



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2756

by Rep. Thomas Bennett

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-13 new
10 ILCS 5/3-7 new
10 ILCS 5/17-9 from Ch. 46, par. 17-9
10 ILCS 5/18-5 from Ch. 46, par. 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. Provides that any person desiring to vote shall present to the judges of election for verification of the person's identity a government-issued photo identification card or his or her Voter Identification Card.

LRB099 06856 MGM 26934 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 17-9, 18-5, 18A-5, 18A-15, and 19A-35 and by adding
6 Sections 1-13 and 3-7 as follows:

7 (10 ILCS 5/1-13 new)

8 Sec. 1-13. Voter Identification Card.

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

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

1 (c) Application for the Voter Identification Card. Within a
2 reasonable time after the effective date of this amendatory Act
3 of the 99th General Assembly, the Secretary of State shall
4 provide application forms for the Voter Identification Card.
5 Any registered voter who meets the criteria set forth in this
6 Section and who provides the proper documentation required
7 under subsection (d) shall receive a Voter Identification Card.

8 (d) Documentation required. The Secretary of State shall
9 require the presentation and verification of the following
10 information for issuance of a Voter Registration Card:

11 (1) A photo identity document, except that a non-photo
12 identity document, as defined in subsection (e), is
13 acceptable if it includes both the applicant's name and
14 date of birth.

15 (2) Documentation showing the applicant's date of
16 birth.

17 (3) Evidence of voter registration.

18 (4) Documentation, as defined in subsection (f),
19 showing the applicant's name and principal residence
20 address.

21 (e) Non-photo identity document. A non-photo identity
22 document must include the applicant's name and date of birth.
23 Any of the following shall constitute a non-photo identity
24 document in lieu of a photo identity document:

25 (1) An original birth certificate or certified copy of
26 a birth certificate.

- 1 (2) A voter registration card.
- 2 (3) A copy of records filed in court by the applicant
3 or on behalf of the applicant by the applicant's counsel.
- 4 (4) A naturalization document.
- 5 (5) A copy of the applicant's marriage license.
- 6 (6) A copy of the State or federal tax return filed by
7 the applicant for the previous calendar year.
- 8 (7) An original of the annual Social Security statement
9 received by the applicant for the current or preceding
10 calendar year.
- 11 (8) An original of a Medicare or Medicaid statement
12 received by the applicant.
- 13 (9) A certified school record or transcript for the
14 current or preceding calendar year.
- 15 (f) Documentation of name and address. Any of the following
16 documents shall be acceptable as documentation of the
17 applicant's name and current address:
- 18 (1) A voter registration card.
- 19 (2) A utility bill or cable bill.
- 20 (3) A bank statement issued within the last 60 days.
- 21 (4) A valid and current rental agreement.
- 22 (5) A copy of the State or federal tax return filed by
23 the applicant for the previous calendar year.
- 24 (6) A homeowner's insurance policy or bill for the
25 current or preceding year.
- 26 (7) A mortgage, deed, or property tax bill for the

1 current or preceding year.

2 (8) A W-2 for the preceding calendar year.

3 (g) Exemptions. Voters who are indigent and unable to
4 obtain a Voter Identification Card without a fee and voters who
5 have a religious objection to being photographed may vote a
6 provisional ballot and sign an affidavit that indicates one of
7 the exemptions stated in this subsection. An indigent person is
8 defined as an individual whose income is 125% or less of
9 current federal poverty income guidelines.

10 (10 ILCS 5/3-7 new)

11 Sec. 3-7. Acceptable forms of photo identification for
12 voting purposes. As used in this Code, acceptable forms of
13 photo identification for voting purposes include:

14 (1) An Illinois Driver's License.

15 (2) A State Identification Card.

16 (3) An Illinois Disabled Person Identification Card.

17 (4) A Senior Citizen Identification Card.

18 (5) A FOID Card.

19 (6) A U.S. Passport with the voter's current address.

20 (7) Any other government-issued identification card
21 that includes the voter's name, current photograph, and
22 current address.

23 All photo identification cards must be valid and current.

24 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

1 (Text of Section before amendment by P.A. 98-1171)

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

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

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

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

26 State of Illinois,)

1) ss.

2 County of

3 Precinct Ward

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

17

18 Subscribed and sworn to before me on (insert date).

19

20 Judge of Election.

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

25 State of Illinois,)

1) ss.

2 County of

3 Precinct Ward

4 I,, do solemnly swear (or affirm), that I am a
5 resident of this precinct and ward and entitled to vote at this
6 election; that I am acquainted with (name of the
7 applicant); that I verily believe him to be an actual bona fide
8 resident of this precinct and ward and that I verily believe
9 that he or she has maintained a legal residence therein 30 days
10 and in this State 30 days next preceding this election.

