



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2949

Introduced 10/26/2021, by Sen. Darren Bailey

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 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.

LRB102 20949 HLH 29845 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) 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 3-8. 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. A Voter Identification
19 Card shall be provided to each registered voter free of
20 charge.

21 (b) Application for the Voter Identification Card. Within
22 a reasonable time after the effective date of this amendatory
23 Act of the 102nd General Assembly, the Secretary of State

1 shall provide application forms for the Voter Identification
2 Card. The Secretary of State shall adopt rules for the
3 implementation of this Section, including, but not limited to,
4 procedures for the verification of the identity of registered
5 voters.

6 (c) Exemptions. Voters who have a religious objection to
7 being photographed may vote a provisional ballot and sign an
8 affidavit that indicates that the exemption stated in this
9 subsection applies.

10 (10 ILCS 5/3-8 new)

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

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

1 not found on the register of voters, he or she shall not
2 receive a ballot until he or she shall have complied with the
3 law prescribing the manner and conditions of voting by
4 unregistered voters. If any person desiring to vote at any
5 election shall be challenged, he or she shall not receive a
6 ballot until he or she shall have established his right to vote
7 in the manner provided hereinafter; and if he or she shall be
8 challenged after he has received his ballot, he shall not be
9 permitted to vote until he or she has fully complied with such
10 requirements of the law upon being challenged. Besides the
11 election officer, not more than 2 voters in excess of the whole
12 number of voting booths provided shall be allowed within the
13 proximity of the voting booths at one time. The provisions of
14 this Act, so far as they require the registration of voters as
15 a condition to their being allowed to vote shall not apply to
16 persons otherwise entitled to vote, who are, at the time of the
17 election, or at any time within 60 days prior to such election
18 have been engaged in the military or naval service of the
19 United States, and who appear personally at the polling place
20 on election day and produce to the judges of election
21 satisfactory evidence thereof, but such persons, if otherwise
22 qualified to vote, shall be permitted to vote at such election
23 without previous 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. 98-1171, eff. 6-1-15.)

23 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

24 Sec. 18-5. Any person desiring to vote and whose name is

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

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

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

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

18 The oath in each case may be administered by one of the
19 judges of election, or by any officer, resident in the
20 precinct or district, authorized by law to administer oaths.
21 Also supported by an affidavit by a registered voter residing
22 in such precinct, stating his own residence, and that he knows
23 such person; and that he does reside at the place mentioned and
24 has resided in such precinct and state for the length of time
25 as stated by such person, which shall be subscribed and sworn
26 to in the same way. For purposes of this Section, the

1 submission of a photo identification issued by a college or
2 university, accompanied by either (i) a copy of the
3 applicant's contract or lease for a residence or (ii) one
4 piece of mail addressed to the person at his or her current
5 residence address and postmarked not earlier than 30 days
6 prior to the date of the election, shall be sufficient to
7 establish proof of residence. Whereupon the vote of such
8 person shall be received, and entered as other votes. But such
9 judges, having charge of such registers, shall state in their
10 respective books the facts in such case, and the affidavits,
11 so delivered to the judges, shall be preserved and returned to
12 the office of the commissioners of election. Blank affidavits
13 of the character aforesaid shall be sent out to the judges of
14 all the precincts, and the judges of election shall furnish
15 the same on demand and administer the oaths without criticism.
16 Such oaths, if administered by any other officer than such
17 judge of election, shall not be received. 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 be placed on top of the other ballots to be voted at the
22 election in such manner that the legend appearing on the back
23 thereof, as prescribed in Section 16-6 of this Act, shall be
24 plainly visible to the voter, and in this fashion the ballots
25 shall be handed to the voter by the judge.

26 Immediately after voting, the voter shall be instructed

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

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

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

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

25 No judge of election shall accept from any voter less than
26 the full number of ballots received by such voter without

1 first advising the voter in the manner above provided of the
2 necessity of returning all of the ballots, nor shall any such
3 judge advise such voter in a manner contrary to that which is
4 herein permitted, or in any other manner violate the
5 provisions of this Section; provided, that the acceptance by a
6 judge of election of less than the full number of ballots
7 delivered to a voter who refuses to return to the voting booth
8 after being properly advised by such judge shall not be a
9 violation of this Section.

