



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3794

Introduced 2/17/2023, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-16.7
10 ILCS 5/1A-16.10 new
10 ILCS 5/1A-16.11 new

Amends the Election Code. Provides that a person who is qualified to register to vote, who currently holds an authentic Illinois driver's license or State identification card issued by the Secretary of State and who is not making any application for a driver's license or identification card, may make application to register to vote at Secretary of State driver services facilities or Secretary of State mobile events. Provides that a person who is qualified to register to vote and who holds an authentic Illinois driver's license or State identification card issued by the Secretary of State may submit an application to register to vote electronically on a website maintained by the Secretary of State. Provides that a voter registration application submitted pursuant to the provisions shall be electronically transmitted by the Secretary of State to the State Board of Elections and shall contain the same information the Secretary of State transmits to the State Board of Elections for voter registration applications submitted pursuant to specified provisions. Provides that for an applicant's registration or change in registration to be accepted, the applicant shall mark the box associated with a specified statement included as part of the online voter registration application. Provides that the State Board of Elections and the Office of the Secretary of State shall coordinate with each United States District Court in Illinois for a representative or representatives of the Secretary of State to attend citizen naturalization ceremonies at the District Courts to provide registration information to persons participating or attending the ceremonies and to register any person at the ceremony who wishes to register to vote, as allowed by the District Courts. Allows joint adoption of rules to implement the provisions. Makes other changes. Effective immediately.

LRB103 30935 BMS 57484 b

A BILL FOR

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 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 that permits an eligible person to electronically
12 apply to register to vote or to update his or her existing
13 voter registration as provided in Section 1A-16.1, ~~or~~ Section
14 1A-16.2, or Section 1A-16.10. The portal shall interface with
15 the online voter registration system established in Section
16 1A-16.5 of this Code and shall be capable of receiving and
17 processing voter registration application information,
18 including electronic signatures, from the Office of the
19 Secretary of State and each designated automatic voter
20 registration agency, as defined in Section 1A-16.2. The State
21 Board of Elections may cross-reference voter registration
22 information from any designated automatic voter registration
23 agency, as defined under Section 1A-16.2 of this Code, with

1 information contained in the database of the Secretary of
2 State as provided under subsection (c) of Section 1A-16.5 of
3 this Code. The State Board of Elections shall modify the
4 online voter registration system as necessary to implement
5 this Section.

6 (b) Voter registration data received from the Office of
7 the Secretary of State or a designated automatic voter
8 registration agency through the online registration
9 application system shall be processed as provided in Section
10 1A-16.5 of this Code.

11 (c) The State Board of Elections shall establish technical
12 specifications applicable to each automatic government
13 registration program and electronic voter registration by the
14 Office of the Secretary of State, including data format and
15 transmission specifications. The Office of the Secretary of
16 State and each designated automatic voter registration agency
17 shall maintain a data transfer mechanism capable of
18 transmitting voter registration application information,
19 including electronic signatures where available, to the online
20 voter registration system established in Section 1A-16.5 of
21 this Code.

22 (d) The State Board of Elections shall, by rule, establish
23 criteria and procedures for determining whether an agency of
24 the State or federal government seeking to become a designated
25 automatic voter registration agency has access to reliable
26 personal information, as defined under this subsection (d) and

1 subsection (f) of Section 1A-16.2 of this Code, and otherwise
2 meets the requirements to enter into an interagency contract
3 and to operate as a designated automatic voter registration
4 agency. The State Board of Elections shall approve each
5 interagency contract upon affirmative vote of a majority of
6 its members.

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

11 (e) Whenever an applicant's data is transferred from the
12 Office of the Secretary of State or a designated automatic
13 voter registration agency, the agency must transmit a
14 signature image if available. If no signature image was
15 provided by the agency, or if no signature image is available
16 in the Office of the Secretary of State's database or the
17 statewide voter registration database, the applicant must be
18 notified that his or her registration will remain in a pending
19 status, and the applicant will be required to provide
20 identification that complies with the federal Help America
21 Vote Act of 2002 and a signature to the election authority on
22 election day in the polling place or during early voting.

23 (f) Upon receipt of personal information collected and
24 transferred by the Office of the Secretary of State or a
25 designated automatic voter registration agency, the State
26 Board of Elections shall check the information against the

1 statewide voter registration database. The State Board of
2 Elections shall create and electronically transmit to the
3 appropriate election authority a voter registration
4 application for any individual who is not registered to vote
5 in Illinois and is not disqualified as provided in this
6 Section or whose information reliably indicates a more recent
7 update to the name or address of a person already included in
8 the statewide voter database. The election authority shall
9 process the application accordingly.

10 (g) The appropriate election authority shall ensure that
11 any applicant who is registered to vote or whose existing
12 voter registration is updated under this Section is promptly
13 sent written notice of the change. The notice required by this
14 subsection (g) may be sent or combined with other notices
15 required or permitted by law, including, but not limited to,
16 any notices sent pursuant to Section 1A-16.5 of this Code. Any
17 notice required by this subsection (g) shall contain, at a
18 minimum: (i) the applicant's name and residential address as
19 reflected on the voter registration list; (ii) a statement
20 notifying the applicant to contact the appropriate election
21 authority if his or her voter registration has been updated in
22 error; (iii) the qualifications to register to vote in
23 Illinois; (iv) a statement notifying the applicant that he or
24 she may opt out of voter registration or request a change to
25 his or her registration information at any time by contacting
26 an election official; and (v) contact information for the

1 appropriate election authority, including a phone number,
2 address, electronic mail address, and website address.

