



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6050

Introduced 2/11/2016, by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7.5

Creates the Illinois New Motor Voter Act. Provides that the Secretary of State shall establish the Illinois New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to vote. Requires the Secretary of State to provide specified information to the State Board of Elections. Establishes requirements for keeping records, disclosure of information, cancelling registration, confidentiality of voter registration information, and rulemaking. Amends the Freedom of Information Act. Exempts specified information from inspection and copying. Effective immediately.

LRB099 15440 MGM 39725 b

1 AN ACT concerning elections.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois New Motor Voter Act.

6 Section 5. Intent.

7 (a) Voter registration is one of the biggest barriers to
8 participation in our democracy.

9 (b) In 1993, Congress enacted the federal National Voter
10 Registration Act of 1993 (52 U.S.C. Sec. 20501 et. seq.),
11 commonly known as the "Motor Voter Law", with findings
12 recognizing that the right of citizens to vote is a fundamental
13 right; it is the duty of the federal, state, and local
14 governments to promote the exercise of the right to vote and
15 the primary purpose of the act is to increase the number of
16 eligible citizens who register to vote.

17 (c) It is the intent of the General Assembly to enact the
18 Illinois New Motor Voter Program to provide Illinois citizens
19 additional opportunities to participate in democracy through
20 the exercise of their fundamental right to vote.

21 Section 10. Illinois New Motor Voter Program.

22 (a) The Secretary of State shall establish the Illinois New

1 Motor Voter Program for the purpose of increasing opportunities
2 for voter registration by any person who is qualified to be a
3 voter under Article 3, Section 1 of the Illinois Constitution.

4 (b) This Section shall not be construed as requiring the
5 Secretary of State to determine eligibility for voter
6 registration and voting. The State Board of Elections is solely
7 responsible for determining eligibility for voter registration
8 and voting.

9 Section 15. Implementation of the program.

10 (a) The Secretary of State, in consultation with the State
11 Board of Elections, shall establish a schedule and method to
12 electronically provide to the State Board of Elections the
13 records specified in this Section.

14 (b) The Secretary of State shall provide to the State Board
15 of Elections, in a manner and method consistent with Section
16 1A-16.5 of the Election Code, the following information
17 associated with each person who submits an application for a
18 driver's license or State identification card, renews a
19 driver's license or State identification card, or who notifies
20 the Secretary of State of a change of address:

21 (1) Name.

22 (2) Date of birth.

23 (3) Either or both of the following, as contained in
24 the Department's records:

25 (A) residence address; or

1 (B) mailing address.

2 (4) Electronic signature, as defined in Section 3-100
3 of the Illinois Vehicle Code.

4 (5) Telephone number, if available.

5 (6) Email address, if available.

6 (7) Language preference.

7 (8) Political party preference.

8 (9) Whether the person chooses to become a permanent
9 "vote by mail" voter.

10 (10) Whether the person affirmatively declined to
11 become registered to vote during a transaction with the
12 Secretary of State.

13 (11) A notation that the applicant has attested that he
14 or she meets all voter eligibility requirements, including
15 United States citizenship, specified in paragraph (6) of
16 subsection (d) of Section 1A-16 of the Election Code.

17 (12) Other information specified in regulations
18 implementing this Act.

19 (c) The Secretary of State may provide the records
20 described in subsection (b) of this Section to the State Board
21 of Elections before the State Board of Elections certifies that
22 all the conditions set forth in subdivision (g) of this Section
23 have been satisfied. Records provided under this subsection (c)
24 shall only be used for the purposes of outreach to and
25 education of eligible voters under Section 1A-17 of the
26 Election Code.

1 (d) The State Board of Elections shall provide materials
2 created for purposes of outreach and education as described in
3 this paragraph in languages other than English, as required by
4 the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

5 (e) The State Board of Elections shall not sell, transfer,
6 or allow any third party access to the information acquired
7 from the Secretary of State under this Act without the approval
8 of the Secretary of State, except as permitted by this Act and
9 Section 1A-25 of the Election Code.

10 (f) The Secretary of State shall not electronically provide
11 records of a person who applies for or is issued a temporary
12 visitor's driver's license because he or she is unable to
13 submit satisfactory proof that his or her presence in the
14 United States is authorized under federal law.

15 (g) The Secretary of State shall implement this Act within
16 one year after the State Board of Elections certifies the
17 following:

18 (1) The State has a statewide voter registration
19 database that complies with the requirements of the federal
20 Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et.
21 seq.).

22 (2) The General Assembly has appropriated the funds
23 necessary for the Secretary of State and the State Board of
24 Elections to implement and maintain the Illinois New Motor
25 Voter Program.

26 (3) The rules required by this Act have been adopted.

1 (h) The Secretary of State shall not electronically provide
2 records pursuant to this Section that contain a home address
3 designated as confidential pursuant to any other federal or
4 State law or court order.

