



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB4403

by Rep. David Reis

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/4-110 new	
10 ILCS 5/5-110 new	
10 ILCS 5/6-110 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	

Amends the Election Code. Requires that a person seeking to vote in person on election day present a government-issued photo identification to the election judge. Requires each election authority to issue a photo identification card to each registered voter in its jurisdiction who cannot afford to obtain another government-issued photo identification. Makes failure to present a government-issued photo identification one of the reasons a person may vote a provisional ballot.

LRB095 17059 JAM 43108 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, and 18A-5 and by adding Sections 4-110,  
6 5-110, and 6-110 as follows:

7 (10 ILCS 5/4-110 new)

8 Sec. 4-110. Voter identification card. Each election  
9 authority shall issue a voter identification card to each  
10 registered voter in its jurisdiction who cannot afford to  
11 obtain another form of photo identification card required for  
12 presentation at the polling place under Sections 17-9 and 18-5.  
13 The card shall include at least (i) the voter's name,  
14 signature, and photograph, (ii) the name and seal of the  
15 issuing election authority, and (iii) an expiration date  
16 determined by rule of the election authority.

17 (10 ILCS 5/5-110 new)

18 Sec. 5-110. Voter identification card. Each election  
19 authority shall issue a voter identification card to each  
20 registered voter in its jurisdiction who cannot afford to  
21 obtain another form of photo identification card required for  
22 presentation at the polling place under Sections 17-9 and 18-5.

1 The card shall include at least (i) the voter's name,  
2 signature, and photograph, (ii) the name and seal of the  
3 issuing election authority, and (iii) an expiration date.

4 (10 ILCS 5/6-110 new)

5 Sec. 6-110. Voter identification card. Each election  
6 authority shall issue a voter identification card to each  
7 registered voter in its jurisdiction who cannot afford to  
8 obtain another form of photo identification card required for  
9 presentation at the polling place under Sections 17-9 and 18-5.  
10 The card shall include at least (i) the voter's name,  
11 signature, and photograph, (ii) the name and seal of the  
12 issuing election authority, and (iii) an expiration date.

13 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

14 Sec. 17-9. Any person desiring to vote shall (i) present to  
15 the judges of election for verification of the person's  
16 identity his or her Illinois driver's license, his or her  
17 non-driver identification card issued by the Illinois  
18 Secretary of State, his or her voter identification card, or  
19 another government-issued identification document containing  
20 his or her photograph and (ii) give his name and, if required  
21 to do so, his residence to the judges of election, one of whom  
22 shall thereupon announce the same in a loud and distinct tone  
23 of voice, clear, and audible; the judges of elections shall  
24 check each application for ballot against the list of voters

1 registered in that precinct to whom grace period, absentee, or  
2 early ballots have been issued for that election, which shall  
3 be provided by the election authority and which list shall be  
4 available for inspection by pollwatchers. A voter applying to  
5 vote in the precinct on election day whose name appears on the  
6 list as having been issued a grace period, absentee, or early  
7 ballot shall not be permitted to vote in the precinct, except  
8 that a voter to whom an absentee ballot was issued may vote in  
9 the precinct if the voter submits to the election judges that  
10 absentee ballot for cancellation. If the voter is unable to  
11 submit the absentee ballot, it shall be sufficient for the  
12 voter to submit to the election judges (i) a portion of the  
13 absentee ballot if the absentee ballot was torn or mutilated or  
14 (ii) an affidavit executed before the election judges  
15 specifying that (A) the voter never received an absentee ballot  
16 or (B) the voter completed and returned an absentee ballot and  
17 was informed that the election authority did not receive that  
18 absentee ballot. All applicable provisions of Articles 4, 5 or  
19 6 shall be complied with and if such name is found on the  
20 register of voters by the officer having charge thereof, he  
21 shall likewise repeat said name, and the voter shall be allowed  
22 to enter within the proximity of the voting booths, as above  
23 provided. One of the judges shall give the voter one, and only  
24 one of each ballot to be voted at the election, on the back of  
25 which ballots such judge shall indorse his initials in such  
26 manner that they may be seen when each such ballot is properly

