



Rep. David Reis

Filed: 5/6/2008

09500HB4403ham003

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1 AMENDMENT TO HOUSE BILL 4403

2 AMENDMENT NO. _____. Amend House Bill 4403, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by changing
6 Sections 17-9, 18-5, 18A-5, 18A-15, and 19A-35 and by adding
7 Sections 1-11 and 3-6 as follows:

8 (10 ILCS 5/1-11 new)

9 Sec. 1-11. Voter Identification Card.

10 (a) Issuance. The Secretary of State shall issue a voter
11 identification card to each registered voter who does not have
12 an acceptable form of photo identification card as defined in
13 Section 3-6. The card shall include at least: (i) the voter's
14 name, signature, and photograph; (ii) the State seal; and (iii)
15 the voter's current residence address. A Voter Identification
16 Card is valid for as long as the registered voter maintains the

1 name and residence on the card. A Voter Identification Card may
2 not be used for any purpose other than to vote in Illinois.

3 (b) Intent and purpose. It is the intent of the General
4 Assembly to provide the Secretary of State with guidance on how
5 to issue the Voter Identification Card to those individuals who
6 do not have an acceptable form of photo identification as
7 defined in Section 3-6.

8 (c) Application for the Voter Identification Card. Within a
9 reasonable time after the effective date of this amendatory Act
10 of the 95th General Assembly, the Secretary of State shall
11 provide application forms for the Voter Identification Card.
12 Any registered voter who meets the criteria set forth in this
13 Section and who provides the proper documentation required
14 under subsection (d) shall receive a Voter Identification Card.

15 (d) Documentation required. The Secretary of State shall
16 require the presentation and verification of the following
17 information for issuance of a Voter Registration Card:

18 (1) A photo identity document, except that a non-photo
19 identity document, as defined in subsection (e), is
20 acceptable if it includes both the applicant's name and
21 date of birth.

22 (2) Documentation showing the applicant's date of
23 birth.

24 (3) Evidence of voter registration.

25 (4) Documentation, as defined in subsection (f),
26 showing the applicant's name and principal residence

1 address.

2 (e) Non-photo identity document. A non-photo identity
3 document must include the applicant's name and date of birth.
4 Any of the following shall constitute a non-photo identity
5 document in lieu of a photo identity document:

6 (1) Original birth certificate or certified copy of a
7 birth certificate.

8 (2) Voter registration card.

9 (3) Copy of records filed in court by the applicant or
10 on behalf of the applicant by the applicant's counsel.

11 (4) Naturalization document.

12 (5) Copy of marriage license.

13 (6) Copy of State or federal tax return filed for the
14 previous calendar year.

15 (7) An original of the annual Social Security statement
16 received by the applicant for the current or preceding
17 calendar year.

18 (8) An original of a Medicare or Medicaid statement
19 received by the applicant.

20 (9) Certified school record or transcript for the
21 current or preceding calendar year.

22 (f) Documentation of name and address. Any of the following
23 documents shall be acceptable as documentation of the
24 applicant's name and current address:

25 (1) Voter registration card.

26 (2) Utility bill or cable bill.

1 (3) Bank statement issued within the last 60 days.

2 (4) Valid and current rental agreements.

3 (5) Copy of State or federal tax return for the
4 previous calendar year.

5 (6) Homeowner's insurance policy or bill for current or
6 preceding year.

7 (7) Mortgage, deed, or property tax bill for current or
8 preceding year.

9 (8) W-2 for preceding calendar year.

10 (g) Exemptions. Voters who are indigent and unable to
11 obtain a Voter Identification Card without a fee and voters who
12 have a religious objection to being photographed may vote a
13 provisional ballot and sign an affidavit that indicates one of
14 the exemptions stated in this subsection. An indigent person is
15 defined as an individual whose income is 125% or less of
16 current federal poverty income guidelines.

17 (10 ILCS 5/3-6 new)

18 Sec. 3-6. Acceptable forms of photo identification for
19 voting purposes. As used in this Code, acceptable forms of
20 photo identification for voting purposes include:

21 (1) Illinois Driver's License.

22 (2) State Identification Card.

23 (3) Illinois Disabled Person Identification Card.

24 (4) Senior Citizen Identification Card.

25 (5) FOID Card.

1 (6) U.S. Passport with current address.

2 (7) Any other government-issued identification card
3 that includes name, current photograph, and current
4 address.