11

12 Subscribed and sworn to before me on (insert date).

13

14 Judge of Election.

15 All affidavits made under the provisions of this Section
16 shall be enclosed in a separate envelope securely sealed, and
17 shall be transmitted with the returns of the elections to the
18 county clerk or to the board of election commissioners, who
19 shall preserve the said affidavits for the period of 6 months,
20 during which period such affidavits shall be deemed public
21 records and shall be freely open to examination as such.

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

23 (Text of Section after amendment by P.A. 98-1171)

24 Sec. 17-9. Any person desiring to vote shall (i) present to

1 the judges of election for verification of the person's
2 identity a government-issued photo identification card, as
3 defined in Section 3-6, or his or her Voter Identification Card
4 and (ii) give his name and, if required to do so, his residence
5 to the judges of election, one of whom shall thereupon announce
6 the same in a loud and distinct tone of voice, clear, and
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, vote by mail, or early ballots
10 have been issued for that election, which shall be provided by
11 the 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, vote by mail, or early
15 ballot shall not be permitted to vote in the precinct, except
16 that a voter to whom a vote by mail ballot was issued may vote
17 in the precinct if the voter submits to the election judges
18 that vote by mail ballot for cancellation. If the voter is
19 unable to submit the vote by mail ballot, it shall be
20 sufficient for the voter to submit to the election judges (i) a
21 portion of the vote by mail ballot if the vote by mail ballot
22 was torn or mutilated or (ii) an affidavit executed before the
23 election judges specifying that (A) the voter never received a
24 vote by mail ballot or (B) the voter completed and returned a
25 vote by mail ballot and was informed that the election
26 authority did not receive that vote by mail ballot. All

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

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

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

24 State of Illinois,)

25) ss.

26 County of)

1 Precinct Ward

2 I,, do solemnly swear (or affirm) that I am a citizen
3 of the United States, of the age of 18 years or over, and that
4 within the past 60 days prior to the date of this election at
5 which I am applying to vote, I have been engaged in the
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
13 residence in this precinct and ward for 30 days and in this
14 State 30 days next preceding this election.

15

16 Subscribed and sworn to before me on (insert date).

17

18 Judge of Election.

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

23 State of Illinois,)

24) ss.

25 County of)

1 Precinct Ward

2 I,, do solemnly swear (or affirm), that I am a
3 resident of this precinct and ward and entitled to vote at this
4 election; that I am acquainted with (name of the
5 applicant); that I verily believe him to be an actual bona fide
6 resident of this precinct and ward and that I verily believe
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

10 Subscribed and sworn to before me on (insert date).

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
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. 98-1171, eff. 6-1-15.)

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

22 (Text of Section before amendment by P.A. 98-1171)

23 Sec. 18-5. Any person desiring to vote and whose name is
24 found upon the register of voters by the person having charge

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

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

1 postmarked not earlier than 30 days prior to the date of the
2 election, or the person shall procure a witness personally
3 known to the judges of election, and resident in the precinct
4 (or district), or who shall be proved by some legal voter of
5 such precinct or district, known to the judges to be such, who
6 shall take the oath following, viz:

7 I do solemnly swear (or affirm) that I am a resident of
8 this election precinct (or district), and entitled to vote at
9 this election, and that I have been a resident of this State
10 for 30 days last past, and am well acquainted with the person
11 whose vote is now offered; that he is an actual and bona fide
12 resident of this election precinct (or district), and has
13 resided herein 30 days, and as I verily believe, in this State,
14 30 days next preceding this election.

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

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

23 Immediately after voting, the voter shall be instructed
24 whether the voting equipment, if used, accepted or rejected the
25 ballot or identified the ballot as under-voted. A voter whose
26 ballot is identified as under-voted for a statewide

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

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

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

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

22 No judge of election shall accept from any voter less than
23 the full number of ballots received by such voter without first
24 advising the voter in the manner above provided of the
25 necessity of returning all of the ballots, nor shall any such
26 judge advise such voter in a manner contrary to that which is

1 herein permitted, or in any other manner violate the provisions
2 of this Section; provided, that the acceptance by a judge of
3 election of less than the full number of ballots delivered to a
4 voter who refuses to return to the voting booth after being
5 properly advised by such judge shall not be a violation of this
6 Section.

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

8 (Text of Section after amendment by P.A. 98-1171)

9 Sec. 18-5. Any person desiring to vote and whose name is
10 found upon the register of voters by the person having charge
11 thereof, shall (i) present to the judges of election for
12 verification of the person's identity a government-issued
13 photo identification card, as defined in Section 3-6, or his or
14 her Voter Identification Card, (ii) ~~shall then~~ be questioned by
15 one of the judges as to his nativity, his term of residence at
16 present address, precinct, State and United States, his age,
17 whether naturalized and if so the date of naturalization papers
18 and court from which secured, and (iii) ~~he shall~~ be asked to
19 state his residence when last previously registered and the
20 date of the election for which he then registered. The judges
21 of elections shall check each application for ballot against
22 the list of voters registered in that precinct to whom grace
23 period, vote by mail, and early ballots have been issued for
24 that election, which shall be provided by the election
25 authority and which list shall be available for inspection by

