## 97TH GENERAL ASSEMBLY

## State of Illinois

## 2011 and 2012

#### HB3058

Introduced 2/23/2011, by Rep. Randy Ramey, Jr.

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-11 new 10 ILCS 5/3-6 new 10 ILCS 5/17-9 10 ILCS 5/18-5 10 ILCS 5/18A-5 10 ILCS 5/18A-15 10 ILCS 5/19A-35

Amends the Election Code. Requires Voters Identification Cards for those who do not have an acceptable photo ID. Sets forth requirements and exemptions.

from Ch. 46, par. 17-9

from Ch. 46, par. 18-5

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- HB3058
- 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 17-9, 18-5, 18A-5, 18A-15, and 19A-35 and by adding 6 Sections 1-11 and 3-6 as follows:

- 7 (10 ILCS 5/1-11 new)
- 8 <u>Sec. 1-11. Voter Identification Card.</u>

9 (a) Issuance. The Secretary of State shall issue a voter identification card to each registered voter who does not have 10 an acceptable form of photo identification card as defined in 11 12 Section 3-6. The card shall include at least: (i) the voter's name, signature, and photograph; (ii) the State seal; and (iii) 13 14 the voter's current residence address. A Voter Identification Card is valid for as long as the registered voter maintains the 15 16 name and residence on the card. A Voter Identification Card may 17 not be used for any purpose other than to vote in Illinois.

18 (b) Intent and purpose. It is the intent of the General 19 Assembly to provide the Secretary of State with guidance on how 20 to issue the Voter Identification Card to those individuals who 21 do not have an acceptable form of photo identification as 22 defined in Section 3-6.

23 (c) Application for the Voter Identification Card. Within a

1	reasonable time after the effective date of this amendatory Act
2	of the 97th General Assembly, the Secretary of State shall
3	provide application forms for the Voter Identification Card.
4	Any registered voter who meets the criteria set forth in this
5	Section and who provides the proper documentation required
6	under subsection (d) shall receive a Voter Identification Card.
7	(d) Documentation required. The Secretary of State shall
8	require the presentation and verification of the following
9	information for issuance of a Voter Registration Card:
10	(1) A photo identity document, except that a non-photo
11	identity document, as defined in subsection (e), is
12	acceptable if it includes both the applicant's name and
13	date of birth.
14	(2) Documentation showing the applicant's date of
15	birth.
16	(3) Evidence of voter registration.
17	(4) Documentation, as defined in subsection (f),
18	showing the applicant's name and principal residence
19	address.
20	(e) Non-photo identity document. A non-photo identity
21	document must include the applicant's name and date of birth.
22	Any of the following shall constitute a non-photo identity
23	document in lieu of a photo identity document:
24	(1) Original birth certificate or certified copy of a
25	birth certificate.

26 (2) Voter registration card.

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1	(3) Copy of records filed in court by the applicant or
2	on behalf of the applicant by the applicant's counsel.
3	(4) Naturalization document.
4	(5) Copy of marriage license.
5	(6) Copy of State or federal tax return filed for the
6	previous calendar year.
7	(7) An original of the annual Social Security statement
8	received by the applicant for the current or preceding
9	<u>calendar year.</u>
10	(8) An original of a Medicare or Medicaid statement
11	received by the applicant.
12	(9) Certified school record or transcript for the
13	current or preceding calendar year.
14	(f) Documentation of name and address. Any of the following
15	documents shall be acceptable as documentation of the
16	applicant's name and current address:
17	(1) Voter registration card.
18	(2) Utility bill or cable bill.
19	(3) Bank statement issued within the last 60 days.
20	(4) Valid and current rental agreements.
21	(5) Copy of State or federal tax return for the
22	previous calendar year.
23	(6) Homeowner's insurance policy or bill for current or
24	preceding year.
25	(7) Mortgage, deed, or property tax bill for current or
26	preceding year.

