

1 AN ACT concerning elections.

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

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

7 (10 ILCS 5/1-11 new)

8 Sec. 1-11. Voter Identification Card.

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

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

23 (c) Application for the Voter Identification Card. Within a

1 reasonable time after the effective date of this amendatory Act
2 of the 95th General Assembly, the Secretary of State shall
3 provide application forms for the Voter Identification Card.
4 Any registered voter who meets the criteria set forth in this
5 Section and who provides the proper documentation required
6 under subsection (d) shall receive a Voter Identification Card.

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

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

14 (2) Documentation showing the applicant's date of
15 birth.

16 (3) Evidence of voter registration.

17 (4) Documentation, as defined in subsection (f),
18 showing the applicant's name and principal residence
19 address.

20 (e) Non-photo identity document. A non-photo identity
21 document must include the applicant's name and date of birth.
22 Any of the following shall constitute a non-photo identity
23 document in lieu of a photo identity document:

24 (1) Original birth certificate or certified copy of a
25 birth certificate.

26 (2) Voter registration card.

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

3 (4) Naturalization document.

4 (5) Copy of marriage license.

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

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

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

12 (9) Certified school record or transcript for the
13 current or preceding calendar year.

14 (f) Documentation of name and address. Any of the following
15 documents shall be acceptable as documentation of the
16 applicant's name and current address:

17 (1) Voter registration card.

18 (2) Utility bill or cable bill.

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

20 (4) Valid and current rental agreements.

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

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

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

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

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

9 (10 ILCS 5/3-6 new)

10 Sec. 3-6. Acceptable forms of photo identification for
11 voting purposes. As used in this Code, acceptable forms of
12 photo identification for voting purposes include:

13 (1) Illinois Driver's License.

14 (2) State Identification Card.

15 (3) Illinois Disabled Person Identification Card.

16 (4) Senior Citizen Identification Card.

17 (5) FOID Card.

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

19 (7) Any other government-issued identification card
20 that includes name, current photograph, and current
21 address.

22 All photo identification cards must be valid and current.

23 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

24 Sec. 17-9. Any person desiring to vote shall (i) present to

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

1 6 shall be complied with and if such name is found on the
2 register of voters by the officer having charge thereof, he
3 shall likewise repeat said name, and the voter shall be allowed
4 to enter within the proximity of the voting booths, as above
5 provided. One of the judges shall give the voter one, and only
6 one of each ballot to be voted at the election, on the back of
7 which ballots such judge shall indorse his initials in such
8 manner that they may be seen when each such ballot is properly
9 folded, and the voter's name shall be immediately checked on
10 the register list. In those election jurisdictions where
11 perforated ballot cards are utilized of the type on which
12 write-in votes can be cast above the perforation, the election
13 authority shall provide a space both above and below the
14 perforation for the judge's initials, and the judge shall
15 endorse his or her initials in both spaces. Whenever a proposal
16 for a constitutional amendment or for the calling of a
17 constitutional convention is to be voted upon at the election,
18 the separate blue ballot or ballots pertaining thereto shall,
19 when being handed to the voter, be placed on top of the other
20 ballots to be voted at the election in such manner that the
21 legend appearing on the back thereof, as prescribed in Section
22 16-6 of this Act, shall be plainly visible to the voter. At all
23 elections, when a registry may be required, if the name of any
24 person so desiring to vote at such election is not found on the
25 register of voters, he or she shall not receive a ballot until
26 he or she shall have complied with the law prescribing the

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

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

24 State of Illinois,)

25) ss.

26 County of)

1 Precinct Ward

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

15

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

17

18 Judge of Election.

19 The affidavit of any such person shall be supported by the
20 affidavit of a resident and qualified voter of any such
21 precinct and ward, which affidavit shall be in substantially
22 the following form:

23 State of Illinois,)

24) ss.

25 County of)

1 Precinct Ward

2 I,, do solemnly swear (or affirm), that I am a
3 resident of this precinct and ward and entitled to vote at this
4 election; that I am acquainted with (name of the
5 applicant); that I verily believe him to be an actual bona fide
6 resident of this precinct and ward and that I verily believe
7 that he or she has maintained a legal residence therein 30 days
8 and in this State 30 days next preceding this election.

9

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

11

12 Judge of Election.

13 All affidavits made under the provisions of this Section
14 shall be enclosed in a separate envelope securely sealed, and
15 shall be transmitted with the returns of the elections to the
16 county clerk or to the board of election commissioners, who
17 shall preserve the said affidavits for the period of 6 months,
18 during which period such affidavits shall be deemed public
19 records and shall be freely open to examination as such.

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

21 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

22 Sec. 18-5. Any person desiring to vote, and whose name is
23 found upon the register of voters by the person having charge
24 thereof, shall (i) present to the judges of election for

