



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1696

Introduced 2/24/2005, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

10 ILCS 5/4-16	from Ch. 46, par. 4-16
10 ILCS 5/4-105 new	
10 ILCS 5/5-23	from Ch. 46, par. 5-23
10 ILCS 5/5-105 new	
10 ILCS 5/6-54	from Ch. 46, par. 6-54
10 ILCS 5/6-105 new	

Amends the Election Code. Requires first time voters who registered by mail to vote in person unless they first provide specified types of documents identifying their name and address. Permits a registered voter whose name has changed but who lives in the same precinct to vote after making an affidavit at the polling place as to his or her identity and registration (now, only if the name change occurred at certain times and only if another voter attests to his or her identity). Requires the election authority to treat the affidavit as a request to register under the new name.

LRB094 10905 JAM 41461 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 Sections 4-16, 5-23, and 6-54 and by adding Sections 4-105,
6 5-105, and 6-105 as follows:

7 (10 ILCS 5/4-16) (from Ch. 46, par. 4-16)

8 Sec. 4-16. Any registered voter who changes his residence
9 from one address to another within the same county wherein this
10 Article is in effect, may have his registration transferred to
11 his new address by making and signing an application for change
12 of residence address upon a form to be provided by the county
13 clerk. Such application must be made to the office of the
14 county clerk and may be made either in person or by mail. In
15 case the person is unable to sign his name, the county clerk
16 shall require him to execute the application in the presence of
17 the county clerk or of his properly authorized representative,
18 by his mark, and if satisfied of the identity of the person,
19 the county clerk shall make the transfer.

20 Upon receipt of the application, the county clerk, or one
21 of his employees deputized to take registrations shall cause
22 the signature of the voter and the data appearing upon the
23 application to be compared with the signature and data on the
24 registration record card, and if it appears that the applicant
25 is the same person as the person previously registered under
26 that name the transfer shall be made.

27 No transfers of registration under the provisions of this
28 Section shall be made during the 27 days preceding any election
29 at which such voter would be entitled to vote. When a removal
30 of a registered voter takes place from one address to another
31 within the same precinct within a period during which a
32 transfer of registration cannot be made before any election or

1 primary, he shall be entitled to vote upon presenting the
2 judges of election his affidavit substantially in the form
3 prescribed in Section 17-10 of this Act of a change of
4 residence address within the precinct on a date therein
5 specified.

6 The county clerk may obtain information from utility
7 companies, city, village, incorporated town and township
8 records, the post office, or from other sources, regarding the
9 removal of registered voters, and may treat such information,
10 and information procured from his death and marriage records on
11 file in his office, as an application to erase from the
12 register any name concerning which he may so have information
13 that the voter is no longer qualified to vote under the name,
14 or from the address from which registered, and give notice
15 thereof in the manner provided by Section 4--12 of this
16 Article, and notify voters who have changed their address that
17 a transfer of registration may be made in the manner provided
18 in this Section enclosing a form therefor.

19 If any person be registered by error in a precinct other
20 than that in which he resides, the county clerk may transfer
21 his registration to the proper precinct, and if the error is or
22 may be on the part of the registration officials, and is
23 disclosed too late before an election or primary to mail the
24 certificate required by Section 4--15, such certificate may be
25 personally delivered to the voter and he may vote thereon as
26 therein provided, but such certificates so issued shall be
27 specially listed with the reason for the issuance thereof.

28 Where a revision or rearrangement of precincts is made by
29 the county board, the county clerk shall immediately transfer
30 to the proper precinct the registration of any voter affected
31 by such revision or rearrangement of the precinct; make the
32 proper notations on the registration cards of a voter affected
33 by the revision or rearrangement and shall issue revised
34 certificates to each registrant of such change.

35 Any registered voter who changes his or her name by
36 marriage or otherwise shall be required to register anew and

1 authorize the cancellation of the previous registration; but if
2 the voter still resides in the same precinct ~~and if the change~~
3 ~~of name takes place within a period during which a transfer of~~
4 ~~registration cannot be made, preceding any election or primary,~~
5 the elector may, if otherwise qualified, vote upon making an
6 affidavit at the polling place attesting that the voter is the
7 same person who is registered to vote under his or her former
8 name. The affidavit shall be treated by the election authority
9 as authorization to cancel the registration under the former
10 name, and the election authority shall register the person
11 under his or her current name. ~~substantially in the form~~
12 ~~prescribed in Section 17-10 of this Act.~~

13 The precinct election officials shall report to the county
14 clerk the names and addresses of all persons who have changed
15 their addresses and voted, which shall be treated as an
16 application to change address accordingly, and the names and
17 addresses of all persons otherwise voting by affidavit as in
18 this Section provided, which shall be treated as an application
19 to erase under Section 4--12 hereof.

20 (Source: P.A. 92-816, eff. 8-21-02.)

21 (10 ILCS 5/4-105 new)

22 Sec. 4-105. First time voter. A person must vote for the
23 first time in person and not by a mailed absentee ballot if the
24 person registered to vote by mail, unless the person first
25 provides the appropriate election authority with sufficient
26 proof of identity by the person's driver's license number or
27 State identification card number or, if the person does not
28 have either of those, by the last 4 digits of the person's
29 social security number, a copy of a current and valid photo
30 identification, or a copy of a current utility bill, bank
31 statement, paycheck, government check, or other government
32 document that shows the person's name and address.