1	(8) W-2 for preceding calendar year.
2	(g) Exemptions. Voters who are indigent and unable to
3	obtain a Voter Identification Card without a fee and voters who
4	have a religious objection to being photographed may vote a
5	provisional ballot and sign an affidavit that indicates one of
6	the exemptions stated in this subsection. An indigent person is
7	defined as an individual whose income is 125% or less of
8	current federal poverty income guidelines.
9	(10 ILCS 5/3-6 new)
10	Sec. 3-6. Acceptable forms of photo identification for
11	voting purposes. As used in this Code, acceptable forms of
12	photo identification for voting purposes include:
13	(1) Illinois Driver's License.
14	(2) State Identification Card.
15	(3) Illinois Disabled Person Identification Card.
16	(4) Senior Citizen Identification Card.
17	(5) FOID Card.
18	(6) U.S. Passport with current address.
19	(7) Any other government-issued identification card
20	that includes name, current photograph, and current
21	address.
22	All photo identification cards must be valid and current.
23	(10 ILCS 5/17-9) (from Ch. 46, par. 17-9)
24	Sec. 17-9. Any person desiring to vote shall (i) present to

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the judges of election for verification of the person's 1 2 identity a government-issued photo identification card, as 3 defined in Section 3-6, or his or her Voter Identification Card and (ii) give his name and, if required to do so, his residence 4 5 to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and 6 7 audible; the judges of elections shall check each application 8 for ballot against the list of voters registered in that 9 precinct to whom grace period, absentee, or early ballots have 10 been issued for that election, which shall be provided by the 11 election authority and which list shall be available for 12 inspection by pollwatchers. A voter applying to vote in the 13 precinct on election day whose name appears on the list as 14 having been issued a grace period, absentee, or early ballot 15 shall not be permitted to vote in the precinct, except that a 16 voter to whom an absentee ballot was issued may vote in the 17 precinct if the voter submits to the election judges that absentee ballot for cancellation. If the voter is unable to 18 submit the absentee ballot, it shall be sufficient for the 19 20 voter to submit to the election judges (i) a portion of the absentee ballot if the absentee ballot was torn or mutilated or 21 22 (ii) an affidavit executed before the election judges 23 specifying that (A) the voter never received an absentee ballot or (B) the voter completed and returned an absentee ballot and 24 25 was informed that the election authority did not receive that 26 absentee ballot. All applicable provisions of Articles 4, 5 or

6 shall be complied with and if such name is found on the 1 2 register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed 3 to enter within the proximity of the voting booths, as above 4 5 provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of 6 7 which ballots such judge shall indorse his initials in such 8 manner that they may be seen when each such ballot is properly 9 folded, and the voter's name shall be immediately checked on 10 the register list. In those election jurisdictions where 11 perforated ballot cards are utilized of the type on which 12 write-in votes can be cast above the perforation, the election 13 authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall 14 15 endorse his or her initials in both spaces. Whenever a proposal 16 for a constitutional amendment or for the calling of a 17 constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, 18 19 when being handed to the voter, be placed on top of the other 20 ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 21 22 16-6 of this Act, shall be plainly visible to the voter. At all 23 elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the 24 25 register of voters, he or she shall not receive a ballot until 26 he or she shall have complied with the law prescribing the

manner and conditions of voting by unregistered voters. If any 1 2 person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have 3 established his right to vote in the manner 4 provided 5 hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he 6 or she has fully complied with such requirements of the law 7 8 upon being challenged. Besides the election officer, not more 9 than 2 voters in excess of the whole number of voting booths 10 provided shall be allowed within the proximity of the voting 11 booths at one time. The provisions of this Act, so far as they 12 require the registration of voters as a condition to their 13 being allowed to vote shall not apply to persons otherwise 14 entitled to vote, who are, at the time of the election, or at 15 any time within 60 days prior to such election have been 16 engaged in the military or naval service of the United States, 17 and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence 18 thereof, but such persons, if otherwise qualified to vote, 19 20 shall be permitted to vote at such election without previous 21 registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

- 24 State of Illinois,)
- 25 ) ss.
- 26 County of .....)

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..... Precinct ..... Ward 1 2 I, ...., do solemnly swear (or affirm) that I am a citizen of the United States, of the age of 18 years or over, and that 3 within the past 60 days prior to the date of this election at 4 which I am applying to vote, I have been engaged in the .... 5 6 (military or naval) service of the United States; and I am 7 qualified to vote under and by virtue of the Constitution and 8 laws of the State of Illinois, and that I am a legally 9 qualified voter of this precinct and ward except that I have, 10 because of such service, been unable to register as a voter; 11 that I now reside at .... (insert street and number, if any) in 12 this precinct and ward; that I have maintained a legal residence in this precinct and ward for 30 days and in this 13 14 State 30 days next preceding this election. 15 16 Subscribed and sworn to before me on (insert date). 17 Judge of Election. 18

The affidavit of any such person shall be supported by the affidavit of a resident and qualified voter of any such precinct and ward, which affidavit shall be in substantially the following form:

23 State of Illinois,)

- 24 ) ss.
- 25 County of .....)