1 pollwatchers. A voter applying to vote in the precinct on
2 election day whose name appears on the list as having been
3 issued a grace period, vote by mail, or early ballot shall not
4 be permitted to vote in the precinct, except that a voter to
5 whom a vote by mail ballot was issued may vote in the precinct
6 if the voter submits to the election judges that vote by mail
7 ballot for cancellation. If the voter is unable to submit the
8 vote by mail ballot, it shall be sufficient for the voter to
9 submit to the election judges (i) a portion of the vote by mail
10 ballot if the vote by mail ballot was torn or mutilated or (ii)
11 an affidavit executed before the election judges specifying
12 that (A) the voter never received a vote by mail ballot or (B)
13 the voter completed and returned a vote by mail ballot and was
14 informed that the election authority did not receive that vote
15 by mail ballot. If such person so registered shall be
16 challenged as disqualified, the party challenging shall assign
17 his reasons therefor, and thereupon one of the judges shall
18 administer to him an oath to answer questions, and if he shall
19 take the oath he shall then be questioned by the judge or
20 judges touching such cause of challenge, and touching any other
21 cause of disqualification. And he may also be questioned by the
22 person challenging him in regard to his qualifications and
23 identity. But if a majority of the judges are of the opinion
24 that he is the person so registered and a qualified voter, his
25 vote shall then be received accordingly. But if his vote be
26 rejected by such judges, such person may afterward produce and

1 deliver an affidavit to such judges, subscribed and sworn to by
2 him before one of the judges, in which it shall be stated how
3 long he has resided in such precinct, and state; that he is a
4 citizen of the United States, and is a duly qualified voter in
5 such precinct, and that he is the identical person so
6 registered. In addition to such an affidavit, the person so
7 challenged shall provide to the judges of election proof of
8 residence by producing 2 forms of identification showing the
9 person's current residence address, provided that such
10 identification may include a lease or contract for a residence
11 and not more than one piece of mail addressed to the person at
12 his current residence address and postmarked not earlier than
13 30 days prior to the date of the election, or the person shall
14 procure a witness personally known to the judges of election,
15 and resident in the precinct (or district), or who shall be
16 proved by some legal voter of such precinct or district, known
17 to the judges to be such, who shall take the oath following,
18 viz:

19 I do solemnly swear (or affirm) that I am a resident of
20 this election precinct (or district), and entitled to vote at
21 this election, and that I have been a resident of this State
22 for 30 days last past, and am well acquainted with the person
23 whose vote is now offered; that he is an actual and bona fide
24 resident of this election precinct (or district), and has
25 resided herein 30 days, and as I verily believe, in this State,
26 30 days next preceding this election.

1 The oath in each case may be administered by one of the
2 judges of election, or by any officer, resident in the precinct
3 or district, authorized by law to administer oaths. Also
4 supported by an affidavit by a registered voter residing in
5 such precinct, stating his own residence, and that he knows
6 such person; and that he does reside at the place mentioned and
7 has resided in such precinct and state for the length of time
8 as stated by such person, which shall be subscribed and sworn
9 to in the same way. For purposes of this Section, the
10 submission of a photo identification issued by a college or
11 university, accompanied by either (i) a copy of the applicant's
12 contract or lease for a residence or (ii) one piece of mail
13 addressed to the person at his or her current residence address
14 and postmarked not earlier than 30 days prior to the date of
15 the election, shall be sufficient to establish proof of
16 residence. Whereupon the vote of such person shall be received,
17 and entered as other votes. But such judges, having charge of
18 such registers, shall state in their respective books the facts
19 in such case, and the affidavits, so delivered to the judges,
20 shall be preserved and returned to the office of the
21 commissioners of election. Blank affidavits of the character
22 aforesaid shall be sent out to the judges of all the precincts,
23 and the judges of election shall furnish the same on demand and
24 administer the oaths without criticism. Such oaths, if
25 administered by any other officer than such judge of election,
26 shall not be received. Whenever a proposal for a constitutional

1 amendment or for the calling of a constitutional convention is
2 to be voted upon at the election, the separate blue ballot or
3 ballots pertaining thereto shall be placed on top of the other
4 ballots to be voted at the election in such manner that the
5 legend appearing on the back thereof, as prescribed in Section
6 16-6 of this Act, shall be plainly visible to the voter, and in
7 this fashion the ballots shall be handed to the voter by the
8 judge.