1 folded, and the voter's name shall be immediately checked on  
2 the register list. In those election jurisdictions where  
3 perforated ballot cards are utilized of the type on which  
4 write-in votes can be cast above the perforation, the election  
5 authority shall provide a space both above and below the  
6 perforation for the judge's initials, and the judge shall  
7 endorse his or her initials in both spaces. Whenever a proposal  
8 for a constitutional amendment or for the calling of a  
9 constitutional convention is to be voted upon at the election,  
10 the separate blue ballot or ballots pertaining thereto shall,  
11 when being handed to the voter, be placed on top of the other  
12 ballots to be voted at the election in such manner that the  
13 legend appearing on the back thereof, as prescribed in Section  
14 16-6 of this Act, shall be plainly visible to the voter. At all  
15 elections, when a registry may be required, if the name of any  
16 person so desiring to vote at such election is not found on the  
17 register of voters, he or she shall not receive a ballot until  
18 he or she shall have complied with the law prescribing the  
19 manner and conditions of voting by unregistered voters. If any  
20 person desiring to vote at any election shall be challenged, he  
21 or she shall not receive a ballot until he or she shall have  
22 established his right to vote in the manner provided  
23 hereinafter; and if he or she shall be challenged after he has  
24 received his ballot, he shall not be permitted to vote until he  
25 or she has fully complied with such requirements of the law  
26 upon being challenged. Besides the election officer, not more

1 than 2 voters in excess of the whole number of voting booths  
 2 provided shall be allowed within the proximity of the voting  
 3 booths at one time. The provisions of this Act, so far as they  
 4 require the registration of voters as a condition to their  
 5 being allowed to vote shall not apply to persons otherwise  
 6 entitled to vote, who are, at the time of the election, or at  
 7 any time within 60 days prior to such election have been  
 8 engaged in the military or naval service of the United States,  
 9 and who appear personally at the polling place on election day  
 10 and produce to the judges of election satisfactory evidence  
 11 thereof, but such persons, if otherwise qualified to vote,  
 12 shall be permitted to vote at such election without previous  
 13 registration.

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

16 State of Illinois,)

17 ) ss.

18 County of .....)

19 ..... Precinct ..... Ward

20 I, ....., do solemnly swear (or affirm) that I am a citizen  
 21 of the United States, of the age of 18 years or over, and that  
 22 within the past 60 days prior to the date of this election at  
 23 which I am applying to vote, I have been engaged in the ....  
 24 (military or naval) service of the United States; and I am  
 25 qualified to vote under and by virtue of the Constitution and  
 26 laws of the State of Illinois, and that I am a legally

1 qualified voter of this precinct and ward except that I have,  
 2 because of such service, been unable to register as a voter;  
 3 that I now reside at .... (insert street and number, if any) in  
 4 this precinct and ward; that I have maintained a legal  
 5 residence in this precinct and ward for 30 days and in this  
 6 State 30 days next preceding this election.

7 .....

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

9 .....

10 Judge of Election.

11 The affidavit of any such person shall be supported by the  
 12 affidavit of a resident and qualified voter of any such  
 13 precinct and ward, which affidavit shall be in substantially  
 14 the following form:

15 State of Illinois,)

16 ) ss.

17 County of .....)

18 ..... Precinct ..... Ward

19 I, ....., do solemnly swear (or affirm), that I am a  
 20 resident of this precinct and ward and entitled to vote at this  
 21 election; that I am acquainted with .... (name of the  
 22 applicant); that I verily believe him to be an actual bona fide  
 23 resident of this precinct and ward and that I verily believe  
 24 that he or she has maintained a legal residence therein 30 days  
 25 and in this State 30 days next preceding this election.

1 .....  
2

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

3 .....  
4

Judge of Election.

5 All affidavits made under the provisions of this Section  
6 shall be enclosed in a separate envelope securely sealed, and  
7 shall be transmitted with the returns of the elections to the  
8 county clerk or to the board of election commissioners, who  
9 shall preserve the said affidavits for the period of 6 months,  
10 during which period such affidavits shall be deemed public  
11 records and shall be freely open to examination as such.