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..... Precinct ..... Ward 1 2 I, ...., do solemnly swear (or affirm), that I am a 3 resident of this precinct and ward and entitled to vote at this election; that I am acquainted with .... (name of the 4 5 applicant); that I verily believe him to be an actual bona fide resident of this precinct and ward and that I verily believe 6 7 that he or she has maintained a legal residence therein 30 days 8 and in this State 30 days next preceding this election. 9 Subscribed and sworn to before me on (insert date). 10 11 12 Judge of Election. 13 All affidavits made under the provisions of this Section 14 shall be enclosed in a separate envelope securely sealed, and

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15 shall be transmitted with the returns of the elections to the 16 county clerk or to the board of election commissioners, who 17 shall preserve the said affidavits for the period of 6 months, 18 during which period such affidavits shall be deemed public 19 records and shall be freely open to examination as such.

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

21 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

Sec. 18-5. Any person desiring to vote and whose name is found upon the register of voters by the person having charge thereof, shall (i) present to the judges of election for HB3058

verification of the person's identity a government-issued 1 2 photo identification card, as defined in Section 3-6, or his or her Voter Identification Card, (ii) shall then be questioned by 3 one of the judges as to his nativity, his term of residence at 4 5 present address, precinct, State and United States, his age, 6 whether naturalized and if so the date of naturalization papers 7 and court from which secured, and (iii) he shall be asked to 8 state his residence when last previously registered and the 9 date of the election for which he then registered. The judges 10 of elections shall check each application for ballot against 11 the list of voters registered in that precinct to whom grace 12 period, absentee, and early ballots have been issued for that 13 election, which shall be provided by the election authority and 14 which list shall be available for inspection by pollwatchers. A 15 voter applying to vote in the precinct on election day whose 16 name appears on the list as having been issued a grace period, 17 absentee, or early ballot shall not be permitted to vote in the precinct, except that a voter to whom an absentee ballot was 18 19 issued may vote in the precinct if the voter submits to the 20 election judges that absentee ballot for cancellation. If the voter is unable to submit the absentee ballot, it shall be 21 22 sufficient for the voter to submit to the election judges (i) a 23 portion of the absentee ballot if the absentee ballot was torn or mutilated or (ii) an affidavit executed before the election 24 25 judges specifying that (A) the voter never received an absentee 26 ballot or (B) the voter completed and returned an absentee

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ballot and was informed that the election authority did not 1 2 receive that absentee ballot. If such person so registered 3 shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of the 4 5 judges shall administer to him an oath to answer questions, and if he shall take the oath he shall then be questioned by the 6 7 judge or judges touching such cause of challenge, and touching 8 any other cause of disqualification. And he may also be 9 questioned by the person challenging him in regard to his 10 qualifications and identity. But if a majority of the judges 11 are of the opinion that he is the person so registered and a 12 qualified voter, his vote shall then be received accordingly. 13 But if his vote be rejected by such judges, such person may afterward produce and deliver an affidavit to such judges, 14 15 subscribed and sworn to by him before one of the judges, in 16 which it shall be stated how long he has resided in such 17 precinct, and state; that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is 18 the identical person so registered. In addition to such an 19 20 affidavit, the person so challenged shall provide to the judges of election proof of residence by producing 2 forms of 21 22 identification showing the person's current residence address, 23 provided that such identification may include a lease or contract for a residence and not more than one piece of mail 24 25 addressed to the person at his current residence address and 26 postmarked not earlier than 30 days prior to the date of the

election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

6 I do solemnly swear (or affirm) that I am a resident of 7 this election precinct (or district), and entitled to vote at 8 this election, and that I have been a resident of this State 9 for 30 days last past, and am well acquainted with the person 10 whose vote is now offered; that he is an actual and bona fide 11 resident of this election precinct (or district), and has 12 resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election. 13

