

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 1A-16.6 and 1A-16.8 as follows:

6 (10 ILCS 5/1A-16.6)

7 Sec. 1A-16.6. Government agency voter registration.

8 (a) ~~The~~ ~~By April 1, 2016,~~ the State Board of Elections
9 shall establish and maintain a portal for automatic government
10 agency registration that permits an eligible person to
11 electronically apply to register to vote or to update his or
12 her existing voter registration whenever he or she conducts
13 business, either online or in person, with a designated
14 government agency. The portal shall interface with the online
15 voter registration system established in Section 1A-16.5 of
16 this Code and shall be capable of receiving and processing
17 voter registration application information, including
18 electronic signatures, from a designated government agency.
19 The State Board of Elections shall modify the online voter
20 registration system as necessary to implement this Section.

21 Voter registration data received from a designated
22 government agency through the online registration application
23 system shall be processed as provided for in Section 1A-16.5 of

1 this Code.

2 Whenever the registration interface is accessible to the
3 general public, including, but not limited to, online
4 transactions, the interface shall allow the applicant to
5 complete the process as provided for in Section 1A-16.5 of this
6 Code. The online interface shall be capable of providing the
7 applicant with the applicant's voter registration status with
8 the State Board of Elections and, if registered, the
9 applicant's current registration address. The applicant shall
10 not be required to re-enter any registration data, such as
11 name, address, and birth date, if the designated government
12 agency already has that information on file. ~~The applicant~~
13 ~~shall be informed that by choosing to register to vote or to~~
14 ~~update his or her existing voter registration, the applicant~~
15 ~~consents to the transfer of the applicant's personal~~
16 ~~information to the State Board of Elections.~~

17 (a-5) Whenever an employee of a designated government
18 agency serves a member of the public a government employee is
19 accessing the registration system while servicing the
20 applicant, the agency shall inform the individual in writing of
21 the qualifications to register to vote in Illinois and of the
22 penalties provided by law for submission of a false voter
23 registration application and shall provide an opportunity to
24 attest to meeting those qualifications under penalty of
25 perjury. The agency shall notify the individual that his or her
26 personal information shall be transferred to the State Board of

1 Elections for the purpose of creating an electronic voter
2 registration application, and that the individual will only be
3 registered to vote if he or she meets the qualifications to
4 register to vote in Illinois. The agency shall not require the
5 individual to provide duplicate information, including, but
6 not limited to, any information he or she has already provided
7 as part of the underlying service transaction, except for a
8 signature. The agency shall inform the individual in writing
9 that declining to transfer his or her personal information for
10 voter registration purposes is confidential and will not affect
11 any services the individual may be seeking from the agency. The
12 agency shall inform the individual that the identity of the
13 designated government agency transferring voter registration
14 information is confidential. The individual shall not be
15 required to disclose the reason for declining, including his or
16 her citizenship status. The agency shall collect all needed
17 information for voter registration. After each transaction,
18 the agency shall electronically transfer to the State Board of
19 Elections personal information relevant to voter registration,
20 including all records of documents relating to identity,
21 address, and citizenship. The Secretary of State's Driver
22 Services Department shall send this information to the State
23 Board of Elections for every applicant, regardless of whether
24 or not the individual attested to his or her eligibility to
25 register to vote. All other designated government agencies
26 shall send this information to the State Board of Elections

1 only if the individual attested that he or she is eligible to
2 register to vote. The State Board of Elections shall
3 electronically transfer to the appropriate election authority
4 all voter registration information required for each voter
5 registration application it creates ~~government employee shall~~
6 ~~notify the applicant of the applicant's registration status~~
7 ~~with the State Board of Elections and, if registered, the~~
8 ~~applicant's current registration address. If the applicant~~
9 ~~elects to register to vote or to update his or her existing~~
10 ~~voter registration, the government employee shall collect the~~
11 ~~needed information and assist the applicant with his or her~~
12 ~~registration. The applicant shall be informed that by choosing~~
13 ~~to register to vote or to update his or her existing voter~~
14 ~~registration, the applicant consents to the transfer of the~~
15 ~~applicant's personal information to the State Board of~~
16 ~~Elections.~~

17 (a-10) Upon receipt of personal information collected and
18 transferred by a designated government agency, the State Board
19 of Elections shall check the information against the statewide
20 voter registration database. The State Board of Elections shall
21 create and electronically transmit to the appropriate election
22 authority a voter registration application for any individual
23 who is not registered to vote in Illinois and is not
24 disqualified as provided in subsection (a-15) of this Section
25 or whose information reliably indicates a more recent update to
26 the name or address of a person already included in the

1 statewide voter database, regardless of whether the individual
2 attested to his or her eligibility to register to vote during
3 the agency transaction. The election authority shall process
4 the application accordingly.

