



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3808

Introduced 2/6/2026, by Sen. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-14 new	
10 ILCS 5/3-8 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 voter identification cards for those who do not have acceptable photo identification. 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 an acceptable form of photo identification for voting purposes or his or her voter identification card.

LRB104 19628 SPS 33077 b

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing
5 Sections 17-9, 18-5, 18A-5, 18A-15, and 19A-35 and by adding
6 Sections 1-14 and 3-8 as follows:

7 (10 ILCS 5/1-14 new)

8 Sec. 1-14. Voter identification card.

9 (a) 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 for voting purposes
12 as defined in Section 3-8. The voter identification card shall
13 include at least: (i) the voter's name, signature, and
14 photograph; (ii) the State seal; and (iii) the voter's current
15 residence address. A voter identification card is valid for as
16 long as the registered voter maintains the name and residence
17 on the voter identification card. A voter identification card
18 may not be used for any purpose other than to vote in Illinois.

19 (b) It is the intent of the General Assembly to provide the
20 Secretary of State with guidance on how to issue the voter
21 identification card to those individuals who do not have an
22 acceptable form of photo identification for voting purposes as
23 defined in Section 3-8.

1 (c) Within a reasonable time after the effective date of
2 this amendatory Act of the 104th General Assembly, the
3 Secretary of State shall provide application forms for the
4 voter identification card. Any registered voter who meets the
5 criteria set forth in this Section and who provides the proper
6 documentation required under subsection (d) shall receive a
7 voter identification card.

8 (d) The Secretary of State shall require the presentation
9 and verification of the following information for issuance of
10 a voter identification 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; and

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

21 (e) A non-photo identity document must include the
22 applicant's name and date of birth. Any of the following shall
23 constitute a non-photo identity document in lieu of a photo
24 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
9 statement received by the applicant for the current or
10 preceding calendar year;
11 (8) an original of a Medicare or Medicaid statement
12 received by the applicant; or
13 (9) a certified school record or transcript for the
14 current or preceding calendar year.
15 (f) Any of the following documents shall be acceptable as
16 documentation of the applicant's name and current address:
17 (1) a voter registration card;
18 (2) a utility bill or cable bill;
19 (3) a bank statement issued within the last 60 days;
20 (4) a valid and current rental agreement;
21 (5) a copy of the State or federal tax return filed by
22 the applicant for the previous calendar year;
23 (6) a homeowner's insurance policy or bill for the
24 current or preceding year;
25 (7) a mortgage, deed, or property tax bill for the
26 current or preceding year; or

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

2 (g) Voters who are indigent and unable to obtain a voter
3 identification card without a fee and voters who have a
4 religious objection to being photographed may vote a
5 provisional ballot and sign an affidavit that indicates the
6 applicability of one of the exemptions stated in this
7 subsection. As used in this subsection (g), "indigent person"
8 means an individual whose household income is 125% or less
9 than the poverty guidelines updated periodically in the
10 Federal Register by the U.S. Department of Health and Human
11 Services under the authority of 42 U.S.C. 9902(2).

12 (10 ILCS 5/3-8 new)

13 Sec. 3-8. Acceptable forms of photo identification for
14 voting purposes. As used in this Code, "acceptable form of
15 photo identification for voting purposes" include:

16 (1) an Illinois driver's license;

17 (2) an Illinois Identification Card;

18 (3) an Illinois Disabled Person Identification Card;

19 (4) a Senior Citizen Identification Card;

20 (5) a Firearm Owner's Identification Card;

21 (6) a United States passport with the voter's current
22 address; and

23 (7) any other government-issued identification card
24 that includes the voter's name, current photograph, and
25 current address.