14 The oath in each case may be administered by one of the judges of election, or by any officer, resident in the precinct 15 16 or district, authorized by law to administer oaths. Also 17 supported by an affidavit by a registered voter residing in such precinct, stating his own residence, and that he knows 18 19 such person; and that he does reside at the place mentioned and 20 has resided in such precinct and state for the length of time as stated by such person, which shall be subscribed and sworn 21 22 to in the same way. For purposes of this Section, the 23 submission of a photo identification issued by a college or 24 university, accompanied by either (i) a copy of the applicant's 25 contract or lease for a residence or (ii) one piece of mail 26 addressed to the person at his or her current residence address

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and postmarked not earlier than 30 days prior to the date of 1 2 the election, shall be sufficient to establish proof of 3 residence. Whereupon the vote of such person shall be received, and entered as other votes. But such judges, having charge of 4 5 such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to the judges, 6 7 shall be preserved and returned to the office of the 8 commissioners of election. Blank affidavits of the character 9 aforesaid shall be sent out to the judges of all the precincts, 10 and the judges of election shall furnish the same on demand and 11 administer the oaths without criticism. Such oaths, 12 administered by any other officer than such judge of election, 13 shall not be received. Whenever a proposal for a constitutional 14 amendment or for the calling of a constitutional convention is 15 to be voted upon at the election, the separate blue ballot or 16 ballots pertaining thereto shall be placed on top of the other 17 ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 18 19 16-6 of this Act, shall be plainly visible to the voter, and in 20 this fashion the ballots shall be handed to the voter by the 21 judge.

22 Immediately after voting, the voter shall be instructed 23 whether the voting equipment, if used, accepted or rejected the ballot or identified the ballot as under-voted. A voter whose 24 25 ballot is identified as under-voted for а statewide 26 constitutional office may return to the voting booth and

complete the voting of that ballot. A voter whose ballot is not 1 2 accepted by the voting equipment may, upon surrendering the 3 ballot, request and vote another ballot. The voter's surrendered ballot shall be initialed by the election judge and 4 5 handled as provided in the appropriate Article governing that 6 voting equipment.

7 The voter shall, upon quitting the voting booth, deliver to one of the judges of election all of the ballots, properly 8 9 folded, which he received. The judge of election to whom the 10 voter delivers his ballots shall not accept the same unless all 11 of the ballots given to the voter are returned by him. If a 12 voter delivers less than all of the ballots given to him, the judge to whom the same are offered shall advise him in a voice 13 14 clearly audible to the other judges of election that the voter 15 must return the remainder of the ballots. The statement of the 16 judge to the voter shall clearly express the fact that the 17 voter is not required to vote such remaining ballots but that whether or not he votes them he must fold and deliver them to 18 19 the judge. In making such statement the judge of election shall 20 not indicate by word, gesture or intonation of voice that the unreturned ballots shall be voted in any particular manner. No 21 22 new voter shall be permitted to enter the voting booth of a 23 voter who has failed to deliver the total number of ballots received by him until such voter has returned to the voting 24 25 booth pursuant to the judge's request and again guit the booth 26 with all of the ballots required to be returned by him. Upon

receipt of all such ballots the judges of election shall enter 1 2 the name of the voter, and his number, as above provided in 3 this Section, and the judge to whom the ballots are delivered shall immediately put the ballots into the ballot box. If any 4 5 voter who has failed to deliver all the ballots received by him refuses to return to the voting booth after being advised by 6 the judge of election as herein provided, the judge shall 7 8 inform the other judges of such refusal, and thereupon the 9 ballot or ballots returned to the judge shall be deposited in 10 the ballot box, the voter shall be permitted to depart from the 11 polling place, and a new voter shall be permitted to enter the 12 voting booth.

13 The judge of election who receives the ballot or ballots 14 from the voter shall announce the residence and name of such voter in a loud voice. The judge shall put the ballot or 15 16 ballots received from the voter into the ballot box in the 17 presence of the voter and the judges of election, and in plain view of the public. The judges having charge of such registers 18 19 shall then, in a column prepared thereon, in the same line of, 20 the name of the voter, mark "Voted" or the letter "V".

