



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2090

Introduced 2/15/2019, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-2.3 new
10 ILCS 5/19A-20
55 ILCS 5/3-15003.3 new
55 ILCS 5/3-15003.4 new
730 ILCS 5/3-2-2.3 new
730 ILCS 5/3-14-1

from Ch. 38, par. 1003-14-1

Amends the Election Code. Provides that each election authority shall collaborate with the county jail within the jurisdiction of the election authority to facilitate voting by mail for voters eligible to vote in the county who are confined or detained in the county jail. Provides that in a county with a population of 3,000,000 or more, the election authority in the county shall establish a temporary branch polling place in the county jail. Provides that a refusal by an eligible voter to participate in the voting process must be documented by the voter or witnessed by a pollwatcher. Provides that individuals who facilitate a vote by mail process must receive training on the process, responsibilities, and requirements of implementing a vote by mail program. Contains additional provisions concerning the temporary branch polling place in the county jail. Prohibits certain individuals from from being election judges in a temporary branch polling place in a county jail. Amends the Counties Code. Provides that each election authority shall collaborate with the county jail within the jurisdiction of the election authority to facilitate voter registration for voters eligible to vote in that county who are confined or detained in the county jail. Provides that a county jail shall provide a voter registration application to any person in custody at the jail who requests an application and is eligible to vote. Amends the Unified Code of Corrections. Provides that upon release of a person who is eligible to vote, the Department of Corrections shall provide the person with a specified form that informs him or her that his or her voting rights have been restored. Amends the Unified Code of Corrections and Counties Code. Provides that upon discharge from a county jail or release from the Department of Corrections, a person shall be provided with a voter registration form. Provides that the Department, each county jail, and each county probation office shall provide an individual in its custody with specified information on voting rights. Makes other changes.

LRB101 11140 SMS 56370 b

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 adding Sections
5 19-2.3 and by changing Section 19A-20 as follows:

6 (10 ILCS 5/19-2.3 new)

7 Sec. 19-2.3. Vote by mail; jails. Each election authority
8 in a county with a population under 3,000,000 shall collaborate
9 with the primary county jail where eligible voters are confined
10 or detained who are within the jurisdiction of the election
11 authority to facilitate an opportunity for voting by mail for
12 voters eligible to vote in the election jurisdiction who are
13 confined or detained in the county jail. Refusal by an eligible
14 voter to participate in the voting process must be documented
15 by the voter. Individuals who facilitate a vote by mail process
16 under this Section must receive training on the process,
17 responsibilities, and requirements of implementing a vote by
18 mail program.

19 (10 ILCS 5/19A-20)

20 Sec. 19A-20. Temporary branch polling places.

21 (a) In addition to permanent polling places for early
22 voting, the election authority may establish temporary branch

1 polling places for early voting.

2 (b) The provisions of subsection (b) of Section 19A-15 do
3 not apply to a temporary polling place. Voting at a temporary
4 branch polling place may be conducted on any one or more days
5 and during any hours within the period for early voting by
6 personal appearance that are determined by the election
7 authority.

8 (c) The schedules for conducting voting do not need to be
9 uniform among the temporary branch polling places.

10 (d) The legal rights and remedies which inure to the owner
11 or lessor of private property are not impaired or otherwise
12 affected by the leasing of the property for use as a temporary
13 branch polling place for early voting, except to the extent
14 necessary to conduct early voting at that location.

15 (e) In a county with a population of 3,000,000 or more, the
16 election authority in the county shall establish a temporary
17 branch polling place under this Section in the county jail.
18 Only a resident of a county who is in custody at the county
19 jail and who has not been convicted of the offense for which
20 the resident is in custody is eligible to vote at a temporary
21 branch polling place established under this subsection. The
22 temporary branch polling place established under this
23 subsection shall allow a voter to vote in the same elections
24 that the voter would be entitled to vote in where the voter
25 resides. To the maximum extent feasible, voting booths or
26 screens shall be provided to ensure the privacy of the voter.

1 Refusal by an eligible voter to participate in the voting
2 process must be documented by the voter or witnessed by a
3 pollwatcher. Individuals who facilitate a vote by mail process
4 under this subsection (e) must receive training on the process,
5 responsibilities, and requirements of implementing a voting
6 program.

7 Under this subsection (e), election judges may not be
8 active law enforcement officers, employed by the Department of
9 Corrections, or employed by the head sheriff of the facility
10 where voting occurs.

