



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3810

Introduced 2/6/2026, by Sen. Sally J. Turner

SYNOPSIS AS INTRODUCED:

5 ILCS 840/20
10 ILCS 5/4-50
10 ILCS 5/5-50
10 ILCS 5/6-100
10 ILCS 5/18A-5
10 ILCS 5/18A-15

Amends the Election Code. Provides that, if a person chooses to register to vote on the day of election, the person shall only be allowed to cast a provisional ballot, and the election authority shall mail to the provisional voter a voter registration application to the provisional voter's address. Provides that a provisional ballot cast under the provision is valid and shall be counted as a vote if the voter completes and returns the voter registration application that the election authority mailed to the voter upon casting the provisional ballot within 14 days after the day of election.

LRB104 19631 SPS 33080 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 First Responders Suicide Prevention Act is
5 amended by changing Section 20 as follows:

6 (5 ILCS 840/20)

7 Sec. 20. Confidentiality; exemptions.

8 (a) Any communication made by an employee of an emergency
9 services provider or law enforcement agency or peer support
10 advisor in a peer support counseling session and any oral or
11 written information conveyed in the peer support counseling
12 session is confidential and may not be disclosed by any person
13 participating in the peer support counseling session and shall
14 not be released to any person or entity.

15 (b) Any communication relating to a peer support
16 counseling session made confidential under this Section that
17 is made between peer support advisors and the supervisors or
18 staff of a peer support counseling program, or between the
19 supervisor or staff of a peer support counseling program, is
20 confidential and may not be disclosed.

21 (c) This Section does not prohibit any communications
22 between counselors who conduct peer support counseling
23 sessions or any communications between counselors and the

1 supervisors or staff of a peer support counseling program.

2 (c-5) Any communication described in subsection (a) or (b)
3 is subject to subpoena for good cause shown.

4 (d) The privileges established under this Section do not
5 apply if any of the following occur: ~~This Section does not~~
6 apply to:

7 (1) the communication indicates an intent to engage in
8 conduct likely to result in imminent death or serious
9 physical injury to the participant or another individual;
10 ~~any threat of suicide or homicide made by a participant in~~
11 ~~a peer support counseling session or any information~~
12 ~~conveyed in a peer support counseling session related to a~~
13 ~~threat of suicide or homicide;~~

14 (2) the person receiving a peer support counseling
15 session discloses information that is required to be
16 reported under the mandated reporting laws, including, but
17 not limited to, the reporting of maltreatment of minors,
18 the reporting of maltreatment of vulnerable adults,
19 provided the disclosure is only for the purpose of
20 reporting the maltreatment and limited to information
21 necessary to make such a report; ~~any information mandated~~
22 ~~by law or agency policy to be reported, including, but not~~
23 ~~limited to, domestic violence, child abuse or neglect, or~~
24 ~~elder abuse or neglect;~~

25 (3) the participant waives the privilege or gives
26 consent to the disclosure of the privilege communication;

1 ~~any admission of criminal conduct; or~~

2 (4) the participant is deceased and the surviving
3 spouse or executor or administrator of the estate of the
4 deceased participant expressly waives the privilege or
5 gives consent to disclosure of the privileged
6 communication; or an admission or act of refusal to
7 perform duties to protect others or the employee of the
8 emergency services provider or law enforcement agency.

9 (5) the participant sought or obtained the peer
10 support counseling services to enable or aid anyone to
11 commit or plan to commit what the participant knew, or
12 reasonably should have known, was a crime, or fraud.

13 (e) All communications, notes, records, and reports
14 arising out of a peer support counseling session are not
15 subject to disclosure under Section 7.5 of the Freedom of
16 Information Act.

17 (e-5) A department that establishes a peer support
18 counseling program shall develop a policy or rule that imposes
19 disciplinary measures against a peer support advisor who
20 violates the confidentiality of the peer support counseling
21 program by sharing information learned in a peer support
22 counseling session with department personnel who are not
23 supervisors or staff of the peer support counseling program,
24 unless the information is related to the exemptions in
25 subsection (d).

