



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3418

Introduced 2/27/2007, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

| | |
|---------------------|------------------------|
| 10 ILCS 5/4-110 new | |
| 10 ILCS 5/5-110 new | |
| 10 ILCS 5/6-110 new | |
| 10 ILCS 5/17-9 | from Ch. 46, par. 17-9 |
| 10 ILCS 5/18-5 | from Ch. 46, par. 18-5 |
| 10 ILCS 5/18A-5 | |

Amends the Election Code. Requires that a person seeking to vote in person on election day present a government-issued photo identification to the election judge. Requires each election authority to issue a photo identification card to each registered voter in its jurisdiction who cannot afford to obtain another government-issued photo identification. Makes failure to present a government-issued photo identification one of the reasons a person may vote a provisional ballot.

LRB095 09268 JAM 29462 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 17-9, 18-5, and 18A-5 and by adding Sections 4-110,
6 5-110, and 6-110 as follows:

7 (10 ILCS 5/4-110 new)

8 Sec. 4-110. Voter identification card. Each election
9 authority shall issue a voter identification card to each
10 registered voter in its jurisdiction who cannot afford to
11 obtain another form of photo identification card required for
12 presentation at the polling place under Sections 17-9 and 18-5.
13 The card shall include at least (i) the voter's name,
14 signature, and photograph, (ii) the name and seal of the
15 issuing election authority, and (iii) an expiration date
16 determined by rule of the election authority.

17 (10 ILCS 5/5-110 new)

18 Sec. 5-110. Voter identification card. Each election
19 authority shall issue a voter identification card to each
20 registered voter in its jurisdiction who cannot afford to
21 obtain another form of photo identification card required for
22 presentation at the polling place under Sections 17-9 and 18-5.

1 The card shall include at least (i) the voter's name,
2 signature, and photograph, (ii) the name and seal of the
3 issuing election authority, and (iii) an expiration date.

4 (10 ILCS 5/6-110 new)

5 Sec. 6-110. Voter identification card. Each election
6 authority shall issue a voter identification card to each
7 registered voter in its jurisdiction who cannot afford to
8 obtain another form of photo identification card required for
9 presentation at the polling place under Sections 17-9 and 18-5.
10 The card shall include at least (i) the voter's name,
11 signature, and photograph, (ii) the name and seal of the
12 issuing election authority, and (iii) an expiration date.

13 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

14 Sec. 17-9. Any person desiring to vote shall (i) present to
15 the judges of election for verification of the person's
16 identity his or her Illinois driver's license, his or her
17 non-driver identification card issued by the Illinois
18 Secretary of State, his or her voter identification card, or
19 another government-issued identification document containing
20 his or her photograph and (ii) give his name and, if required
21 to do so, his residence to the judges of election, one of whom
22 shall thereupon announce the same in a loud and distinct tone
23 of voice, clear, and audible; the judges of elections shall
24 check each application for ballot against the list of voters

1 registered in that precinct to whom grace period, absentee, or
2 early ballots have been issued for that election, which shall
3 be provided by the election authority and which list shall be
4 available for inspection by pollwatchers. A voter applying to
5 vote in the precinct on election day whose name appears on the
6 list as having been issued a grace period, absentee, or early
7 ballot shall not be permitted to vote in the precinct, except
8 that a voter to whom an absentee ballot was issued may vote in
9 the precinct if the voter submits to the election judges that
10 absentee ballot for cancellation. If the voter is unable to
11 submit the absentee ballot, it shall be sufficient for the
12 voter to submit to the election judges (i) a portion of the
13 absentee ballot if the absentee ballot was torn or mutilated or
14 (ii) an affidavit executed before the election judges
15 specifying that (A) the voter never received an absentee ballot
16 or (B) the voter completed and returned an absentee ballot and
17 was informed that the election authority did not receive that
18 absentee ballot. All applicable provisions of Articles 4, 5 or
19 6 shall be complied with and if such name is found on the
20 register of voters by the officer having charge thereof, he
21 shall likewise repeat said name, and the voter shall be allowed
22 to enter within the proximity of the voting booths, as above
23 provided. One of the judges shall give the voter one, and only
24 one of each ballot to be voted at the election, on the back of
25 which ballots such judge shall indorse his initials in such
26 manner that they may be seen when each such ballot is properly