11 All provisions of this Code applicable to pollwatchers
12 shall apply to a temporary branch polling place under this
13 subsection (e), subject to approval from the election authority
14 and the county jail, except that nonpartisan pollwatchers shall
15 be limited to one per division within the jail instead of one
16 per precinct. A county that establishes a temporary branch
17 polling place inside a county jail in accordance with this
18 subsection (e) shall adhere to all requirements of this
19 subsection (e). All requirements of the federal Voting Rights
20 Act of 1965 and Sections 203 and 208 of the federal Americans
21 with Disabilities Act shall apply to this subsection (e).

22 (Source: P.A. 94-645, eff. 8-22-05.)

23 Section 10. The Counties Code is amended by adding Sections
24 3-15003.3 and 3-15003.4 as follows:

1 (55 ILCS 5/3-15003.3 new)

2 Sec. 3-15003.3. Voter registration; county jails. Upon
3 discharge of a person who is eligible to vote from a county
4 jail, the county jail shall provide the person with a voter
5 registration application. Each election authority shall
6 collaborate with the county jail within the jurisdiction of the
7 election authority to facilitate voter registration for voters
8 eligible to vote in that county who are confined or detained in
9 the county jail. A county jail shall provide a voter
10 registration application to any person in custody at the jail
11 who requests an application and is eligible to vote.

12 (55 ILCS 5/3-15003.4 new)

13 Sec. 3-15003.4. Voting rights; county jails; probation
14 offices.

15 (a) Each county jail and county probation office shall make
16 available current resource materials, maintained by the
17 Illinois State Board of Elections, containing detailed
18 information regarding the voting rights of a person with a
19 criminal conviction in print.

20 (b) The current resource materials described under
21 subsection (a) shall be provided:

22 (1) upon discharge of a person from a county jail; and

23 (2) upon intake of a person by a county probation
24 department.

1 Section 15. The Unified Code of Corrections is amended by
2 adding Sections 3-2-2.3 and by changing Section 3-14-1 as
3 follows:

4 (730 ILCS 5/3-2-2.3 new)

5 Sec. 3-2-2.3. Voting rights information.

6 (a) The Department shall make available to a person in its
7 custody current resource materials, maintained by the Illinois
8 State Board of Elections, containing detailed information
9 regarding the voting rights of a person with a criminal
10 conviction in the following formats:

11 (1) in print;

12 (2) on the Department's website; and

13 (3) in a visible location on the premises of each
14 Department facility where notices are customarily posted.

15 (b) The current resource materials described under
16 subsection (a) shall be provided upon release of a person on
17 parole, mandatory supervised release, final discharge, or
18 pardon from the Department.

19 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

20 Sec. 3-14-1. Release from the institution.

21 (a) Upon release of a person on parole, mandatory release,
22 final discharge or pardon the Department shall return all
23 property held for him, provide him with suitable clothing and
24 procure necessary transportation for him to his designated

1 place of residence and employment. It may provide such person
2 with a grant of money for travel and expenses which may be paid
3 in installments. The amount of the money grant shall be
4 determined by the Department.

5 (a-1) The Department shall, before a wrongfully imprisoned
6 person, as defined in Section 3-1-2 of this Code, is discharged
7 from the Department, provide him or her with any documents
8 necessary after discharge.

9 (a-2) The Department of Corrections may establish and
10 maintain, in any institution it administers, revolving funds to
11 be known as "Travel and Allowances Revolving Funds". These
12 revolving funds shall be used for advancing travel and expense
13 allowances to committed, paroled, and discharged prisoners.
14 The moneys paid into such revolving funds shall be from
15 appropriations to the Department for Committed, Paroled, and
16 Discharged Prisoners.

17 (a-3) Upon release of a person who is eligible to vote on
18 parole, mandatory release, final discharge, or pardon, the
19 Department shall provide the person with a form that informs
20 him or her that his or her voting rights have been restored and
21 a voter registration application. The Department shall have
22 available voter registration applications in the languages
23 provided by the Illinois State Board of Elections. The form
24 that informs the person that his or her rights have been
25 restored shall include the following information:

26 (1) All voting rights are restored upon release from

1 the Department's custody.

2 (2) A person who is eligible to vote must register in
3 order to be able to vote.

4 The Department of Corrections shall confirm that the person
5 received the voter registration application and has been
6 informed that his or her voting rights have been restored.

7 (b) (Blank).