1 All photo identification cards must be valid and current.

2 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

3 Sec. 17-9. Any person desiring to vote shall present to
4 the judges of election for verification of the person's
5 identity an acceptable form of photo identification for voting
6 purposes, as defined in Section 3-8, or his or her voter
7 identification card, and shall give his name and, if required
8 to do so, his residence to the judges of election, one of whom
9 shall thereupon announce the same in a loud and distinct tone
10 of voice, clear, and audible; the judges of elections shall
11 check each application for ballot against the list of voters
12 registered in that precinct to whom grace period, vote by
13 mail, or early ballots have been issued for that election,
14 which shall be provided by the election authority and which
15 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 vote by mail, or early ballot shall not be permitted to vote in
19 the precinct, except that a voter to whom a vote by mail ballot
20 was issued may vote in the precinct if the voter submits to the
21 election judges that vote by mail ballot for cancellation. If
22 the voter is unable to submit the vote by mail ballot, it shall
23 be sufficient for the voter to submit to the election judges
24 (i) a portion of the vote by mail ballot if the vote by mail
25 ballot was torn or mutilated or (ii) an affidavit executed

1 before the election judges specifying that (A) the voter never
2 received a vote by mail ballot or (B) the voter completed and
3 returned a vote by mail ballot and was informed that the
4 election authority did not receive that vote by mail ballot.
5 All applicable provisions of Articles 4, 5 or 6 shall be
6 complied with and if such name is found on the register of
7 voters by the officer having charge thereof, he shall likewise
8 repeat said name, and the voter shall be allowed to enter
9 within the proximity of the voting booths, as above provided.
10 One of the judges shall give the voter one, and only one of
11 each ballot to be voted at the election, on the back of which
12 ballots such judge shall indorse his initials in such manner
13 that they may be seen when each such ballot is properly folded,
14 and the voter's name shall be immediately checked on the
15 register list. In those election jurisdictions where
16 perforated ballot cards are utilized of the type on which
17 write-in votes can be cast above the perforation, the election
18 authority shall provide a space both above and below the
19 perforation for the judge's initials, and the judge shall
20 endorse his or her initials in both spaces. Whenever a
21 proposal for a constitutional amendment or for the calling of
22 a constitutional convention is to be voted upon at the
23 election, the separate blue ballot or ballots pertaining
24 thereto shall, when being handed to the voter, be placed on top
25 of the other ballots to be voted at the election in such manner
26 that the legend appearing on the back thereof, as prescribed

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

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

3 State of Illinois,)

4) ss.

5 County of)

6 Precinct Ward

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

20

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

22

23 Judge of Election.

24 The affidavit of any such person shall be supported by the
25 affidavit of a resident and qualified voter of any such

1 precinct and ward, which affidavit shall be in substantially
2 the following form:

3 State of Illinois,)

4) ss.

5 County of)

6 Precinct Ward

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

14

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

16

17 Judge of Election.

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

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

1 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

2 Sec. 18-5. Any person desiring to vote and whose name is
3 found upon the register of voters by the person having charge
4 thereof shall present to the judges of election for
5 verification of the person's identity an acceptable form of
6 photo identification for voting purposes, as defined in
7 Section 3-8, or his or her voter identification card issued
8 under Section 1-14; 7 shall then be questioned by one of the
9 judges as to his nativity, his term of residence at present
10 address, precinct, State and United States, his age, whether
11 naturalized and if so the date of naturalization papers and
12 court from which secured; 7 and ~~he~~ shall be asked to state his
13 residence when last previously registered and the date of the
14 election for which he then registered. The judges of elections
15 shall check each application for ballot against the list of
16 voters registered in that precinct to whom grace period, vote
17 by mail, and early ballots have been issued for that election,
18 which shall be provided by the election authority and which
19 list shall be available for inspection by pollwatchers. A
20 voter applying to vote in the precinct on election day whose
21 name appears on the list as having been issued a grace period,
22 vote by mail, or early ballot shall not be permitted to vote in
23 the precinct, except that a voter to whom a vote by mail ballot
24 was issued may vote in the precinct if the voter submits to the
25 election judges that vote by mail ballot for cancellation. If

