



Rep. La Shawn K. Ford

Filed: 5/29/2021

10200SB0828ham001

LRB102 04626 SMS 27308 a

1 AMENDMENT TO SENATE BILL 828

2 AMENDMENT NO. _____. Amend Senate Bill 828 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by adding Section
5 1-18 and by changing Sections 3-5 and 19A-20 as follows:

6 (10 ILCS 5/1-18 new)

7 Sec. 1-18. Post-conviction voting.

8 (a) As used in this Section, "correctional institution"
9 means any place used to house persons under State supervision,
10 including, but not limited to, State, federal, or juvenile
11 facilities, adult transition centers, halfway houses, and
12 other reentry or rehabilitation programs.

13 (b) A person convicted of a felony, or otherwise under
14 sentence in a correctional institution or jail, shall have his
15 or her right to vote restored and shall be eligible to vote not
16 later than 14 days following his or her conviction or not later

1 than 5 days before the first primary, general, consolidated,
2 or special election immediately following his or her
3 conviction, whichever is earlier. Persons under any form of
4 State supervision who are disqualified from voting shall have
5 their right to vote restored under this Section, including,
6 but not limited to, persons incarcerated in State, federal, or
7 juvenile facilities; persons on probation or parole; persons
8 on work release; persons on furlough; persons released on
9 electronic monitoring; persons housed in adult transition
10 centers, halfway houses, or other reentry or rehabilitation
11 programs; and persons owing court fines or fees. Persons may
12 not be denied the right to vote because of a past criminal
13 conviction.

14 (c) Each election authority shall collaborate with the
15 correctional institution to facilitate an opportunity for
16 voting by mail for voters eligible to vote in that election
17 jurisdiction who are incarcerated in the correctional
18 institution.

19 (d) Any person completing a voter registration application
20 or submitting a change of address shall be notified of the
21 option to receive a vote by mail ballot. Upon request of the
22 elector, the registration shall serve as an application to
23 receive an official vote by mail ballot and the individual
24 need not complete an application. An elector who is a resident
25 of a location covered by Section 203 of the federal Voting
26 Rights Act of 1965 or local language access requirements must

1 be offered a voter registration application in a covered
2 language and must be able to request a vote by mail ballot in
3 the covered language. Upon processing the registration, the
4 election authority shall provide the individual with an
5 official ballot.

6 (e) All requirements of the federal Voting Rights Act of
7 1965, including Sections 203 and 208, State and local language
8 access requirements, and the federal Americans with
9 Disabilities Act and State and local disability access
10 requirements shall apply to this Section. The correctional
11 institution shall make available voter registration
12 applications, vote by mail ballot applications, vote by mail
13 ballots, and other election materials in the languages
14 provided by the State Board of Elections and local election
15 authorities.

16 (f) The correctional institution shall make available to a
17 person in its custody resource materials current to an
18 election, maintained by the State Board of Elections,
19 containing detailed information regarding the voting rights of
20 a person with a criminal conviction in the following formats:
21 (1) in print; (2) on the correctional institution's website;
22 and (3) in a visible location on the premises of each
23 correctional institution where notices are customarily posted.
24 The correctional institution shall provide resource materials
25 to a person in its custody upon intake and release of the
26 person on parole, mandatory supervised release, final

1 discharge, or pardon from the correctional institution.

2 (g) Compliance with this Section shall be monitored by a
3 report published annually by the State Board of Elections, in
4 coordination with correctional institutions, containing data,
5 including numbers of voter registrations, vote by mail ballot
6 applications, vote by mail ballots completed, ballots
7 completed, voter education packets delivered, number and
8 location of ballot drop boxes established, number and location
9 of temporary polling places established, and other factors.

10 (h) A person who has left the place of the person's
11 residence as part of the person's confinement in a
12 correctional institution and who has not established another
13 residence for voter registration purposes may not be
14 considered to have changed or lost residence. The person may
15 register to vote at the address of the place the person's
16 residence was located before the person's confinement in a
17 correctional institution.