1 folded, and the voter's name shall be immediately checked on
2 the register list. In those election jurisdictions where
3 perforated ballot cards are utilized of the type on which
4 write-in votes can be cast above the perforation, the election
5 authority shall provide a space both above and below the
6 perforation for the judge's initials, and the judge shall
7 endorse his or her initials in both spaces. Whenever a proposal
8 for a constitutional amendment or for the calling of a
9 constitutional convention is to be voted upon at the election,
10 the separate blue ballot or ballots pertaining thereto shall,
11 when being handed to the voter, be placed on top of the other
12 ballots to be voted at the election in such manner that the
13 legend appearing on the back thereof, as prescribed in Section
14 16-6 of this Act, shall be plainly visible to the voter. At all
15 elections, when a registry may be required, if the name of any
16 person so desiring to vote at such election is not found on the
17 register of voters, he or she shall not receive a ballot until
18 he or she shall have complied with the law prescribing the
19 manner and conditions of voting by unregistered voters. If any
20 person desiring to vote at any election shall be challenged, he
21 or she shall not receive a ballot until he or she shall have
22 established his right to vote in the manner provided
23 hereinafter; and if he or she shall be challenged after he has
24 received his ballot, he shall not be permitted to vote until he
25 or she has fully complied with such requirements of the law
26 upon being challenged. Besides the election officer, not more

1 than 2 voters in excess of the whole number of voting booths
 2 provided shall be allowed within the proximity of the voting
 3 booths at one time. The provisions of this Act, so far as they
 4 require the registration of voters as a condition to their
 5 being allowed to vote shall not apply to persons otherwise
 6 entitled to vote, who are, at the time of the election, or at
 7 any time within 60 days prior to such election have been
 8 engaged in the military or naval service of the United States,
 9 and who appear personally at the polling place on election day
 10 and produce to the judges of election satisfactory evidence
 11 thereof, but such persons, if otherwise qualified to vote,
 12 shall be permitted to vote at such election without previous
 13 registration.

14 All such persons shall also make an affidavit which shall
 15 be in substantially the following form:

16 State of Illinois,)

17) ss.

18 County of)

19 Precinct Ward

20 I,, do solemnly swear (or affirm) that I am a citizen
 21 of the United States, of the age of 18 years or over, and that
 22 within the past 60 days prior to the date of this election at
 23 which I am applying to vote, I have been engaged in the
 24 (military or naval) service of the United States; and I am
 25 qualified to vote under and by virtue of the Constitution and
 26 laws of the State of Illinois, and that I am a legally

1 qualified voter of this precinct and ward except that I have,
 2 because of such service, been unable to register as a voter;
 3 that I now reside at (insert street and number, if any) in
 4 this precinct and ward; that I have maintained a legal
 5 residence in this precinct and ward for 30 days and in this
 6 State 30 days next preceding this election.

7

8 Subscribed and sworn to before me on (insert date).

9

10 Judge of Election.

11 The affidavit of any such person shall be supported by the
 12 affidavit of a resident and qualified voter of any such
 13 precinct and ward, which affidavit shall be in substantially
 14 the following form:

15 State of Illinois,)

16) ss.

17 County of)

18 Precinct Ward

19 I,, do solemnly swear (or affirm), that I am a
 20 resident of this precinct and ward and entitled to vote at this
 21 election; that I am acquainted with (name of the
 22 applicant); that I verily believe him to be an actual bona fide
 23 resident of this precinct and ward and that I verily believe
 24 that he or she has maintained a legal residence therein 30 days
 25 and in this State 30 days next preceding this election.

1
2

Subscribed and sworn to before me on (insert date).

3
4

Judge of Election.