5 (a-15) If the State Board of Elections determines that
6 personal information collected and transferred by the
7 designated government agency of an individual who attested to
8 his or her eligibility to register to vote includes a green
9 card or other legal proof that the person is not a United
10 States citizen, then the State Board of Elections shall not
11 create a voter registration application and shall notify the
12 person of the reason his or her voter registration application
13 is incomplete.

14 (a-20) Unless the application is incomplete pursuant to
15 subsection (a-15), the State Board of Elections shall create
16 and electronically transmit to the appropriate election
17 authority a voter registration application for any individual
18 who has attested to meeting voter eligibility requirements. If
19 the personal information collected and transferred by the
20 designated government agency does not make it clear whether or
21 not a person is qualified to register to vote in Illinois, then
22 the person's attestation that he or she is so qualified shall
23 be deemed sufficient evidence of meeting qualifications to
24 register to vote and the election authority shall process the
25 application accordingly.

26 (a-25) The appropriate election authority shall ensure

1 that any applicant who is registered to vote or whose existing
2 voter registration is updated under this Section is promptly
3 sent written notice of the change. The notice may be sent by
4 electronic mail if the applicant has provided an electronic
5 mail address on the voter registration form. The notice
6 required by this subsection (a-25) may be sent or combined with
7 other notices required or permitted by law, including, but not
8 limited to, any notices sent pursuant to Section 1A-16.5 of
9 this Code. Any notice required by this subsection (a-25) shall
10 contain, at a minimum:

11 (1) the applicant's name, date of birth, and
12 residential address as reflected on the voter registration
13 list;

14 (2) a statement that the applicant will be registered
15 to vote or will have his or her voter registration updated
16 unless he or she declines registration;

17 (3) a statement of the qualifications to be a voter;

18 (4) a statement that it is illegal for a person who is
19 not qualified to be a voter to vote in an election, which
20 shall be printed in larger text than the rest of the
21 notice;

22 (5) a statement (i) notifying the applicant to opt out
23 if he or she does not meet the qualifications to be a voter
24 by returning a prepaid postcard, opting out online, or
25 otherwise contacting the appropriate election authority
26 and (ii) stating that the applicant does not have to

1 provide a reason he or she is declining voter registration
2 or disclose citizenship status.

3 (6) a statement notifying the applicant to contact the
4 appropriate election authority if his or her voter
5 registration has been updated in error;

6 (7) a statement notifying the applicant that he or she
7 may opt out of voter registration, or request a change to
8 registration information, at any time by contacting an
9 election official;

10 (8) a prepaid postcard allowing the applicant to opt
11 out of voter registration or update his or her voter
12 registration information, or directions for opting out of
13 voter registration or updating voter registration
14 information online;

15 (9) contact information for the appropriate election
16 authority, including a phone number, address, electronic
17 mail address, and website address;

18 (10) a statement notifying the applicant that some
19 personal information related to voter registration may be
20 subject to public disclosure for purposes related to the
21 electoral process unless protected under an address
22 confidentiality program; and

23 (11) any other information necessary to fulfill the
24 obligations of this Section or local, State, or federal
25 law.

26 (a-30) The appropriate election authority shall ensure

1 that any applicant whose voter registration application is not
2 accepted or deemed incomplete is promptly sent written notice
3 of the application's status. The notice may be sent by
4 electronic mail if the applicant has provided an electronic
5 mail address on the voter registration form. The notice
6 required by this subsection (a-30) may be sent or combined with
7 other notices required or permitted by law, including, but not
8 limited to, any notices sent pursuant to Section 1A-16.5 of
9 this Code. Any notice required by this subsection (a-30) shall
10 contain, at a minimum, the reason the application was not
11 accepted or deemed incomplete and contact information for the
12 appropriate election authority including a phone number,
13 address, electronic mail address, and website address.

