



Rep. Jennifer Gong-Gershowitz

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LRB103 30935 BMS 57915 a

1 AMENDMENT TO HOUSE BILL 3794

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3794 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Section 1A-16.7 and by adding Sections 1A-16.10 and 1A-16.11  
6 as follows:

7 (10 ILCS 5/1A-16.7)

8 Sec. 1A-16.7. Automatic voter registration.

9 (a) The State Board of Elections shall establish and  
10 maintain a portal for automatic government agency voter  
11 registration and electronic voter registration by the Office  
12 of the Secretary of State that permits an eligible person to  
13 electronically apply to register to vote or to update his or  
14 her existing voter registration as provided in Section  
15 1A-16.1, ~~or~~ Section 1A-16.2, or Section 1A-16.10. The portal  
16 shall interface with the online voter registration system

1 established in Section 1A-16.5 of this Code and shall be  
2 capable of receiving and processing voter registration  
3 application information, including electronic signatures, from  
4 the Office of the Secretary of State and each designated  
5 automatic voter registration agency, as defined in Section  
6 1A-16.2. The State Board of Elections may cross-reference  
7 voter registration information from any designated automatic  
8 voter registration agency, as defined under Section 1A-16.2 of  
9 this Code, with information contained in the database of the  
10 Secretary of State as provided under subsection (c) of Section  
11 1A-16.5 of this Code. The State Board of Elections shall  
12 modify the online voter registration system as necessary to  
13 implement this Section.

14 (b) Voter registration data received from the Office of  
15 the Secretary of State or a designated automatic voter  
16 registration agency through the online registration  
17 application system shall be processed as provided in Section  
18 1A-16.5 of this Code.

19 (c) The State Board of Elections shall establish technical  
20 specifications applicable to each automatic government  
21 registration program and electronic voter registration by the  
22 Office of the Secretary of State, including data format and  
23 transmission specifications. The Office of the Secretary of  
24 State and each designated automatic voter registration agency  
25 shall maintain a data transfer mechanism capable of  
26 transmitting voter registration application information,

1 including electronic signatures where available, to the online  
2 voter registration system established in Section 1A-16.5 of  
3 this Code.

4 (d) The State Board of Elections shall, by rule, establish  
5 criteria and procedures for determining whether an agency of  
6 the State or federal government seeking to become a designated  
7 automatic voter registration agency has access to reliable  
8 personal information, as defined under this subsection (d) and  
9 subsection (f) of Section 1A-16.2 of this Code, and otherwise  
10 meets the requirements to enter into an interagency contract  
11 and to operate as a designated automatic voter registration  
12 agency. The State Board of Elections shall approve each  
13 interagency contract upon affirmative vote of a majority of  
14 its members.

15 As used in this subsection (d), "reliable personal  
16 information" means information about individuals obtained from  
17 government sources that may be used to verify whether an  
18 individual is eligible to register to vote.

19 (e) Whenever an applicant's data is transferred from the  
20 Office of the Secretary of State or a designated automatic  
21 voter registration agency, the agency must transmit a  
22 signature image if available. If no signature image was  
23 provided by the agency, or if no signature image is available  
24 in the Office of the Secretary of State's database or the  
25 statewide voter registration database, the applicant must be  
26 notified that his or her registration will remain in a pending

1 status, and the applicant will be required to provide  
2 identification that complies with the federal Help America  
3 Vote Act of 2002 and a signature to the election authority on  
4 election day in the polling place or during early voting.

5 (f) Upon receipt of personal information collected and  
6 transferred by the Office of the Secretary of State or a  
7 designated automatic voter registration agency, the State  
8 Board of Elections shall check the information against the  
9 statewide voter registration database. The State Board of  
10 Elections shall create and electronically transmit to the  
11 appropriate election authority a voter registration  
12 application for any individual who is not registered to vote  
13 in Illinois and is not disqualified as provided in this  
14 Section or whose information reliably indicates a more recent  
15 update to the name or address of a person already included in  
16 the statewide voter database. The election authority shall  
17 process the application accordingly.