1 the voter is unable to submit the vote by mail ballot, it shall
2 be sufficient for the voter to submit to the election judges
3 (i) a portion of the vote by mail ballot if the vote by mail
4 ballot was torn or mutilated or (ii) an affidavit executed
5 before the election judges specifying that (A) the voter never
6 received a vote by mail ballot or (B) the voter completed and
7 returned a vote by mail ballot and was informed that the
8 election authority did not receive that vote by mail ballot.
9 If such person so registered shall be challenged as
10 disqualified, the party challenging shall assign his reasons
11 therefor, and thereupon one of the judges shall administer to
12 him an oath to answer questions, and if he shall take the oath
13 he shall then be questioned by the judge or judges touching
14 such cause of challenge, and touching any other cause of
15 disqualification. And he may also be questioned by the person
16 challenging him in regard to his qualifications and identity.
17 But if a majority of the judges are of the opinion that he is
18 the person so registered and a qualified voter, his vote shall
19 then be received accordingly. But if his vote be rejected by
20 such judges, such person may afterward produce and deliver an
21 affidavit to such judges, subscribed and sworn to by him
22 before one of the judges, in which it shall be stated how long
23 he has resided in such precinct, and state; that he is a
24 citizen of the United States, and is a duly qualified voter in
25 such precinct, and that he is the identical person so
26 registered. In addition to such an affidavit, the person so

1 challenged shall provide to the judges of election proof of
2 residence by producing 2 forms of identification showing the
3 person's current residence address, provided that such
4 identification may include a lease or contract for a residence
5 and not more than one piece of mail addressed to the person at
6 his current residence address and postmarked not earlier than
7 30 days prior to the date of the election, or the person shall
8 procure a witness personally known to the judges of election,
9 and resident in the precinct (or district), or who shall be
10 proved by some legal voter of such precinct or district, known
11 to the judges to be such, who shall take the oath following,
12 viz:

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

21 The oath in each case may be administered by one of the
22 judges of election, or by any officer, resident in the
23 precinct or district, authorized by law to administer oaths.
24 Also supported by an affidavit by a registered voter residing
25 in such precinct, stating his own residence, and that he knows
26 such person; and that he does reside at the place mentioned and

1 has resided in such precinct and state for the length of time
2 as stated by such person, which shall be subscribed and sworn
3 to in the same way. For purposes of this Section, the
4 submission of a photo identification issued by a college or
5 university, accompanied by either (i) a copy of the
6 applicant's contract or lease for a residence or (ii) one
7 piece of mail addressed to the person at his or her current
8 residence address and postmarked not earlier than 30 days
9 prior to the date of the election, shall be sufficient to
10 establish proof of residence. Whereupon the vote of such
11 person shall be received, and entered as other votes. But such
12 judges, having charge of such registers, shall state in their
13 respective books the facts in such case, and the affidavits,
14 so delivered to the judges, shall be preserved and returned to
15 the office of the commissioners of election. Blank affidavits
16 of the character aforesaid shall be sent out to the judges of
17 all the precincts, and the judges of election shall furnish
18 the same on demand and administer the oaths without criticism.
19 Such oaths, if administered by any other officer than such
20 judge of election, shall not be received. Whenever a proposal
21 for a constitutional amendment or for the calling of a
22 constitutional convention is to be voted upon at the election,
23 the separate blue ballot or ballots pertaining thereto shall
24 be placed on top of the other ballots to be voted at the
25 election in such manner that the legend appearing on the back
26 thereof, as prescribed in Section 16-6 of this Act, shall be

1 plainly visible to the voter, and in this fashion the ballots
2 shall be handed to the voter by the judge.