18 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

19 ~~Sec. 3-5. No person who has been legally convicted, in~~
20 ~~this or another state or in any federal court, of any crime,~~
21 ~~and is serving a sentence of confinement in any penal~~
22 ~~institution, or who has been convicted under any Section of~~
23 ~~this Code and is serving a sentence of confinement in any penal~~
24 ~~institution, shall vote, offer to vote, attempt to vote or be~~
25 ~~permitted to vote at any election until his release from~~

1 ~~confinement.~~

2 ~~Confinement for purposes of this Section shall include any~~
3 ~~person convicted and imprisoned but granted a furlough as~~
4 ~~provided by Section 3-11-1 of the Unified Code of Corrections,~~
5 ~~or admitted to a work release program as provided by Section~~
6 ~~3-13-2 of the Unified Code of Corrections. Confinement shall~~
7 ~~not include any person convicted and imprisoned but released~~
8 ~~on parole.~~

9 Confinement or detention in a jail pending acquittal or
10 conviction of a crime is not a disqualification for voting.

11 (Source: P.A. 100-863, eff. 8-14-18.)

12 (10 ILCS 5/19A-20)

13 Sec. 19A-20. Temporary branch polling places.

14 (a) In addition to permanent polling places for early
15 voting, the election authority may establish temporary branch
16 polling places for early voting.

17 (b) The provisions of subsection (b) of Section 19A-15 do
18 not apply to a temporary polling place. Voting at a temporary
19 branch polling place may be conducted on any one or more days
20 and during any hours within the period for early voting by
21 personal appearance that are determined by the election
22 authority.

23 (c) The schedules for conducting voting do not need to be
24 uniform among the temporary branch polling places.

25 (d) The legal rights and remedies which inure to the owner

1 or lessor of private property are not impaired or otherwise
2 affected by the leasing of the property for use as a temporary
3 branch polling place for early voting, except to the extent
4 necessary to conduct early voting at that location.

5 (e) In a county with a population of 3,000,000 or more, the
6 election authority in the county shall establish a temporary
7 branch polling place under this Section in the county jail.
8 ~~Only a resident of a county who is in custody at the county~~
9 ~~jail and who has not been convicted of the offense for which~~
10 ~~the resident is in custody is eligible to vote at a temporary~~
11 ~~branch polling place established under this subsection.~~ The
12 temporary branch polling place established under this
13 subsection shall allow a voter to vote in the same elections
14 that the voter would be entitled to vote in where the voter
15 resides. To the maximum extent feasible, voting booths or
16 screens shall be provided to ensure the privacy of the voter.

17 All provisions of this Code applicable to pollwatchers
18 shall apply to a temporary branch polling place under this
19 subsection (e), subject to approval from the election
20 authority and the county jail, except that nonpartisan
21 pollwatchers shall be limited to one per division within the
22 jail instead of one per precinct. A county that establishes a
23 temporary branch polling place inside a county jail in
24 accordance with this subsection (e) shall adhere to all
25 requirements of this subsection (e). All requirements of the
26 federal Voting Rights Act of 1965 and Sections 203 and 208 of

1 the federal Americans with Disabilities Act shall apply to
2 this subsection (e).

3 (Source: P.A. 101-442, eff. 1-1-20.)

4 Section 10. The Unified Code of Corrections is amended by
5 changing Sections 3-14-1 and 5-5-5 as follows:

6 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

7 Sec. 3-14-1. Release from the institution.

8 (a) Upon release of a person on parole, mandatory release,
9 final discharge or pardon the Department shall return all
10 property held for him, provide him with suitable clothing and
11 procure necessary transportation for him to his designated
12 place of residence and employment. It may provide such person
13 with a grant of money for travel and expenses which may be paid
14 in installments. The amount of the money grant shall be
15 determined by the Department.

16 (a-1) The Department shall, before a wrongfully imprisoned
17 person, as defined in Section 3-1-2 of this Code, is
18 discharged from the Department, provide him or her with any
19 documents necessary after discharge.

20 (a-2) The Department of Corrections may establish and
21 maintain, in any institution it administers, revolving funds
22 to be known as "Travel and Allowances Revolving Funds". These
23 revolving funds shall be used for advancing travel and expense
24 allowances to committed, paroled, and discharged prisoners.

1 The moneys paid into such revolving funds shall be from
2 appropriations to the Department for Committed, Paroled, and
3 Discharged Prisoners.