18 (g) The appropriate election authority shall ensure that  
19 any applicant who is registered to vote or whose existing  
20 voter registration is updated under this Section is promptly  
21 sent written notice of the change. The notice required by this  
22 subsection (g) may be sent or combined with other notices  
23 required or permitted by law, including, but not limited to,  
24 any notices sent pursuant to Section 1A-16.5 of this Code. Any  
25 notice required by this subsection (g) shall contain, at a  
26 minimum: (i) the applicant's name and residential address as

1 reflected on the voter registration list; (ii) a statement  
2 notifying the applicant to contact the appropriate election  
3 authority if his or her voter registration has been updated in  
4 error; (iii) the qualifications to register to vote in  
5 Illinois; (iv) a statement notifying the applicant that he or  
6 she may opt out of voter registration or request a change to  
7 his or her registration information at any time by contacting  
8 an election official; and (v) contact information for the  
9 appropriate election authority, including a phone number,  
10 address, electronic mail address, and website address.

11 (h) The appropriate election authority shall ensure that  
12 any applicant whose voter registration application is not  
13 accepted or deemed incomplete is promptly sent written notice  
14 of the application's status. The notice required by this  
15 subsection may be sent or combined with other notices required  
16 or permitted by law, including, but not limited to, any  
17 notices sent pursuant to Section 1A-16.5 of this Code. Any  
18 notice required by this subsection (h) shall contain, at a  
19 minimum, the reason the application was not accepted or deemed  
20 incomplete and contact information for the appropriate  
21 election authority, including a phone number, address,  
22 electronic mail address, and website address.

23 (i) If the Office of the Secretary of State or a designated  
24 automatic voter registration agency transfers information, or  
25 if the State Board of Elections creates and transmits a voter  
26 registration application, for a person who does not qualify as

1 an eligible voter, then it shall not constitute a completed  
2 voter registration form, and the person shall not be  
3 considered to have registered to vote.

4 (j) If the registration is processed by any election  
5 authority, then it shall be presumed to have been effected and  
6 officially authorized by the State, and that person shall not  
7 be found on that basis to have made a false claim to  
8 citizenship or to have committed an act of moral turpitude,  
9 nor shall that person be subject to penalty under any relevant  
10 laws, including, but not limited to, Sections 29-10 and 29-19  
11 of this Code. This subsection (j) does not apply to a person  
12 who knows that he or she is not entitled to register to vote  
13 and who willfully votes, registers to vote, or attests under  
14 penalty of perjury that he or she is eligible to register to  
15 vote or willfully attempts to vote or to register to vote.

16 (k) The State Board of Elections, the Office of the  
17 Secretary of State, and each designated automatic voter  
18 registration agency shall implement policies and procedures to  
19 protect the privacy and security of voter information as it is  
20 acquired, stored, and transmitted among agencies, including  
21 policies for the retention and preservation of voter  
22 information. Information designated as confidential under this  
23 Section may be recorded and shared among the State Board of  
24 Elections, election authorities, the Office of the Secretary  
25 of State, and designated automatic voter registration  
26 agencies, but shall be used only for voter registration

1 purposes, shall not be disclosed to the public except in the  
2 aggregate as required by subsection (m) of this Section, and  
3 shall not be subject to the Freedom of Information Act. The  
4 following information shall be designated as confidential:

5 (1) any portion of an applicant's Social Security  
6 number;

7 (2) any portion of an applicant's driver's license  
8 number or State identification number;

9 (3) an applicant's decision to decline voter  
10 registration;

11 (4) the identity of the person providing information  
12 relating to a specific applicant; and

13 (5) the personal residence and contact information of  
14 any applicant for whom notice has been given by an  
15 appropriate legal authority.

16 This subsection (k) shall not apply to information the  
17 State Board of Elections is required to share with the  
18 Electronic Registration Information Center.

19 (1) The voter registration procedures implemented under  
20 this Section shall comport with the federal National Voter  
21 Registration Act of 1993, as amended, and shall specifically  
22 require that the State Board of Elections track registration  
23 data received through the online registration system that  
24 originated from a designated automatic voter registration  
25 agency for the purposes of maintaining statistics.

26 Nothing in this Code shall require designated voter

1 registration agencies to transmit information that is  
2 confidential client information under State or federal law  
3 without the consent of the applicant.