No judge of election shall accept from any voter less than the full number of ballots received by such voter without first advising the voter in the manner above provided of the necessity of returning all of the ballots, nor shall any such judge advise such voter in a manner contrary to that which is herein permitted, or in any other manner violate the provisions

of this Section; provided, that the acceptance by a judge of election of less than the full number of ballots delivered to a voter who refuses to return to the voting booth after being properly advised by such judge shall not be a violation of this Section.

6 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

7 (10 ILCS 5/18A-5)

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Sec. 18A-5. Provisional voting; general provisions.

9 (a) A person who claims to be a registered voter is 10 entitled to cast a provisional ballot under the following 11 circumstances:

(1) The person's name does not appear on the official list of eligible voters for the precinct in which the person seeks to vote. The official list is the centralized statewide voter registration list established and maintained in accordance with Section 1A-25;

17 (2) The person's voting status has been challenged by 18 an election judge, a pollwatcher, or any legal voter and 19 that challenge has been sustained by a majority of the 20 election judges;

(3) A federal or State court order extends the time for
closing the polls beyond the time period established by
State law and the person votes during the extended time
period; or

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(4) The voter registered to vote by mail and is

required by law to present identification when voting either in person or, in the case of a voter who registered by mail, when voting by absentee ballot, but fails to provide an acceptable form of photo identification as described in Section 3-6 do so.

6 (b) The procedure for obtaining and casting a provisional 7 ballot at the polling place shall be as follows:

8 (1) After first verifying through an examination of the 9 precinct register that the person's address is within the 10 precinct boundaries, an election judge at the polling place 11 shall notify a person who is entitled to cast a provisional 12 ballot pursuant to subsection (a) that he or she may cast a provisional ballot in that election. An election judge must 13 14 accept any information provided by a person who casts a 15 provisional ballot that the person believes supports his or 16 her claim that he or she is a duly registered voter and 17 qualified to vote in the election. However, if the person's residence address is outside the precinct boundaries, the 18 19 election judge shall inform the person of that fact, give 20 the person the appropriate telephone number of the election authority in order to locate the polling place assigned to 21 22 serve that address, and instruct the person to go to the 23 proper polling place to vote.

(2) The person shall execute a written form provided by
the election judge that shall state or contain all of the
following that is available:

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(i) an affidavit stating the following:

2 State of Illinois, County of ..... 3 ..... Precinct ....., Township Ward 4 ....., I, ....., do solemnly 5 swear (or affirm) that: I am a citizen of the United States; I am 18 years of age or older; I have resided 6 7 in this State and in this precinct for 30 days preceding this election; I have not voted in this 8 9 election; I am a duly registered voter in every 10 respect; and I am eligible to vote in this election. 11 Signature ..... Printed Name of Voter ..... Printed 12 Residence Address of Voter ..... City ..... State 13 .... Zip Code ..... Telephone Number ..... Date of 14 Birth ..... and Illinois Driver's License Number 15 ..... or Last 4 digits of Social Security Number 16 ..... or State Identification Card Number issued to 17 you by the Illinois Secretary of State .....

18 (ii) A box for the election judge to check one of the 3
19 reasons why the person was given a provisional ballot under
20 subsection (a) of Section 18A-5.

(iii) An area for the election judge to affix his or her signature and to set forth any facts that support or oppose the allegation that the person is not qualified to vote in the precinct in which the person is seeking to vote.

26 The written affidavit form described in this subsection

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1 (b)(2) must be printed on a multi-part form prescribed by the 2 county clerk or board of election commissioners, as the case 3 may be.

4 (3) After the person executes the portion of the written
5 affidavit described in subsection (b)(2)(i) of this Section,
6 the election judge shall complete the portion of the written
7 affidavit described in subsection (b)(2)(iii) and (b)(2)(iv).

8 (4) The election judge shall give a copy of the completed 9 written affidavit to the person. The election judge shall place 10 the original written affidavit in a self-adhesive clear plastic 11 packing list envelope that must be attached to a separate 12 envelope marked as a "provisional ballot envelope". The 13 election judge shall also place any information provided by the 14 person who casts a provisional ballot in the clear plastic 15 packing list envelope. Each county clerk or board of election 16 commissioners, as the case may be, must design, obtain or 17 procure self-adhesive clear plastic packing list envelopes and ballot envelopes 18 provisional that are suitable for 19 implementing this subsection (b) (4) of this Section.