4 (a-3) (Blank). ~~Upon release of a person who is eligible to~~
5 ~~vote on parole, mandatory release, final discharge, or pardon,~~
6 ~~the Department shall provide the person with a form that~~
7 ~~informs him or her that his or her voting rights have been~~
8 ~~restored and a voter registration application. The Department~~
9 ~~shall have available voter registration applications in the~~
10 ~~languages provided by the Illinois State Board of Elections.~~
11 ~~The form that informs the person that his or her rights have~~
12 ~~been restored shall include the following information:~~

13 ~~(1) All voting rights are restored upon release from~~
14 ~~the Department's custody.~~

15 ~~(2) A person who is eligible to vote must register in~~
16 ~~order to be able to vote.~~

17 ~~The Department of Corrections shall confirm that the~~
18 ~~person received the voter registration application and has~~
19 ~~been informed that his or her voting rights have been~~
20 ~~restored.~~

21 (a-4) ~~(a-3)~~ Prior to release of a person on parole,
22 mandatory supervised release, final discharge, or pardon, the
23 Department shall screen every person for Medicaid eligibility.
24 Officials of the correctional institution or facility where
25 the committed person is assigned shall assist an eligible
26 person to complete a Medicaid application to ensure that the

1 person begins receiving benefits as soon as possible after his
2 or her release. The application must include the eligible
3 person's address associated with his or her residence upon
4 release from the facility. If the residence is temporary, the
5 eligible person must notify the Department of Human Services
6 of his or her change in address upon transition to permanent
7 housing.

8 (b) (Blank).

9 (c) Except as otherwise provided in this Code, the
10 Department shall establish procedures to provide written
11 notification of any release of any person who has been
12 convicted of a felony to the State's Attorney and sheriff of
13 the county from which the offender was committed, and the
14 State's Attorney and sheriff of the county into which the
15 offender is to be paroled or released. Except as otherwise
16 provided in this Code, the Department shall establish
17 procedures to provide written notification to the proper law
18 enforcement agency for any municipality of any release of any
19 person who has been convicted of a felony if the arrest of the
20 offender or the commission of the offense took place in the
21 municipality, if the offender is to be paroled or released
22 into the municipality, or if the offender resided in the
23 municipality at the time of the commission of the offense. If a
24 person convicted of a felony who is in the custody of the
25 Department of Corrections or on parole or mandatory supervised
26 release informs the Department that he or she has resided,

1 resides, or will reside at an address that is a housing
2 facility owned, managed, operated, or leased by a public
3 housing agency, the Department must send written notification
4 of that information to the public housing agency that owns,
5 manages, operates, or leases the housing facility. The written
6 notification shall, when possible, be given at least 14 days
7 before release of the person from custody, or as soon
8 thereafter as possible. The written notification shall be
9 provided electronically if the State's Attorney, sheriff,
10 proper law enforcement agency, or public housing agency has
11 provided the Department with an accurate and up to date email
12 address.

13 (c-1) (Blank).

14 (c-2) The Department shall establish procedures to provide
15 notice to the Department of State Police of the release or
16 discharge of persons convicted of violations of the
17 Methamphetamine Control and Community Protection Act or a
18 violation of the Methamphetamine Precursor Control Act. The
19 Department of State Police shall make this information
20 available to local, State, or federal law enforcement agencies
21 upon request.

22 (c-5) If a person on parole or mandatory supervised
23 release becomes a resident of a facility licensed or regulated
24 by the Department of Public Health, the Illinois Department of
25 Public Aid, or the Illinois Department of Human Services, the
26 Department of Corrections shall provide copies of the

1 following information to the appropriate licensing or
2 regulating Department and the licensed or regulated facility
3 where the person becomes a resident:

4 (1) The mittimus and any pre-sentence investigation
5 reports.

6 (2) The social evaluation prepared pursuant to Section
7 3-8-2.

8 (3) Any pre-release evaluation conducted pursuant to
9 subsection (j) of Section 3-6-2.

10 (4) Reports of disciplinary infractions and
11 dispositions.

12 (5) Any parole plan, including orders issued by the
13 Prisoner Review Board, and any violation reports and
14 dispositions.

