



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1140

Introduced 1/12/2023, by Rep. Blaine Wilhour

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 the county board affiliated with the county clerk or coroner and certify the county clerk's or coroner's full compliance with the provisions and accuracy of the voter rolls. Allows an individual to request a copy of relevant documents. Allows injunctive relief, attorney fees, and fines for failure to comply with the provisions. Requires the county clerk to request from the United States Postal Service records of each permanent change of address form submitted related to an address in the county and to update the registration of any person whose address appears to have changed, as indicated by those records.

LRB103 05324 AWJ 50342 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 Section 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 ~~Cancellation~~ of deceased voter's
8 registration.

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

1 promptly transmit certified records to the county clerk within
2 7 days after the death of the decedent. The county clerk and
3 coroner shall report quarterly to the county board affiliated
4 with the county clerk or coroner and certify the county
5 clerk's or coroner's full compliance with this Section and
6 accuracy of the voter rolls. In addition, on a monthly basis,
7 the county clerk shall request from the United States Postal
8 Service records of each permanent change of address form
9 submitted to the Postal Service related to an address in the
10 county and shall update the registration of any person whose
11 address appears to have changed, as indicated by those
12 records.

13 (b) Any person may request a copy of the evidence of
14 deposits of records and required reports under subsection (a).
15 The county shall produce a copy of the evidence of deposits or
16 required reports within 5 business days of receipt of the
17 request or within 48 hours of receipt of the request if the
18 request is received 30 days or less before an election.

19 (c) A person may file a petition for injunction or
20 declaratory relief to enforce subsection (a) or a request for
21 records under subsection (b). The circuit court may order (i)
22 production of evidence of the deposits of records, (ii)
23 production of required reports, or (iii) compliance with any
24 of the requirements of subsection (a).

25 (d) If a person seeking the right to receive a copy of
26 documents under subsection (b) prevails in a proceeding under

1 subsection (c), the court shall award the person reasonable
2 attorney's fees and costs. In determining what amount of
3 attorney's fees is reasonable, the court shall consider the
4 degree to which the relief obtained relates to the relief
5 sought.

6 (e) If the court determines in an action under subsection
7 (c) that an individual required to act under this Section
8 willfully and intentionally failed to comply with this
9 Section, or otherwise acted in bad faith, the court shall
10 impose upon the county in which the individual was responsible
11 to perform duties under this Section a civil penalty of not
12 less than \$2,500 nor more than \$5,000 for each occurrence. In
13 assessing the civil penalty, the court shall consider in
14 aggravation or mitigation the budget of the county and whether
15 the county has previously been assessed penalties for
16 violations of this Section. The court may impose an additional
17 civil penalty of up to \$1,000 for each day that violation of
18 the court's order to disclose documents under this Section
19 continues if:

20 (1) the individual fails to comply with the court's
21 order after 30 days;

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

23 (3) the court does not grant the individual additional
24 time to comply with the court's order to disclose public
25 records.

26 A civil penalty imposed under this subsection is in

1 addition to any fees and costs awarded under subsection (d),
2 if applicable.

3 (f) If this Section conflicts with the Freedom of
4 Information Act relating to a request for production of public
5 records or the actions of a court, the provisions in this
6 Section control.

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