1 verification of the person's identity a government-issued
2 photo identification card, as defined in Section 3-6, or his or
3 her Voter Identification Card, (ii) shall then be questioned by
4 one of the judges as to his nativity, his term of residence at
5 present address, precinct, State and United States, his age,
6 whether naturalized and if so the date of naturalization papers
7 and court from which secured, and (iii) he shall be asked to
8 state his residence when last previously registered and the
9 date of the election for which he then registered. The judges
10 of elections shall check each application for ballot against
11 the list of voters registered in that precinct to whom grace
12 period, absentee, and early ballots have been issued for that
13 election, which shall be provided by the election authority and
14 which list shall be available for inspection by pollwatchers. A
15 voter applying to vote in the precinct on election day whose
16 name appears on the list as having been issued a grace period,
17 absentee, or early ballot shall not be permitted to vote in the
18 precinct, except that a voter to whom an absentee ballot was
19 issued may vote in the precinct if the voter submits to the
20 election judges that absentee ballot for cancellation. If the
21 voter is unable to submit the absentee ballot, it shall be
22 sufficient for the voter to submit to the election judges (i) a
23 portion of the absentee ballot if the absentee ballot was torn
24 or mutilated or (ii) an affidavit executed before the election
25 judges specifying that (A) the voter never received an absentee
26 ballot or (B) the voter completed and returned an absentee

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

1 resident in the precinct (or district), or who shall be proved
2 by some legal voter of such precinct or district, known to the
3 judges to be such, who shall take the oath following, viz:

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

12 The oath in each case may be administered by one of the
13 judges of election, or by any officer, resident in the precinct
14 or district, authorized by law to administer oaths. Also
15 supported by an affidavit by a registered voter residing in
16 such precinct, stating his own residence, and that he knows
17 such person; and that he does reside at the place mentioned and
18 has resided in such precinct and state for the length of time
19 as stated by such person, which shall be subscribed and sworn
20 to in the same way. Whereupon the vote of such person shall be
21 received, and entered as other votes. But such judges, having
22 charge of such registers, shall state in their respective books
23 the facts in such case, and the affidavits, so delivered to the
24 judges, shall be preserved and returned to the office of the
25 commissioners of election. Blank affidavits of the character
26 aforesaid shall be sent out to the judges of all the precincts,

1 and the judges of election shall furnish the same on demand and
2 administer the oaths without criticism. Such oaths, if
3 administered by any other officer than such judge of election,
4 shall not be received. Whenever a proposal for a constitutional
5 amendment or for the calling of a constitutional convention is
6 to be voted upon at the election, the separate blue ballot or
7 ballots pertaining thereto shall be placed on top of the other
8 ballots to be voted at the election in such manner that the
9 legend appearing on the back thereof, as prescribed in Section
10 16-6 of this Act, shall be plainly visible to the voter, and in
11 this fashion the ballots shall be handed to the voter by the
12 judge.

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

24 The voter shall, upon quitting the voting booth, deliver to
25 one of the judges of election all of the ballots, properly
26 folded, which he received. The judge of election to whom the

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

1 the ballot box, the voter shall be permitted to depart from the
2 polling place, and a new voter shall be permitted to enter the
3 voting booth.

4 The judge of election who receives the ballot or ballots
5 from the voter shall announce the residence and name of such
6 voter in a loud voice. The judge shall put the ballot or
7 ballots received from the voter into the ballot box in the
8 presence of the voter and the judges of election, and in plain
9 view of the public. The judges having charge of such registers
10 shall then, in a column prepared thereon, in the same line of,
11 the name of the voter, mark "Voted" or the letter "V".

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

23 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;
24 95-699, eff. 11-9-07.)

25 (10 ILCS 5/18A-5)

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

2 (a) A person who claims to be a registered voter is
3 entitled to cast a provisional ballot under the following
4 circumstances:

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

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

14 (3) A federal or State court order extends the time for
15 closing the polls beyond the time period established by
16 State law and the person votes during the extended time
17 period; or

18 (4) The voter ~~registered to vote by mail~~ and is
19 required by law to present identification when voting
20 either in person or, in the case of a voter who registered
21 by mail, when voting by absentee ballot, but fails to
22 provide an acceptable form of photo identification as
23 described in Section 3-6 ~~do so~~.

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

26 (1) After first verifying through an examination of the

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

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

19 (i) an affidavit stating the following:

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

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

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

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

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

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

26 (4) The election judge shall give a copy of the completed

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

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

26 (6) After the person has completed marking his or her

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

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

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

12 (Source: P.A. 93-574, eff. 8-21-03; 93-1071, eff. 1-18-05;
13 94-645, eff. 8-22-05.)

14 (10 ILCS 5/18A-15)

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

16 (a) The county clerk or board of election commissioners
17 shall complete the validation and counting of provisional
18 ballots within 14 calendar days of the day of the election. The
19 county clerk or board of election commissioners shall have 7
20 calendar days from the completion of the validation and
21 counting of provisional ballots to conduct its final canvass.
22 The State Board of Elections shall complete within 31 calendar
23 days of the election or sooner if all the returns are received,
24 its final canvass of the vote for all public offices.

25 (b) If a county clerk or board of election commissioners

1 determines that all of the following apply, then a provisional
2 ballot is valid and shall be counted as a vote:

3 (1) The provisional voter cast the provisional ballot
4 in the correct precinct based on the address provided by
5 the provisional voter. The provisional voter's affidavit
6 shall serve as a change of address request by that voter
7 for registration purposes for the next ensuing election if
8 it bears an address different from that in the records of
9 the election authority;

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

14 (3) the provisional voter is a registered voter based
15 on information available to the county clerk or board of
16 election commissioners provided by or obtained from any of
17 the following:

18 i. the provisional voter;

19 ii. an election judge;

20 iii. the statewide voter registration database
21 maintained by the State Board of Elections;

22 iv. the records of the county clerk or board of
23 election commissioners' database; or

24 v. the records of the Secretary of State.

25 (c) With respect to subsection (b) (3) of this Section, the
26 county clerk or board of election commissioners shall

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

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

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

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