



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB2599

Introduced 2/19/2021, by Rep. Ryan Spain

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-14 new	
10 ILCS 5/3-8 new	
10 ILCS 5/17-9	from Ch. 46, par. 17-9
10 ILCS 5/18-5	from Ch. 46, par. 18-5
10 ILCS 5/18A-5	
10 ILCS 5/18A-15	
10 ILCS 5/19A-35	

Amends the Election Code. Requires Voters Identification Cards for those who do not have an acceptable photo ID. Sets forth requirements and exemptions. Provides that any person desiring to vote shall present to the judges of election for verification of the person's identity a government-issued photo identification card or his or her Voter Identification Card.

LRB102 10906 SMS 16237 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, 18A-5, 18A-15, and 19A-35 and by adding  
6 Sections 1-14 and 3-8 as follows:

7 (10 ILCS 5/1-14 new)

8 Sec. 1-14. Voter Identification Card.

9 (a) Issuance. The Secretary of State shall issue a Voter  
10 Identification Card to each registered voter who does not have  
11 an acceptable form of photo identification card as defined in  
12 Section 3-8. The Voter Identification Card shall include at  
13 least: (i) the voter's name, signature, and photograph; (ii)  
14 the State seal; and (iii) the voter's current residence  
15 address. A Voter Identification Card is valid for as long as  
16 the registered voter maintains the name and residence on the  
17 Card. A Voter Identification Card may not be used for any  
18 purpose other than to vote in Illinois.

19 (b) Intent and purpose. It is the intent of the General  
20 Assembly to provide the Secretary of State with guidance on  
21 how to issue the Voter Identification Card to those  
22 individuals who do not have an acceptable form of photo  
23 identification as defined in Section 3-8.

1       (c) Application for the Voter Identification Card. Within  
2 a reasonable time after the effective date of this amendatory  
3 Act of the 102nd General Assembly, the Secretary of State  
4 shall provide application forms for the Voter Identification  
5 Card. Any registered voter who meets the criteria set forth in  
6 this Section and who provides the proper documentation  
7 required under subsection (d) shall receive a Voter  
8 Identification Card.

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

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

16           (2) Documentation showing the applicant's date of  
17 birth.

18           (3) Evidence of voter registration.

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

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

26           (1) An original birth certificate or certified copy of

1 a birth certificate.

2 (2) A voter registration card.

3 (3) A copy of records filed in court by the applicant  
4 or on behalf of the applicant by the applicant's counsel.

5 (4) A naturalization document.

6 (5) A copy of the applicant's marriage license.

7 (6) A copy of the State or federal tax return filed by  
8 the applicant for the previous calendar year.

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

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

14 (9) A certified school record or transcript for the  
15 current or preceding calendar year.

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

19 (1) A voter registration card.

20 (2) A utility bill or cable bill.

21 (3) A bank statement issued within the last 60 days.

22 (4) A valid and current rental agreement.

23 (5) A copy of the State or federal tax return filed by  
24 the applicant for the previous calendar year.

25 (6) A homeowner's insurance policy or bill for the  
26 current or preceding year.

1           (7) A mortgage, deed, or property tax bill for the  
2           current or preceding year.

3           (8) A W-2 for the preceding calendar year.

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

11           (10 ILCS 5/3-8 new)

12           Sec. 3-8. Acceptable forms of photo identification for  
13           voting purposes. As used in this Code, acceptable forms of  
14           photo identification for voting purposes include:

15           (1) An Illinois Driver's License.

16           (2) A State Identification Card.

17           (3) An Illinois Disabled Person Identification Card.

18           (4) A Senior Citizen Identification Card.

19           (5) A FOID Card.

20           (6) A U.S. Passport with the voter's current address.

21           (7) Any other government-issued identification card  
22           that includes the voter's name, current photograph, and  
23           current address.

24           All photo identification cards must be valid and current.

1 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

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

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

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

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



1 State of Illinois,)

2 ) ss.

3 County of .....)

4 ..... Precinct ..... Ward

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

18 .....

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

20 .....

21 Judge of Election.

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

1 State of Illinois,)

2 ) ss.

3 County of .....)

4 ..... Precinct ..... Ward

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

12 .....

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

14 .....

15 Judge of Election.

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

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

24 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

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

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

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

11 I do solemnly swear (or affirm) that I am a resident of  
12 this election precinct (or district), and entitled to vote at  
13 this election, and that I have been a resident of this State  
14 for 30 days last past, and am well acquainted with the person  
15 whose vote is now offered; that he is an actual and bona fide  
16 resident of this election precinct (or district), and has  
17 resided herein 30 days, and as I verily believe, in this State,  
18 30 days next preceding this election.

