



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB0039

Introduced 1/12/2023, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/24-1.1	from Ch. 46, par. 24-1.1
10 ILCS 5/24A-3	from Ch. 46, par. 24A-3
10 ILCS 5/24B-3	
10 ILCS 5/3-5 rep.	
730 ILCS 5/5-5-5	from Ch. 38, par. 1005-5-5

Amends the Election Code. Repeals provisions that prohibit a person that is serving a sentence of confinement in any penal institution from voting until his or her release from confinement. Further amends the Election Code and amends the Unified Code of Corrections making conforming changes. Effective January 1, 2024.

LRB103 03515 AWJ 48521 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 by changing  
5 Sections 24-1.1, 24A-3, and 24B-3 as follows:

6 (10 ILCS 5/24-1.1) (from Ch. 46, par. 24-1.1)

7 Sec. 24-1.1. The county board of each county having a  
8 population of 35,000 or more, with respect to all elections  
9 for which the county board or the county clerk is charged with  
10 the duty of providing materials and supplies, and each board  
11 of election commissioners in a municipality having a  
12 population of 35,000 or more with respect to elections under  
13 its jurisdiction, must provide either voting machines in  
14 accordance with this Article or electronic voting systems in  
15 accordance with Article 24A for each precinct for all such  
16 elections except as provided in Section 24-1.2 except in  
17 elections held pursuant to the provisions of Section 12 of  
18 Article VI of the Constitution relating to retention of judges  
19 in office, in which event, the special ballot containing the  
20 propositions on the retention of judges may be placed on the  
21 voting machines or devices. ~~For purposes of this Section~~  
22 ~~24-1.1, the term "population" does not include persons~~  
23 ~~prohibited from voting by Section 3-5 of this Act.~~

1 Before voting machines or electronic voting systems are  
2 introduced, adopted or used in any precinct or territory at  
3 least 2 months public notice must be given before the date of  
4 the first election wherein such machines are to be used. The  
5 election authority shall publish the notice at least once in  
6 one or more newspapers published within its jurisdiction in  
7 which the election is held. If there is no such newspaper, the  
8 notice shall be published in a newspaper published in the  
9 county and having a general circulation within such political  
10 subdivision of this State. The notice shall be substantially  
11 as follows:

12 Notice is hereby given that on (give date), at (give place  
13 where election is held) in the county of .... an election will  
14 be held for (give name of office to be filled) at which voting  
15 machines will be used.

16 Dated at .... on (insert date).

17 The notice referred to herein shall be given only at the  
18 first election at which such voting machines or electronic  
19 voting systems are used.

20 (Source: P.A. 91-357, eff. 7-29-99.)

21 (10 ILCS 5/24A-3) (from Ch. 46, par. 24A-3)

22 Sec. 24A-3. Except as otherwise provided in this Section,  
23 any county board, board of county commissioners and any board  
24 of election commissioners, with respect to territory within

1 its jurisdiction, may adopt, experiment with, or abandon a  
2 voting system approved for use by the State Board of Elections  
3 and may use such voting system in all or some of the precincts  
4 within its jurisdiction, or in combination with paper ballots  
5 or voting machines. Any such county board, board of county  
6 commissioners or board of election commissioners may contract  
7 for the tabulation of votes at a location outside its  
8 territorial jurisdiction when there is no suitable tabulating  
9 equipment available within its territorial jurisdiction. In no  
10 case may a county board, board of county commissioners or  
11 board of election commissioners contract or arrange for the  
12 purchase, lease or loan of an electronic voting system or  
13 voting system component without the approval of the State  
14 Board of Elections as provided by Section 24A-16. However, the  
15 county board and board of county commissioners of each county  
16 having a population of 40,000 or more, with respect to all  
17 elections for which the county board or the county clerk is  
18 charged with the duty of providing materials and supplies, and  
19 each board of election commissioners in a municipality having  
20 a population of 40,000 or more, with respect to elections  
21 under its jurisdiction, must provide either voting systems  
22 approved for use by the State Board of Elections under this  
23 Article or voting machines under Article 24 for each precinct  
24 for all such elections except as provided in Section 24-1.2.  
25 ~~For purposes of this Section 24A-3, the term "population" does~~  
26 ~~not include persons prohibited from voting by Section 3-5 of~~

1 ~~this Act.~~

2 Before any such system is introduced, adopted or used in  
3 any precinct or territory at least 2 months public notice must  
4 be given before the date of the first election wherein such  
5 voting system is to be used. The election authority shall  
6 publish the notice at least once in one or more newspapers  
7 published within the county, or other jurisdiction, as the  
8 case may be, in which the election is held. If there is no such  
9 newspaper, the notice shall be published in a newspaper  
10 published in the county and having a general circulation  
11 within such jurisdiction. The notice shall be substantially as  
12 follows:

13 Notice is hereby given that on (give date), at (give place  
14 where election is held) in the county of ....., an election will  
15 be held for (give name of offices to be filled) at which an  
16 electronic voting system will be used.

