



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4100

by Rep. Dwight Kay

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-9	from Ch. 46, par. 17-9
10 ILCS 5/18-5	from Ch. 46, par. 18-5
10 ILCS 5/19A-35	

Amends the Election Code. Requires that a person seeking to vote on election day present a government-issued photo identification card to the election judge. Provides that, in conducting early voting, election judges must verify the identity of the potential voter. Effective immediately.

LRB099 03784 MGM 23797 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 19A-35 as follows:

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

7 (Text of Section before amendment by P.A. 98-1171)

8 Sec. 17-9. Any person desiring to vote shall (i) present to  
9 the judges of election for verification of the person's  
10 identity his or her Illinois driver's license, his or her  
11 non-driver identification card issued by the Illinois  
12 Secretary of State, or another government-issued  
13 identification document containing his or her photograph and  
14 (ii) give his name and, if required to do so, his residence to  
15 the judges of election, one of whom shall thereupon announce  
16 the same in a loud and distinct tone of voice, clear, and  
17 audible; the judges of elections shall check each application  
18 for ballot against the list of voters registered in that  
19 precinct to whom grace period, absentee, or early ballots have  
20 been issued for that election, which shall be provided by the  
21 election authority and which list shall be available for  
22 inspection by pollwatchers. A voter applying to vote in the  
23 precinct on election day whose name appears on the list as

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

1 perforation for the judge's initials, and the judge shall  
2 endorse his or her initials in both spaces. Whenever a proposal  
3 for a constitutional amendment or for the calling of a  
4 constitutional convention is to be voted upon at the election,  
5 the separate blue ballot or ballots pertaining thereto shall,  
6 when being handed to the voter, be placed on top of the other  
7 ballots to be voted at the election in such manner that the  
8 legend appearing on the back thereof, as prescribed in Section  
9 16-6 of this Act, shall be plainly visible to the voter. At all  
10 elections, when a registry may be required, if the name of any  
11 person so desiring to vote at such election is not found on the  
12 register of voters, he or she shall not receive a ballot until  
13 he or she shall have complied with the law prescribing the  
14 manner and conditions of voting by unregistered voters. If any  
15 person desiring to vote at any election shall be challenged, he  
16 or she shall not receive a ballot until he or she shall have  
17 established his right to vote in the manner provided  
18 hereinafter; and if he or she shall be challenged after he has  
19 received his ballot, he shall not be permitted to vote until he  
20 or she has fully complied with such requirements of the law  
21 upon being challenged. Besides the election officer, not more  
22 than 2 voters in excess of the whole number of voting booths  
23 provided shall be allowed within the proximity of the voting  
24 booths at one time. The provisions of this Act, so far as they  
25 require the registration of voters as a condition to their  
26 being allowed to vote shall not apply to persons otherwise

1 entitled to vote, who are, at the time of the election, or at  
2 any time within 60 days prior to such election have been  
3 engaged in the military or naval service of the United States,  
4 and who appear personally at the polling place on election day  
5 and produce to the judges of election satisfactory evidence  
6 thereof, but such persons, if otherwise qualified to vote,  
7 shall be permitted to vote at such election without previous  
8 registration.

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

11 State of Illinois,)

12 ) ss.

13 County of .....)

14 ..... Precinct ..... Ward

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

1 State 30 days next preceding this election.

2 .....

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

4 .....

5 Judge of Election.

6 The affidavit of any such person shall be supported by the  
7 affidavit of a resident and qualified voter of any such  
8 precinct and ward, which affidavit shall be in substantially  
9 the following form:

10 State of Illinois,)

11 ) ss.

12 County of .....)

13 ..... Precinct ..... Ward

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

21 .....

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

23 .....

24 Judge of Election.

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

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

9 (Text of Section after amendment by P.A. 98-1171)

10 Sec. 17-9. Any person desiring to vote shall (i) present to  
11 the judges of election for verification of the person's  
12 identity his or her Illinois driver's license, his or her  
13 non-driver identification card issued by the Illinois  
14 Secretary of State, or another government-issued  
15 identification document containing his or her photograph and  
16 (ii) give his name and, if required to do so, his residence to  
17 the judges of election, one of whom shall thereupon announce  
18 the same in a loud and distinct tone of voice, clear, and  
19 audible; the judges of elections shall check each application  
20 for ballot against the list of voters registered in that  
21 precinct to whom grace period, vote by mail, or early ballots  
22 have been issued for that election, which shall be provided by  
23 the election authority and which list shall be available for  
24 inspection by pollwatchers. A voter applying to vote in the  
25 precinct on election day whose name appears on the list as