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

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

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

12           The voter shall, upon quitting the voting booth, deliver  
13 to one of the judges of election all of the ballots, properly  
14 folded, which he received. The judge of election to whom the  
15 voter delivers his ballots shall not accept the same unless  
16 all of the ballots given to the voter are returned by him. If a  
17 voter delivers less than all of the ballots given to him, the  
18 judge to whom the same are offered shall advise him in a voice  
19 clearly audible to the other judges of election that the voter  
20 must return the remainder of the ballots. The statement of the  
21 judge to the voter shall clearly express the fact that the  
22 voter is not required to vote such remaining ballots but that  
23 whether or not he votes them he must fold and deliver them to  
24 the judge. In making such statement the judge of election  
25 shall not indicate by word, gesture or intonation of voice  
26 that the unreturned ballots shall be voted in any particular

1 manner. No new voter shall be permitted to enter the voting  
2 booth of a voter who has failed to deliver the total number of  
3 ballots received by him until such voter has returned to the  
4 voting booth pursuant to the judge's request and again quit  
5 the booth with all of the ballots required to be returned by  
6 him. Upon receipt of all such ballots the judges of election  
7 shall enter the name of the voter, and his number, as above  
8 provided in this Section, and the judge to whom the ballots are  
9 delivered shall immediately put the ballots into the ballot  
10 box. If any voter who has failed to deliver all the ballots  
11 received by him refuses to return to the voting booth after  
12 being advised by the judge of election as herein provided, the  
13 judge shall inform the other judges of such refusal, and  
14 thereupon the ballot or ballots returned to the judge shall be  
15 deposited in the ballot box, the voter shall be permitted to  
16 depart from the polling place, and a new voter shall be  
17 permitted to enter the voting booth.

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

26 No judge of election shall accept from any voter less than



1 the full number of ballots received by such voter without  
2 first advising the voter in the manner above provided of the  
3 necessity of returning all of the ballots, nor shall any such  
4 judge advise such voter in a manner contrary to that which is  
5 herein permitted, or in any other manner violate the  
6 provisions of this Section; provided, that the acceptance by a  
7 judge of election of less than the full number of ballots  
8 delivered to a voter who refuses to return to the voting booth  
9 after being properly advised by such judge shall not be a  
10 violation of this Section.

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

12 (10 ILCS 5/18A-5)

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

14 (a) A person who claims to be a registered voter is  
15 entitled to cast a provisional ballot under the following  
16 circumstances:

17 (1) The person's name does not appear on the official  
18 list of eligible voters for the precinct in which the  
19 person seeks to vote and the person has refused an  
20 opportunity to register at the polling location or another  
21 grace period registration site. The official list is the  
22 centralized statewide voter registration list established  
23 and maintained in accordance with Section 1A-25;

24 (2) The person's voting status has been challenged by  
25 an election judge, a pollwatcher, or any legal voter and

1 that challenge has been sustained by a majority of the  
2 election judges;

3 (3) A federal or State court order extends the time  
4 for closing the polls beyond the time period established  
5 by State law and the person votes during the extended time  
6 period;

7 (4) The voter ~~registered to vote by mail~~ and is  
8 required by law to present identification when voting  
9 either in person, in the case of a voter who registered by  
10 mail, when voting or by early voting ballot, but fails to  
11 provide an acceptable form of photo identification as  
12 described in Section 3-8, or a Voter Identification Card  
13 issued under Section 1-14 ~~do so~~;

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

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

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

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

25 (1) After first verifying through an examination of  
26 the precinct register that the person's address is within

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

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

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

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

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

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

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

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

1 (b) (2) (iii) and (b) (2) (iv).

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

15 (5) The election judge shall provide the person with a  
16 provisional ballot, written instructions for casting a  
17 provisional ballot, and the provisional ballot envelope  
18 with the clear plastic packing list envelope affixed to  
19 it, which contains the person's original written affidavit  
20 and, if any, information provided by the provisional voter  
21 to support his or her claim that he or she is a duly  
22 registered voter. An election judge must also give the  
23 person written information that states that any person who  
24 casts a provisional ballot shall be able to ascertain,  
25 pursuant to guidelines established by the State Board of  
26 Elections, whether the provisional vote was counted in the

1 official canvass of votes for that election and, if the  
2 provisional vote was not counted, the reason that the vote  
3 was not counted.

