



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3317

Introduced 2/7/2024, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7.5

Creates the Candidate Information Privacy Act. Provides that the Executive Director of the State Board of Elections shall establish a secure portal through which a candidate may submit or revoke a request for the redaction or nondisclosure of his or her personal information from publicly-accessible databases maintained and administered by the Board. Sets forth procedures to request the redaction or nondisclosure of specified personal information and exceptions. Provides that a copy of the voter registration files maintained in the Statewide voter registration system and maintained by the election authority of each county shall be provided to a requester as redacted, except that a copy of the unredacted voter registration files shall be provided to specified individuals. Amends the Freedom of Information Act to make a conforming changes. Effective January 1, 2025.

LRB103 38795 SPS 68932 b

1 AN ACT concerning elections.

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

4 Section 1. Short title. This Act shall be referred to as
5 the Candidate Information Privacy Act.

6 Section 5. Policy; intent. It is the public policy of this
7 State that candidates for public office in Illinois have a
8 right to maintain their privacy through the prevention of
9 unnecessary disclosures of personal information in
10 publicly-accessible areas regulated by the State Board of
11 Elections.

12 Section 10. Definitions. As used in this Act:

13 "Board" means the State Board of Elections.

14 "Candidate" has the meaning ascribed to that term in
15 Section 9-1.3 of the Election Code.

16 "Director" means the Executive Director of the State Board
17 of Elections.

18 "Home address" includes a candidate's permanent residence
19 and any secondary residences affirmatively identified by the
20 candidate. "Home address" does not include the candidate's
21 work address.

22 "Personal information" means a home address, home

1 telephone number, mobile telephone number, pager number,
2 personal email number, checking and savings account number,
3 credit card number, marital status, and the identity of
4 children under the age of 18.

5 Section 15. Powers and duties of the Director.

6 (a) The Director shall establish:

7 (1) a secure portal through which a candidate may
8 submit or revoke a request for the redaction or
9 nondisclosure of his or her personal information from
10 publicly accessible databases maintained and administered
11 by the Board, whether physical or on the Internet;

12 (2) a process by which a candidate may petition the
13 Director for reconsideration of a denial of a request or
14 any revocation of a request described in paragraph (1);

15 (3) a process by which a person or entity may request
16 receipt of a record that does not contain redactions or
17 any information that is undisclosed; and

18 (4) a process for the evaluation of any other
19 exceptions to the requirements for redaction or
20 nondisclosure.

21 A request or a revocation of a request submitted by a
22 candidate under the process described in this subsection shall
23 be exempt from disclosure under the Freedom of Information
24 Act.

25 (b) The Director shall evaluate and either approve or deny

1 a request or a revocation of a request submitted through the
2 secure portal described in subsection (a).

3 (c) The Director may enter into any agreement or contract
4 necessary to administer this Act.

5 (f) The Director may adopt rules to implement and
6 administer this Act in accordance with the Illinois
7 Administrative Procedure Act.

8 Section 20. Candidate requests for redaction or
9 nondisclosure; and enforcement.

10 (a) A candidate seeking the redaction or nondisclosure of
11 his or her personal information by the Board shall submit a
12 request to the Board through the secure portal described in
13 subsection (a) of Section 15. The information shall be subject
14 to redaction or nondisclosure only if a request is submitted
15 to and approved by the Director.

16 (b) The Board shall redact or cease to disclose the
17 personal information of a candidate no later than 30 days
18 after the approval by the Director. The Board shall
19 discontinue the redaction or nondisclosure of the personal
20 information of any candidate for whom a revocation request has
21 been approved no later than 30 days after the approval by the
22 Director.

23 Section 25. Provision of voter registration files.

24 (a) A copy of the voter registration files maintained in

1 the Statewide voter registration system and maintained by the
2 election authority of each county shall be provided to a
3 requester as redacted, except that a copy of the unredacted
4 voter registration files shall be provided to the following
5 individuals:

6 (1) the chairperson of the county or municipal
7 committee of a political party, or a designee thereof, for
8 distribution to any person authorized to serve as a
9 challenger as described in the Election Code if the copy
10 of the unredacted voter registration files are only used
11 for the purposes of validating a candidate's personal
12 information to determine qualifications for candidacy by
13 the challenger;

14 (2) a candidate acting as a challenger;

15 (3) any vendor, contractor, or organization carrying
16 out a function of a county or this State concerning the
17 administration or conduct of elections; and

18 (4) a person filing or responding to a petition filed
19 in accordance with the Election Code upon order of a judge
20 after a finding that the copy of the unredacted voter
21 registration files is necessary to determine the merits of
22 the petition.

23 (b) In order for an individual to receive the copy of the
24 unredacted voter registration files described in subsection
25 (a), the individual shall sign an affidavit attesting that the
26 person satisfies one of the exceptions provided for in

1 paragraphs (1) through (4) of subsection (a).