5 Section 20. Disclosure of information.

6 (a) The willful, unauthorized disclosure of information
7 obtained from the Secretary of State pursuant to Section 15 of
8 this Act to any person, or the use of any false representation
9 to obtain any of that information or the use of any of that
10 information for a purpose other than as stated in Section 15 is
11 a misdemeanor punishable by a fine not exceeding \$5,000 or
12 imprisonment not exceeding one year, or both fine and
13 imprisonment.

14 (b) The State Board of Elections shall establish procedures
15 to protect the confidentiality of the information acquired from
16 the Secretary of State under Section 15 of this Act. The
17 disclosure of this information shall be governed by the
18 Personal Information Protection Act, and the State Board of
19 Elections shall account for any disclosures, including those
20 due to security breaches, in accordance with the Personal
21 Information Protection Act.

22 Section 25. Records.

23 (a) The records of a person designated in subsection (b) of
24 Section 15 shall constitute a completed affidavit of

1 registration and the State Board of Elections shall register
2 the person vote, unless any of the following conditions is
3 satisfied:

4 (1) The person's records, as described in Section 15,
5 reflect that he or she affirmatively declined to register
6 to vote during a transaction with the Secretary of State.

7 (2) The person's records, as described in Section 15,
8 do not reflect that he or she has attested to meeting all
9 voter eligibility requirements specified in Section 3-1 of
10 the Election Code; in such case, the State Board of
11 Elections must mail a notice to the address of residence or
12 mailing address that the person's voter registration is
13 incomplete with directions to complete the registration
14 process.

15 (3) The State Board of Elections determines that the
16 person is ineligible to vote.

17 (b) If a person who is registered to vote under this Act
18 does not provide a party preference, his or her party
19 preference shall be designated as "Unknown" and he or she shall
20 be treated as a "No Party Preference" voter.

21 (c) A person whose party preference is designated as
22 "Unknown" pursuant to this Section shall not be counted for
23 purposes of determining the total number of voters registered
24 on the specified day preceding an election, as required by
25 Sections 4-9, 5-8, and 6-36 of the Election Code.

1 Section 30. Cancelling registration. A person registered
2 to vote under this Act may cancel his or her voter registration
3 at any time by any method available to any other registered
4 voter.

5 Section 35. Confidentiality of voter registration
6 information. This Act does not affect the confidentiality of a
7 person's voter registration information.

8 Section 40. Improper registration.

9 (a) If a person who is ineligible to vote becomes
10 registered to vote under this Act in the absence of a violation
11 by that person of a provision of Article 29 of the Election
12 Code, that person's registration shall be presumed to have been
13 effected with official authorization and not the fault of that
14 person.

15 (b) If a person who is ineligible to vote becomes
16 registered to vote under this Act and votes or attempts to vote
17 in an election held after the effective date of the person's
18 registration, that person shall be presumed to have acted with
19 official authorization and shall not be guilty of fraudulently
20 voting or attempting to vote pursuant to Section 29-10 of the
21 Election Code unless that person willfully votes or attempts to
22 vote knowing that he or she is not entitled to vote.

23 Section 45. Rules. The State Board of Elections shall adopt

1 rules to implement this Act, including regulations addressing
2 both of the following:

3 (a) A process for canceling the registration of a person
4 who is ineligible to vote, but became registered under the
5 Illinois New Motor Voter Program in the absence of any
6 violation by that person of Article 29 of the Election Code.

7 (b) An education and outreach campaign informing voters
8 about the Illinois New Motor Voter Program that the State Board
9 of Elections will conduct to implement this Act. The State
10 Board of Elections may use any public and private funds
11 available for this and shall provide materials created for this
12 outreach and education campaign in languages other than
13 English, as required by the federal Voting Rights Act of 1965
14 (52 U.S.C. Sec. 10503).

15 Section 900. The Freedom of Information Act is amended by
16 changing Section 7.5 as follows:

17 (5 ILCS 140/7.5)

18 Sec. 7.5. Statutory exemptions. To the extent provided for
19 by the statutes referenced below, the following shall be exempt
20 from inspection and copying:

21 (a) All information determined to be confidential
22 under Section 4002 of the Technology Advancement and
23 Development Act.

24 (b) Library circulation and order records identifying

1 library users with specific materials under the Library
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical
4 records received by the Experimental Organ Transplantation
5 Procedures Board and any and all documents or other records
6 prepared by the Experimental Organ Transplantation
7 Procedures Board or its staff relating to applications it
8 has received.

9 (d) Information and records held by the Department of
10 Public Health and its authorized representatives relating
11 to known or suspected cases of sexually transmissible
12 disease or any information the disclosure of which is
13 restricted under the Illinois Sexually Transmissible
14 Disease Control Act.

15 (e) Information the disclosure of which is exempted
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of
18 the Architectural, Engineering, and Land Surveying
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted
21 and exempted under Section 50 of the Illinois Prepaid
22 Tuition Act.