5 All photo identification cards must be valid and current.

6 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

7 Sec. 17-9. Any person desiring to vote shall (i) present to
8 the judges of election for verification of the person's
9 identity a government-issued photo identification card, as
10 defined in Section 3-6, or his or her Voter Identification Card
11 and (ii) give his name and, if required to do so, his residence
12 to the judges of election, one of whom shall thereupon announce
13 the same in a loud and distinct tone of voice, clear, and
14 audible; the judges of elections shall check each application
15 for ballot against the list of voters registered in that
16 precinct to whom grace period, absentee, or early ballots have
17 been issued for that election, which shall be provided by the
18 election authority and which list shall be available for
19 inspection by pollwatchers. A voter applying to vote in the
20 precinct on election day whose name appears on the list as
21 having been issued a grace period, absentee, or early ballot
22 shall not be permitted to vote in the precinct, except that a
23 voter to whom an absentee ballot was issued may vote in the
24 precinct if the voter submits to the election judges that
25 absentee ballot for cancellation. If the voter is unable to

1 submit the absentee ballot, it shall be sufficient for the
2 voter to submit to the election judges (i) a portion of the
3 absentee ballot if the absentee ballot was torn or mutilated or
4 (ii) an affidavit executed before the election judges
5 specifying that (A) the voter never received an absentee ballot
6 or (B) the voter completed and returned an absentee ballot and
7 was informed that the election authority did not receive that
8 absentee ballot. All applicable provisions of Articles 4, 5 or
9 6 shall be complied with and if such name is found on the
10 register of voters by the officer having charge thereof, he
11 shall likewise repeat said name, and the voter shall be allowed
12 to enter within the proximity of the voting booths, as above
13 provided. One of the judges shall give the voter one, and only
14 one of each ballot to be voted at the election, on the back of
15 which ballots such judge shall indorse his initials in such
16 manner that they may be seen when each such ballot is properly
17 folded, and the voter's name shall be immediately checked on
18 the register list. In those election jurisdictions where
19 perforated ballot cards are utilized of the type on which
20 write-in votes can be cast above the perforation, the election
21 authority shall provide a space both above and below the
22 perforation for the judge's initials, and the judge shall
23 endorse his or her initials in both spaces. Whenever a proposal
24 for a constitutional amendment or for the calling of a
25 constitutional convention is to be voted upon at the election,
26 the separate blue ballot or ballots pertaining thereto shall,

1 when being handed to the voter, be placed on top of the other
2 ballots to be voted at the election in such manner that the
3 legend appearing on the back thereof, as prescribed in Section
4 16-6 of this Act, shall be plainly visible to the voter. At all
5 elections, when a registry may be required, if the name of any
6 person so desiring to vote at such election is not found on the
7 register of voters, he or she shall not receive a ballot until
8 he or she shall have complied with the law prescribing the
9 manner and conditions of voting by unregistered voters. If any
10 person desiring to vote at any election shall be challenged, he
11 or she shall not receive a ballot until he or she shall have
12 established his right to vote in the manner provided
13 hereinafter; and if he or she shall be challenged after he has
14 received his ballot, he shall not be permitted to vote until he
15 or she has fully complied with such requirements of the law
16 upon being challenged. Besides the election officer, not more
17 than 2 voters in excess of the whole number of voting booths
18 provided shall be allowed within the proximity of the voting
19 booths at one time. The provisions of this Act, so far as they
20 require the registration of voters as a condition to their
21 being allowed to vote shall not apply to persons otherwise
22 entitled to vote, who are, at the time of the election, or at
23 any time within 60 days prior to such election have been
24 engaged in the military or naval service of the United States,
25 and who appear personally at the polling place on election day
26 and produce to the judges of election satisfactory evidence

1 thereof, but such persons, if otherwise qualified to vote,
2 shall be permitted to vote at such election without previous
3 registration.

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

6 State of Illinois,)

7) ss.

8 County of)

9 Precinct Ward

10 I,, do solemnly swear (or affirm) that I am a citizen
11 of the United States, of the age of 18 years or over, and that
12 within the past 60 days prior to the date of this election at
13 which I am applying to vote, I have been engaged in the
14 (military or naval) service of the United States; and I am
15 qualified to vote under and by virtue of the Constitution and
16 laws of the State of Illinois, and that I am a legally
17 qualified voter of this precinct and ward except that I have,
18 because of such service, been unable to register as a voter;
19 that I now reside at (insert street and number, if any) in
20 this precinct and ward; that I have maintained a legal
21 residence in this precinct and ward for 30 days and in this
22 State 30 days next preceding this election.