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

11 (10 ILCS 5/18A-5)

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

13 (a) A person who claims to be a registered voter is
14 entitled to cast a provisional ballot under the following
15 circumstances:

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

23 (2) The person's voting status has been challenged by
24 an election judge, a pollwatcher, or any legal voter and
25 that challenge has been sustained by a majority of the

1 election judges;

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

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

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

16 (6) The voter received a vote by mail ballot but did
17 not return the vote by mail ballot to the election
18 authority; or

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

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

24 (1) After first verifying through an examination of
25 the precinct register that the person's address is within
26 the precinct boundaries, an election judge at the polling

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

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

18 (i) an affidavit stating the following:
 19 State of Illinois, County of,
 20 Township, Precinct, Ward
 21, I,, do solemnly
 22 swear (or affirm) that: I am a citizen of the
 23 United States; I am 18 years of age or older; I
 24 have resided in this State and in this precinct
 25 for 30 days preceding this election; I have not
 26 voted in this election; I am a duly registered

1 voter in every respect; and I am eligible to vote
2 in this election. Signature Printed Name of
3 Voter Printed Residence Address of Voter
4 City State Zip Code
5 Telephone Number Date of Birth and
6 Illinois Driver's License Number or Last 4
7 digits of Social Security Number or State
8 Identification Card Number issued to you by the
9 Illinois Secretary of State

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

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

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

22 (3) After the person executes the portion of the
23 written affidavit described in subsection (b)(2)(i) of
24 this Section, the election judge shall complete the
25 portion of the written affidavit described in subsection
26 (b)(2)(iii) and (b)(2)(iv).

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

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

1 provisional vote was not counted, the reason that the vote
2 was not counted.

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

18 (c) Instead of the affidavit form described in subsection
19 (b), the county clerk or board of election commissioners, as
20 the case may be, may design and use a multi-part affidavit form
21 that is imprinted upon or attached to the provisional ballot
22 envelope described in subsection (b). If a county clerk or
23 board of election commissioners elects to design and use its
24 own multi-part affidavit form, then the county clerk or board
25 of election commissioners shall establish a mechanism for
26 accepting any information the provisional voter has supplied

1 to the election judge to support his or her claim that he or
2 she is a duly registered voter. In all other respects, a county
3 clerk or board of election commissioners shall establish
4 procedures consistent with subsection (b).

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

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

17 (10 ILCS 5/18A-15)

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

19 (a) The county clerk or board of election commissioners
20 shall complete the validation and counting of provisional
21 ballots within 14 calendar days of the day of the election. The
22 county clerk or board of election commissioners shall have 7
23 calendar days from the completion of the validation and
24 counting of provisional ballots to conduct its final canvass.
25 The State Board of Elections shall complete within 31 calendar

1 days of the election or sooner if all the returns are received,
2 its final canvass of the vote for all public offices.

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

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

1 item, "township office" means an office elected by the
2 electors of an entire township;

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

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

12 i. the provisional voter;

13 ii. an election judge;

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

16 iv. the records of the county clerk or board of
17 election commissioners' database; or

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

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

23 (5) for a provisional ballot cast under item (7) of
24 subsection (a) of Section 18A-5, the voter provides the
25 election authority with the necessary documentation within
26 7 days of election day.

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

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

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

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

22 (e) If the county clerk or board of election commissioners
23 determines that subsection (b) (1), (b) (2), or (b) (3) does not
24 apply, then the provisional ballot is not valid and may not be
25 counted. The provisional ballot envelope containing the ballot
26 cast by the provisional voter may not be opened. The county

1 clerk or board of election commissioners shall write on the
2 provisional ballot envelope the following: "Provisional ballot
3 determined invalid."

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

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

23 (h) As soon as the ballots have been counted, the election
24 judges or election officials shall, in the presence of the
25 county clerk or board of election commissioners, place each of
26 the following items in a separate envelope or bag: (1) all

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

1 respective employees.

2 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13;
3 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

4 (10 ILCS 5/19A-35)

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

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

19 (b) In conducting early voting under this Article, the
20 election judge or official is required to verify the signature
21 of the early voter by comparison with the signature on the
22 official registration card, and the judge or official must
23 verify (i) that the applicant is a registered voter, (ii) the
24 precinct in which the applicant is registered, ~~and~~ (iii) the
25 proper ballots of the political subdivision in which the

1 applicant resides and is entitled to vote, and (iv) the
2 applicant's identity, which must be verified by the
3 applicant's presentation of a government-issued photo
4 identification card, as defined in Section 3-8, or his or her
5 Voter Identification Card, before providing an early ballot to
6 the applicant. The election judge or official must verify the
7 applicant's registration from the most recent poll list
8 provided by the election authority, and if the applicant is
9 not listed on that poll list, by telephoning the office of the
10 election authority.

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

23 (b-10) Within one day after a voter casts an early voting
24 ballot, the election authority shall transmit the voter's
25 name, street address, and precinct, ward, township, and
26 district numbers, as the case may be, to the State Board of

1 Elections, which shall maintain those names and that
2 information in an electronic format on its website, arranged
3 by county and accessible to State and local political
4 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; 98-1171, eff. 6-1-15.)