) The sealed early ballots in their carrier envelope
25 shall be delivered by the election authority to the central
26 ballot counting location before the close of the polls on the

1 day of the election.

2 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;

3 95-699, eff. 11-9-07.)