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

1 space both above and below the perforation for the judge's  
2 initials, and the judge shall endorse his or her initials in  
3 both spaces. Whenever a proposal for a constitutional amendment  
4 or for the calling of a constitutional convention is to be  
5 voted upon at the election, the separate blue ballot or ballots  
6 pertaining thereto shall, when being handed to the voter, be  
7 placed on top of the other ballots to be voted at the election  
8 in such manner that the legend appearing on the back thereof,  
9 as prescribed in Section 16-6 of this Act, shall be plainly  
10 visible to the voter. At all elections, when a registry may be  
11 required, if the name of any person so desiring to vote at such  
12 election is not found on the register of voters, he or she  
13 shall not receive a ballot until he or she shall have complied  
14 with the law prescribing the manner and conditions of voting by  
15 unregistered voters. If any person desiring to vote at any  
16 election shall be challenged, he or she shall not receive a  
17 ballot until he or she shall have established his right to vote  
18 in the manner provided hereinafter; and if he or she shall be  
19 challenged after he has received his ballot, he shall not be  
20 permitted to vote until he or she has fully complied with such  
21 requirements of the law upon being challenged. Besides the  
22 election officer, not more than 2 voters in excess of the whole  
23 number of voting booths provided shall be allowed within the  
24 proximity of the voting booths at one time. The provisions of  
25 this Act, so far as they require the registration of voters as  
26 a condition to their being allowed to vote shall not apply to

1 persons otherwise entitled to vote, who are, at the time of the  
2 election, or at any time within 60 days prior to such election  
3 have been engaged in the military or naval service of the  
4 United States, and who appear personally at the polling place  
5 on election day and produce to the judges of election  
6 satisfactory evidence thereof, but such persons, if otherwise  
7 qualified to vote, shall be permitted to vote at such election  
8 without previous registration.

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

11 State of Illinois,)

12 ) ss.

13 County of .....)

14 ..... Precinct ..... Ward

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

1 State 30 days next preceding this election.

2 .....

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

4 .....

5 Judge of Election.

6 The affidavit of any such person shall be supported by the  
7 affidavit of a resident and qualified voter of any such  
8 precinct and ward, which affidavit shall be in substantially  
9 the following form:

10 State of Illinois,)

11 ) ss.

12 County of .....)

13 ..... Precinct ..... Ward

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

21 .....

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

23 .....

24 Judge of Election.

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

8 (Source: P.A. 98-1171, eff. 6-1-15.)

9 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

10 (Text of Section before amendment by P.A. 98-1171)

11 Sec. 18-5. Any person desiring to vote and whose name is  
12 found upon the register of voters by the person having charge  
13 thereof, shall (i) present to the judges of election for  
14 verification of the person's identity his or her Illinois  
15 driver's license, his or her non-driver identification card  
16 issued by the Illinois Secretary of State, or another  
17 government-issued identification document containing his or  
18 her photograph, (ii) ~~then~~ be questioned by one of the judges as  
19 to his nativity, his term of residence at present address,  
20 precinct, State and United States, his age, whether naturalized  
21 and if so the date of naturalization papers and court from  
22 which secured, and (iii) ~~he shall~~ be asked to state his  
23 residence when last previously registered and the date of the  
24 election for which he then registered. The judges of elections  
25 shall check each application for ballot against the list of

1 voters registered in that precinct to whom grace period,  
2 absentee, and early ballots have been issued for that election,  
3 which shall be provided by the election authority and which  
4 list shall be available for inspection by pollwatchers. A voter  
5 applying to vote in the precinct on election day whose name  
6 appears on the list as having been issued a grace period,  
7 absentee, or early ballot shall not be permitted to vote in the  
8 precinct, except that a voter to whom an absentee ballot was  
9 issued may vote in the precinct if the voter submits to the  
10 election judges that absentee ballot for cancellation. If the  
11 voter is unable to submit the absentee ballot, it shall be  
12 sufficient for the voter to submit to the election judges (i) a  
13 portion of the absentee ballot if the absentee ballot was torn  
14 or mutilated or (ii) an affidavit executed before the election  
15 judges specifying that (A) the voter never received an absentee  
16 ballot or (B) the voter completed and returned an absentee  
17 ballot and was informed that the election authority did not  
18 receive that absentee ballot. If such person so registered  
19 shall be challenged as disqualified, the party challenging  
20 shall assign his reasons therefor, and thereupon one of the  
21 judges shall administer to him an oath to answer questions, and  
22 if he shall take the oath he shall then be questioned by the  
23 judge or judges touching such cause of challenge, and touching  
24 any other cause of disqualification. And he may also be  
25 questioned by the person challenging him in regard to his  
26 qualifications and identity. But if a majority of the judges

