



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4060

Introduced 1/13/2020, by Rep. Margo McDermed

SYNOPSIS AS INTRODUCED:

10 ILCS 5/4-14.1

from Ch. 46, par. 4-14.1

Amends the Election Code. Provides that the county clerk of a county where a decedent last resided shall (rather than may) issue certifications of death records from the electronic reporting system for death registrations and shall (rather than may) use that system to cancel the registration of any person who has died during the preceding month. Requires a county coroner, medical examiner, or physician for a county or any other individual responsible for certification of death under the Vital Records Act to promptly transmit certified records to the county clerk within 7 days after the death. Requires the county clerk and coroner to report quarterly to its affiliated county board and certify its full compliance with the provisions and accuracy of the voter rolls. Allows an individual to request a copy of the county clerk's or coroner's report and allows for relief if the county clerk fails to provide an accurate report within specified timeframes.

LRB101 15283 SMS 64460 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 Section
5 4-14.1 as follows:

6 (10 ILCS 5/4-14.1) (from Ch. 46, par. 4-14.1)

7 Sec. 4-14.1. Cancellation of deceased voter's registration.

8 (a) Upon establishment of an electronic reporting system
9 for death registrations as provided in the Vital Records Act,
10 the county clerk of the county where a decedent last resided,
11 as indicated on the decedent's death certificate, shall ~~may~~
12 issue certifications of death records from that system and
13 shall ~~may~~ use that system to cancel the registration of any
14 person who has died during the preceding month. Regardless of
15 whether or not such a system has been established, it is the
16 duty of the county clerk to examine, monthly, the records
17 deposited in his or her office pursuant to the Vital Records
18 Act that relate to deaths in the county, and to cancel the
19 registration of any person who has died during the preceding
20 month. The county coroner, medical examiner, or physician for a
21 county or any other individual responsible for certification of
22 death under Section 18 of the Vital Records Act shall promptly
23 transmit certified records to the county clerk within 7 days

1 after the death of the decedent. The county clerk and coroner
2 shall report quarterly to its affiliated county board and
3 certify its full compliance with this Section and accuracy of
4 the voter rolls.

5 (b) Any person may request a copy of the report required in
6 subsection (a). Failure to provide an accurate report by the
7 county clerk within 5 business days, or 48 hours if 30 days
8 before an election, may file suit for injunction or declaratory
9 relief to enforce subsection (a) or this subsection (b).

10 (c) The circuit court shall have the jurisdiction to order
11 the production of the required: (i) deposits of records; (ii)
12 production of required reports; and (iii) compliance with
13 subsection (a), including establishing the accuracy of the
14 voter registration rolls.

15 (d) If a person seeking the right to receive a copy of the
16 documents pursuant to subsection (a) or enforce the provision
17 of subsection (a) prevails in a proceeding under this Section,
18 the court shall award such person reasonable attorney's fees
19 and costs. In determining what amount of attorney's fees is
20 reasonable, the court shall consider the degree to which the
21 relief obtained relates to the relief sought.

22 (e) If the court determines that a public body willfully
23 and intentionally failed to comply with this Section, or
24 otherwise acted in bad faith, the court shall also impose upon
25 the public body a civil penalty of not less than \$2,500 nor
26 more than \$5,000 for each occurrence. In assessing the civil

1 penalty, the court shall consider in aggravation or mitigation
2 the budget of the public body and whether the public body has
3 previously been assessed penalties for violations of this
4 Section. The court may impose an additional penalty of up to
5 \$1,000 for each day the violation continues if:

6 (1) the public body fails to comply with the court's
7 order after 30 days;

8 (2) the court's order is not on appeal or stayed; and

9 (3) the court does not grant the public body additional
10 time to comply with the court's order to disclose public
11 records.

12 (Source: P.A. 96-1484, eff. 1-1-11.)