5 All affidavits made under the provisions of this Section
6 shall be enclosed in a separate envelope securely sealed, and
7 shall be transmitted with the returns of the elections to the
8 county clerk or to the board of election commissioners, who
9 shall preserve the said affidavits for the period of 6 months,
10 during which period such affidavits shall be deemed public
11 records and shall be freely open to examination as such.

12 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

13 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

14 Sec. 18-5. Any person desiring to vote and whose name is
15 found upon the register of voters by the person having charge
16 thereof, (i) present to the judges of election for verification
17 of the person's identity his or her Illinois driver's license,
18 his or her non-driver identification card issued by the
19 Illinois Secretary of State, his or her voter identification
20 card, or another government-issued identification document
21 containing his or her photograph, (ii) shall then be questioned
22 by one of the judges as to his nativity, his term of residence
23 at present address, precinct, State and United States, his age,
24 whether naturalized and if so the date of naturalization papers

1 and court from which secured, and he shall be asked to state
2 his residence when last previously registered and the date of
3 the election for which he then registered. The judges of
4 elections shall check each application for ballot against the
5 list of voters registered in that precinct to whom grace
6 period, absentee, and early ballots have been issued for that
7 election, which shall be provided by the election authority and
8 which list shall be available for inspection by pollwatchers. A
9 voter applying to vote in the precinct on election day whose
10 name appears on the list as having been issued a grace period,
11 absentee, or early ballot shall not be permitted to vote in the
12 precinct, except that a voter to whom an absentee ballot was
13 issued may vote in the precinct if the voter submits to the
14 election judges that absentee ballot for cancellation. If the
15 voter is unable to submit the absentee ballot, it shall be
16 sufficient for the voter to submit to the election judges (i) a
17 portion of the absentee ballot if the absentee ballot was torn
18 or mutilated or (ii) an affidavit executed before the election
19 judges specifying that (A) the voter never received an absentee
20 ballot or (B) the voter completed and returned an absentee
21 ballot and was informed that the election authority did not
22 receive that absentee ballot. If such person so registered
23 shall be challenged as disqualified, the party challenging
24 shall assign his reasons therefor, and thereupon one of the
25 judges shall administer to him an oath to answer questions, and
26 if he shall take the oath he shall then be questioned by the

1 judge or judges touching such cause of challenge, and touching
2 any other cause of disqualification. And he may also be
3 questioned by the person challenging him in regard to his
4 qualifications and identity. But if a majority of the judges
5 are of the opinion that he is the person so registered and a
6 qualified voter, his vote shall then be received accordingly.
7 But if his vote be rejected by such judges, such person may
8 afterward produce and deliver an affidavit to such judges,
9 subscribed and sworn to by him before one of the judges, in
10 which it shall be stated how long he has resided in such
11 precinct, and state; that he is a citizen of the United States,
12 and is a duly qualified voter in such precinct, and that he is
13 the identical person so registered. In addition to such an
14 affidavit, the person so challenged shall provide to the judges
15 of election proof of residence by producing 2 forms of
16 identification showing the person's current residence address,
17 provided that such identification to the person at his current
18 residence address and postmarked not earlier than 30 days prior
19 to the date of the election, or the person shall procure a
20 witness personally known to the judges of election, and
21 resident in the precinct (or district), or who shall be proved
22 by some legal voter of such precinct or district, known to the
23 judges to be such, who shall take the oath following, viz:

24 I do solemnly swear (or affirm) that I am a resident of
25 this election precinct (or district), and entitled to vote at
26 this election, and that I have been a resident of this State

1 for 30 days last past, and am well acquainted with the person
2 whose vote is now offered; that he is an actual and bona fide
3 resident of this election precinct (or district), and has
4 resided herein 30 days, and as I verily believe, in this State,
5 30 days next preceding this election.