12 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

13 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

14 Sec. 18-5. Any person desiring to vote, and whose name is  
15 found upon the register of voters by the person having charge  
16 thereof, shall (i) present to the judges of election for  
17 verification of the person's identity his or her Illinois  
18 driver's license, his or her non-driver identification card  
19 issued by the Illinois Secretary of State, his or her voter  
20 identification card, or another government-issued  
21 identification document containing his or her photograph, (ii)  
22 ~~shall then~~ be questioned by one of the judges as to his  
23 nativity, his term of residence at present address, precinct,  
24 State and United States, his age, whether naturalized and if so



1 the date of naturalization papers and court from which secured,  
2 and (iii) ~~he shall~~ be asked to state his residence when last  
3 previously registered and the date of the election for which he  
4 then registered. The judges of elections shall check each  
5 application for ballot against the list of voters registered in  
6 that precinct to whom grace period, absentee, and early ballots  
7 have been issued for that election, which shall be provided by  
8 the election authority and which list shall be available for  
9 inspection by pollwatchers. A voter applying to vote in the  
10 precinct on election day whose name appears on the list as  
11 having been issued a grace period, absentee, or early ballot  
12 shall not be permitted to vote in the precinct, except that a  
13 voter to whom an absentee ballot was issued may vote in the  
14 precinct if the voter submits to the election judges that  
15 absentee ballot for cancellation. If the voter is unable to  
16 submit the absentee ballot, it shall be sufficient for the  
17 voter to submit to the election judges (i) a portion of the  
18 absentee ballot if the absentee ballot was torn or mutilated or  
19 (ii) an affidavit executed before the election judges  
20 specifying that (A) the voter never received an absentee ballot  
21 or (B) the voter completed and returned an absentee ballot and  
22 was informed that the election authority did not receive that  
23 absentee ballot. If such person so registered shall be  
24 challenged as disqualified, the party challenging shall assign  
25 his reasons therefor, and thereupon one of the judges shall  
26 administer to him an oath to answer questions, and if he shall

1 take the oath he shall then be questioned by the judge or  
2 judges touching such cause of challenge, and touching any other  
3 cause of disqualification. And he may also be questioned by the  
4 person challenging him in regard to his qualifications and  
5 identity. But if a majority of the judges are of the opinion  
6 that he is the person so registered and a qualified voter, his  
7 vote shall then be received accordingly. But if his vote be  
8 rejected by such judges, such person may afterward produce and  
9 deliver an affidavit to such judges, subscribed and sworn to by  
10 him before one of the judges, in which it shall be stated how  
11 long he has resided in such precinct, and state; that he is a  
12 citizen of the United States, and is a duly qualified voter in  
13 such precinct, and that he is the identical person so  
14 registered. In addition to such an affidavit, the person so  
15 challenged shall provide to the judges of election proof of  
16 residence by producing 2 forms of identification showing the  
17 person's current residence address, provided that such  
18 identification to the person at his current residence address  
19 and postmarked not earlier than 30 days prior to the date of  
20 the election, or the person shall procure a witness personally  
21 known to the judges of election, and resident in the precinct  
22 (or district), or who shall be proved by some legal voter of  
23 such precinct or district, known to the judges to be such, who  
24 shall take the oath following, viz:

25 I do solemnly swear (or affirm) that I am a resident of  
26 this election precinct (or district), and entitled to vote at

1 this election, and that I have been a resident of this State  
2 for 30 days last past, and am well acquainted with the person  
3 whose vote is now offered; that he is an actual and bona fide  
4 resident of this election precinct (or district), and has  
5 resided herein 30 days, and as I verily believe, in this State,  
6 30 days next preceding this election.