2 Section 90. The Freedom of Information Act is amended by
3 changing Section 7.5 as follows:

4 (5 ILCS 140/7.5)

5 (Text of Section before amendment by P.A. 103-472)

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

9 (a) All information determined to be confidential
10 under Section 4002 of the Technology Advancement and
11 Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library
14 Records Confidentiality Act.

15 (c) Applications, related documents, and medical
16 records received by the Experimental Organ Transplantation
17 Procedures Board and any and all documents or other
18 records prepared by the Experimental Organ Transplantation
19 Procedures Board or its staff relating to applications it
20 has received.

21 (d) Information and records held by the Department of
22 Public Health and its authorized representatives relating
23 to known or suspected cases of sexually transmissible
24 disease or any information the disclosure of which is

1 restricted under the Illinois Sexually Transmissible
2 Disease Control Act.

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

5 (f) Firm performance evaluations under Section 55 of
6 the Architectural, Engineering, and Land Surveying
7 Qualifications Based Selection Act.

8 (g) Information the disclosure of which is restricted
9 and exempted under Section 50 of the Illinois Prepaid
10 Tuition Act.

11 (h) Information the disclosure of which is exempted
12 under the State Officials and Employees Ethics Act, and
13 records of any lawfully created State or local inspector
14 general's office that would be exempt if created or
15 obtained by an Executive Inspector General's office under
16 that Act.

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

21 (j) Information and data concerning the distribution
22 of surcharge moneys collected and remitted by carriers
23 under the Emergency Telephone System Act.

24 (k) Law enforcement officer identification information
25 or driver identification information compiled by a law
26 enforcement agency or the Department of Transportation

1 under Section 11-212 of the Illinois Vehicle Code.

2 (l) Records and information provided to a residential
3 health care facility resident sexual assault and death
4 review team or the Executive Council under the Abuse
5 Prevention Review Team Act.

6 (m) Information provided to the predatory lending
7 database created pursuant to Article 3 of the Residential
8 Real Property Disclosure Act, except to the extent
9 authorized under that Article.

10 (n) Defense budgets and petitions for certification of
11 compensation and expenses for court appointed trial
12 counsel as provided under Sections 10 and 15 of the
13 Capital Crimes Litigation Act (repealed). This subsection
14 (n) shall apply until the conclusion of the trial of the
15 case, even if the prosecution chooses not to pursue the
16 death penalty prior to trial or sentencing.

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

20 (p) Security portions of system safety program plans,
21 investigation reports, surveys, schedules, lists, data, or
22 information compiled, collected, or prepared by or for the
23 Department of Transportation under Sections 2705-300 and
24 2705-616 of the Department of Transportation Law of the
25 Civil Administrative Code of Illinois, the Regional
26 Transportation Authority under Section 2.11 of the

1 Regional Transportation Authority Act, or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act (repealed).

4 (q) Information prohibited from being disclosed by the
5 Personnel Record Review Act.

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

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

10 (t) (Blank).

11 (u) Records and information provided to an independent
12 team of experts under the Developmental Disability and
13 Mental Health Safety Act (also known as Brian's Law).

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

24 (v-5) Records of the Firearm Owner's Identification
25 Card Review Board that are exempted from disclosure under
26 Section 10 of the Firearm Owners Identification Card Act.

1 (w) Personally identifiable information which is
2 exempted from disclosure under subsection (g) of Section
3 19.1 of the Toll Highway Act.

4 (x) Information which is exempted from disclosure
5 under Section 5-1014.3 of the Counties Code or Section
6 8-11-21 of the Illinois Municipal Code.

7 (y) Confidential information under the Adult
8 Protective Services Act and its predecessor enabling
9 statute, the Elder Abuse and Neglect Act, including
10 information about the identity and administrative finding
11 against any caregiver of a verified and substantiated
12 decision of abuse, neglect, or financial exploitation of
13 an eligible adult maintained in the Registry established
14 under Section 7.5 of the Adult Protective Services Act.

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

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

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

23 (cc) Recordings made under the Law Enforcement
24 Officer-Worn Body Camera Act, except to the extent
25 authorized under that Act.

26 (dd) Information that is prohibited from being

1 disclosed under Section 45 of the Condominium and Common
2 Interest Community Ombudsperson Act.

3 (ee) Information that is exempted from disclosure
4 under Section 30.1 of the Pharmacy Practice Act.

5 (ff) Information that is exempted from disclosure
6 under the Revised Uniform Unclaimed Property Act.

7 (gg) Information that is prohibited from being
8 disclosed under Section 7-603.5 of the Illinois Vehicle
9 Code.

10 (hh) Records that are exempt from disclosure under
11 Section 1A-16.7 of the Election Code.

12 (ii) Information which is exempted from disclosure
13 under Section 2505-800 of the Department of Revenue Law of
14 the Civil Administrative Code of Illinois.

15 (jj) Information and reports that are required to be
16 submitted to the Department of Labor by registering day
17 and temporary labor service agencies but are exempt from
18 disclosure under subsection (a-1) of Section 45 of the Day
19 and Temporary Labor Services Act.