26 (f) A cause of action exists for public safety personnel

1 or emergency services personnel if the emergency services
2 provider or law enforcement agency uses confidential
3 information obtained during a confidential peer support
4 counseling session conducted by a law enforcement agency or by
5 an emergency services provider for an adverse employment
6 action against the participant.

7 (Source: P.A. 101-375, eff. 8-16-19.)

8 Section 10. The Election Code is amended by changing
9 Sections 4-50, 5-50, 6-100, 18A-5, and 18A-15 as follows:

10 (10 ILCS 5/4-50)

11 Sec. 4-50. Grace period. Notwithstanding any other
12 provision of this Code to the contrary, each election
13 authority shall establish procedures for the registration of
14 voters and for change of address during the period from the
15 close of registration for an election until and including the
16 day of the election. During this grace period, an unregistered
17 qualified elector may register to vote, and a registered voter
18 may submit a change of address form, in person in the office of
19 the election authority, at a permanent polling place
20 established under Section 19A-10, at any other early voting
21 site beginning 15 days prior to the election, at a polling
22 place on election day, or at a voter registration location
23 specifically designated for this purpose by the election
24 authority. Grace period registration and changes of address

1 shall also be conducted for eligible residents in connection
2 with voting at facilities under Section 19-12.2 of this Code.
3 The election authority shall register that individual, or
4 change a registered voter's address, in the same manner as
5 otherwise provided by this Article for registration and change
6 of address.

7 If a voter who registers or changes address during this
8 grace period wishes to vote at the election or primary
9 occurring during the grace period, he or she must do so by
10 grace period voting. The election authority shall offer
11 in-person grace period voting at the authority's office, any
12 permanent polling place established under Section 19A-10, and
13 at any other early voting site beginning 15 days prior to the
14 election, at a polling place on election day, where grace
15 period registration is required by this Section; and may offer
16 in-person grace period voting at additional hours and
17 locations specifically designated for the purpose of grace
18 period voting by the election authority. The election
19 authority may allow grace period voting by mail only if the
20 election authority has no ballots prepared at the authority's
21 office. Grace period voting shall be in a manner substantially
22 similar to voting under Article 19A.

23 Within one day after a voter casts a grace period ballot,
24 or within one day after the ballot is received by the election
25 authority if the election authority allows grace period voting
26 by mail, the election authority shall transmit by electronic

1 means pursuant to a process established by the State Board of
2 Elections the voter's name, street address, e-mail address,
3 and precinct, ward, township, and district numbers, as the
4 case may be, to the State Board of Elections, which shall
5 maintain those names and that information in an electronic
6 format on its website, arranged by county and accessible to
7 State and local political committees. The name of each person
8 issued a grace period ballot shall also be placed on the
9 appropriate precinct list of persons to whom vote by mail and
10 early ballots have been issued, for use as provided in
11 Sections 17-9 and 18-5.

12 A person who casts a grace period ballot shall not be
13 permitted to revoke that ballot and vote another ballot with
14 respect to that primary or election. Ballots cast by persons
15 who register or change address during the grace period at a
16 location other than their designated polling place on election
17 day must be transmitted to and counted at the election
18 authority's central ballot counting location and shall not be
19 transmitted to and counted at precinct polling places. The
20 grace period ballots determined to be valid shall be added to
21 the vote totals for the precincts for which they were cast in
22 the order in which the ballots were opened.

23 If a person registers to vote on the day of the election
24 under this Section, the election authority shall only allow
25 that person to vote a provisional ballot as described in
26 Section 18A-5.