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

14 The voter shall, upon quitting the voting booth, deliver
15 to one of the judges of election all of the ballots, properly
16 folded, which he received. The judge of election to whom the
17 voter delivers his ballots shall not accept the same unless
18 all of the ballots given to the voter are returned by him. If a
19 voter delivers less than all of the ballots given to him, the
20 judge to whom the same are offered shall advise him in a voice
21 clearly audible to the other judges of election that the voter
22 must return the remainder of the ballots. The statement of the
23 judge to the voter shall clearly express the fact that the
24 voter is not required to vote such remaining ballots but that
25 whether or not he votes them he must fold and deliver them to
26 the judge. In making such statement the judge of election

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

20 The judge of election who receives the ballot or ballots
21 from the voter shall announce the residence and name of such
22 voter in a loud voice. The judge shall put the ballot or
23 ballots received from the voter into the ballot box in the
24 presence of the voter and the judges of election, and in plain
25 view of the public. The judges having charge of such registers
26 shall then, in a column prepared thereon, in the same line of,

1 the name of the voter, mark "Voted" or the letter "V".

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

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

14 (10 ILCS 5/18A-5)

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

16 (a) A person who claims to be a registered voter is
17 entitled to cast a provisional ballot under the following
18 circumstances:

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

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

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

9 (4) The voter ~~registered to vote by mail~~ and is
10 required by law to present identification when voting
11 ~~either~~ in person, in the case of a voter who registered by
12 mail, when voting or by early voting ballot, but fails to
13 provide an acceptable form of photo identification for
14 voting purposes, as described in Section 3-8, or a voter
15 identification card issued under Section 1-14 ~~do so~~;

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

19 (6) The voter received a vote by mail ballot but did
20 not return the vote by mail ballot to the election
21 authority; or

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

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

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

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

21 (i) an affidavit stating the following:
22 State of Illinois, County of
23 Township Precinct Ward
24 , I,, do solemnly
25 swear (or affirm) that: I am a citizen of the
26 United States; I am 18 years of age or older; I

1 have resided in this State and in this precinct
2 for 30 days preceding this election; I have not
3 voted in this election; I am a duly registered
4 voter in every respect; and I am eligible to vote
5 in this election. Signature Printed Name of
6 Voter Printed Residence Address of Voter
7 City State Zip Code
8 Telephone Number Date of Birth and
9 Illinois Driver's License Number or Last 4
10 digits of Social Security Number or State
11 Identification Card Number issued to you by the
12 Illinois Secretary of State

13 (ii) A box for the election judge to check one of
14 the reasons why the person was given a provisional
15 ballot under subsection (a) of this Section.

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

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

25 (3) After the person executes the portion of the
26 written affidavit described in subsection (b)(2)(i) of

1 this Section, the election judge shall complete the
2 portion of the written affidavit described in subsection
3 (b) (2) (iii) and (b) (2) (iv).

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

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

1 pursuant to guidelines established by the State Board of
2 Elections, whether the provisional vote was counted in the
3 official canvass of votes for that election and, if the
4 provisional vote was not counted, the reason that the vote
5 was not counted.

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

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

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

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

19 (Source: P.A. 100-201, eff. 8-18-17.)

20 (10 ILCS 5/18A-15)

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

22 (a) The county clerk or board of election commissioners
23 shall complete the validation and counting of provisional
24 ballots within 14 calendar days of the day of the election. The
25 county clerk or board of election commissioners shall have 7

1 calendar days from the completion of the validation and
2 counting of provisional ballots to conduct its final canvass.
3 The State Board of Elections shall complete within 31 calendar
4 days of the election or sooner if all the returns are received,
5 its final canvass of the vote for all public offices.

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

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

1 valid and counted in accordance with this Article. As used
2 in this item, "citywide office" means an office elected by
3 the electors of an entire municipality. As used in this
4 item, "township office" means an office elected by the
5 electors of an entire township;

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

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

15 i. the provisional voter;

16 ii. an election judge;

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

19 iv. the records of the county clerk or board of
20 election commissioners' database; or

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

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

26 (5) for a provisional ballot cast under item (7) of

1 subsection (a) of Section 18A-5, the voter provides the
2 election authority with the necessary documentation within
3 7 days of election day.