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

20 The voter shall, upon quitting the voting booth, deliver to
21 one of the judges of election all of the ballots, properly
22 folded, which he received. The judge of election to whom the
23 voter delivers his ballots shall not accept the same unless all
24 of the ballots given to the voter are returned by him. If a
25 voter delivers less than all of the ballots given to him, the
26 judge to whom the same are offered shall advise him in a voice

1 clearly audible to the other judges of election that the voter
2 must return the remainder of the ballots. The statement of the
3 judge to the voter shall clearly express the fact that the
4 voter is not required to vote such remaining ballots but that
5 whether or not he votes them he must fold and deliver them to
6 the judge. In making such statement the judge of election shall
7 not indicate by word, gesture or intonation of voice that the
8 unreturned ballots shall be voted in any particular manner. No
9 new voter shall be permitted to enter the voting booth of a
10 voter who has failed to deliver the total number of ballots
11 received by him until such voter has returned to the voting
12 booth pursuant to the judge's request and again quit the booth
13 with all of the ballots required to be returned by him. Upon
14 receipt of all such ballots the judges of election shall enter
15 the name of the voter, and his number, as above provided in
16 this Section, and the judge to whom the ballots are delivered
17 shall immediately put the ballots into the ballot box. If any
18 voter who has failed to deliver all the ballots received by him
19 refuses to return to the voting booth after being advised by
20 the judge of election as herein provided, the judge shall
21 inform the other judges of such refusal, and thereupon the
22 ballot or ballots returned to the judge shall be deposited in
23 the ballot box, the voter shall be permitted to depart from the
24 polling place, and a new voter shall be permitted to enter the
25 voting booth.

26 The judge of election who receives the ballot or ballots

1 from the voter shall announce the residence and name of such
2 voter in a loud voice. The judge shall put the ballot or
3 ballots received from the voter into the ballot box in the
4 presence of the voter and the judges of election, and in plain
5 view of the public. The judges having charge of such registers
6 shall then, in a column prepared thereon, in the same line of,
7 the name of the voter, mark "Voted" or the letter "V".

8 No judge of election shall accept from any voter less than
9 the full number of ballots received by such voter without first
10 advising the voter in the manner above provided of the
11 necessity of returning all of the ballots, nor shall any such
12 judge advise such voter in a manner contrary to that which is
13 herein permitted, or in any other manner violate the provisions
14 of this Section; provided, that the acceptance by a judge of
15 election of less than the full number of ballots delivered to a
16 voter who refuses to return to the voting booth after being
17 properly advised by such judge shall not be a violation of this
18 Section.

19 (Source: P.A. 98-1171, eff. 6-1-15.)

20 (10 ILCS 5/18A-5)

21 (Text of Section before amendment by P.A. 98-1171)

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

23 (a) A person who claims to be a registered voter is
24 entitled to cast a provisional ballot under the following
25 circumstances:

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

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

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

14 (4) The voter ~~registered to vote by mail~~ and is
15 required by law to present identification when voting
16 ~~either~~ in person, in the case of a voter who registered by
17 mail, when voting or by absentee ballot, but fails to
18 provide an acceptable form of photo identification as
19 described in Section 3-6, or a Voter Identification Card
20 issued under Section 1-12 ~~do so~~;

21 (5) The voter's name appears on the list of voters who
22 voted during the early voting period, but the voter claims
23 not to have voted during the early voting period;

24 (6) The voter received an absentee ballot but did not
25 return the absentee ballot to the election authority; or

26 (7) The voter registered to vote during the grace

1 period on the day before election day or on election day
2 during the 2014 general election.

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

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

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

24 (i) an affidavit stating the following:

25 State of Illinois, County of,
26 Township, Precinct, Ward

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

16 (ii) A box for the election judge to check one of
 17 the 6 reasons why the person was given a provisional
 18 ballot under subsection (a) of Section 18A-5.

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

24 The written affidavit form described in this
 25 subsection (b)(2) must be printed on a multi-part form
 26 prescribed by the county clerk or board of election

1 commissioners, as the case may be.

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

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

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

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

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

24 (c) Instead of the affidavit form described in subsection
25 (b), the county clerk or board of election commissioners, as
26 the case may be, may design and use a multi-part affidavit form

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

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

22 (Source: P.A. 97-766, eff. 7-6-12; 98-691, eff. 7-1-14.)

23 (Text of Section after amendment by P.A. 98-1171)

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

25 (a) A person who claims to be a registered voter is

1 entitled to cast a provisional ballot under the following
2 circumstances:

3 (1) The person's name does not appear on the official
4 list of eligible voters for the precinct in which the
5 person seeks to vote and the person has refused an
6 opportunity to register at the polling location or another
7 grace period registration site. The official list is the
8 centralized statewide voter registration list established
9 and maintained in accordance with Section 1A-25;

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

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

18 (4) The voter ~~registered to vote by mail~~ and is
19 required by law to present identification when voting
20 either in person, in the case of a voter who registered by
21 mail, when voting or by early voting ballot, but fails to
22 provide an acceptable form of photo identification as
23 described in Section 3-6, or a Voter Identification Card
24 issued under Section 1-12 ~~do so~~;

25 (5) The voter's name appears on the list of voters who
26 voted during the early voting period, but the voter claims

1 not to have voted during the early voting period; or

2 (6) The voter received a vote by mail ballot but did
3 not return the vote by mail ballot to the election
4 authority; or

5 (7) The voter attempted to register to vote on election
6 day, but failed to provide the necessary documentation.