17 Dated at .... on (insert date).

18 The notice referred to herein shall be given only at the  
19 first election at which such voting machines or voting systems  
20 are used.

21 (Source: P.A. 91-357, eff. 7-29-99.)

22 (10 ILCS 5/24B-3)

23 Sec. 24B-3. Adoption, experimentation or abandonment of  
24 Precinct Tabulation Optical Scan Technology system; Boundaries

1 of precincts; Notice. Except as otherwise provided in this  
2 Section, any county board, board of county commissioners and  
3 any board of election commissioners, with respect to territory  
4 within its jurisdiction, may adopt, experiment with, or  
5 abandon a Precinct Tabulation Optical Scan Technology voting  
6 system approved for use by the State Board of Elections and may  
7 use the Precinct Tabulation Optical Scan Technology voting  
8 system in all or some of the precincts within its  
9 jurisdiction, or in combination with paper ballots or voting  
10 machines. Any county board, board of county commissioners or  
11 board of election commissioners may contract for the  
12 tabulation of votes at a location outside its territorial  
13 jurisdiction when there is no suitable tabulating equipment  
14 available within its territorial jurisdiction. In no case may  
15 a county board, board of county commissioners or board of  
16 election commissioners contract or arrange for the purchase,  
17 lease or loan of an electronic Precinct Tabulation Optical  
18 Scan Technology voting system or Precinct Tabulation Optical  
19 Scan Technology voting system component without the approval  
20 of the State Board of Elections as provided by Section 24B-16.  
21 However, the county board and board of county commissioners of  
22 each county having a population of 40,000 or more, with  
23 respect to all elections for which the county board or the  
24 county clerk is charged with the duty of providing materials  
25 and supplies, and each board of election commissioners in a  
26 municipality having a population of 40,000 or more, with

1 respect to elections under its jurisdiction, must provide  
2 either Precinct Tabulation Optical Scan Technology voting  
3 systems approved for use by the State Board of Elections under  
4 this Article or voting systems under Article 24A or Article 24  
5 for each precinct for all such elections except as provided in  
6 Section 24-1.2. ~~For purposes of this Section 24B-3, the term~~  
7 ~~"population" does not include persons prohibited from voting~~  
8 ~~by Section 3-5 of this Code.~~

9 Before any such Precinct Tabulation Optical Scan  
10 Technology system is introduced, adopted or used in any  
11 precinct or territory at least 2 months public notice must be  
12 given before the date of the first election where the Precinct  
13 Tabulation Optical Scan Technology voting system is to be  
14 used. The election authority shall publish the notice at least  
15 once in one or more newspapers published within the county, or  
16 other jurisdiction, where the election is held. If there is no  
17 such newspaper, the notice shall be published in a newspaper  
18 published in the county and having a general circulation  
19 within such jurisdiction. The notice shall be substantially as  
20 follows:

21 Notice is hereby given that on (give date), at (give place  
22 where election is held) in the county of ....., an election will  
23 be held for (give name of offices to be filled) at which a  
24 Precinct Tabulation Optical Scan Technology electronic voting  
25 system will be used.

26 Dated at..... on (insert date).

1 This notice referred to shall be given only at the first  
2 election at which the Precinct Tabulation Optical Scan  
3 Technology voting machines or Precinct Tabulation Optical Scan  
4 Technology voting systems are used.

5 (Source: P.A. 91-357, eff. 7-29-99.)

6 (10 ILCS 5/3-5 rep.)

7 Section 10. The Election Code is amended by repealing  
8 Section 3-5.

9 Section 15. The Unified Code of Corrections is amended by  
10 changing Section 5-5-5 as follows:

11 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

12 Sec. 5-5-5. Loss and restoration of rights.

13 (a) Conviction and disposition shall not entail the loss  
14 by the defendant of any civil rights, except under this  
15 Section and Sections 29-6 and 29-10 of The Election Code, as  
16 now or hereafter amended.

17 (b) A person convicted of a felony shall be ineligible to  
18 hold an office created by the Constitution of this State until  
19 the completion of his sentence.

20 (c) Blank. ~~A person sentenced to imprisonment shall lose~~  
21 ~~his right to vote until released from imprisonment.~~

22 (d) On completion of sentence of imprisonment or upon  
23 discharge from probation, conditional discharge or periodic



1 imprisonment, or at any time thereafter, all license rights  
2 and privileges granted under the authority of this State which  
3 have been revoked or suspended because of conviction of an  
4 offense shall be restored unless the authority having  
5 jurisdiction of such license rights finds after investigation  
6 and hearing that restoration is not in the public interest.  
7 This paragraph (d) shall not apply to the suspension or  
8 revocation of a license to operate a motor vehicle under the  
9 Illinois Vehicle Code.