1 In counties with a population of less than 100,000 that do
2 not have electronic poll books, the election authority may opt
3 out of registration in the polling place if the election
4 authority establishes grace period registration and voting at
5 other sites on election day at the following sites: (i) the
6 election authority's main office and (ii) a polling place in
7 each municipality where 20% or more of the county's residents
8 reside if the election authority's main office is not located
9 in that municipality. The election authority may establish
10 other grace period registration and voting sites on election
11 day provided that the election authority has met the notice
12 requirements of Section 19A-25 for permanent and temporary
13 early voting sites.

14 (Source: P.A. 100-442, eff. 8-25-17.)

15 (10 ILCS 5/5-50)

16 Sec. 5-50. Grace period. Notwithstanding any other
17 provision of this Code to the contrary, each election
18 authority shall establish procedures for the registration of
19 voters and for change of address during the period from the
20 close of registration for an election until and including the
21 day of the election. During this grace period, an unregistered
22 qualified elector may register to vote, and a registered voter
23 may submit a change of address form, in person in the office of
24 the election authority, at a permanent polling place
25 established under Section 19A-10, at any other early voting

1 site beginning 15 days prior to the election, at a polling
2 place on election day, or at a voter registration location
3 specifically designated for this purpose by the election
4 authority. Grace period registration and changes of address
5 shall also be conducted for eligible residents in connection
6 with voting at facilities under Section 19-12.2 of this Code.
7 The election authority shall register that individual, or
8 change a registered voter's address, in the same manner as
9 otherwise provided by this Article for registration and change
10 of address.

11 If a voter who registers or changes address during this
12 grace period wishes to vote at the election or primary
13 occurring during the grace period, he or she must do so by
14 grace period voting. The election authority shall offer
15 in-person grace period voting at his or her office, any
16 permanent polling place established under Section 19A-10, and
17 at any other early voting site beginning 15 days prior to the
18 election, at a polling place on election day, where grace
19 period registration is required by this Section; and may offer
20 in-person grace period voting at additional hours and
21 locations specifically designated for the purpose of grace
22 period voting by the election authority. The election
23 authority may allow grace period voting by mail only if the
24 election authority has no ballots prepared at the authority's
25 office. Grace period voting shall be in a manner substantially
26 similar to voting under Article 19A.

1 Within one day after a voter casts a grace period ballot,
2 or within one day after the ballot is received by the election
3 authority if the election authority allows grace period voting
4 by mail, the election authority shall transmit by electronic
5 means pursuant to a process established by the State Board of
6 Elections the voter's name, street address, e-mail address,
7 and precinct, ward, township, and district numbers, as the
8 case may be, to the State Board of Elections, which shall
9 maintain those names and that information in an electronic
10 format on its website, arranged by county and accessible to
11 State and local political committees. The name of each person
12 issued a grace period ballot shall also be placed on the
13 appropriate precinct list of persons to whom vote by mail and
14 early ballots have been issued, for use as provided in
15 Sections 17-9 and 18-5.

16 A person who casts a grace period ballot shall not be
17 permitted to revoke that ballot and vote another ballot with
18 respect to that primary or election. Ballots cast by persons
19 who register or change address during the grace period at a
20 location other than their designated polling place on election
21 day must be transmitted to and counted at the election
22 authority's central ballot counting location and shall not be
23 transmitted to and counted at precinct polling places. The
24 grace period ballots determined to be valid shall be added to
25 the vote totals for the precincts for which they were cast in
26 the order in which the ballots were opened.

1 If a person registers to vote on the day of the election
2 under this Section, the election authority shall only allow
3 that person to vote a provisional ballot as described in
4 Section 18A-5.

5 In counties with a population of less than 100,000 that do
6 not have electronic poll books, the election authority may opt
7 out of registration in the polling place if the election
8 authority establishes grace period registration and voting at
9 other sites on election day at the following sites: (i) the
10 election authority's main office and (ii) a polling place in
11 each municipality where 20% or more of the county's residents
12 reside if the election authority's main office is not located
13 in that municipality. The election authority may establish
14 other grace period registration and voting sites on election
15 day provided that the election authority has met the notice
16 requirements of Section 19A-25 for permanent and temporary
17 early voting sites.