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

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

25 (2) The person shall execute a written form provided by
26 the election judge that shall state or contain all of the

1 following that is available:

2 (i) an affidavit stating the following:

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

20 (ii) A box for the election judge to check one of
 21 the 6 reasons why the person was given a provisional
 22 ballot under subsection (a) of Section 18A-5.

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

1 is seeking to vote.

2 The written affidavit form described in this
3 subsection (b)(2) must be printed on a multi-part form
4 prescribed by the county clerk or board of election
5 commissioners, as the case may be.

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

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

24 (5) The election judge shall provide the person with a
25 provisional ballot, written instructions for casting a
26 provisional ballot, and the provisional ballot envelope

1 with the clear plastic packing list envelope affixed to it,
2 which contains the person's original written affidavit
3 and, if any, information provided by the provisional voter
4 to support his or her claim that he or she is a duly
5 registered voter. An election judge must also give the
6 person written information that states that any person who
7 casts a provisional ballot shall be able to ascertain,
8 pursuant to guidelines established by the State Board of
9 Elections, whether the provisional vote was counted in the
10 official canvass of votes for that election and, if the
11 provisional vote was not counted, the reason that the vote
12 was not counted.

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

1 the seal.

2 (c) Instead of the affidavit form described in subsection
3 (b), the county clerk or board of election commissioners, as
4 the case may be, may design and use a multi-part affidavit form
5 that is imprinted upon or attached to the provisional ballot
6 envelope described in subsection (b). If a county clerk or
7 board of election commissioners elects to design and use its
8 own multi-part affidavit form, then the county clerk or board
9 of election commissioners shall establish a mechanism for
10 accepting any information the provisional voter has supplied to
11 the election judge to support his or her claim that he or she
12 is a duly registered voter. In all other respects, a county
13 clerk or board of election commissioners shall establish
14 procedures consistent with subsection (b).

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

26 (Source: P.A. 97-766, eff. 7-6-12; 98-691, eff. 7-1-14;

1 98-1171, eff. 6-1-15.)

2 (10 ILCS 5/18A-15)

3 (Text of Section before amendment by P.A. 98-1171)

4 Sec. 18A-15. Validating and counting provisional ballots.

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

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

17 (1) the provisional voter cast the provisional ballot
18 in the correct precinct based on the address provided by
19 the provisional voter unless the provisional voter cast a
20 ballot pursuant to paragraph (7) of subsection (a) of
21 Section 18A-5, in which case the provisional ballot must
22 have been cast in the correct election jurisdiction based
23 on the address provided. The provisional voter's affidavit
24 shall serve as a change of address request by that voter
25 for registration purposes for the next ensuing election if

1 it bears an address different from that in the records of
2 the election authority. Votes for federal and statewide
3 offices on a provisional ballot cast in the incorrect
4 precinct that meet the other requirements of this
5 subsection shall be valid and counted in accordance with
6 rules adopted by the State Board of Elections. As used in
7 this item, "federal office" is defined as provided in
8 Section 20-1 and "statewide office" means the Governor,
9 Attorney General, Secretary of State, Comptroller, and
10 Treasurer. Votes for General Assembly, countywide,
11 citywide, or township office on a provisional ballot cast
12 in the incorrect precinct but in the correct legislative
13 district, representative district, county, municipality,
14 or township, as the case may be, shall be valid and counted
15 in accordance with rules adopted by the State Board of
16 Elections. As used in this item, "citywide office" means an
17 office elected by the electors of an entire municipality.
18 As used in this item, "township office" means an office
19 elected by the electors of an entire township;

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

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

1 the following:

2 i. the provisional voter;

3 ii. an election judge;

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

6 iv. the records of the county clerk or board of
7 election commissioners' database; or

8 v. the records of the Secretary of State; and

9 (4) for a provisional ballot cast under item (6) of
10 subsection (a) of Section 18A-5, the voter did not vote by
11 absentee ballot in the election at which the provisional
12 ballot was cast.