20 (kk) Information prohibited from disclosure under the
21 Seizure and Forfeiture Reporting Act.

22 (ll) Information the disclosure of which is restricted
23 and exempted under Section 5-30.8 of the Illinois Public
24 Aid Code.

25 (mm) Records that are exempt from disclosure under
26 Section 4.2 of the Crime Victims Compensation Act.

1 (nn) Information that is exempt from disclosure under
2 Section 70 of the Higher Education Student Assistance Act.

3 (oo) Communications, notes, records, and reports
4 arising out of a peer support counseling session
5 prohibited from disclosure under the First Responders
6 Suicide Prevention Act.

7 (pp) Names and all identifying information relating to
8 an employee of an emergency services provider or law
9 enforcement agency under the First Responders Suicide
10 Prevention Act.

11 (qq) Information and records held by the Department of
12 Public Health and its authorized representatives collected
13 under the Reproductive Health Act.

14 (rr) Information that is exempt from disclosure under
15 the Cannabis Regulation and Tax Act.

16 (ss) Data reported by an employer to the Department of
17 Human Rights pursuant to Section 2-108 of the Illinois
18 Human Rights Act.

19 (tt) Recordings made under the Children's Advocacy
20 Center Act, except to the extent authorized under that
21 Act.

22 (uu) Information that is exempt from disclosure under
23 Section 50 of the Sexual Assault Evidence Submission Act.

24 (vv) Information that is exempt from disclosure under
25 subsections (f) and (j) of Section 5-36 of the Illinois
26 Public Aid Code.

1 (ww) Information that is exempt from disclosure under
2 Section 16.8 of the State Treasurer Act.

3 (xx) Information that is exempt from disclosure or
4 information that shall not be made public under the
5 Illinois Insurance Code.

6 (yy) Information prohibited from being disclosed under
7 the Illinois Educational Labor Relations Act.

8 (zz) Information prohibited from being disclosed under
9 the Illinois Public Labor Relations Act.

10 aaa) Information prohibited from being disclosed
11 under Section 1-167 of the Illinois Pension Code.

12 bbb) Information that is prohibited from disclosure
13 by the Illinois Police Training Act and the Illinois State
14 Police Act.

15 ccc) Records exempt from disclosure under Section
16 2605-304 of the Illinois State Police Law of the Civil
17 Administrative Code of Illinois.

18 ddd) Information prohibited from being disclosed
19 under Section 35 of the Address Confidentiality for
20 Victims of Domestic Violence, Sexual Assault, Human
21 Trafficking, or Stalking Act.

22 eee) Information prohibited from being disclosed
23 under subsection (b) of Section 75 of the Domestic
24 Violence Fatality Review Act.

25 fff) Images from cameras under the Expressway Camera
26 Act. This subsection (fff) is inoperative on and after

1 July 1, 2025.

2 (ggg) Information prohibited from disclosure under
3 paragraph (3) of subsection (a) of Section 14 of the Nurse
4 Agency Licensing Act.

5 (hhh) Information submitted to the Illinois State
6 Police in an affidavit or application for an assault
7 weapon endorsement, assault weapon attachment endorsement,
8 .50 caliber rifle endorsement, or .50 caliber cartridge
9 endorsement under the Firearm Owners Identification Card
10 Act.

11 (iii) Data exempt from disclosure under Section 50 of
12 the School Safety Drill Act.

13 (jjj) ~~(hhh)~~ Information exempt from disclosure under
14 Section 30 of the Insurance Data Security Law.

15 (kkk) ~~(iii)~~ Confidential business information
16 prohibited from disclosure under Section 45 of the Paint
17 Stewardship Act.

18 (lll) (Reserved).

19 (mmm) ~~(iii)~~ Information prohibited from being
20 disclosed under subsection (e) of Section 1-129 of the
21 Illinois Power Agency Act.

22 (nnn) Information that is exempt from disclosure under
23 Section 15 of the Candidate Information Privacy Act.

24 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
25 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
26 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;

1 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
2 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
3 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
4 revised 1-2-24.)

5 (Text of Section after amendment by P.A. 103-472)

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14 (kkk) ~~(iii)~~ Confidential business information
15 prohibited from disclosure under Section 45 of the Paint
16 Stewardship Act.

17 (lll) ~~(iii)~~ Data exempt from disclosure under Section
18 2-3.196 of the School Code.

19 (mmm) ~~(iii)~~ Information prohibited from being
20 disclosed under subsection (e) of Section 1-129 of the
21 Illinois Power Agency Act.

22 (nnn) Information that is exempt from disclosure under
23 Section 15 of the Candidate Information Privacy Act.

24 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
25 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
26 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;

1 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
2 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
3 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
4 103-580, eff. 12-8-23; revised 1-2-24.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

12 Section 99. Effective date. This Act takes effect January
13 1, 2025.