7 The oath in each case may be administered by one of the  
8 judges of election, or by any officer, resident in the precinct  
9 or district, authorized by law to administer oaths. Also  
10 supported by an affidavit by a registered voter residing in  
11 such precinct, stating his own residence, and that he knows  
12 such person; and that he does reside at the place mentioned and  
13 has resided in such precinct and state for the length of time  
14 as stated by such person, which shall be subscribed and sworn  
15 to in the same way. Whereupon the vote of such person shall be  
16 received, and entered as other votes. But such judges, having  
17 charge of such registers, shall state in their respective books  
18 the facts in such case, and the affidavits, so delivered to the  
19 judges, shall be preserved and returned to the office of the  
20 commissioners of election. Blank affidavits of the character  
21 aforesaid shall be sent out to the judges of all the precincts,  
22 and the judges of election shall furnish the same on demand and  
23 administer the oaths without criticism. Such oaths, if  
24 administered by any other officer than such judge of election,  
25 shall not be received. Whenever a proposal for a constitutional  
26 amendment or for the calling of a constitutional convention is

1 to be voted upon at the election, the separate blue ballot or  
2 ballots pertaining thereto shall be placed on top of the other  
3 ballots to be voted at the election in such manner that the  
4 legend appearing on the back thereof, as prescribed in Section  
5 16-6 of this Act, shall be plainly visible to the voter, and in  
6 this fashion the ballots shall be handed to the voter by the  
7 judge.

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

19 The voter shall, upon quitting the voting booth, deliver to  
20 one of the judges of election all of the ballots, properly  
21 folded, which he received. The judge of election to whom the  
22 voter delivers his ballots shall not accept the same unless all  
23 of the ballots given to the voter are returned by him. If a  
24 voter delivers less than all of the ballots given to him, the  
25 judge to whom the same are offered shall advise him in a voice  
26 clearly audible to the other judges of election that the voter

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

25 The judge of election who receives the ballot or ballots  
26 from the voter shall announce the residence and name of such

1 voter in a loud voice. The judge shall put the ballot or  
2 ballots received from the voter into the ballot box in the  
3 presence of the voter and the judges of election, and in plain  
4 view of the public. The judges having charge of such registers  
5 shall then, in a column prepared thereon, in the same line of,  
6 the name of the voter, mark "Voted" or the letter "V".

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

18 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;  
19 95-699, eff. 11-9-07.)

20 (10 ILCS 5/18A-5)

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

22 (a) A person who claims to be a registered voter is  
23 entitled to cast a provisional ballot under the following  
24 circumstances:

25 (1) The person's name does not appear on the official

1 list of eligible voters for the precinct in which the  
2 person seeks to vote. The official list is the centralized  
3 statewide voter registration list established and  
4 maintained in accordance with Section 1A-25;

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

9 (3) A federal or State court order extends the time for  
10 closing the polls beyond the time period established by  
11 State law and the person votes during the extended time  
12 period; or

13 (4) The voter ~~registered to vote by mail~~ and is  
14 required by law to present identification when voting  
15 ~~either~~ in person or, in the case of a voter who registered  
16 by mail, when voting by absentee ballot, but fails to do  
17 so.

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

20 (1) After first verifying through an examination of the  
21 precinct register that the person's address is within the  
22 precinct boundaries, an election judge at the polling place  
23 shall notify a person who is entitled to cast a provisional  
24 ballot pursuant to subsection (a) that he or she may cast a  
25 provisional ballot in that election. An election judge must  
26 accept any information provided by a person who casts a

1 provisional ballot that the person believes supports his or  
 2 her claim that he or she is a duly registered voter and  
 3 qualified to vote in the election. However, if the person's  
 4 residence address is outside the precinct boundaries, the  
 5 election judge shall inform the person of that fact, give  
 6 the person the appropriate telephone number of the election  
 7 authority in order to locate the polling place assigned to  
 8 serve that address, and instruct the person to go to the  
 9 proper polling place to vote.

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

13 (i) an affidavit stating the following:

14 State of Illinois, County of .....,  
 15 Township ....., Precinct ....., Ward  
 16 ....., I, ....., do solemnly  
 17 swear (or affirm) that: I am a citizen of the United  
 18 States; I am 18 years of age or older; I have resided  
 19 in this State and in this precinct for 30 days  
 20 preceding this election; I have not voted in this  
 21 election; I am a duly registered voter in every  
 22 respect; and I am eligible to vote in this election.  
 23 Signature ..... Printed Name of Voter ..... Printed  
 24 Residence Address of Voter ..... City ..... State  
 25 .... Zip Code ..... Telephone Number ..... Date of  
 26 Birth ..... and Illinois Driver's License Number



1           ..... or Last 4 digits of Social Security Number  
2           ..... or State Identification Card Number issued to  
3           you by the Illinois Secretary of State.....