13 (c) With respect to subsection (b) (3) of this Section, the
14 county clerk or board of election commissioners shall
15 investigate and record whether or not the specified information
16 is available from each of the 5 identified sources. If the
17 information is available from one or more of the identified
18 sources, then the county clerk or board of election
19 commissioners shall seek to obtain the information from each of
20 those sources until satisfied, with information from at least
21 one of those sources, that the provisional voter is registered
22 and entitled to vote. The county clerk or board of election
23 commissioners shall use any information it obtains as the basis
24 for determining the voter registration status of the
25 provisional voter. If a conflict exists among the information
26 available to the county clerk or board of election

1 commissioners as to the registration status of the provisional
2 voter, then the county clerk or board of election commissioners
3 shall make a determination based on the totality of the
4 circumstances. In a case where the above information equally
5 supports or opposes the registration status of the voter, the
6 county clerk or board of election commissioners shall decide in
7 favor of the provisional voter as being duly registered to
8 vote. If the statewide voter registration database maintained
9 by the State Board of Elections indicates that the provisional
10 voter is registered to vote, but the county clerk's or board of
11 election commissioners' voter registration database indicates
12 that the provisional voter is not registered to vote, then the
13 information found in the statewide voter registration database
14 shall control the matter and the provisional voter shall be
15 deemed to be registered to vote. If the records of the county
16 clerk or board of election commissioners indicates that the
17 provisional voter is registered to vote, but the statewide
18 voter registration database maintained by the State Board of
19 Elections indicates that the provisional voter is not
20 registered to vote, then the information found in the records
21 of the county clerk or board of election commissioners shall
22 control the matter and the provisional voter shall be deemed to
23 be registered to vote. If the provisional voter's signature on
24 his or her provisional ballot request varies from the signature
25 on an otherwise valid registration application solely because
26 of the substitution of initials for the first or middle name,

1 the election authority may not reject the provisional ballot.

2 (d) In validating the registration status of a person
3 casting a provisional ballot, the county clerk or board of
4 election commissioners shall not require a provisional voter to
5 complete any form other than the affidavit executed by the
6 provisional voter under subsection (b) (2) of Section 18A-5. In
7 addition, the county clerk or board of election commissioners
8 shall not require all provisional voters or any particular
9 class or group of provisional voters to appear personally
10 before the county clerk or board of election commissioners or
11 as a matter of policy require provisional voters to submit
12 additional information to verify or otherwise support the
13 information already submitted by the provisional voter. Within
14 2 calendar days after the election, the election authority
15 shall transmit by electronic means pursuant to a process
16 established by the State Board of Elections the name, street
17 address, e-mail address, and precinct, ward, township, and
18 district numbers, as the case may be, of each person casting a
19 provisional ballot to the State Board of Elections, which shall
20 maintain those names and that information in an electronic
21 format on its website, arranged by county and accessible to
22 State and local political committees. The provisional voter
23 may, within 7 calendar days after the election, submit
24 additional information to the county clerk or board of election
25 commissioners, except that in the case of provisional voting
26 under paragraph (4) of subsection (a) of Section 18A-5, the

1 provisional voter has 10 days to provide the county clerk or
2 board of election commissioners with the required photo
3 identification card. This information must be received by the
4 county clerk or board of election commissioners within the
5 applicable 7-calendar-day or 10-calendar-day period.

6 (e) If the county clerk or board of election commissioners
7 determines that subsection (b) (1), (b) (2), or (b) (3) does not
8 apply, then the provisional ballot is not valid and may not be
9 counted. The provisional ballot envelope containing the ballot
10 cast by the provisional voter may not be opened. The county
11 clerk or board of election commissioners shall write on the
12 provisional ballot envelope the following: "Provisional ballot
13 determined invalid."

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

19 (g) Provisional ballots determined to be valid shall be
20 counted at the election authority's central ballot counting
21 location and shall not be counted in precincts. The provisional
22 ballots determined to be valid shall be added to the vote
23 totals for the precincts from which they were cast in the order
24 in which the ballots were opened. The validation and counting
25 of provisional ballots shall be subject to the provisions of
26 this Code that apply to pollwatchers. If the provisional

1 ballots are a ballot of a punch card voting system, then the
2 provisional ballot shall be counted in a manner consistent with
3 Article 24A. If the provisional ballots are a ballot of optical
4 scan or other type of approved electronic voting system, then
5 the provisional ballots shall be counted in a manner consistent
6 with Article 24B.

7 (h) As soon as the ballots have been counted, the election
8 judges or election officials shall, in the presence of the
9 county clerk or board of election commissioners, place each of
10 the following items in a separate envelope or bag: (1) all
11 provisional ballots, voted or spoiled; (2) all provisional
12 ballot envelopes of provisional ballots voted or spoiled; and
13 (3) all executed affidavits of the provisional ballots voted or
14 spoiled. All provisional ballot envelopes for provisional
15 voters who have been determined not to be registered to vote
16 shall remain sealed. The county clerk or board of election
17 commissioners shall treat the provisional ballot envelope
18 containing the written affidavit as a voter registration
19 application for that person for the next election and process
20 that application. The election judges or election officials
21 shall then securely seal each envelope or bag, initial the
22 envelope or bag, and plainly mark on the outside of the
23 envelope or bag in ink the precinct in which the provisional
24 ballots were cast. The election judges or election officials
25 shall then place each sealed envelope or bag into a box, secure
26 and seal it in the same manner as described in item (6) of

1 subsection (b) of Section 18A-5. Each election judge or
2 election official shall take and subscribe an oath before the
3 county clerk or board of election commissioners that the
4 election judge or election official securely kept the ballots
5 and papers in the box, did not permit any person to open the
6 box or otherwise touch or tamper with the ballots and papers in
7 the box, and has no knowledge of any other person opening the
8 box. For purposes of this Section, the term "election official"
9 means the county clerk, a member of the board of election
10 commissioners, as the case may be, and their respective
11 employees.