6 The oath in each case may be administered by one of the
7 judges of election, or by any officer, resident in the precinct
8 or district, authorized by law to administer oaths. Also
9 supported by an affidavit by a registered voter residing in
10 such precinct, stating his own residence, and that he knows
11 such person; and that he does reside at the place mentioned and
12 has resided in such precinct and state for the length of time
13 as stated by such person, which shall be subscribed and sworn
14 to in the same way. Whereupon the vote of such person shall be
15 received, and entered as other votes. But such judges, having
16 charge of such registers, shall state in their respective books
17 the facts in such case, and the affidavits, so delivered to the
18 judges, shall be preserved and returned to the office of the
19 commissioners of election. Blank affidavits of the character
20 aforesaid shall be sent out to the judges of all the precincts,
21 and the judges of election shall furnish the same on demand and
22 administer the oaths without criticism. Such oaths, if
23 administered by any other officer than such judge of election,
24 shall not be received. Whenever a proposal for a constitutional
25 amendment or for the calling of a constitutional convention is
26 to be voted upon at the election, the separate blue ballot or

1 ballots pertaining thereto shall be placed on top of the other
2 ballots to be voted at the election in such manner that the
3 legend appearing on the back thereof, as prescribed in Section
4 16-6 of this Act, shall be plainly visible to the voter, and in
5 this fashion the ballots shall be handed to the voter by the
6 judge.

7 The voter shall, upon quitting the voting booth, deliver to
8 one of the judges of election all of the ballots, properly
9 folded, which he received. The judge of election to whom the
10 voter delivers his ballots shall not accept the same unless all
11 of the ballots given to the voter are returned by him. If a
12 voter delivers less than all of the ballots given to him, the
13 judge to whom the same are offered shall advise him in a voice
14 clearly audible to the other judges of election that the voter
15 must return the remainder of the ballots. The statement of the
16 judge to the voter shall clearly express the fact that the
17 voter is not required to vote such remaining ballots but that
18 whether or not he votes them he must fold and deliver them to
19 the judge. In making such statement the judge of election shall
20 not indicate by word, gesture or intonation of voice that the
21 unreturned ballots shall be voted in any particular manner. No
22 new voter shall be permitted to enter the voting booth of a
23 voter who has failed to deliver the total number of ballots
24 received by him until such voter has returned to the voting
25 booth pursuant to the judge's request and again quit the booth
26 with all of the ballots required to be returned by him. Upon

1 receipt of all such ballots the judges of election shall enter
2 the name of the voter, and his number, as above provided in
3 this Section, and the judge to whom the ballots are delivered
4 shall immediately put the ballots into the ballot box. If any
5 voter who has failed to deliver all the ballots received by him
6 refuses to return to the voting booth after being advised by
7 the judge of election as herein provided, the judge shall
8 inform the other judges of such refusal, and thereupon the
9 ballot or ballots returned to the judge shall be deposited in
10 the ballot box, the voter shall be permitted to depart from the
11 polling place, and a new voter shall be permitted to enter the
12 voting booth.

13 The judge of election who receives the ballot or ballots
14 from the voter shall announce the residence and name of such
15 voter in a loud voice. The judge shall put the ballot or
16 ballots received from the voter into the ballot box in the
17 presence of the voter and the judges of election, and in plain
18 view of the public. The judges having charge of such registers
19 shall then, in a column prepared thereon, in the same line of,
20 the name of the voter, mark "Voted" or the letter "V".

21 No judge of election shall accept from any voter less than
22 the full number of ballots received by such voter without first
23 advising the voter in the manner above provided of the
24 necessity of returning all of the ballots, nor shall any such
25 judge advise such voter in a manner contrary to that which is
26 herein permitted, or in any other manner violate the provisions

1 of this Section; provided, that the acceptance by a judge of
2 election of less than the full number of ballots delivered to a
3 voter who refuses to return to the voting booth after being
4 properly advised by such judge shall not be a violation of this
5 Section.