4           (ii) A box for the election judge to check one of the 3  
5           reasons why the person was given a provisional ballot under  
6           subsection (a) of Section 18A-5.

7           (iii) An area for the election judge to affix his or  
8           her signature and to set forth any facts that support or  
9           oppose the allegation that the person is not qualified to  
10          vote in the precinct in which the person is seeking to  
11          vote.

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

16          (3) After the person executes the portion of the written  
17          affidavit described in subsection (b) (2) (i) of this Section,  
18          the election judge shall complete the portion of the written  
19          affidavit described in subsection (b) (2) (iii) and (b) (2) (iv).

20          (4) The election judge shall give a copy of the completed  
21          written affidavit to the person. The election judge shall place  
22          the original written affidavit in a self-adhesive clear plastic  
23          packing list envelope that must be attached to a separate  
24          envelope marked as a "provisional ballot envelope". The  
25          election judge shall also place any information provided by the  
26          person who casts a provisional ballot in the clear plastic

1 packing list envelope. Each county clerk or board of election  
2 commissioners, as the case may be, must design, obtain or  
3 procure self-adhesive clear plastic packing list envelopes and  
4 provisional ballot envelopes that are suitable for  
5 implementing this subsection (b) (4) of this Section.

6 (5) The election judge shall provide the person with a  
7 provisional ballot, written instructions for casting a  
8 provisional ballot, and the provisional ballot envelope with  
9 the clear plastic packing list envelope affixed to it, which  
10 contains the person's original written affidavit and, if any,  
11 information provided by the provisional voter to support his or  
12 her claim that he or she is a duly registered voter. An  
13 election judge must also give the person written information  
14 that states that any person who casts a provisional ballot  
15 shall be able to ascertain, pursuant to guidelines established  
16 by the State Board of Elections, whether the provisional vote  
17 was counted in the official canvass of votes for that election  
18 and, if the provisional vote was not counted, the reason that  
19 the vote was not counted.

20 (6) After the person has completed marking his or her  
21 provisional ballot, he or she shall place the marked ballot  
22 inside of the provisional ballot envelope, close and seal the  
23 envelope, and return the envelope to an election judge, who  
24 shall then deposit the sealed provisional ballot envelope into  
25 a securable container separately identified and utilized for  
26 containing sealed provisional ballot envelopes. Ballots that

1 are provisional because they are cast after 7:00 p.m. by court  
2 order shall be kept separate from other provisional ballots.  
3 Upon the closing of the polls, the securable container shall be  
4 sealed with filament tape provided for that purpose, which  
5 shall be wrapped around the box lengthwise and crosswise, at  
6 least twice each way, and each of the election judges shall  
7 sign the seal.

8 (c) Instead of the affidavit form described in subsection  
9 (b), the county clerk or board of election commissioners, as  
10 the case may be, may design and use a multi-part affidavit form  
11 that is imprinted upon or attached to the provisional ballot  
12 envelope described in subsection (b). If a county clerk or  
13 board of election commissioners elects to design and use its  
14 own multi-part affidavit form, then the county clerk or board  
15 of election commissioners shall establish a mechanism for  
16 accepting any information the provisional voter has supplied to  
17 the election judge to support his or her claim that he or she  
18 is a duly registered voter. In all other respects, a county  
19 clerk or board of election commissioners shall establish  
20 procedures consistent with subsection (b).

21 (d) The county clerk or board of election commissioners, as  
22 the case may be, shall use the completed affidavit form  
23 described in subsection (b) to update the person's voter  
24 registration information in the State voter registration  
25 database and voter registration database of the county clerk or  
26 board of election commissioners, as the case may be. If a

1 person is later determined not to be a registered voter based  
2 on Section 18A-15 of this Code, then the affidavit shall be  
3 processed by the county clerk or board of election  
4 commissioners, as the case may be, as a voter registration  
5 application.

6 (Source: P.A. 93-574, eff. 8-21-03; 93-1071, eff. 1-18-05;  
7 94-645, eff. 8-22-05.)