20 (5) The election judge shall provide the person with a ballot, written instructions for 21 provisional casting а 22 provisional ballot, and the provisional ballot envelope with 23 the clear plastic packing list envelope affixed to it, which contains the person's original written affidavit and, if any, 24 25 information provided by the provisional voter to support his or her claim that he or she is a duly registered voter. An 26

election judge must also give the person written information that states that any person who casts a provisional ballot shall be able to ascertain, pursuant to guidelines established by the State Board of Elections, whether the provisional vote was counted in the official canvass of votes for that election and, if the provisional vote was not counted, the reason that the vote was not counted.

(6) After the person has completed marking his or her 8 9 provisional ballot, he or she shall place the marked ballot 10 inside of the provisional ballot envelope, close and seal the 11 envelope, and return the envelope to an election judge, who 12 shall then deposit the sealed provisional ballot envelope into 13 a securable container separately identified and utilized for 14 containing sealed provisional ballot envelopes. Ballots that 15 are provisional because they are cast after 7:00 p.m. by court 16 order shall be kept separate from other provisional ballots. 17 Upon the closing of the polls, the securable container shall be sealed with filament tape provided for that purpose, which 18 19 shall be wrapped around the box lengthwise and crosswise, at 20 least twice each way, and each of the election judges shall 21 sign the seal.

(c) Instead of the affidavit form described in subsection (b), the county clerk or board of election commissioners, as the case may be, may design and use a multi-part affidavit form that is imprinted upon or attached to the provisional ballot envelope described in subsection (b). If a county clerk or

board of election commissioners elects to design and use its 1 2 own multi-part affidavit form, then the county clerk or board of election commissioners shall establish a mechanism for 3 accepting any information the provisional voter has supplied to 4 5 the election judge to support his or her claim that he or she is a duly registered voter. In all other respects, a county 6 7 clerk or board of election commissioners shall establish 8 procedures consistent with subsection (b).

9 (d) The county clerk or board of election commissioners, as 10 the case may be, shall use the completed affidavit form 11 described in subsection (b) to update the person's voter 12 registration information in the State voter registration 13 database and voter registration database of the county clerk or 14 board of election commissioners, as the case may be. If a 15 person is later determined not to be a registered voter based 16 on Section 18A-15 of this Code, then the affidavit shall be 17 by the county clerk or board of processed election commissioners, as the case may be, as a voter registration 18 19 application.

20 (Source: P.A. 93-574, eff. 8-21-03; 93-1071, eff. 1-18-05; 21 94-645, eff. 8-22-05.)

22 (10 ILCS 5/18A-15)

Sec. 18A-15. Validating and counting provisional ballots.
(a) The county clerk or board of election commissioners
shall complete the validation and counting of provisional

ballots within 14 calendar days of the day of the election. The county clerk or board of election commissioners shall have 7 calendar days from the completion of the validation and counting of provisional ballots to conduct its final canvass. The State Board of Elections shall complete within 31 calendar days of the election or sooner if all the returns are received, its final canvass of the vote for all public offices.

8 (b) If a county clerk or board of election commissioners 9 determines that all of the following apply, then a provisional 10 ballot is valid and shall be counted as a vote:

11 (1) The provisional voter cast the provisional ballot 12 in the correct precinct based on the address provided by 13 the provisional voter. The provisional voter's affidavit 14 shall serve as a change of address request by that voter 15 for registration purposes for the next ensuing election if 16 it bears an address different from that in the records of 17 the election authority;

18 (2) The affidavit executed by the provisional voter
19 pursuant to subsection (b) (2) of Section 18A-5 contains, at
20 a minimum, the provisional voter's first and last name,
21 house number and street name, and signature or mark; and

(3) the provisional voter is a registered voter based on information available to the county clerk or board of election commissioners provided by or obtained from any of the following:

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i. the provisional voter;

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ii. an election judge;

iii. the statewide voter registration database
maintained by the State Board of Elections;

4 iv. the records of the county clerk or board of 5 election commissioners' database; or

v. the records of the Secretary of State.