33 (10 ILCS 5/5-23) (from Ch. 46, par. 5-23)

34 Sec. 5-23. Any registered voter who changes his residence

1 from one address, number or place to another within the same
2 county wherein this article 5 is in effect, may have his
3 registration transferred to his new address by making and
4 signing an application for such change of residence upon a form
5 to be provided by the county clerk. Such application must be
6 made to the office of the county clerk. In case the person is
7 unable to sign his name the county clerk shall require such
8 person to execute the request in the presence of the county
9 clerk or of his properly authorized representative, by his
10 mark, and if satisfied of the identity of the person, the
11 county clerk shall make the transfer.

12 Upon receipt of such application, the county clerk, or one
13 of his employees deputized to take registrations shall cause
14 the signature of the voter and the data appearing upon the
15 application to be compared with the signature and data on the
16 registration record, and if it appears that the applicant is
17 the same person as the party previously registered under that
18 name the transfer shall be made.

19 Transfer of registration under the provisions of this
20 section may not be made within the period when the county
21 clerk's office is closed to registration prior to an election
22 at which such voter would be entitled to vote.

23 Any registered voter who changes his or her name by
24 marriage or otherwise, shall be required to register anew and
25 authorize the cancellation of the previous registration;
26 provided, however, that if the change of name takes place
27 within a period during which such new registration cannot be
28 made, next preceding any election or primary, the elector may,
29 if otherwise qualified, vote upon making the following
30 affidavit before the judges of election:

31 I do solemnly swear that I am the same person now
32 registered in the precinct of the ward of the city of
33 or District Town of under the name of and
34 that I still reside in said precinct or district.

35 (Signed)

36 If the voter whose name has changed still resides in the

1 same precinct, the voter may vote after making the affidavit at
2 the polling place regardless of when the change of name
3 occurred. In that event, the affidavit shall not state that the
4 voter is required to register; the affidavit shall be treated
5 by the election authority as authorization to cancel the
6 registration under the former name, and the election authority
7 shall register the voter under his or her current name.

8 ~~When a removal of a registered voter takes place from one~~
9 ~~address to another within the same precinct within a period~~
10 ~~during which such transfer of registration cannot be made,~~
11 ~~before any election or primary, he shall be entitled to vote~~
12 ~~upon presenting to the judges of election an affidavit of a~~
13 ~~change and having said affidavit supported by the affidavit of~~
14 ~~a qualified voter of the same precinct.~~

15 Suitable forms for this purpose shall be provided by the
16 county clerk. The form in all cases shall be similar to the
17 form furnished by the county clerk for county and state
18 elections.

19 The precinct election officials shall report to the county
20 clerk the names and addresses of all such persons who have
21 changed their addresses and voted. The city, village, town and
22 incorporated town clerks shall within five days after every
23 election report to the county clerk the names and addresses of
24 the persons reported to them as having voted by affidavit as in
25 this section provided.

26 The county clerk may obtain information from utility
27 companies, city, village, town and incorporated town records,
28 the post office or from other sources regarding the removal of
29 registered voters and notify such voters that a transfer of
30 registration may be made in the manner provided by this
31 section.

32 If any person be registered by error in a precinct other
33 than that in which he resides the county clerk shall be
34 empowered to transfer his registration to the proper precinct.

35 Where a revision or rearrangement of precincts is made by
36 the board of county commissioners, the county clerk shall

1 immediately transfer to the proper precinct the registration of
2 any voter affected by such revision or rearrangement of the
3 precincts; make the proper notations on the registration cards
4 of a voter affected by the revision of registration and shall
5 notify the registrant of such change.

6 (Source: P.A. 80-1469.)

7 (10 ILCS 5/5-105 new)

8 Sec. 5-105. First time voter. A person must vote for the
9 first time in person and not by a mailed absentee ballot if the
10 person registered to vote by mail, unless the person first
11 provides the appropriate election authority with sufficient
12 proof of identity by the person's driver's license number or
13 State identification card number or, if the person does not
14 have either of those, by the last 4 digits of the person's
15 social security number, a copy of a current and valid photo
16 identification, or a copy of a current utility bill, bank
17 statement, paycheck, government check, or other government
18 document that shows the person's name and address.

19 (10 ILCS 5/6-54) (from Ch. 46, par. 6-54)

20 Sec. 6-54. Any registered voter who changes his or her name
21 by marriage or otherwise, shall be required to register anew
22 and authorize the cancellation of the previous registration;
23 provided, however, that if the change of name takes place
24 within a period during which such new registration cannot be
25 made, next preceding any election or primary, the elector may,
26 if otherwise qualified, vote upon making the following
27 affidavit before the judges of election:

28 "I do solemnly swear that I am the same person now
29 registered in the precinct of the ward, under the
30 name of and that I still reside in said precinct.

31 (Signed)...."

32 If the voter whose name has changed still resides in the
33 same precinct, the voter may vote after making the affidavit at
34 the polling place regardless of when the change of name

1 occurred. In that event, the affidavit shall not state that the
2 voter is required to register; the affidavit shall be treated
3 by the election authority as authorization to cancel the
4 registration under the former name, and the election authority
5 shall register the voter under his or her current name.

6 (Source: Laws 1943, vol. 2, p. 1.)

7 (10 ILCS 5/6-105 new)

8 Sec. 6-105. First time voter. A person must vote for the
9 first time in person and not by a mailed absentee ballot if the
10 person registered to vote by mail, unless the person first
11 provides the appropriate election authority with sufficient
12 proof of identity by the person's driver's license number or
13 State identification card number or, if the person does not
14 have either of those, by the last 4 digits of the person's
15 social security number, a copy of a current and valid photo
16 identification, or a copy of a current utility bill, bank
17 statement, paycheck, government check, or other government
18 document that shows the person's name and address.