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

22 I do solemnly swear (or affirm) that I am a resident of  
23 this election precinct (or district), and entitled to vote at  
24 this election, and that I have been a resident of this State  
25 for 30 days last past, and am well acquainted with the person  
26 whose vote is now offered; that he is an actual and bona fide

1 resident of this election precinct (or district), and has  
2 resided herein 30 days, and as I verily believe, in this State,  
3 30 days next preceding this election.

4 The oath in each case may be administered by one of the  
5 judges of election, or by any officer, resident in the precinct  
6 or district, authorized by law to administer oaths. Also  
7 supported by an affidavit by a registered voter residing in  
8 such precinct, stating his own residence, and that he knows  
9 such person; and that he does reside at the place mentioned and  
10 has resided in such precinct and state for the length of time  
11 as stated by such person, which shall be subscribed and sworn  
12 to in the same way. For purposes of this Section, the  
13 submission of a photo identification issued by a college or  
14 university, accompanied by either (i) a copy of the applicant's  
15 contract or lease for a residence or (ii) one piece of mail  
16 addressed to the person at his or her current residence address  
17 and postmarked not earlier than 30 days prior to the date of  
18 the election, shall be sufficient to establish proof of  
19 residence. Whereupon the vote of such person shall be received,  
20 and entered as other votes. But such judges, having charge of  
21 such registers, shall state in their respective books the facts  
22 in such case, and the affidavits, so delivered to the judges,  
23 shall be preserved and returned to the office of the  
24 commissioners of election. Blank affidavits of the character  
25 aforesaid shall be sent out to the judges of all the precincts,  
26 and the judges of election shall furnish the same on demand and

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

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

23 The voter shall, upon quitting the voting booth, deliver to  
24 one of the judges of election all of the ballots, properly  
25 folded, which he received. The judge of election to whom the  
26 voter delivers his ballots shall not accept the same unless all

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

1 polling place, and a new voter shall be permitted to enter the  
2 voting booth.

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

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

22 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

23 (Text of Section after amendment by P.A. 98-1171)

24 Sec. 18-5. Any person desiring to vote and whose name is  
25 found upon the register of voters by the person having charge

1       thereof, shall (i) present to the judges of election for  
2       verification of the person's identity his or her Illinois  
3       driver's license, his or her non-driver identification card  
4       issued by the Illinois Secretary of State, or another  
5       government-issued identification document containing his or  
6       her photograph, (ii) ~~then~~ be questioned by one of the judges as  
7       to his nativity, his term of residence at present address,  
8       precinct, State and United States, his age, whether naturalized  
9       and if so the date of naturalization papers and court from  
10      which secured, and (iii) ~~he shall~~ be asked to state his  
11      residence when last previously registered and the date of the  
12      election for which he then registered. The judges of elections  
13      shall check each application for ballot against the list of  
14      voters registered in that precinct to whom grace period, vote  
15      by mail, and early ballots have been issued for that election,  
16      which shall be provided by the election authority and which  
17      list shall be available for inspection by pollwatchers. A voter  
18      applying to vote in the precinct on election day whose name  
19      appears on the list as having been issued a grace period, vote  
20      by mail, or early ballot shall not be permitted to vote in the  
21      precinct, except that a voter to whom a vote by mail ballot was  
22      issued may vote in the precinct if the voter submits to the  
23      election judges that vote by mail ballot for cancellation. If  
24      the voter is unable to submit the vote by mail ballot, it shall  
25      be sufficient for the voter to submit to the election judges  
26      (i) a portion of the vote by mail ballot if the vote by mail