23

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

25

26 Judge of Election.

1 during which period such affidavits shall be deemed public
2 records and shall be freely open to examination as such.

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

4 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

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

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

1 the identical person so registered. In addition to such an
2 affidavit, the person so challenged shall provide to the judges
3 of election proof of residence by producing 2 forms of
4 identification showing the person's current residence address,
5 provided that such identification to the person at his current
6 residence address and postmarked not earlier than 30 days prior
7 to the date of the election, or the person shall procure a
8 witness personally known to the judges of election, and
9 resident in the precinct (or district), or who shall be proved
10 by some legal voter of such precinct or district, known to the
11 judges to be such, who shall take the oath following, viz:

12 I do solemnly swear (or affirm) that I am a resident of
13 this election precinct (or district), and entitled to vote at
14 this election, and that I have been a resident of this State
15 for 30 days last past, and am well acquainted with the person
16 whose vote is now offered; that he is an actual and bona fide
17 resident of this election precinct (or district), and has
18 resided herein 30 days, and as I verily believe, in this State,
19 30 days next preceding this election.

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

1 as stated by such person, which shall be subscribed and sworn
2 to in the same way. Whereupon the vote of such person shall be
3 received, and entered as other votes. But such judges, having
4 charge of such registers, shall state in their respective books
5 the facts in such case, and the affidavits, so delivered to the
6 judges, shall be preserved and returned to the office of the
7 commissioners of election. Blank affidavits of the character
8 aforesaid shall be sent out to the judges of all the precincts,
9 and the judges of election shall furnish the same on demand and
10 administer the oaths without criticism. Such oaths, if
11 administered by any other officer than such judge of election,
12 shall not be received. Whenever a proposal for a constitutional
13 amendment or for the calling of a constitutional convention is
14 to be voted upon at the election, the separate blue ballot or
15 ballots pertaining thereto shall be placed on top of the other
16 ballots to be voted at the election in such manner that the
17 legend appearing on the back thereof, as prescribed in Section
18 16-6 of this Act, shall be plainly visible to the voter, and in
19 this fashion the ballots shall be handed to the voter by the
20 judge.

21 Immediately after voting, the voter shall be instructed
22 whether the voting equipment, if used, accepted or rejected the
23 ballot or identified the ballot as under-voted. A voter whose
24 ballot is identified as under-voted for a statewide
25 constitutional office may return to the voting booth and
26 complete the voting of that ballot. A voter whose ballot is not

1 accepted by the voting equipment may, upon surrendering the
2 ballot, request and vote another ballot. The voter's
3 surrendered ballot shall be initialed by the election judge and
4 handled as provided in the appropriate Article governing that
5 voting equipment.

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

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

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

20 No judge of election shall accept from any voter less than
21 the full number of ballots received by such voter without first
22 advising the voter in the manner above provided of the
23 necessity of returning all of the ballots, nor shall any such
24 judge advise such voter in a manner contrary to that which is
25 herein permitted, or in any other manner violate the provisions
26 of this Section; provided, that the acceptance by a judge of

1 election of less than the full number of ballots delivered to a
2 voter who refuses to return to the voting booth after being
3 properly advised by such judge shall not be a violation of this
4 Section.

5 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;
6 95-699, eff. 11-9-07.)

7 (10 ILCS 5/18A-5)

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

9 (a) A person who claims to be a registered voter is
10 entitled to cast a provisional ballot under the following
11 circumstances:

12 (1) The person's name does not appear on the official
13 list of eligible voters for the precinct in which the
14 person seeks to vote. The official list is the centralized
15 statewide voter registration list established and
16 maintained in accordance with Section 1A-25;

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

21 (3) A federal or State court order extends the time for
22 closing the polls beyond the time period established by
23 State law and the person votes during the extended time
24 period; or

25 (4) The voter ~~registered to vote by mail and~~ is

1 required by law to present identification when voting
2 ~~either~~ in person or, in the case of a voter who registered
3 by mail, when voting by absentee ballot, but fails to
4 provide an acceptable form of photo identification as
5 described in Section 3-6 ~~do so~~.