8 (c) Except as otherwise provided in this Code, the
9 Department shall establish procedures to provide written
10 notification of any release of any person who has been
11 convicted of a felony to the State's Attorney and sheriff of
12 the county from which the offender was committed, and the
13 State's Attorney and sheriff of the county into which the
14 offender is to be paroled or released. Except as otherwise
15 provided in this Code, the Department shall establish
16 procedures to provide written notification to the proper law
17 enforcement agency for any municipality of any release of any
18 person who has been convicted of a felony if the arrest of the
19 offender or the commission of the offense took place in the
20 municipality, if the offender is to be paroled or released into
21 the municipality, or if the offender resided in the
22 municipality at the time of the commission of the offense. If a
23 person convicted of a felony who is in the custody of the
24 Department of Corrections or on parole or mandatory supervised
25 release informs the Department that he or she has resided,
26 resides, or will reside at an address that is a housing

1 facility owned, managed, operated, or leased by a public
2 housing agency, the Department must send written notification
3 of that information to the public housing agency that owns,
4 manages, operates, or leases the housing facility. The written
5 notification shall, when possible, be given at least 14 days
6 before release of the person from custody, or as soon
7 thereafter as possible. The written notification shall be
8 provided electronically if the State's Attorney, sheriff,
9 proper law enforcement agency, or public housing agency has
10 provided the Department with an accurate and up to date email
11 address.

12 (c-1) (Blank).

13 (c-2) The Department shall establish procedures to provide
14 notice to the Department of State Police of the release or
15 discharge of persons convicted of violations of the
16 Methamphetamine Control and Community Protection Act or a
17 violation of the Methamphetamine Precursor Control Act. The
18 Department of State Police shall make this information
19 available to local, State, or federal law enforcement agencies
20 upon request.

21 (c-5) If a person on parole or mandatory supervised release
22 becomes a resident of a facility licensed or regulated by the
23 Department of Public Health, the Illinois Department of Public
24 Aid, or the Illinois Department of Human Services, the
25 Department of Corrections shall provide copies of the following
26 information to the appropriate licensing or regulating

1 Department and the licensed or regulated facility where the
2 person becomes a resident:

3 (1) The mittimus and any pre-sentence investigation
4 reports.

5 (2) The social evaluation prepared pursuant to Section
6 3-8-2.

7 (3) Any pre-release evaluation conducted pursuant to
8 subsection (j) of Section 3-6-2.

9 (4) Reports of disciplinary infractions and
10 dispositions.

11 (5) Any parole plan, including orders issued by the
12 Prisoner Review Board, and any violation reports and
13 dispositions.

14 (6) The name and contact information for the assigned
15 parole agent and parole supervisor.

16 This information shall be provided within 3 days of the
17 person becoming a resident of the facility.

18 (c-10) If a person on parole or mandatory supervised
19 release becomes a resident of a facility licensed or regulated
20 by the Department of Public Health, the Illinois Department of
21 Public Aid, or the Illinois Department of Human Services, the
22 Department of Corrections shall provide written notification
23 of such residence to the following:

24 (1) The Prisoner Review Board.

25 (2) The chief of police and sheriff in the municipality
26 and county in which the licensed facility is located.

1 The notification shall be provided within 3 days of the
2 person becoming a resident of the facility.

3 (d) Upon the release of a committed person on parole,
4 mandatory supervised release, final discharge or pardon, the
5 Department shall provide such person with information
6 concerning programs and services of the Illinois Department of
7 Public Health to ascertain whether such person has been exposed
8 to the human immunodeficiency virus (HIV) or any identified
9 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

10 (e) Upon the release of a committed person on parole,
11 mandatory supervised release, final discharge, pardon, or who
12 has been wrongfully imprisoned, the Department shall verify the
13 released person's full name, date of birth, and social security
14 number. If verification is made by the Department by obtaining
15 a certified copy of the released person's birth certificate and
16 the released person's social security card or other documents
17 authorized by the Secretary, the Department shall provide the
18 birth certificate and social security card or other documents
19 authorized by the Secretary to the released person. If
20 verification by the Department is done by means other than
21 obtaining a certified copy of the released person's birth
22 certificate and the released person's social security card or
23 other documents authorized by the Secretary, the Department
24 shall complete a verification form, prescribed by the Secretary
25 of State, and shall provide that verification form to the
26 released person.

1 (f) Forty-five days prior to the scheduled discharge of a
2 person committed to the custody of the Department of
3 Corrections, the Department shall give the person who is
4 otherwise uninsured an opportunity to apply for health care
5 coverage including medical assistance under Article V of the
6 Illinois Public Aid Code in accordance with subsection (b) of
7 Section 1-8.5 of the Illinois Public Aid Code, and the
8 Department of Corrections shall provide assistance with
9 completion of the application for health care coverage
10 including medical assistance. The Department may adopt rules to
11 implement this Section.

12 (Source: P.A. 98-267, eff. 1-1-14; 99-415, eff. 8-20-15;
13 99-907, eff. 7-1-17.)