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

1 may include a lease or contract for a residence and not more  
2 than one piece of mail addressed to the person at his current  
3 residence address and postmarked not earlier than 30 days prior  
4 to the date of the election, or the person shall procure a  
5 witness personally known to the judges of election, and  
6 resident in the precinct (or district), or who shall be proved  
7 by some legal voter of such precinct or district, known to the  
8 judges to be such, who shall take the oath following, viz:

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

17 The oath in each case may be administered by one of the  
18 judges of election, or by any officer, resident in the precinct  
19 or district, authorized by law to administer oaths. Also  
20 supported by an affidavit by a registered voter residing in  
21 such precinct, stating his own residence, and that he knows  
22 such person; and that he does reside at the place mentioned and  
23 has resided in such precinct and state for the length of time  
24 as stated by such person, which shall be subscribed and sworn  
25 to in the same way. For purposes of this Section, the  
26 submission of a photo identification issued by a college or

1 university, accompanied by either (i) a copy of the applicant's  
2 contract or lease for a residence or (ii) one piece of mail  
3 addressed to the person at his or her current residence address  
4 and postmarked not earlier than 30 days prior to the date of  
5 the election, shall be sufficient to establish proof of  
6 residence. Whereupon the vote of such person shall be received,  
7 and entered as other votes. But such judges, having charge of  
8 such registers, shall state in their respective books the facts  
9 in such case, and the affidavits, so delivered to the judges,  
10 shall be preserved and returned to the office of the  
11 commissioners of election. Blank affidavits of the character  
12 aforesaid shall be sent out to the judges of all the precincts,  
13 and the judges of election shall furnish the same on demand and  
14 administer the oaths without criticism. Such oaths, if  
15 administered by any other officer than such judge of election,  
16 shall not be received. Whenever a proposal for a constitutional  
17 amendment or for the calling of a constitutional convention is  
18 to be voted upon at the election, the separate blue ballot or  
19 ballots pertaining thereto shall 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, and in  
23 this fashion the ballots shall be handed to the voter by the  
24 judge.

25       Immediately after voting, the voter shall be instructed  
26 whether the voting equipment, if used, accepted or rejected the

1 ballot or identified the ballot as under-voted. A voter whose  
2 ballot is identified as under-voted for a statewide  
3 constitutional office may return to the voting booth and  
4 complete the voting of that ballot. A voter whose ballot is not  
5 accepted by the voting equipment may, upon surrendering the  
6 ballot, request and vote another ballot. The voter's  
7 surrendered ballot shall be initialed by the election judge and  
8 handled as provided in the appropriate Article governing that  
9 voting equipment.

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

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

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

24 No judge of election shall accept from any voter less than  
25 the full number of ballots received by such voter without first  
26 advising the voter in the manner above provided of the

1 necessity of returning all of the ballots, nor shall any such  
2 judge advise such voter in a manner contrary to that which is  
3 herein permitted, or in any other manner violate the provisions  
4 of this Section; provided, that the acceptance by a judge of  
5 election of less than the full number of ballots delivered to a  
6 voter who refuses to return to the voting booth after being  
7 properly advised by such judge shall not be a violation of this  
8 Section.

9 (Source: P.A. 98-1171, eff. 6-1-15.)

10 (10 ILCS 5/19A-35)

11 (Text of Section before amendment by P.A. 98-1171)

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

13 (a) Not more than 23 days before the start of the election,  
14 the county clerk shall make available to the election official  
15 conducting early voting by personal appearance a sufficient  
16 number of early ballots, envelopes, and printed voting  
17 instruction slips for the use of early voters. The election  
18 official shall receipt for all ballots received and shall  
19 return unused or spoiled ballots at the close of the early  
20 voting period to the county clerk and must strictly account for  
21 all ballots received. The ballots delivered to the election  
22 official must include early ballots for each precinct in the  
23 election authority's jurisdiction and must include separate  
24 ballots for each political subdivision conducting an election  
25 of officers or a referendum at that election.

1           (b) In conducting early voting under this Article, the  
2 election judge or official is required to verify the signature  
3 of the early voter by comparison with the signature on the  
4 official registration card, and the judge or official must  
5 verify (i) the identity of the applicant, (ii) that the  
6 applicant is a registered voter, (iii) the precinct in which  
7 the applicant is registered, and (iv) the proper ballots of the  
8 political subdivision in which the applicant resides and is  
9 entitled to vote before providing an early ballot to the  
10 applicant. Except for during the 2014 general election, the  
11 applicant's identity must be verified by the applicant's  
12 presentation of an Illinois driver's license, a non-driver  
13 identification card issued by the Illinois Secretary of State,  
14 a photo identification card issued by a university or college,  
15 or another government-issued identification document  
16 containing the applicant's photograph. The election judge or  
17 official must verify the applicant's registration from the most  
18 recent poll list provided by the election authority, and if the  
19 applicant is not listed on that poll list, by telephoning the  
20 office of the election authority.