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

8 (1) After first verifying through an examination of the
9 precinct register that the person's address is within the
10 precinct boundaries, an election judge at the polling place
11 shall notify a person who is entitled to cast a provisional
12 ballot pursuant to subsection (a) that he or she may cast a
13 provisional ballot in that election. An election judge must
14 accept any information provided by a person who casts a
15 provisional ballot that the person believes supports his or
16 her claim that he or she is a duly registered voter and
17 qualified to vote in the election. However, if the person's
18 residence address is outside the precinct boundaries, the
19 election judge shall inform the person of that fact, give
20 the person the appropriate telephone number of the election
21 authority in order to locate the polling place assigned to
22 serve that address, and instruct the person to go to the
23 proper polling place to vote.

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

1 (i) an affidavit stating the following:

2 State of Illinois, County of,
3 Township, Precinct, Ward
4, I,, do solemnly
5 swear (or affirm) that: I am a citizen of the United
6 States; I am 18 years of age or older; I have resided
7 in this State and in this precinct for 30 days
8 preceding this election; I have not voted in this
9 election; I am a duly registered voter in every
10 respect; and I am eligible to vote in this election.
11 Signature Printed Name of Voter Printed
12 Residence Address of Voter City State
13 Zip Code Telephone Number Date of
14 Birth and Illinois Driver's License Number
15 or Last 4 digits of Social Security Number
16 or State Identification Card Number issued to
17 you by the Illinois Secretary of State.....

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

21 (iii) An area for the election judge to affix his or
22 her signature and to set forth any facts that support or
23 oppose the allegation that the person is not qualified to
24 vote in the precinct in which the person is seeking to
25 vote.

26 The written affidavit form described in this subsection

1 (b) (2) must be printed on a multi-part form prescribed by the
2 county clerk or board of election commissioners, as the case
3 may be.

4 (3) After the person executes the portion of the written
5 affidavit described in subsection (b) (2) (i) of this Section,
6 the election judge shall complete the portion of the written
7 affidavit described in subsection (b) (2) (iii) and (b) (2) (iv).

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

20 (5) The election judge shall provide the person with a
21 provisional ballot, written instructions for casting a
22 provisional ballot, and the provisional ballot envelope with
23 the clear plastic packing list envelope affixed to it, which
24 contains the person's original written affidavit and, if any,
25 information provided by the provisional voter to support his or
26 her claim that he or she is a duly registered voter. An

1 election judge must also give the person written information
2 that states that any person who casts a provisional ballot
3 shall be able to ascertain, pursuant to guidelines established
4 by the State Board of Elections, whether the provisional vote
5 was counted in the official canvass of votes for that election
6 and, if the provisional vote was not counted, the reason that
7 the vote was not counted.

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

22 (c) Instead of the affidavit form described in subsection
23 (b), the county clerk or board of election commissioners, as
24 the case may be, may design and use a multi-part affidavit form
25 that is imprinted upon or attached to the provisional ballot
26 envelope described in subsection (b). If a county clerk or

1 board of election commissioners elects to design and use its
2 own multi-part affidavit form, then the county clerk or board
3 of election commissioners shall establish a mechanism for
4 accepting any information the provisional voter has supplied to
5 the election judge to support his or her claim that he or she
6 is a duly registered voter. In all other respects, a county
7 clerk or board of election commissioners shall establish
8 procedures consistent with subsection (b).

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

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

22 (10 ILCS 5/18A-15)

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

24 (a) The county clerk or board of election commissioners
25 shall complete the validation and counting of provisional

1 ballots within 14 calendar days of the day of the election. The
2 county clerk or board of election commissioners shall have 7
3 calendar days from the completion of the validation and
4 counting of provisional ballots to conduct its final canvass.
5 The State Board of Elections shall complete within 31 calendar
6 days of the election or sooner if all the returns are received,
7 its final canvass of the vote for all public offices.