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

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

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

1 class or group of provisional voters to appear personally
2 before the county clerk or board of election commissioners or
3 as a matter of policy require provisional voters to submit
4 additional information to verify or otherwise support the
5 information already submitted by the provisional voter. Within
6 2 calendar days after the election, the election authority
7 shall transmit by electronic means pursuant to a process
8 established by the State Board of Elections the name, street
9 address, e-mail address, and precinct, ward, township, and
10 district numbers, as the case may be, of each person casting a
11 provisional ballot to the State Board of Elections, which
12 shall maintain those names and that information in an
13 electronic format on its website, arranged by county and
14 accessible to State and local political committees. The
15 provisional voter may, within 7 calendar days after the
16 election, submit additional information to the county clerk or
17 board of election commissioners, except that in the case of
18 provisional voting under paragraph (4) of subsection (a) of
19 Section 18A-5, the provisional voter has 10 days to provide
20 the county clerk or board of election commissioners with the
21 required photo identification card. This information must be
22 received by the county clerk or board of election
23 commissioners within the applicable 7-calendar-day or
24 10-calendar-day period.

25 (e) If the county clerk or board of election commissioners
26 determines that subsection (b) (1), (b) (2), or (b) (3) does not

1 apply, then the provisional ballot is not valid and may not be
2 counted. The provisional ballot envelope containing the ballot
3 cast by the provisional voter may not be opened. The county
4 clerk or board of election commissioners shall write on the
5 provisional ballot envelope the following: "Provisional ballot
6 determined invalid."

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

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

26 (h) As soon as the ballots have been counted, the election

1 judges or election officials shall, in the presence of the
2 county clerk or board of election commissioners, place each of
3 the following items in a separate envelope or bag: (1) all
4 provisional ballots, voted or spoiled; (2) all provisional
5 ballot envelopes of provisional ballots voted or spoiled; and
6 (3) all executed affidavits of the provisional ballots voted
7 or spoiled. All provisional ballot envelopes for provisional
8 voters who have been determined not to be registered to vote
9 shall remain sealed. The county clerk or board of election
10 commissioners shall treat the provisional ballot envelope
11 containing the written affidavit as a voter registration
12 application for that person for the next election and process
13 that application. The election judges or election officials
14 shall then securely seal each envelope or bag, initial the
15 envelope or bag, and plainly mark on the outside of the
16 envelope or bag in ink the precinct in which the provisional
17 ballots were cast. The election judges or election officials
18 shall then place each sealed envelope or bag into a box, secure
19 and seal it in the same manner as described in item (6) of
20 subsection (b) of Section 18A-5. Each election judge or
21 election official shall take and subscribe an oath before the
22 county clerk or board of election commissioners that the
23 election judge or election official securely kept the ballots
24 and papers in the box, did not permit any person to open the
25 box or otherwise touch or tamper with the ballots and papers in
26 the box, and has no knowledge of any other person opening the

1 box. For purposes of this Section, the term "election
2 official" means the county clerk, a member of the board of
3 election commissioners, as the case may be, and their
4 respective employees.

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

7 (10 ILCS 5/19A-35)

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

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

22 (b) In conducting early voting under this Article, the
23 election judge or official is required to verify the signature
24 of the early voter by comparison with the signature on the
25 official registration card, and the judge or official must

1 verify (i) that the applicant is a registered voter, (ii) the
2 precinct in which the applicant is registered, ~~and~~ (iii) the
3 proper ballots of the political subdivision in which the
4 applicant resides and is entitled to vote, and (iv) the
5 applicant's identity, which must be verified by the
6 applicant's presentation of an acceptable form of photo
7 identification for voting purposes, as described in Section
8 3-8, or a voter identification card issued under Section 1-14
9 before providing an early ballot to the applicant. The
10 election judge or official must verify the applicant's
11 registration from the most recent poll list provided by the
12 election authority, and if the applicant is not listed on that
13 poll list, by telephoning the office of the election
14 authority.

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

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

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

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

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