12 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13;
13 98-691, eff. 7-1-14.)

14 (Text of Section after amendment by P.A. 98-1171)

15 Sec. 18A-15. Validating and counting provisional ballots.

16 (a) The county clerk or board of election commissioners
17 shall complete the validation and counting of provisional
18 ballots within 14 calendar days of the day of the election. The
19 county clerk or board of election commissioners shall have 7
20 calendar days from the completion of the validation and
21 counting of provisional ballots to conduct its final canvass.
22 The State Board of Elections shall complete within 31 calendar
23 days of the election or sooner if all the returns are received,
24 its final canvass of the vote for all public offices.

25 (b) If a county clerk or board of election commissioners

1 determines that all of the following apply, then a provisional
2 ballot is valid and shall be counted as a vote:

3 (1) the provisional voter cast the provisional ballot
4 in the correct precinct based on the address provided by
5 the provisional voter. The provisional voter's affidavit
6 shall serve as a change of address request by that voter
7 for registration purposes for the next ensuing election if
8 it bears an address different from that in the records of
9 the election authority. Votes for federal and statewide
10 offices on a provisional ballot cast in the incorrect
11 precinct that meet the other requirements of this
12 subsection shall be valid and counted in accordance with
13 this Article. As used in this item, "federal office" is
14 defined as provided in Section 20-1 and "statewide office"
15 means the Governor, Attorney General, Secretary of State,
16 Comptroller, and Treasurer. Votes for General Assembly,
17 countywide, citywide, or township office on a provisional
18 ballot cast in the incorrect precinct but in the correct
19 legislative district, representative district, county,
20 municipality, or township, as the case may be, shall be
21 valid and counted in accordance with this Article. As used
22 in this item, "citywide office" means an office elected by
23 the electors of an entire municipality. As used in this
24 item, "township office" means an office elected by the
25 electors of an entire township;

26 (2) the affidavit executed by the provisional voter

1 pursuant to subsection (b) (2) of Section 18A-5 contains, at
2 a minimum, the provisional voter's first and last name,
3 house number and street name, and signature or mark;

4 (3) except as permitted by item (5) of subsection (b)
5 of this Section, the provisional voter is a registered
6 voter based on information available to the county clerk or
7 board of election commissioners provided by or obtained
8 from any of the following:

9 i. the provisional voter;

10 ii. an election judge;

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

13 iv. the records of the county clerk or board of
14 election commissioners' database; or

15 v. the records of the Secretary of State; and

16 (4) for a provisional ballot cast under item (6) of
17 subsection (a) of Section 18A-5, the voter did not vote by
18 vote by mail ballot in the election at which the
19 provisional ballot was cast; or

20 (5) for a provisional ballot cast under item (7) of
21 subsection (a) of Section 18A-5, the voter provides the
22 election authority with the necessary documentation within
23 7 days of election day.

24 (c) With respect to subsection (b) (3) of this Section, the
25 county clerk or board of election commissioners shall
26 investigate and record whether or not the specified information

1 is available from each of the 5 identified sources. If the
2 information is available from one or more of the identified
3 sources, then the county clerk or board of election
4 commissioners shall seek to obtain the information from each of
5 those sources until satisfied, with information from at least
6 one of those sources, that the provisional voter is registered
7 and entitled to vote. The county clerk or board of election
8 commissioners shall use any information it obtains as the basis
9 for determining the voter registration status of the
10 provisional voter. If a conflict exists among the information
11 available to the county clerk or board of election
12 commissioners as to the registration status of the provisional
13 voter, then the county clerk or board of election commissioners
14 shall make a determination based on the totality of the
15 circumstances. In a case where the above information equally
16 supports or opposes the registration status of the voter, the
17 county clerk or board of election commissioners shall decide in
18 favor of the provisional voter as being duly registered to
19 vote. If the statewide voter registration database maintained
20 by the State Board of Elections indicates that the provisional
21 voter is registered to vote, but the county clerk's or board of
22 election commissioners' voter registration database indicates
23 that the provisional voter is not registered to vote, then the
24 information found in the statewide voter registration database
25 shall control the matter and the provisional voter shall be
26 deemed to be registered to vote. If the records of the county

