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 adding
5   Section 1A-20 as follows:

6   (10 ILCS 5/1A-20 new)
7   Sec. 1A-20. Provisional ballots.
8   (a) Notwithstanding any other provision of this Code to
9   the contrary, the State Board of Elections shall adopt and
10   election authorities shall implement procedures for the
11   casting and counting of provisional ballots at any election
12   in accordance with this Section.
13   (b) A person claiming to be entitled to vote but whose
14   registration cannot be verified at the polling place shall be
15   given a provisional ballot. After the person has marked or
16   otherwise cast the provisional ballot, the provisional ballot
17   shall be placed in an envelope that indicates its provisional
18   status and shall be kept separately from non-provisional
19   ballots. If the election authority cannot verify the person's
20   valid registration through comparison of the signature on the
21   provisional ballot request with the signature on his or her
22   registration application, the provisional ballot shall not be
23   counted. If the election authority verifies the person's
24   valid registration through comparison of the signature on the
25   provisional ballot request with the signature on his or her
26   registration application, the provisional ballot shall be
27   counted.
28   (c) Attempted verification of the person's valid
29   registration must be timely and efficient. Judges at the
30   polling place may be required to make a good faith effort to
31   contact the election authority for verification at the

1   person's request, and the election authority may be required

2   to make a good faith effort to attempt verification before

3   the provisional ballot has been cast. Once a provisional

4   ballot is cast, the election authority must make timely and

5   good faith efforts to verify the registration in order to

6   include the provisional ballot in the official canvass of

7   ballots. If the person's signature on his or her provisional

8   ballot request varies from the signature on an otherwise

9   valid registration application solely because of the

10 substitution of initials for the first or middle name, the

11 election authority may not reject the provisional ballot as

12 that of an unqualified voter.

13   (d) A provisional ballot may be requested by a person

14 who has been provided an absentee ballot but who is unable to

15 surrender to the election judge his or her uncast ballot. The

16 provisional ballot shall not be counted if the absentee

17 ballot has been cast.

18   (e) An election authority must give notice to any person

19 who cast a provisional ballot that was not counted if the

20 reason the ballot was not counted was the person's lack of

21 valid registration. The notice must explain the steps

22 necessary for the person to properly register.

23   (f) To the extent possible, the rules adopted under this

24 Section must apply to provisional ballots this Code's

25 procedures for handling and counting other types of ballots,

26 including the use of electronic voting systems.