10 (e) Upon a person's discharge from incarceration or  
11 parole, or upon a person's discharge from probation or at any  
12 time thereafter, the committing court may enter an order  
13 certifying that the sentence has been satisfactorily completed  
14 when the court believes it would assist in the rehabilitation  
15 of the person and be consistent with the public welfare. Such  
16 order may be entered upon the motion of the defendant or the  
17 State or upon the court's own motion.

18 (f) Upon entry of the order, the court shall issue to the  
19 person in whose favor the order has been entered a certificate  
20 stating that his behavior after conviction has warranted the  
21 issuance of the order.

22 (g) This Section shall not affect the right of a defendant  
23 to collaterally attack his conviction or to rely on it in bar  
24 of subsequent proceedings for the same offense.

25 (h) No application for any license specified in subsection  
26 (i) of this Section granted under the authority of this State

1 shall be denied by reason of an eligible offender who has  
2 obtained a certificate of relief from disabilities, as defined  
3 in Article 5.5 of this Chapter, having been previously  
4 convicted of one or more criminal offenses, or by reason of a  
5 finding of lack of "good moral character" when the finding is  
6 based upon the fact that the applicant has previously been  
7 convicted of one or more criminal offenses, unless:

8 (1) there is a direct relationship between one or more  
9 of the previous criminal offenses and the specific license  
10 sought; or

11 (2) the issuance of the license would involve an  
12 unreasonable risk to property or to the safety or welfare  
13 of specific individuals or the general public.

14 In making such a determination, the licensing agency shall  
15 consider the following factors:

16 (1) the public policy of this State, as expressed in  
17 Article 5.5 of this Chapter, to encourage the licensure  
18 and employment of persons previously convicted of one or  
19 more criminal offenses;

20 (2) the specific duties and responsibilities  
21 necessarily related to the license being sought;

22 (3) the bearing, if any, the criminal offenses or  
23 offenses for which the person was previously convicted  
24 will have on his or her fitness or ability to perform one  
25 or more such duties and responsibilities;

26 (4) the time which has elapsed since the occurrence of

1 the criminal offense or offenses;

2 (5) the age of the person at the time of occurrence of  
3 the criminal offense or offenses;

4 (6) the seriousness of the offense or offenses;

5 (7) any information produced by the person or produced  
6 on his or her behalf in regard to his or her rehabilitation  
7 and good conduct, including a certificate of relief from  
8 disabilities issued to the applicant, which certificate  
9 shall create a presumption of rehabilitation in regard to  
10 the offense or offenses specified in the certificate; and

11 (8) the legitimate interest of the licensing agency in  
12 protecting property, and the safety and welfare of  
13 specific individuals or the general public.

14 (i) A certificate of relief from disabilities shall be  
15 issued only for a license or certification issued under the  
16 following Acts:

17 (1) the Animal Welfare Act; except that a certificate  
18 of relief from disabilities may not be granted to provide  
19 for the issuance or restoration of a license under the  
20 Animal Welfare Act for any person convicted of violating  
21 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
22 Care for Animals Act or Section 26-5 or 48-1 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012;

24 (2) the Illinois Athletic Trainers Practice Act;

25 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
26 and Nail Technology Act of 1985;

- 1 (4) the Boiler and Pressure Vessel Repairer Regulation
- 2 Act;
- 3 (5) the Boxing and Full-contact Martial Arts Act;
- 4 (6) the Illinois Certified Shorthand Reporters Act of
- 5 1984;
- 6 (7) the Illinois Farm Labor Contractor Certification
- 7 Act;
- 8 (8) the Registered Interior Designers Act;
- 9 (9) the Illinois Professional Land Surveyor Act of
- 10 1989;
- 11 (10) the Landscape Architecture Registration Act;
- 12 (11) the Marriage and Family Therapy Licensing Act;
- 13 (12) the Private Employment Agency Act;
- 14 (13) the Professional Counselor and Clinical
- 15 Professional Counselor Licensing and Practice Act;
- 16 (14) the Real Estate License Act of 2000;
- 17 (15) the Illinois Roofing Industry Licensing Act;
- 18 (16) the Professional Engineering Practice Act of
- 19 1989;
- 20 (17) the Water Well and Pump Installation Contractor's
- 21 License Act;
- 22 (18) the Electrologist Licensing Act;
- 23 (19) the Auction License Act;
- 24 (20) the Illinois Architecture Practice Act of 1989;
- 25 (21) the Dietitian Nutritionist Practice Act;
- 26 (22) the Environmental Health Practitioner Licensing

1           Act;

2           (23) the Funeral Directors and Embalmers Licensing

3           Code;

4           (24) (blank);

5           (25) the Professional Geologist Licensing Act;

6           (26) the Illinois Public Accounting Act; and

7           (27) the Structural Engineering Practice Act of 1989.

8           (Source: P.A. 102-284, eff. 8-6-21.)

9           Section 99. Effective date. This Act takes effect January

10          1, 2024.