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

13 (d) In validating the registration status of a person
14 casting a provisional ballot, the county clerk or board of
15 election commissioners shall not require a provisional voter to
16 complete any form other than the affidavit executed by the
17 provisional voter under subsection (b) (2) of Section 18A-5. In
18 addition, the county clerk or board of election commissioners
19 shall not require all provisional voters or any particular
20 class or group of provisional voters to appear personally
21 before the county clerk or board of election commissioners or
22 as a matter of policy require provisional voters to submit
23 additional information to verify or otherwise support the
24 information already submitted by the provisional voter. Within
25 2 calendar days after the election, the election authority
26 shall transmit by electronic means pursuant to a process

1 established by the State Board of Elections the name, street
2 address, e-mail address, and precinct, ward, township, and
3 district numbers, as the case may be, of each person casting a
4 provisional ballot to the State Board of Elections, which shall
5 maintain those names and that information in an electronic
6 format on its website, arranged by county and accessible to
7 State and local political committees. The provisional voter
8 may, within 7 calendar days after the election, submit
9 additional information to the county clerk or board of election
10 commissioners, except that in the case of provisional voting
11 under paragraph (4) of subsection (a) of Section 18A-5, the
12 provisional voter has 10 days to provide the county clerk or
13 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 7-calendar-day or 10-calendar-day period.

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

25 (f) If the county clerk or board of election commissioners
26 determines that a provisional ballot is valid under this

1 Section, then the provisional ballot envelope shall be opened.
2 The outside of each provisional ballot envelope shall also be
3 marked to identify the precinct and the date of the election.

4 (g) Provisional ballots determined to be valid shall be
5 counted at the election authority's central ballot counting
6 location and shall not be counted in precincts. The provisional
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
13 provisional ballot shall be counted in a manner consistent with
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.

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

1 shall remain sealed. The county clerk or board of election
2 commissioners shall treat the provisional ballot envelope
3 containing the written affidavit as a voter registration
4 application for that person for the next election and process
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
14 county clerk or board of election commissioners that the
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
18 the box, and has no knowledge of any other person opening the
19 box. For purposes of this Section, the term "election official"
20 means the county clerk, a member of the board of election
21 commissioners, as the case may be, and their respective
22 employees.

23 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13;
24 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

1 (Text of Section before amendment by P.A. 98-1171)

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

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

16 (b) In conducting early voting under this Article, the
17 election judge or official is required to verify the signature
18 of the early voter by comparison with the signature on the
19 official registration card, and the judge or official must
20 verify (i) the identity of the applicant, (ii) that the
21 applicant is a registered voter, (iii) the precinct in which
22 the applicant is registered, and (iv) the proper ballots of the
23 political subdivision in which the applicant resides and is
24 entitled to vote before providing an early ballot to the
25 applicant. Except for during the 2014 general election, the
26 applicant's identity must be verified by the applicant's

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

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

24 (b-10) Within one day after a voter casts an early voting
25 ballot, the election authority shall transmit the voter's name,
26 street address, and precinct, ward, township, and district

1 numbers, as the case may be, to the State Board of Elections,
2 which shall maintain those names and that information in an
3 electronic format on its website, arranged by county and
4 accessible to State and local political committees.

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

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

21 (Source: P.A. 98-691, eff. 7-1-14.)

22 (Text of Section after amendment by P.A. 98-1171)

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

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13 election judge or official is required to verify the signature
14 of the early voter by comparison with the signature on the
15 official registration card, and the judge or official must
16 verify (i) that the applicant is a registered voter, (ii) the
17 precinct in which the applicant is registered, ~~and~~ (iii) the
18 proper ballots of the political subdivision in which the
19 applicant resides and is entitled to vote, and (iv) the
20 applicant's identity, which must be verified by the applicant's
21 presentation of a government-issued photo identification card,
22 as defined in Section 3-6, or his or her Voter Identification
23 Card, before providing an early ballot to the applicant. The
24 election judge or official must verify the applicant's
25 registration from the most recent poll list provided by the
26 election authority, and if the applicant is not listed on that

1 poll list, by telephoning the office of the election authority.

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3 vote by mail ballot was issued may vote early if the person
4 submits that vote by mail ballot to the judges of election or
5 official conducting early voting for cancellation. If the voter
6 is unable to submit the vote by mail ballot, it shall be
7 sufficient for the voter to submit to the judges or official
8 (i) a portion of the vote by mail ballot if the vote by mail
9 ballot was torn or mutilated or (ii) an affidavit executed
10 before the judges or official specifying that (A) the voter
11 never received a vote by mail ballot or (B) the voter completed
12 and returned a vote by mail ballot and was informed that the
13 election authority did not receive that vote by mail ballot.

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

21 (b-15) Immediately after voting an early ballot, the voter
22 shall be instructed whether the voting equipment accepted or
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24 for a statewide constitutional office. A voter whose ballot is
25 identified as under-voted may return to the voting booth and
26 complete the voting of that ballot. A voter whose early voting

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

7 (c) The sealed early ballots in their carrier envelope
8 shall be delivered by the election authority to the central
9 ballot counting location before the close of the polls on the
10 day of the election.

11 (Source: P.A. 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.