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

11 (1) the ~~The~~ provisional voter cast the provisional
12 ballot in the correct precinct based on the address
13 provided by the provisional voter. The provisional voter's
14 affidavit shall serve as a change of address request by
15 that voter for registration purposes for the next ensuing
16 election if it bears an address different from that in the
17 records of the election authority;

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

22 (3) the provisional voter is a registered voter based
23 on information available to the county clerk or board of
24 election commissioners provided by or obtained from any of
25 the following:

26 i. the provisional voter;

- 1 ii. an election judge;
- 2 iii. the statewide voter registration database
- 3 maintained by the State Board of Elections;
- 4 iv. the records of the county clerk or board of
- 5 election commissioners' database; or
- 6 v. the records of the Secretary of State; and -

7 (4) in the case of provisional voting under subsection

8 (a) (4) of Section 18A-5, the provisional voter executes the

9 applicable affidavit in accordance with subsection (b-5)

10 of this Section or presents the required photo

11 identification.

12 (b-5) With respect to subsection (b) (4) of this Section, a

13 voter who casts a provisional ballot under the exemptions

14 provided in subsection (g) of Section 1-11 must execute an

15 affidavit before the county clerk or board of election

16 commissioners affirming under penalties of perjury that the

17 voter is the same individual who personally appeared at the

18 precinct on election day or at the early voting polling place

19 during the early voting period and cast the provisional ballot

20 at that time and (i) is indigent and unable to obtain a proof

21 of identification without the payment of a fee or (ii) has

22 religious objection to being photographed.

23 (c) With respect to subsection (b) (3) of this Section, the

24 county clerk or board of election commissioners shall

25 investigate and record whether or not the specified information

26 is available from each of the 5 identified sources. If the

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

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

12 (d) In validating the registration status of a person
13 casting a provisional ballot, the county clerk or board of
14 election commissioners shall not require a provisional voter to
15 complete any form other than the affidavit executed by the
16 provisional voter under subsection (b) (2) of Section 18A-5. In
17 addition, the county clerk or board of election commissioners
18 shall not require all provisional voters or any particular
19 class or group of provisional voters to appear personally
20 before the county clerk or board of election commissioners or
21 as a matter of policy require provisional voters to submit
22 additional information to verify or otherwise support the
23 information already submitted by the provisional voter. The
24 provisional voter may, within 2 calendar days after the
25 election, submit additional information to the county clerk or
26 board of election commissioners, except that in the case of

1 provisional voting under subsection (a)(4) of Section 18A-5,
2 the provisional voter has 10 days to provide the county clerk
3 or board of election commissioners with the required photo
4 identification card or execute the applicable affidavit in
5 accordance with subsection (b-5) of this Section. This
6 information must be received by the county clerk or board of
7 election commissioners within the applicable 2-calendar-day or
8 10-calendar-day period.

9 (e) If the county clerk or board of election commissioners
10 determines that subsection (b)(1), (b)(2), or (b)(3) does not
11 apply, then the provisional ballot is not valid and may not be
12 counted. The provisional ballot envelope containing the ballot
13 cast by the provisional voter may not be opened. The county
14 clerk or board of election commissioners shall write on the
15 provisional ballot envelope the following: "Provisional ballot
16 determined invalid."

17 (f) If the county clerk or board of election commissioners
18 determines that a provisional ballot is valid under this
19 Section, then the provisional ballot envelope shall be opened.
20 The outside of each provisional ballot envelope shall also be
21 marked to identify the precinct and the date of the election.

22 (g) Provisional ballots determined to be valid shall be
23 counted at the election authority's central ballot counting
24 location and shall not be counted in precincts. The provisional
25 ballots determined to be valid shall be added to the vote
26 totals for the precincts from which they were cast in the order

1 in which the ballots were opened. The validation and counting
2 of provisional ballots shall be subject to the provisions of
3 this Code that apply to pollwatchers. If the provisional
4 ballots are a ballot of a punch card voting system, then the
5 provisional ballot shall be counted in a manner consistent with
6 Article 24A. If the provisional ballots are a ballot of optical
7 scan or other type of approved electronic voting system, then
8 the provisional ballots shall be counted in a manner consistent
9 with Article 24B.