14 (a-35) If a designated government agency transfers
15 information, or if the State Board of Elections creates and
16 transmits a voter registration application, for a person who
17 does not qualify as an eligible voter, then it shall not
18 constitute a completed voter registration form, and the person
19 shall not be considered to have registered to vote. If the
20 registration is processed by any election authority, then it
21 shall be presumed to have been effected and officially
22 authorized by the State and that person shall not be found on
23 that basis to have made a false claim to citizenship or to have
24 committed an act of moral turpitude, nor shall that person be
25 subject to penalty under any relevant laws, including, but not
26 limited to, Sections 29-10 and 29-19 of this Code. This

1 subsection (a-35) does not apply to any person who knows that
2 he or she is ineligible to register to vote but who knowingly
3 and willfully registers to vote or attests under penalty of
4 perjury that he or she is eligible to register to vote.

5 (a-40) No employee of a designated government agency shall
6 transmit to the State Board of Elections personal information
7 for any person who applies for or is issued a temporary
8 visitor's driver's license pursuant to Section 6-105.1 of the
9 Illinois Vehicle Code.

10 (a-45) In the event that the registration of a voter is
11 changed from one address to another within the State and the
12 voter appears at the polls and offers to vote from the prior
13 registration address, attesting that the prior registration
14 address is the true current address, the voter, if confirmed by
15 the election authority as having been registered at the prior
16 registration address and canceled only by the process
17 authorized by this Section, shall be issued a regular ballot,
18 and the change of registration address shall be canceled. If
19 the election authority is unable to immediately confirm the
20 registration, then the voter shall be permitted to register and
21 vote a regular ballot, provided that he or she meets the
22 documentary requirements for same-day registration. If the
23 election authority is unable to confirm the registration and
24 the voter does not meet the requirements for same-day
25 registration, then the voter shall be issued a provisional
26 ballot and the provisional ballot shall be counted as provided

1 for under Article 18A of this Code. No voter shall be
2 disqualified from voting due to an error relating to an update
3 of registration made under this Section.

4 (a-50) In accordance with technical specifications
5 provided by the State Board of Elections, each designated
6 government agency shall maintain a data transfer mechanism
7 capable of transmitting voter registration application
8 information, including electronic signatures where available,
9 to the online voter registration system established in Section
10 1A-16.5 of this Code. Each designated government agency shall
11 establish and operate a voter registration system capable of
12 transmitting voter registration application information to the
13 portal as described in this Section by July 1, 2016.

14 (b) Whenever an applicant's data is transferred from a
15 designated government agency, the agency must transmit a
16 signature image if available. If no signature image was
17 provided by the agency or if no signature image is available in
18 the Secretary of State's database or the statewide voter
19 registration database, the applicant must be notified that his
20 or her ~~their~~ registration will remain in a pending status and
21 the applicant will be required to provide identification that
22 complies with the federal Help America Vote Act of 2002 and a
23 signature to the election authority on Election Day in the
24 polling place or during early voting.

25 (b-5) The State Board of Elections and designated
26 government agencies shall implement policies and procedures to

1 protect the privacy and security of voter information as it is
2 acquired, stored, and transmitted among agencies, including
3 policies for the retention and preservation of voter
4 information. Information designated as confidential under this
5 Section may be recorded and shared among the State Board of
6 Elections, election authorities, and designated government
7 agencies, but shall be used only for voter registration
8 purposes, shall not be disclosed to the public except in the
9 aggregate as required by subsection (d) of this Section, and
10 shall not be subject to the Freedom of Information Act. The
11 following information shall be designated as confidential: any
12 portion of an applicant's Social Security number, any portion
13 of an applicant's motor vehicle driver's license number or
14 State identification number, an applicant's decision to
15 decline voter registration, the identity of the designated
16 government agency providing information relating to a specific
17 applicant, and the personal residence and contact information
18 of any applicant for whom local, State, or federal law requires
19 confidentiality, including, but not limited to, a victim of
20 domestic violence pursuant to the Address Confidentiality for
21 Victims of Domestic Violence Act or a victim of stalking
22 pursuant to the Stalking No Contact Order Act. This subsection
23 (b-5) shall not apply to information the State Board of
24 Elections is required to share with the Electronic Registration
25 Information Center.