15 (6) The name and contact information for the assigned
16 parole agent and parole supervisor.

17 This information shall be provided within 3 days of the
18 person becoming a resident of the facility.

19 (c-10) If a person on parole or mandatory supervised
20 release becomes a resident of a facility licensed or regulated
21 by the Department of Public Health, the Illinois Department of
22 Public Aid, or the Illinois Department of Human Services, the
23 Department of Corrections shall provide written notification
24 of such residence to the following:

25 (1) The Prisoner Review Board.

26 (2) The chief of police and sheriff in the

1 municipality and county in which the licensed facility is
2 located.

3 The notification shall be provided within 3 days of the
4 person becoming a resident of the facility.

5 (d) Upon the release of a committed person on parole,
6 mandatory supervised release, final discharge or pardon, the
7 Department shall provide such person with information
8 concerning programs and services of the Illinois Department of
9 Public Health to ascertain whether such person has been
10 exposed to the human immunodeficiency virus (HIV) or any
11 identified causative agent of Acquired Immunodeficiency
12 Syndrome (AIDS).

13 (e) Upon the release of a committed person on parole,
14 mandatory supervised release, final discharge, pardon, or who
15 has been wrongfully imprisoned, the Department shall verify
16 the released person's full name, date of birth, and social
17 security number. If verification is made by the Department by
18 obtaining a certified copy of the released person's birth
19 certificate and the released person's social security card or
20 other documents authorized by the Secretary, the Department
21 shall provide the birth certificate and social security card
22 or other documents authorized by the Secretary to the released
23 person. If verification by the Department is done by means
24 other than obtaining a certified copy of the released person's
25 birth certificate and the released person's social security
26 card or other documents authorized by the Secretary, the

1 Department shall complete a verification form, prescribed by
2 the Secretary of State, and shall provide that verification
3 form to the released person.

4 (f) Forty-five days prior to the scheduled discharge of a
5 person committed to the custody of the Department of
6 Corrections, the Department shall give the person who is
7 otherwise uninsured an opportunity to apply for health care
8 coverage including medical assistance under Article V of the
9 Illinois Public Aid Code in accordance with subsection (b) of
10 Section 1-8.5 of the Illinois Public Aid Code, and the
11 Department of Corrections shall provide assistance with
12 completion of the application for health care coverage
13 including medical assistance. The Department may adopt rules
14 to implement this Section.

15 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;
16 revised 9-9-19.)

17 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

18 Sec. 5-5-5. Loss and restoration of rights.

19 (a) Conviction and disposition shall not entail the loss
20 by the defendant of any civil rights, except under this
21 Section and Sections 29-6 and 29-10 of The Election Code, as
22 now or hereafter amended.

23 (b) A person convicted of a felony shall be ineligible to
24 hold an office created by the Constitution of this State until
25 the completion of his sentence.

1 (c) (Blank). ~~A person sentenced to imprisonment shall lose~~
2 ~~his right to vote until released from imprisonment.~~

3 (d) On completion of sentence of imprisonment or upon
4 discharge from probation, conditional discharge or periodic
5 imprisonment, or at any time thereafter, all license rights
6 and privileges granted under the authority of this State which
7 have been revoked or suspended because of conviction of an
8 offense shall be restored unless the authority having
9 jurisdiction of such license rights finds after investigation
10 and hearing that restoration is not in the public interest.
11 This paragraph (d) shall not apply to the suspension or
12 revocation of a license to operate a motor vehicle under the
13 Illinois Vehicle Code.

14 (e) Upon a person's discharge from incarceration or
15 parole, or upon a person's discharge from probation or at any
16 time thereafter, the committing court may enter an order
17 certifying that the sentence has been satisfactorily completed
18 when the court believes it would assist in the rehabilitation
19 of the person and be consistent with the public welfare. Such
20 order may be entered upon the motion of the defendant or the
21 State or upon the court's own motion.

22 (f) Upon entry of the order, the court shall issue to the
23 person in whose favor the order has been entered a certificate
24 stating that his behavior after conviction has warranted the
25 issuance of the order.