23 (h) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act, and
25 records of any lawfully created State or local inspector
26 general's office that would be exempt if created or

1 obtained by an Executive Inspector General's office under
2 that Act.

3 (i) Information contained in a local emergency energy
4 plan submitted to a municipality in accordance with a local
5 emergency energy plan ordinance that is adopted under
6 Section 11-21.5-5 of the Illinois Municipal Code.

7 (j) Information and data concerning the distribution
8 of surcharge moneys collected and remitted by wireless
9 carriers under the Wireless Emergency Telephone Safety
10 Act.

11 (k) Law enforcement officer identification information
12 or driver identification information compiled by a law
13 enforcement agency or the Department of Transportation
14 under Section 11-212 of the Illinois Vehicle Code.

15 (l) Records and information provided to a residential
16 health care facility resident sexual assault and death
17 review team or the Executive Council under the Abuse
18 Prevention Review Team Act.

19 (m) Information provided to the predatory lending
20 database created pursuant to Article 3 of the Residential
21 Real Property Disclosure Act, except to the extent
22 authorized under that Article.

23 (n) Defense budgets and petitions for certification of
24 compensation and expenses for court appointed trial
25 counsel as provided under Sections 10 and 15 of the Capital
26 Crimes Litigation Act. This subsection (n) shall apply

1 until the conclusion of the trial of the case, even if the
2 prosecution chooses not to pursue the death penalty prior
3 to trial or sentencing.

4 (o) Information that is prohibited from being
5 disclosed under Section 4 of the Illinois Health and
6 Hazardous Substances Registry Act.

7 (p) Security portions of system safety program plans,
8 investigation reports, surveys, schedules, lists, data, or
9 information compiled, collected, or prepared by or for the
10 Regional Transportation Authority under Section 2.11 of
11 the Regional Transportation Authority Act or the St. Clair
12 County Transit District under the Bi-State Transit Safety
13 Act.

14 (q) Information prohibited from being disclosed by the
15 Personnel Records Review Act.

16 (r) Information prohibited from being disclosed by the
17 Illinois School Student Records Act.

18 (s) Information the disclosure of which is restricted
19 under Section 5-108 of the Public Utilities Act.

20 (t) All identified or deidentified health information
21 in the form of health data or medical records contained in,
22 stored in, submitted to, transferred by, or released from
23 the Illinois Health Information Exchange, and identified
24 or deidentified health information in the form of health
25 data and medical records of the Illinois Health Information
26 Exchange in the possession of the Illinois Health

1 Information Exchange Authority due to its administration
2 of the Illinois Health Information Exchange. The terms
3 "identified" and "deidentified" shall be given the same
4 meaning as in the Health Insurance Portability and
5 Accountability and Portability Act of 1996, Public Law
6 104-191, or any subsequent amendments thereto, and any
7 regulations promulgated thereunder.

8 (u) Records and information provided to an independent
9 team of experts under Brian's Law.

10 (v) Names and information of people who have applied
11 for or received Firearm Owner's Identification Cards under
12 the Firearm Owners Identification Card Act or applied for
13 or received a concealed carry license under the Firearm
14 Concealed Carry Act, unless otherwise authorized by the
15 Firearm Concealed Carry Act; and databases under the
16 Firearm Concealed Carry Act, records of the Concealed Carry
17 Licensing Review Board under the Firearm Concealed Carry
18 Act, and law enforcement agency objections under the
19 Firearm Concealed Carry Act.

20 (w) Personally identifiable information which is
21 exempted from disclosure under subsection (g) of Section
22 19.1 of the Toll Highway Act.

23 (x) Information which is exempted from disclosure
24 under Section 5-1014.3 of the Counties Code or Section
25 8-11-21 of the Illinois Municipal Code.

26 (y) Confidential information under the Adult

1 Protective Services Act and its predecessor enabling
2 statute, the Elder Abuse and Neglect Act, including
3 information about the identity and administrative finding
4 against any caregiver of a verified and substantiated
5 decision of abuse, neglect, or financial exploitation of an
6 eligible adult maintained in the Registry established
7 under Section 7.5 of the Adult Protective Services Act.

8 (z) Records and information provided to a fatality
9 review team or the Illinois Fatality Review Team Advisory
10 Council under Section 15 of the Adult Protective Services
11 Act.

12 (aa) Information which is exempted from disclosure
13 under Section 2.37 of the Wildlife Code.

14 (bb) Information which is or was prohibited from
15 disclosure by the Juvenile Court Act of 1987.

16 (cc) ~~(bb)~~ Recordings made under the Law Enforcement
17 Officer-Worn Body Camera Act, except to the extent
18 authorized under that Act.

19 (dd) Information that is exempted from disclosure
20 under Section 15 of the Illinois New Motor Voter Act.

21 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
22 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
23 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
24 revised 10-14-15.)

25 Section 999. Effective date. This Act takes effect upon
26 becoming law.