21           (b-5) A person requesting an early voting ballot to whom an  
22 absentee ballot was issued may vote early if the person submits  
23 that absentee ballot to the judges of election or official  
24 conducting early voting for cancellation. If the voter is  
25 unable to submit the absentee ballot, it shall be sufficient  
26 for the voter to submit to the judges or official (i) a portion

1 of the absentee ballot if the absentee ballot was torn or  
2 mutilated or (ii) an affidavit executed before the judges or  
3 official specifying that (A) the voter never received an  
4 absentee ballot or (B) the voter completed and returned an  
5 absentee ballot and was informed that the election authority  
6 did not receive that absentee ballot.

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

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

26 (c) The sealed early ballots in their carrier envelope

1 shall be delivered by the election authority to the central  
2 ballot counting location before the close of the polls on the  
3 day of the election.

4 (Source: P.A. 98-691, eff. 7-1-14.)

5 (Text of Section after amendment by P.A. 98-1171)

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

7 (a) Not more than 23 days before the start of the election,  
8 the county clerk shall make available to the election official  
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15 all ballots received. The ballots delivered to the election  
16 official must include early ballots for each precinct in the  
17 election authority's jurisdiction and must include separate  
18 ballots for each political subdivision conducting an election  
19 of officers or a referendum at that election.

20 (b) In conducting early voting under this Article, the  
21 election judge or official is required to verify the signature  
22 of the early voter by comparison with the signature on the  
23 official registration card, and the judge or official must  
24 verify (i) that the applicant is a registered voter, (ii) the  
25 precinct in which the applicant is registered, ~~and~~ (iii) the

1 identity of the applicant, and (iv) the proper ballots of the  
2 political subdivision in which the applicant resides and is  
3 entitled to vote before providing an early ballot to the  
4 applicant. The election judge or official must verify the  
5 applicant's registration from the most recent poll list  
6 provided by the election authority, and if the applicant is not  
7 listed on that poll list, by telephoning the office of the  
8 election authority.

9 (b-5) A person requesting an early voting ballot to whom a  
10 vote by mail ballot was issued may vote early if the person  
11 submits that vote by mail ballot to the judges of election or  
12 official conducting early voting for cancellation. If the voter  
13 is unable to submit the vote by mail ballot, it shall be  
14 sufficient for the voter to submit to the judges or official  
15 (i) a portion of the vote by mail ballot if the vote by mail  
16 ballot was torn or mutilated or (ii) an affidavit executed  
17 before the judges or official specifying that (A) the voter  
18 never received a vote by mail ballot or (B) the voter completed  
19 and returned a vote by mail ballot and was informed that the  
20 election authority did not receive that vote by mail ballot.

21 (b-10) Within one day after a voter casts an early voting  
22 ballot, the election authority shall transmit the voter's name,  
23 street address, and precinct, ward, township, and district  
24 numbers, as the case may be, to the State Board of Elections,  
25 which shall maintain those names and that information in an  
26 electronic format on its website, arranged by county and

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7 complete the voting of that ballot. A voter whose early voting  
8 ballot is not accepted by the voting equipment may, upon  
9 surrendering the ballot, request and vote another early voting  
10 ballot. The voter's surrendered ballot shall be initialed by  
11 the election judge or official conducting the early voting and  
12 handled as provided in the appropriate Article governing the  
13 voting equipment used.

14 (c) The sealed early ballots in their carrier envelope  
15 shall be delivered by the election authority to the central  
16 ballot counting location before the close of the polls on the  
17 day of the election.

18 (Source: P.A. 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

19 Section 95. No acceleration or delay. Where this Act makes  
20 changes in a statute that is represented in this Act by text  
21 that is not yet or no longer in effect (for example, a Section  
22 represented by multiple versions), the use of that text does  
23 not accelerate or delay the taking effect of (i) the changes  
24 made by this Act or (ii) provisions derived from any other  
25 Public Act.

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.