18 (Source: P.A. 100-442, eff. 8-25-17.)

19 (10 ILCS 5/6-100)

20 Sec. 6-100. Grace period. Notwithstanding any other
21 provision of this Code to the contrary, each election
22 authority shall establish procedures for the registration of
23 voters and for change of address during the period from the
24 close of registration for an election until and including the
25 day of the election. During this grace period, an unregistered

1 qualified elector may register to vote, and a registered voter
2 may submit a change of address form, in person in the office of
3 the election authority, at a permanent polling place
4 established under Section 19A-10, at any other early voting
5 site beginning 15 days prior to the election, at a polling
6 place on election day, or at a voter registration location
7 specifically designated for this purpose by the election
8 authority. Grace period registration and changes of address
9 shall also be conducted for eligible residents in connection
10 with voting at facilities under Section 19-12.2 of this Code.
11 The election authority shall register that individual, or
12 change a registered voter's address, in the same manner as
13 otherwise provided by this Article for registration and change
14 of address.

15 If a voter who registers or changes address during this
16 grace period wishes to vote at the election or primary
17 occurring during the grace period. The election authority
18 shall offer in-person grace period voting at the authority's
19 office, any permanent polling place established under Section
20 19A-10, and at any other early voting site beginning 15 days
21 prior to the election, at a polling place on election day,
22 where grace period registration is required by this Section;
23 and may offer in-person grace period voting at additional
24 hours and locations specifically designated for the purpose of
25 grace period voting by the election authority. The election
26 authority may allow grace period voting by mail only if the

1 election authority has no ballots prepared at the authority's
2 office. Grace period voting shall be in a manner substantially
3 similar to voting under Article 19A.

4 Within one day after a voter casts a grace period ballot,
5 or within one day after the ballot is received by the election
6 authority if the election authority allows grace period voting
7 by mail, the election authority shall transmit by electronic
8 means pursuant to a process established by the State Board of
9 Elections the voter's name, street address, e-mail address,
10 and precinct, ward, township, and district numbers, as the
11 case may be, to the State Board of Elections, which shall
12 maintain those names and that information in an electronic
13 format on its website, arranged by county and accessible to
14 State and local political committees. The name of each person
15 issued a grace period ballot shall also be placed on the
16 appropriate precinct list of persons to whom vote by mail and
17 early ballots have been issued, for use as provided in
18 Sections 17-9 and 18-5.

19 A person who casts a grace period ballot shall not be
20 permitted to revoke that ballot and vote another ballot with
21 respect to that primary or election. Ballots cast by persons
22 who register or change address during the grace period at a
23 location other than their designated polling place on election
24 day must be transmitted to and counted at the election
25 authority's central ballot counting location and shall not be
26 transmitted to and counted at precinct polling places. The

1 grace period ballots determined to be valid shall be added to
2 the vote totals for the precincts for which they were cast in
3 the order in which the ballots were opened.

4 If a person registers to vote on the day of the election
5 under this Section, the election authority shall only allow
6 that person to vote a provisional ballot as described in
7 Section 18A-5.

8 In counties with a population of less than 100,000 that do
9 not have electronic poll books, the election authority may opt
10 out of registration in the polling place if the election
11 authority establishes grace period registration and voting at
12 other sites on election day at the following sites: (i) the
13 election authority's main office and (ii) a polling place in
14 each municipality where 20% or more of the county's residents
15 reside if the election authority's main office is not located
16 in that municipality. The election authority may establish
17 other grace period registration and voting sites on election
18 day provided that the election authority has met the notice
19 requirements of Section 19A-25 for permanent and temporary
20 early voting sites.

21 (Source: P.A. 100-442, eff. 8-25-17.)