26 (c) The voter registration procedures implemented under

1 this Section shall comport with the federal National Voter
2 Registration Act of 1993, as amended, and shall specifically
3 require that the ~~The~~ State Board of Elections ~~shall~~ track
4 registration data received through the online registration
5 system that originated from a designated government agency for
6 the purposes of maintaining statistics ~~required by the federal~~
7 ~~National Voter Registration Act of 1993, as amended.~~

8 (d) The State Board of Elections shall submit an annual
9 public ~~a~~ report to the General Assembly and the Governor ~~by~~
10 ~~December 1, 2015~~ detailing the progress made to implement ~~the~~
11 ~~government agency voter registration portal described in this~~
12 Section. The report shall include all of the following: the
13 number of records transferred under this Section by agency, the
14 number of voters newly added to the statewide voter
15 registration list because of records transferred under this
16 Section by agency, the number of updated registrations under
17 this Section by agency, the number of persons who opted out of
18 voter registration, and the number of voters who submitted
19 voter registration forms using the online procedure described
20 in Section 1A-16.5 of this Code. Any report produced under this
21 subsection (d) shall exclude any information that identifies
22 any individual personally.

23 (d-5) The State Board of Elections, each election authority
24 that maintains a website, and each designated government agency
25 that maintains a website shall provide information on their
26 websites informing the public about the new registration

1 procedures described in this Section. Each designated
2 government agency shall display signage or provide literature
3 for the public containing information about the new
4 registration procedures described in this Section.

5 (d-10) No later than January 1, 2017, the State Board of
6 Elections shall hold at least one public hearing on
7 implementing this amendatory Act of the 99th General Assembly
8 at which the public may provide input.

9 (e) The State Board of Elections, in consultation with
10 election authorities, the Secretary of State, designated
11 government agencies, and community organizations, shall adopt
12 rules as necessary to implement the provisions of this Section
13 , ~~in consultation with the impacted agencies.~~

14 (e-5) Subsections (a-5) through (a-45) and subsection
15 (b-5) of this Section shall be implemented no later than
16 January 1, 2018.

17 (f) As used in this Section, a "designated government
18 agency" means the Secretary of State's Driver Services and
19 Vehicle Services Departments, the Department of Human
20 Services, the Department of Healthcare and Family Services, the
21 Department of Employment Security, ~~and~~ the Department on Aging,
22 any federal source that agrees to submit personal
23 identification information to the State for voter registration
24 purposes, and any other reliable State government source the
25 State Board of Elections may designate.

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

1 (10 ILCS 5/1A-16.8)

2 Sec. 1A-16.8. Automatic transfer of registration based
3 upon information from the National Change of Address database
4 and designated government agencies, as defined in Section
5 1A-16.6 of this Code. The State Board of Elections shall
6 cross-reference the statewide voter registration database
7 against the United States Postal Service's National Change of
8 Address database twice each calendar year, April 15 and October
9 1 in odd-numbered years and April 15 and December 1 in
10 even-numbered years, and shall share the findings with the
11 election authorities. In addition, beginning no later than
12 September 1, 2016, the State Board of Elections shall utilize
13 data provided as part of its membership in the Electronic
14 Registration Information Center in order to cross-reference
15 the statewide voter registration database against databases of
16 relevant personal information kept by designated government
17 agencies, including, but not limited to, driver's license
18 information kept by the Secretary of State, at least 6 times
19 each calendar year and shall share the findings with election
20 authorities. An election authority shall automatically
21 register any voter who has moved into its jurisdiction from
22 another jurisdiction in Illinois or has moved within its
23 jurisdiction provided that:

24 (1) the election authority whose jurisdiction includes
25 the new registration address provides the voter an

1 opportunity to reject the change in registration address
2 through a mailing, sent by non-forwardable mail, to the new
3 registration address, and

4 (2) when the election authority whose jurisdiction
5 includes the previous registration address is a different
6 election authority, then that election authority provides
7 the same opportunity through a mailing, sent by forwardable
8 mail, to the previous registration address.