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

19 (c) Instead of the affidavit form described in subsection  
20 (b), the county clerk or board of election commissioners, as  
21 the case may be, may design and use a multi-part affidavit form  
22 that is imprinted upon or attached to the provisional ballot  
23 envelope described in subsection (b). If a county clerk or  
24 board of election commissioners elects to design and use its  
25 own multi-part affidavit form, then the county clerk or board  
26 of election commissioners shall establish a mechanism for

1 accepting any information the provisional voter has supplied  
2 to the election judge to support his or her claim that he or  
3 she is a duly registered voter. In all other respects, a county  
4 clerk or board of election commissioners shall establish  
5 procedures consistent with subsection (b).

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

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

18 (10 ILCS 5/18A-15)

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

20 (a) The county clerk or board of election commissioners  
21 shall complete the validation and counting of provisional  
22 ballots within 14 calendar days of the day of the election. The  
23 county clerk or board of election commissioners shall have 7  
24 calendar days from the completion of the validation and  
25 counting of provisional ballots to conduct its final canvass.

1 The State Board of Elections shall complete within 31 calendar  
2 days of the election or sooner if all the returns are received,  
3 its final canvass of the vote for all public offices.

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

7 (1) the provisional voter cast the provisional ballot  
8 in the correct precinct based on the address provided by  
9 the provisional voter. The provisional voter's affidavit  
10 shall serve as a change of address request by that voter  
11 for registration purposes for the next ensuing election if  
12 it bears an address different from that in the records of  
13 the election authority. Votes for federal and statewide  
14 offices on a provisional ballot cast in the incorrect  
15 precinct that meet the other requirements of this  
16 subsection shall be valid and counted in accordance with  
17 this Article. As used in this item, "federal office" is  
18 defined as provided in Section 20-1 and "statewide office"  
19 means the Governor, Attorney General, Secretary of State,  
20 Comptroller, and Treasurer. Votes for General Assembly,  
21 countywide, citywide, or township office on a provisional  
22 ballot cast in the incorrect precinct but in the correct  
23 legislative district, representative district, county,  
24 municipality, or township, as the case may be, shall be  
25 valid and counted in accordance with this Article. As used  
26 in this item, "citywide office" means an office elected by



1 the electors of an entire municipality. As used in this  
2 item, "township office" means an office elected by the  
3 electors of an entire township;

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

8 (3) except as permitted by item (5) of subsection (b)  
9 of this Section, the provisional voter is a registered  
10 voter based on information available to the county clerk  
11 or board of election commissioners provided by or obtained  
12 from any of the following:

13 i. the provisional voter;

14 ii. an election judge;

15 iii. the statewide voter registration database  
16 maintained by the State Board of Elections;

17 iv. the records of the county clerk or board of  
18 election commissioners' database; or

19 v. the records of the Secretary of State; and

20 (4) for a provisional ballot cast under item (6) of  
21 subsection (a) of Section 18A-5, the voter did not vote by  
22 vote by mail ballot in the election at which the  
23 provisional ballot was cast; or

24 (5) for a provisional ballot cast under item (7) of  
25 subsection (a) of Section 18A-5, the voter provides the  
26 election authority with the necessary documentation within

1           7 days of election day.

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

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

18 (d) In validating the registration status of a person  
19 casting a provisional ballot, the county clerk or board of  
20 election commissioners shall not require a provisional voter  
21 to complete any form other than the affidavit executed by the  
22 provisional voter under subsection (b) (2) of Section 18A-5. In  
23 addition, the county clerk or board of election commissioners  
24 shall not require all provisional voters or any particular  
25 class or group of provisional voters to appear personally  
26 before the county clerk or board of election commissioners or

1 as a matter of policy require provisional voters to submit  
2 additional information to verify or otherwise support the  
3 information already submitted by the provisional voter. Within  
4 2 calendar days after the election, the election authority  
5 shall transmit by electronic means pursuant to a process  
6 established by the State Board of Elections the name, street  
7 address, e-mail address, and precinct, ward, township, and  
8 district numbers, as the case may be, of each person casting a  
9 provisional ballot to the State Board of Elections, which  
10 shall maintain those names and that information in an  
11 electronic format on its website, arranged by county and  
12 accessible to State and local political committees. The  
13 provisional voter may, within 7 calendar days after the  
14 election, submit additional information to the county clerk or  
15 board of election commissioners, except that in the case of  
16 provisional voting under paragraph (4) of subsection (a) of  
17 Section 18A-5, the provisional voter has 10 days to provide  
18 the county clerk or board of election commissioners with the  
19 required photo identification card. This information must be  
20 received by the county clerk or board of election  
21 commissioners within the applicable 7-calendar-day or  
22 10-calendar-day period.