26 (g) This Section shall not affect the right of a defendant

1 to collaterally attack his conviction or to rely on it in bar
2 of subsequent proceedings for the same offense.

3 (h) No application for any license specified in subsection
4 (i) of this Section granted under the authority of this State
5 shall be denied by reason of an eligible offender who has
6 obtained a certificate of relief from disabilities, as defined
7 in Article 5.5 of this Chapter, having been previously
8 convicted of one or more criminal offenses, or by reason of a
9 finding of lack of "good moral character" when the finding is
10 based upon the fact that the applicant has previously been
11 convicted of one or more criminal offenses, unless:

12 (1) there is a direct relationship between one or more
13 of the previous criminal offenses and the specific license
14 sought; or

15 (2) the issuance of the license would involve an
16 unreasonable risk to property or to the safety or welfare
17 of specific individuals or the general public.

18 In making such a determination, the licensing agency shall
19 consider the following factors:

20 (1) the public policy of this State, as expressed in
21 Article 5.5 of this Chapter, to encourage the licensure
22 and employment of persons previously convicted of one or
23 more criminal offenses;

24 (2) the specific duties and responsibilities
25 necessarily related to the license being sought;

26 (3) the bearing, if any, the criminal offenses or

1 offenses for which the person was previously convicted
2 will have on his or her fitness or ability to perform one
3 or more such duties and responsibilities;

4 (4) the time which has elapsed since the occurrence of
5 the criminal offense or offenses;

6 (5) the age of the person at the time of occurrence of
7 the criminal offense or offenses;

8 (6) the seriousness of the offense or offenses;

9 (7) any information produced by the person or produced
10 on his or her behalf in regard to his or her rehabilitation
11 and good conduct, including a certificate of relief from
12 disabilities issued to the applicant, which certificate
13 shall create a presumption of rehabilitation in regard to
14 the offense or offenses specified in the certificate; and

15 (8) the legitimate interest of the licensing agency in
16 protecting property, and the safety and welfare of
17 specific individuals or the general public.

18 (i) A certificate of relief from disabilities shall be
19 issued only for a license or certification issued under the
20 following Acts:

21 (1) the Animal Welfare Act; except that a certificate
22 of relief from disabilities may not be granted to provide
23 for the issuance or restoration of a license under the
24 Animal Welfare Act for any person convicted of violating
25 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
26 Care for Animals Act or Section 26-5 or 48-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012;

2 (2) the Illinois Athletic Trainers Practice Act;

3 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
4 and Nail Technology Act of 1985;

5 (4) the Boiler and Pressure Vessel Repairer Regulation
6 Act;

7 (5) the Boxing and Full-contact Martial Arts Act;

8 (6) the Illinois Certified Shorthand Reporters Act of
9 1984;

10 (7) the Illinois Farm Labor Contractor Certification
11 Act;

12 (8) the Registered Interior Designers Act;

13 (9) the Illinois Professional Land Surveyor Act of
14 1989;

15 (10) the Illinois Landscape Architecture Act of 1989;

16 (11) the Marriage and Family Therapy Licensing Act;

17 (12) the Private Employment Agency Act;

18 (13) the Professional Counselor and Clinical
19 Professional Counselor Licensing and Practice Act;

20 (14) the Real Estate License Act of 2000;

21 (15) the Illinois Roofing Industry Licensing Act;

22 (16) the Professional Engineering Practice Act of
23 1989;

24 (17) the Water Well and Pump Installation Contractor's
25 License Act;

26 (18) the Electrologist Licensing Act;

- 1 (19) the Auction License Act;
- 2 (20) the Illinois Architecture Practice Act of 1989;
- 3 (21) the Dietitian Nutritionist Practice Act;
- 4 (22) the Environmental Health Practitioner Licensing
5 Act;
- 6 (23) the Funeral Directors and Embalmers Licensing
7 Code;
- 8 (24) (blank);
- 9 (25) the Professional Geologist Licensing Act;
- 10 (26) the Illinois Public Accounting Act; and
- 11 (27) the Structural Engineering Practice Act of 1989.
- 12 (Source: P.A. 100-534, eff. 9-22-17; 100-920, eff. 8-17-18.)

13 Section 99. Effective date. This Act takes effect July 1,
14 2022."