10 (h) As soon as the ballots have been counted, the election
11 judges or election officials shall, in the presence of the
12 county clerk or board of election commissioners, place each of
13 the following items in a separate envelope or bag: (1) all
14 provisional ballots, voted or spoiled; (2) all provisional
15 ballot envelopes of provisional ballots voted or spoiled; and
16 (3) all executed affidavits of the provisional ballots voted or
17 spoiled. All provisional ballot envelopes for provisional
18 voters who have been determined not to be registered to vote
19 shall remain sealed. The county clerk or board of election
20 commissioners shall treat the provisional ballot envelope
21 containing the written affidavit as a voter registration
22 application for that person for the next election and process
23 that application. The election judges or election officials
24 shall then securely seal each envelope or bag, initial the
25 envelope or bag, and plainly mark on the outside of the
26 envelope or bag in ink the precinct in which the provisional

1 ballots were cast. The election judges or election officials
2 shall then place each sealed envelope or bag into a box, secure
3 and seal it in the same manner as described in item (6) of
4 subsection (b) of Section 18A-5. Each election judge or
5 election official shall take and subscribe an oath before the
6 county clerk or board of election commissioners that the
7 election judge or election official securely kept the ballots
8 and papers in the box, did not permit any person to open the
9 box or otherwise touch or tamper with the ballots and papers in
10 the box, and has no knowledge of any other person opening the
11 box. For purposes of this Section, the term "election official"
12 means the county clerk, a member of the board of election
13 commissioners, as the case may be, and their respective
14 employees.

15 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
16 94-1000, eff. 7-3-06.)

17 (10 ILCS 5/19A-35)

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

19 (a) Not more than 23 days before the start of the election,
20 the county clerk shall make available to the election official
21 conducting early voting by personal appearance a sufficient
22 number of early ballots, envelopes, and printed voting
23 instruction slips for the use of early voters. The election
24 official shall receipt for all ballots received and shall
25 return unused or spoiled ballots at the close of the early

1 voting period to the county clerk and must strictly account for
2 all ballots received. The ballots delivered to the election
3 official must include early ballots for each precinct in the
4 election authority's jurisdiction and must include separate
5 ballots for each political subdivision conducting an election
6 of officers or a referendum at that election.

7 (b) In conducting early voting under this Article, the
8 election judge or official is required to verify the signature
9 of the early voter by comparison with the signature on the
10 official registration card, and the judge or official must
11 verify (i) the identity of the applicant, (ii) that the
12 applicant is a registered voter, (iii) the precinct in which
13 the applicant is registered, and (iv) the proper ballots of the
14 political subdivision in which the applicant resides and is
15 entitled to vote before providing an early ballot to the
16 applicant. The applicant's identity must be verified by the
17 applicant's presentation of a government-issued photo
18 identification card, as defined in Section 3-6, or his or her
19 Voter Identification Card ~~an Illinois driver's license, a~~
20 ~~non-driver identification card issued by the Illinois~~
21 ~~Secretary of State, or another government-issued~~
22 ~~identification document containing the applicant's photograph.~~
23 The election judge or official must verify the applicant's
24 registration from the most recent poll list provided by the
25 election authority, and if the applicant is not listed on that
26 poll list, by telephoning the office of the election authority.

1 (b-5) A person requesting an early voting ballot to whom an
2 absentee ballot was issued may vote early if the person submits
3 that absentee ballot to the judges of election or official
4 conducting early voting for cancellation. If the voter is
5 unable to submit the absentee ballot, it shall be sufficient
6 for the voter to submit to the judges or official (i) a portion
7 of the absentee ballot if the absentee ballot was torn or
8 mutilated or (ii) an affidavit executed before the judges or
9 official specifying that (A) the voter never received an
10 absentee ballot or (B) the voter completed and returned an
11 absentee ballot and was informed that the election authority
12 did not receive that absentee ballot.

13 (b-10) Within one day after a voter casts an early voting
14 ballot, the election authority shall transmit the voter's name,
15 street address, and precinct, ward, township, and district
16 numbers, as the case may be, to the State Board of Elections,
17 which shall maintain those names and that information in an
18 electronic format on its website, arranged by county and
19 accessible to State and local political committees.

20 (b-15) Immediately after voting an early ballot, the voter
21 shall be instructed whether the voting equipment accepted or
22 rejected the ballot or identified that ballot as under-voted
23 for a statewide constitutional office. A voter whose ballot is
24 identified as under-voted may return to the voting booth and
25 complete the voting of that ballot. A voter whose early voting
26 ballot is not accepted by the voting equipment may, upon

1 surrendering the ballot, request and vote another early voting
2 ballot. The voter's surrendered ballot shall be initialed by
3 the election judge or official conducting the early voting and
4 handled as provided in the appropriate Article governing the
5 voting equipment used.

6 (c) The sealed early ballots in their carrier envelope
7 shall be delivered by the election authority to the central
8 ballot counting location before the close of the polls on the
9 day of the election.

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