4 (m) The State Board of Elections, each election authority  
5 that maintains a website, the Office of the Secretary of  
6 State, and each designated automatic voter registration agency  
7 that maintains a website shall provide information on their  
8 websites informing the public about the new registration  
9 procedures described in this Section. The Office of the  
10 Secretary of State and each designated automatic voter  
11 registration agency shall display signage or provide  
12 literature for the public containing information about the new  
13 registration procedures described in this Section.

14 (n) No later than 6 months after the effective date of this  
15 amendatory Act of the 100th General Assembly, the State Board  
16 of Elections shall hold at least one public hearing on  
17 implementing this amendatory Act of the 100th General Assembly  
18 at which the public may provide input.

19 (o) The State Board of Elections shall submit an annual  
20 public report to the General Assembly and the Governor  
21 detailing the progress made to implement this Section. The  
22 report shall include all of the following: the number of  
23 records transferred under this Section by agency, the number  
24 of voters newly added to the statewide voter registration list  
25 because of records transferred under this Section by agency,  
26 the number of updated registrations under this Section by



1 agency, the number of persons who opted out of voter  
2 registration, and the number of voters who submitted voter  
3 registration forms using the online procedure described in  
4 Section 1A-16.5 of this Code. The 2018 and 2019 annual reports  
5 may include less detail if election authorities are not  
6 equipped to provide complete information to the State Board of  
7 Elections. Any report produced under this subsection (o) shall  
8 exclude any information that identifies any individual  
9 personally.

10 (p) The State Board of Elections, in consultation with  
11 election authorities, the Office of the Secretary of State,  
12 designated automatic voter registration agencies, and  
13 community organizations, shall adopt rules as necessary to  
14 implement the provisions of this Section.

15 (Source: P.A. 100-464, eff. 8-28-17.)

16 (10 ILCS 5/1A-16.10 new)

17 Sec. 1A-16.10. Electronic voter registration; Secretary of  
18 State.

19 (a) A person who is qualified to register to vote, who  
20 currently holds an authentic Illinois driver's license or  
21 State identification card issued by the Secretary of State and  
22 who is not making any application for a driver's license or  
23 identification card, may make application to register to vote  
24 at Secretary of State driver services facilities or Secretary  
25 of State mobile events. Voter registration of a person making

1 application for a driver's license or identification card  
2 shall be conducted pursuant to Section 1A-16.1.

3 (b) Notwithstanding any other provision of law, a person  
4 who is qualified to register to vote and who holds an authentic  
5 Illinois driver's license or State identification card issued  
6 by the Secretary of State may submit an application to  
7 register to vote electronically on a website maintained by the  
8 Secretary of State.

9 (c) A voter registration application submitted pursuant to  
10 this Section shall be electronically transmitted by the  
11 Secretary of State to the State Board of Elections and shall  
12 contain the same information the Secretary of State transmits  
13 to the State Board of Elections for voter registration  
14 applications submitted pursuant to Section 1A-16.1.

15 (d) For an applicant's registration or change in  
16 registration to be accepted, the applicant shall mark the box  
17 associated with the following statement included as part of  
18 the online voter registration application:

19 "By clicking on the box below, I swear or affirm all of  
20 the following:

21 (1) I am the person whose name and identifying  
22 information is provided on this form, and I desire to  
23 register to vote in the State of Illinois.

24 (2) All the information I have provided on this form  
25 is true and correct as of the date I am submitting this  
26 form.

1           (3) I authorize the Secretary of State to transmit  
2           this application and my signature that is on file with the  
3           Secretary of State to the State Board of Elections and  
4           understand that such signature will be used by my local  
5           election authority on this online voter registration  
6           application for admission as an elector as if I had signed  
7           this form personally."

8           (10 ILCS 5/1A-16.11 new)

9           Sec. 1A-16.11. Naturalization ceremony registration.

10          (a) The State Board of Elections and the Office of the  
11          Secretary of State shall coordinate with each United States  
12          District Court in Illinois for a representative or  
13          representatives of the Secretary of State to offer voter  
14          registration information, provide voter registration  
15          applications, and collect completed voter registration  
16          applications, including electronic voter registration  
17          applications, from all eligible citizens after the  
18          naturalization ceremony, as allowed by the United States  
19          District Court presiding over the naturalization.

20          (b) The State Board of Elections and the Office of the  
21          Secretary of State may jointly adopt rules to implement this  
22          Section.

23           Section 99. Effective date. This Act takes effect January  
24           1, 2024."