7 (c) With respect to subsection (b) (3) of this Section, the county clerk or board of election commissioners 8 shall 9 investigate and record whether or not the specified information is available from each of the 5 identified sources. If the 10 11 information is available from one or more of the identified 12 sources, then the county clerk or board of election 13 commissioners shall seek to obtain the information from each of those sources until satisfied, with information from at least 14 15 one of those sources, that the provisional voter is registered 16 and entitled to vote. The county clerk or board of election 17 commissioners shall use any information it obtains as the basis determining the voter registration status 18 for of the provisional voter. If a conflict exists among the information 19 20 available to the county clerk or board of election 21 commissioners as to the registration status of the provisional 22 voter, then the county clerk or board of election commissioners 23 shall make a determination based on the totality of the 24 circumstances. In a case where the above information equally 25 supports or opposes the registration status of the voter, the 26 county clerk or board of election commissioners shall decide in

favor of the provisional voter as being duly registered to 1 2 vote. If the statewide voter registration database maintained 3 by the State Board of Elections indicates that the provisional voter is registered to vote, but the county clerk's or board of 4 5 election commissioners' voter registration database indicates 6 that the provisional voter is not registered to vote, then the 7 information found in the statewide voter registration database 8 shall control the matter and the provisional voter shall be 9 deemed to be registered to vote. If the records of the county clerk or board of election commissioners indicates that the 10 11 provisional voter is registered to vote, but the statewide 12 voter registration database maintained by the State Board of 13 indicates that the provisional voter Elections is not 14 registered to vote, then the information found in the records 15 of the county clerk or board of election commissioners shall 16 control the matter and the provisional voter shall be deemed to 17 be registered to vote. If the provisional voter's signature on his or her provisional ballot request varies from the signature 18 on an otherwise valid registration application solely because 19 20 of the substitution of initials for the first or middle name, 21 the election authority may not reject the provisional ballot.

(d) In validating the registration status of a person casting a provisional ballot, the county clerk or board of election commissioners shall not require a provisional voter to complete any form other than the affidavit executed by the provisional voter under subsection (b) (2) of Section 18A-5. In

addition, the county clerk or board of election commissioners 1 2 shall not require all provisional voters or any particular class or group of provisional voters to appear personally 3 before the county clerk or board of election commissioners or 4 5 as a matter of policy require provisional voters to submit additional information to verify or otherwise support the 6 7 information already submitted by the provisional voter. The provisional voter may, within 2 calendar days after the 8 9 election, submit additional information to the county clerk or 10 board of election commissioners, except that in the case of 11 provisional voting under subsection (a) (4) of Section 18A-5, 12 the provisional voter has 10 days to provide the county clerk 13 or board of election commissioners with the required photo 14 identification card. This information must be received by the 15 county clerk or board of election commissioners within the 16 applicable 2-calendar-day or 10-calendar-day period.

17 (e) If the county clerk or board of election commissioners determines that subsection (b)(1), (b)(2), or (b)(3) does not 18 apply, then the provisional ballot is not valid and may not be 19 20 counted. The provisional ballot envelope containing the ballot cast by the provisional voter may not be opened. The county 21 22 clerk or board of election commissioners shall write on the 23 provisional ballot envelope the following: "Provisional ballot determined invalid.". 24

25 (f) If the county clerk or board of election commissioners 26 determines that a provisional ballot is valid under this Section, then the provisional ballot envelope shall be opened.
 The outside of each provisional ballot envelope shall also be
 marked to identify the precinct and the date of the election.

(q) Provisional ballots determined to be valid shall be 4 5 counted at the election authority's central ballot counting location and shall not be counted in precincts. The provisional 6 7 ballots determined to be valid shall be added to the vote 8 totals for the precincts from which they were cast in the order 9 in which the ballots were opened. The validation and counting 10 of provisional ballots shall be subject to the provisions of 11 this Code that apply to pollwatchers. If the provisional 12 ballots are a ballot of a punch card voting system, then the provisional ballot shall be counted in a manner consistent with 13 14 Article 24A. If the provisional ballots are a ballot of optical 15 scan or other type of approved electronic voting system, then 16 the provisional ballots shall be counted in a manner consistent 17 with Article 24B.