9 This change in registration shall trigger the same
10 inter-jurisdictional or intra-jurisdictional workflows as if
11 the voter completed a new registration card, including the
12 cancellation of the voter's previous registration. Should the
13 registration of a voter be changed from one address to another
14 within the State and should the voter appear at the polls and
15 offer to vote from the prior registration address, attesting
16 that the prior registration address is the true current
17 address, the voter, if confirmed by the election authority as
18 having been registered at the prior registration address and
19 canceled only by the process authorized by this Section, shall
20 be issued a regular ballot, and the change of registration
21 address shall be canceled. If the election authority is unable
22 to immediately confirm the registration, the voter shall be
23 permitted to register and vote a regular ballot, provided that
24 he or she meets the documentary requirements for same-day
25 registration. If the election authority is unable to confirm
26 the registration and the voter does not meet the requirements

1 for same-day registration, the voter shall be issued a
2 provisional ballot and the provisional ballot shall be counted
3 as provided under Article 18A of this Code. No voter shall be
4 disqualified from voting due to an error relating to an update
5 of registration under this Section.

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

7 Section 10. The Illinois Vehicle Code is amended by
8 changing Section 2-105 as follows:

9 (625 ILCS 5/2-105) (from Ch. 95 1/2, par. 2-105)

10 Sec. 2-105. Offices of Secretary of State.

11 (a) The Secretary of State shall maintain offices in the
12 State capital and in such other places in the State as he may
13 deem necessary to properly carry out the powers and duties
14 vested in him.

15 (b) The Secretary of State may construct and equip one or
16 more buildings in the State of Illinois outside of the County
17 of Sangamon as he deems necessary to properly carry out the
18 powers and duties vested in him. The Secretary of State may, on
19 behalf of the State of Illinois, acquire public or private
20 property needed therefor by lease, purchase or eminent domain.
21 The care, custody and control of such sites and buildings
22 constructed thereon shall be vested in the Secretary of State.
23 Expenditures for the construction and equipping of any of such
24 buildings upon premises owned by another public entity shall

1 not be subject to the provisions of any State law requiring
2 that the State be vested with absolute fee title to the
3 premises. The exercise of the authority vested in the Secretary
4 of State by this Section is subject to the appropriation of the
5 necessary funds.

6 (c) Pursuant to Sections 1A-16.6 and Section 1A-25 of the
7 Election Code, the Secretary of State shall make driver
8 services facilities available for use as places of accepting
9 applications for voter registration.

10 (d) (Blank).

11 (e) Each person applying at a driver services facility for
12 a driver's license or permit, a corrected driver's license or
13 permit, an Illinois identification card or a corrected Illinois
14 identification card shall be notified, under the procedures set
15 forth in Section 1A-16.6 of the Election Code, that his or her
16 personal information shall be transferred to the State Board of
17 Elections for the purpose of creating an electronic voter
18 registration application, and that the individual will only be
19 registered to vote if he or she meets the qualifications to
20 register to vote in Illinois. ~~that the person may apply to~~
21 ~~register to vote at such station and may also apply to transfer~~
22 ~~his or her voter registration at such station to a different~~
23 ~~address in the State.~~ Such notification may be made in writing
24 or verbally issued by an employee or the Secretary of State.

25 The Secretary of State shall promulgate such rules as may
26 be necessary for the efficient execution of his duties and the

1 duties of his employees under this Section.

2 (f) Any person applying at a driver services facility for
3 issuance or renewal of a driver's license or Illinois
4 Identification Card shall be provided, without charge, with a
5 brochure warning the person of the dangers of financial
6 identity theft. The Department of Financial and Professional
7 Regulation shall prepare these brochures and provide them to
8 the Secretary of State for distribution. The brochures shall
9 (i) identify signs warning the reader that he or she might be
10 an intended victim of the crime of financial identity theft,
11 (ii) instruct the reader in how to proceed if the reader
12 believes that he or she is the victim of the crime of identity
13 theft, and (iii) provide the reader with names and telephone
14 numbers of law enforcement and other governmental agencies that
15 provide assistance to victims of financial identity theft.

16 (Source: P.A. 97-81, eff. 7-5-11.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.