22 (10 ILCS 5/18A-5)

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

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

1 circumstances:

2 (1) The person's name does not appear on the official
3 list of eligible voters for the precinct in which the
4 person seeks to vote ~~and the person has refused an~~
5 ~~opportunity to register at the polling location or another~~
6 ~~grace period registration site.~~ If the person chooses to
7 register to vote on the day of the election, the person
8 shall only be allowed to cast a provisional ballot, and
9 the election authority shall mail to the provisional voter
10 a voter registration application to the address listed on
11 the affidavit described in paragraph (2). The official
12 list is the centralized statewide voter registration list
13 established and maintained in accordance with Section
14 1A-25;

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

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

23 (4) The voter registered to vote by mail and is
24 required by law to present identification when voting
25 either in person or by early voting ballot, but fails to do
26 so;

1 (5) The voter's name appears on the list of voters who
2 voted during the early voting period, but the voter claims
3 not to have voted during the early voting period;

4 (6) The voter received a vote by mail ballot but did
5 not return the vote by mail ballot to the election
6 authority; or

7 (7) The voter attempted to register to vote on
8 election day, but failed to provide the necessary
9 documentation.

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

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

1 and instruct the person to go to the proper polling place
2 to vote.

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

6 (i) an affidavit stating the following:

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

24 (ii) A box for the election judge to check one of
25 the reasons why the person was given a provisional
26 ballot under subsection (a) of this Section.

1 (iii) An area for the election judge to affix his
2 or her signature and to set forth any facts that
3 support or oppose the allegation that the person is
4 not qualified to vote in the precinct in which the
5 person is seeking to vote.

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

10 (3) After the person executes the portion of the
11 written affidavit described in subsection (b)(2)(i) of
12 this Section, the election judge shall complete the
13 portion of the written affidavit described in subsection
14 (b)(2)(iii) and (b)(2)(iv).

15 (4) The election judge shall give a copy of the
16 completed written affidavit to the person. The election
17 judge shall place the original written affidavit in a
18 self-adhesive clear plastic packing list envelope that
19 must be attached to a separate envelope marked as a
20 "provisional ballot envelope". The election judge shall
21 also place any information provided by the person who
22 casts a provisional ballot in the clear plastic packing
23 list envelope. Each county clerk or board of election
24 commissioners, as the case may be, must design, obtain or
25 procure self-adhesive clear plastic packing list envelopes
26 and provisional ballot envelopes that are suitable for

1 implementing this subsection (b) (4) of this Section.

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

17 (6) After the person has completed marking his or her
18 provisional ballot, he or she shall place the marked
19 ballot inside of the provisional ballot envelope, close
20 and seal the envelope, and return the envelope to an
21 election judge, who shall then deposit the sealed
22 provisional ballot envelope into a securable container
23 separately identified and utilized for containing sealed
24 provisional ballot envelopes. Ballots that are provisional
25 because they are cast after 7:00 p.m. by court order shall
26 be kept separate from other provisional ballots. Upon the

1 closing of the polls, the securable container shall be
2 sealed with filament tape provided for that purpose, which
3 shall be wrapped around the box lengthwise and crosswise,
4 at least twice each way, and each of the election judges
5 shall sign the seal.

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

19 (d) The county clerk or board of election commissioners,
20 as the case may be, shall use the completed affidavit form
21 described in subsection (b) to update the person's voter
22 registration information in the State voter registration
23 database and voter registration database of the county clerk
24 or board of election commissioners, as the case may be. If a
25 person is later determined not to be a registered voter based
26 on Section 18A-15 of this Code, then the affidavit shall be

1 processed by the county clerk or board of election
2 commissioners, as the case may be, as a voter registration
3 application.

4 (Source: P.A. 100-201, eff. 8-18-17.)