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

15 (i) If the Office of the Secretary of State or a designated
16 automatic voter registration agency transfers information, or
17 if the State Board of Elections creates and transmits a voter
18 registration application, for a person who does not qualify as
19 an eligible voter, then it shall not constitute a completed
20 voter registration form, and the person shall not be
21 considered to have registered to vote.

22 (j) If the registration is processed by any election
23 authority, then it shall be presumed to have been effected and
24 officially authorized by the State, and that person shall not
25 be found on that basis to have made a false claim to
26 citizenship or to have committed an act of moral turpitude,

1 nor shall that person be subject to penalty under any relevant
2 laws, including, but not limited to, Sections 29-10 and 29-19
3 of this Code. This subsection (j) does not apply to a person
4 who knows that he or she is not entitled to register to vote
5 and who willfully votes, registers to vote, or attests under
6 penalty of perjury that he or she is eligible to register to
7 vote or willfully attempts to vote or to register to vote.

8 (k) The State Board of Elections, the Office of the
9 Secretary of State, and each designated automatic voter
10 registration agency shall implement policies and procedures to
11 protect the privacy and security of voter information as it is
12 acquired, stored, and transmitted among agencies, including
13 policies for the retention and preservation of voter
14 information. Information designated as confidential under this
15 Section may be recorded and shared among the State Board of
16 Elections, election authorities, the Office of the Secretary
17 of State, and designated automatic voter registration
18 agencies, but shall be used only for voter registration
19 purposes, shall not be disclosed to the public except in the
20 aggregate as required by subsection (m) of this Section, and
21 shall not be subject to the Freedom of Information Act. The
22 following information shall be designated as confidential:

23 (1) any portion of an applicant's Social Security
24 number;

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

1 (3) an applicant's decision to decline voter
2 registration;

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

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

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

11 (1) The voter registration procedures implemented under
12 this Section shall comport with the federal National Voter
13 Registration Act of 1993, as amended, and shall specifically
14 require that the State Board of Elections track registration
15 data received through the online registration system that
16 originated from a designated automatic voter registration
17 agency for the purposes of maintaining statistics.

18 Nothing in this Code shall require designated voter
19 registration agencies to transmit information that is
20 confidential client information under State or federal law
21 without the consent of the applicant.

22 (m) The State Board of Elections, each election authority
23 that maintains a website, the Office of the Secretary of
24 State, and each designated automatic voter registration agency
25 that maintains a website shall provide information on their
26 websites informing the public about the new registration

1 procedures described in this Section. The Office of the
2 Secretary of State and each designated automatic voter
3 registration agency shall display signage or provide
4 literature for the public containing information about the new
5 registration procedures described in this Section.

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

11 (o) The State Board of Elections shall submit an annual
12 public report to the General Assembly and the Governor
13 detailing the progress made to implement this Section. The
14 report shall include all of the following: the number of
15 records transferred under this Section by agency, the number
16 of voters newly added to the statewide voter registration list
17 because of records transferred under this Section by agency,
18 the number of updated registrations under this Section by
19 agency, the number of persons who opted out of voter
20 registration, and the number of voters who submitted voter
21 registration forms using the online procedure described in
22 Section 1A-16.5 of this Code. The 2018 and 2019 annual reports
23 may include less detail if election authorities are not
24 equipped to provide complete information to the State Board of
25 Elections. Any report produced under this subsection (o) shall
26 exclude any information that identifies any individual

1 personally.

2 (p) The State Board of Elections, in consultation with
3 election authorities, the Office of the Secretary of State,
4 designated automatic voter registration agencies, and
5 community organizations, shall adopt rules as necessary to
6 implement the provisions of this Section.

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

8 (10 ILCS 5/1A-16.10 new)

9 Sec. 1A-16.10. Electronic voter registration; Secretary of
10 State.

11 (a) A person who is qualified to register to vote, who
12 currently holds an authentic Illinois driver's license or
13 State identification card issued by the Secretary of State and
14 who is not making any application for a driver's license or
15 identification card, may make application to register to vote
16 at Secretary of State driver services facilities or Secretary
17 of State mobile events. Voter registration of a person making
18 application for a driver's license or identification card
19 shall be conducted pursuant to Section 1A-16.1.

20 (b) Notwithstanding any other provision of law, a person
21 who is qualified to register to vote and who holds an authentic
22 Illinois driver's license or State identification card issued
23 by the Secretary of State may submit an application to
24 register to vote electronically on a website maintained by the
25 Secretary of State.

1 (c) A voter registration application submitted pursuant to
2 this Section shall be electronically transmitted by the
3 Secretary of State to the State Board of Elections and shall
4 contain the same information the Secretary of State transmits
5 to the State Board of Elections for voter registration
6 applications submitted pursuant to Section 1A-16.1.

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

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

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

16 (2) All the information I have provided on this form
17 is true and correct as of the date I am submitting this
18 form.

19 (3) I authorize the Secretary of State to transmit
20 this application and my signature that is on file with the
21 Secretary of State to the State Board of Elections and
22 understand that such signature will be used by my local
23 election authority on this online voter registration
24 application for admission as an elector as if I had signed
25 this form personally."

1 (10 ILCS 5/1A-16.11 new)

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

3 (a) The State Board of Elections and the Office of the
4 Secretary of State shall coordinate with each United States
5 District Court in Illinois for a representative or
6 representatives of the Secretary of State to offer voter
7 registration information, provide voter registration
8 applications, and collect completed voter registration
9 applications from all eligible citizens after the
10 naturalization ceremony, as allowed by the United States
11 District Court presiding over the naturalization.

12 (b) The State Board of Elections and the Office of the
13 Secretary of State may jointly adopt rules to implement this
14 Section.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.