23 (e) If the county clerk or board of election commissioners  
24 determines that subsection (b) (1), (b) (2), or (b) (3) does not  
25 apply, then the provisional ballot is not valid and may not be  
26 counted. The provisional ballot envelope containing the ballot

1 cast by the provisional voter may not be opened. The county  
2 clerk or board of election commissioners shall write on the  
3 provisional ballot envelope the following: "Provisional ballot  
4 determined invalid."

5 (f) If the county clerk or board of election commissioners  
6 determines that a provisional ballot is valid under this  
7 Section, then the provisional ballot envelope shall be opened.  
8 The outside of each provisional ballot envelope shall also be  
9 marked to identify the precinct and the date of the election.

10 (g) Provisional ballots determined to be valid shall be  
11 counted at the election authority's central ballot counting  
12 location and shall not be counted in precincts. The  
13 provisional ballots determined to be valid shall be added to  
14 the vote totals for the precincts from which they were cast in  
15 the order in which the ballots were opened. The validation and  
16 counting of provisional ballots shall be subject to the  
17 provisions of this Code that apply to pollwatchers. If the  
18 provisional ballots are a ballot of a punch card voting  
19 system, then the provisional ballot shall be counted in a  
20 manner consistent with Article 24A. If the provisional ballots  
21 are a ballot of optical scan or other type of approved  
22 electronic voting system, then the provisional ballots shall  
23 be counted in a manner consistent with Article 24B.

24 (h) As soon as the ballots have been counted, the election  
25 judges or election officials shall, in the presence of the  
26 county clerk or board of election commissioners, place each of

1 the following items in a separate envelope or bag: (1) all  
2 provisional ballots, voted or spoiled; (2) all provisional  
3 ballot envelopes of provisional ballots voted or spoiled; and  
4 (3) all executed affidavits of the provisional ballots voted  
5 or spoiled. All provisional ballot envelopes for provisional  
6 voters who have been determined not to be registered to vote  
7 shall remain sealed. The county clerk or board of election  
8 commissioners shall treat the provisional ballot envelope  
9 containing the written affidavit as a voter registration  
10 application for that person for the next election and process  
11 that application. The election judges or election officials  
12 shall then securely seal each envelope or bag, initial the  
13 envelope or bag, and plainly mark on the outside of the  
14 envelope or bag in ink the precinct in which the provisional  
15 ballots were cast. The election judges or election officials  
16 shall then place each sealed envelope or bag into a box, secure  
17 and seal it in the same manner as described in item (6) of  
18 subsection (b) of Section 18A-5. Each election judge or  
19 election official shall take and subscribe an oath before the  
20 county clerk or board of election commissioners that the  
21 election judge or election official securely kept the ballots  
22 and papers in the box, did not permit any person to open the  
23 box or otherwise touch or tamper with the ballots and papers in  
24 the box, and has no knowledge of any other person opening the  
25 box. For purposes of this Section, the term "election  
26 official" means the county clerk, a member of the board of

1 election commissioners, as the case may be, and their  
2 respective employees.

3 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13;  
4 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

5 (10 ILCS 5/19A-35)

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  
9 conducting early voting by personal appearance a sufficient  
10 number of early ballots, envelopes, and printed voting  
11 instruction slips for the use of early voters. The election  
12 official shall receipt for all ballots received and shall  
13 return unused or spoiled ballots at the close of the early  
14 voting period to the county clerk and must strictly account  
15 for all ballots received. The ballots delivered to the  
16 election official must include early ballots for each precinct  
17 in the election authority's jurisdiction and must include  
18 separate ballots for each political subdivision conducting an  
19 election 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 proper ballots of the political subdivision in which the  
2 applicant resides and is entitled to vote, and (iv) the  
3 applicant's identity, which must be verified by the  
4 applicant's presentation of a government-issued photo  
5 identification card, as defined in Section 3-8, or his or her  
6 Voter Identification Card, before providing an early ballot to  
7 the applicant. The election judge or official must verify the  
8 applicant's registration from the most recent poll list  
9 provided by the election authority, and if the applicant is  
10 not listed on that poll list, by telephoning the office of the  
11 election authority.

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

24 (b-10) Within one day after a voter casts an early voting  
25 ballot, the election authority shall transmit the voter's  
26 name, street address, and precinct, ward, township, and



1 district numbers, as the case may be, to the State Board of  
2 Elections, which shall maintain those names and that  
3 information in an electronic format on its website, arranged  
4 by county and accessible to State and local political  
5 committees.

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

18 (c) The sealed early ballots in their carrier envelope  
19 shall be delivered by the election authority to the central  
20 ballot counting location before the close of the polls on the  
21 day of the election.

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