5 (10 ILCS 5/18A-15)

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

7 (a) The county clerk or board of election commissioners
8 shall complete the validation and counting of provisional
9 ballots within 14 calendar days of the day of the election. The
10 county clerk or board of election commissioners shall have 7
11 calendar days from the completion of the validation and
12 counting of provisional ballots to conduct its final canvass.
13 The State Board of Elections shall complete within 31 calendar
14 days of the election or sooner if all the returns are received,
15 its final canvass of the vote for all public offices.

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

19 (1) the provisional voter cast the provisional ballot
20 in the correct precinct based on the address provided by
21 the provisional voter. The provisional voter's affidavit
22 shall serve as a change of address request by that voter
23 for registration purposes for the next ensuing election if
24 it bears an address different from that in the records of
25 the election authority. Votes for federal and statewide

1 offices on a provisional ballot cast in the incorrect
2 precinct that meet the other requirements of this
3 subsection shall be valid and counted in accordance with
4 this Article. As used in this item, "federal office" is
5 defined as provided in Section 20-1 and "statewide office"
6 means the Governor, Attorney General, Secretary of State,
7 Comptroller, and Treasurer. Votes for General Assembly,
8 countywide, citywide, or township office on a provisional
9 ballot cast in the incorrect precinct but in the correct
10 legislative district, representative district, county,
11 municipality, or township, as the case may be, shall be
12 valid and counted in accordance with this Article. As used
13 in this item, "citywide office" means an office elected by
14 the electors of an entire municipality. As used in this
15 item, "township office" means an office elected by the
16 electors of an entire township;

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

21 (3) except as permitted by item (5) of subsection (b)
22 of this Section, the provisional voter is a registered
23 voter based on information available to the county clerk
24 or board of election commissioners provided by or obtained
25 from any of the following:

26 i. the provisional voter;

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

7 (4) for a provisional ballot cast under item (6) of

8 subsection (a) of Section 18A-5, the voter did not vote by

9 mail ballot in the election at which the provisional

10 ballot was cast; ~~or~~

11 (5) for a provisional ballot cast under item (7) of

12 subsection (a) of Section 18A-5, the voter provides the

13 election authority with the necessary documentation within

14 7 days of election day; or ~~or~~

15 (6) for a provisional ballot cast under paragraph (1)

16 of subsection (a) of Section 18A-5, the voter completes

17 and returns the voter registration application that the

18 election authority mailed to the voter upon casting a

19 provisional ballot within 14 days after the day of the

20 election.

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

22 county clerk or board of election commissioners shall

23 investigate and record whether or not the specified

24 information is available from each of the 5 identified

25 sources. If the information is available from one or more of

26 the identified sources, then the county clerk or board of

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

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

11 (d) In validating the registration status of a person
12 casting a provisional ballot, the county clerk or board of
13 election commissioners shall not require a provisional voter
14 to complete any form other than the affidavit executed by the
15 provisional voter under subsection (b) (2) of Section 18A-5. In
16 addition, the county clerk or board of election commissioners
17 shall not require all provisional voters or any particular
18 class or group of provisional voters to appear personally
19 before the county clerk or board of election commissioners or
20 as a matter of policy require provisional voters to submit
21 additional information to verify or otherwise support the
22 information already submitted by the provisional voter. Within
23 2 calendar days after the election, the election authority
24 shall transmit by electronic means pursuant to a process
25 established by the State Board of Elections the name, street
26 address, e-mail address, and precinct, ward, township, and

1 district numbers, as the case may be, of each person casting a
2 provisional ballot to the State Board of Elections, which
3 shall maintain those names and that information in an
4 electronic format on its website, arranged by county and
5 accessible to State and local political committees. The
6 provisional voter may, within 7 calendar days after the
7 election, submit additional information to the county clerk or
8 board of election commissioners. This information must be
9 received by the county clerk or board of election
10 commissioners within the 7-calendar-day period.

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

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

24 (g) Provisional ballots determined to be valid shall be
25 counted at the election authority's central ballot counting
26 location and shall not be counted in precincts. The

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

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

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

17 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13;
18 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)