(h) As soon as the ballots have been counted, the election 18 judges or election officials shall, in the presence of the 19 20 county clerk or board of election commissioners, place each of the following items in a separate envelope or bag: (1) all 21 22 provisional ballots, voted or spoiled; (2) all provisional 23 ballot envelopes of provisional ballots voted or spoiled; and (3) all executed affidavits of the provisional ballots voted or 24 spoiled. All provisional ballot envelopes for provisional 25 26 voters who have been determined not to be registered to vote

shall remain sealed. The county clerk or board of election 1 2 commissioners shall treat the provisional ballot envelope 3 containing the written affidavit as a voter registration application for that person for the next election and process 4 5 that application. The election judges or election officials 6 shall then securely seal each envelope or bag, initial the 7 envelope or bag, and plainly mark on the outside of the 8 envelope or bag in ink the precinct in which the provisional 9 ballots were cast. The election judges or election officials 10 shall then place each sealed envelope or bag into a box, secure 11 and seal it in the same manner as described in item (6) of 12 subsection (b) of Section 18A-5. Each election judge or 13 election official shall take and subscribe an oath before the county clerk or board of election commissioners that the 14 15 election judge or election official securely kept the ballots 16 and papers in the box, did not permit any person to open the 17 box or otherwise touch or tamper with the ballots and papers in the box, and has no knowledge of any other person opening the 18 box. For purposes of this Section, the term "election official" 19 means the county clerk, a member of the board of election 20 21 commissioners, as the case may be, and their respective 22 employees.

23 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05; 24 94-1000, eff. 7-3-06.)

25 (10 ILCS 5/19A-35)

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Sec. 19A-35. Procedure for voting.

2 (a) Not more than 23 days before the start of the election, the county clerk shall make available to the election official 3 conducting early voting by personal appearance a sufficient 4 5 number of early ballots, envelopes, and printed voting instruction slips for the use of early voters. The election 6 7 official shall receipt for all ballots received and shall 8 return unused or spoiled ballots at the close of the early 9 voting period to the county clerk and must strictly account for all ballots received. The ballots delivered to the election 10 11 official must include early ballots for each precinct in the 12 election authority's jurisdiction and must include separate 13 ballots for each political subdivision conducting an election of officers or a referendum at that election. 14

15 (b) In conducting early voting under this Article, the 16 election judge or official is required to verify the signature 17 of the early voter by comparison with the signature on the official registration card, and the judge or official must 18 verify (i) the identity of the applicant, (ii) that the 19 20 applicant is a registered voter, (iii) the precinct in which the applicant is registered, and (iv) the proper ballots of the 21 22 political subdivision in which the applicant resides and is 23 entitled to vote before providing an early ballot to the applicant. The applicant's identity must be verified by the 24 25 applicant's presentation of a government-issued photo identification card, as defined in Section 3-6, or his or her 26

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Voter Identification Card an Illinois driver's license, 1 2 non-driver identification card issued by the Illinois Secretary of State, a photo identification card issued by a 3 -college, or another government-issued 4 universityor 5 identification document containing the applicant's photograph. The election judge or official must verify the applicant's 6 7 registration from the most recent poll list provided by the 8 election authority, and if the applicant is not listed on that 9 poll list, by telephoning the office of the election authority.

10 (b-5) A person requesting an early voting ballot to whom an 11 absentee ballot was issued may vote early if the person submits 12 that absentee ballot to the judges of election or official conducting early voting for cancellation. If the voter is 13 14 unable to submit the absentee ballot, it shall be sufficient 15 for the voter to submit to the judges or official (i) a portion 16 of the absentee ballot if the absentee ballot was torn or 17 mutilated or (ii) an affidavit executed before the judges or official specifying that (A) the voter never received an 18 absentee ballot or (B) the voter completed and returned an 19 20 absentee ballot and was informed that the election authority did not receive that absentee ballot. 21

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

3 (b-15) Immediately after voting an early ballot, the voter shall be instructed whether the voting equipment accepted or 4 5 rejected the ballot or identified that ballot as under-voted 6 for a statewide constitutional office. A voter whose ballot is 7 identified as under-voted may return to the voting booth and 8 complete the voting of that ballot. A voter whose early voting 9 ballot is not accepted by the voting equipment may, upon 10 surrendering the ballot, request and vote another early voting 11 ballot. The voter's surrendered ballot shall be initialed by 12 the election judge or official conducting the early voting and 13 handled as provided in the appropriate Article governing the 14 voting equipment used.

15 (c) The sealed early ballots in their carrier envelope 16 shall be delivered by the election authority to the central 17 ballot counting location before the close of the polls on the 18 day of the election.

19 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)