6 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

7 (10 ILCS 5/18A-5)

8 Sec. 18A-5. Provisional voting; general provisions.

9 (a) A person who claims to be a registered voter is
10 entitled to cast a provisional ballot under the following
11 circumstances:

12 (1) The person's name does not appear on the official
13 list of eligible voters for the precinct in which the
14 person seeks to vote. The official list is the centralized
15 statewide voter registration list established and
16 maintained in accordance with Section 1A-25;

17 (2) The person's voting status has been challenged by
18 an election judge, a pollwatcher, or any legal voter and
19 that challenge has been sustained by a majority of the
20 election judges;

21 (3) A federal or State court order extends the time for
22 closing the polls beyond the time period established by
23 State law and the person votes during the extended time
24 period; or

25 (4) The voter ~~registered to vote by mail and is~~

1 required by law to present identification when voting
2 ~~either~~ in person or, in the case of a voter who registered
3 by mail, when voting by absentee ballot, but fails to do
4 so.

5 (b) The procedure for obtaining and casting a provisional
6 ballot at the polling place shall be as follows:

7 (1) After first verifying through an examination of the
8 precinct register that the person's address is within the
9 precinct boundaries, an election judge at the polling place
10 shall notify a person who is entitled to cast a provisional
11 ballot pursuant to subsection (a) that he or she may cast a
12 provisional ballot in that election. An election judge must
13 accept any information provided by a person who casts a
14 provisional ballot that the person believes supports his or
15 her claim that he or she is a duly registered voter and
16 qualified to vote in the election. However, if the person's
17 residence address is outside the precinct boundaries, the
18 election judge shall inform the person of that fact, give
19 the person the appropriate telephone number of the election
20 authority in order to locate the polling place assigned to
21 serve that address, and instruct the person to go to the
22 proper polling place to vote.

23 (2) The person shall execute a written form provided by
24 the election judge that shall state or contain all of the
25 following that is available:

26 (i) an affidavit stating the following:

1 State of Illinois, County of,
 2 Township, Precinct, Ward
 3, I,, do solemnly
 4 swear (or affirm) that: I am a citizen of the United
 5 States; I am 18 years of age or older; I have resided
 6 in this State and in this precinct for 30 days
 7 preceding this election; I have not voted in this
 8 election; I am a duly registered voter in every
 9 respect; and I am eligible to vote in this election.
 10 Signature Printed Name of Voter Printed
 11 Residence Address of Voter City State
 12 Zip Code Telephone Number Date of
 13 Birth and Illinois Driver's License Number
 14 or Last 4 digits of Social Security Number
 15 or State Identification Card Number issued to
 16 you by the Illinois Secretary of State.....

17 (ii) A box for the election judge to check one of the 3
 18 reasons why the person was given a provisional ballot under
 19 subsection (a) of Section 18A-5.

20 (iii) An area for the election judge to affix his or
 21 her signature and to set forth any facts that support or
 22 oppose the allegation that the person is not qualified to
 23 vote in the precinct in which the person is seeking to
 24 vote.

25 The written affidavit form described in this subsection
 26 (b) (2) must be printed on a multi-part form prescribed by the

1 county clerk or board of election commissioners, as the case
2 may be.

3 (3) After the person executes the portion of the written
4 affidavit described in subsection (b)(2)(i) of this Section,
5 the election judge shall complete the portion of the written
6 affidavit described in subsection (b)(2)(iii) and (b)(2)(iv).

7 (4) The election judge shall give a copy of the completed
8 written affidavit to the person. The election judge shall place
9 the original written affidavit in a self-adhesive clear plastic
10 packing list envelope that must be attached to a separate
11 envelope marked as a "provisional ballot envelope". The
12 election judge shall also place any information provided by the
13 person who casts a provisional ballot in the clear plastic
14 packing list envelope. Each county clerk or board of election
15 commissioners, as the case may be, must design, obtain or
16 procure self-adhesive clear plastic packing list envelopes and
17 provisional ballot envelopes that are suitable for
18 implementing this subsection (b)(4) of this Section.

19 (5) The election judge shall provide the person with a
20 provisional ballot, written instructions for casting a
21 provisional ballot, and the provisional ballot envelope with
22 the clear plastic packing list envelope affixed to it, which
23 contains the person's original written affidavit and, if any,
24 information provided by the provisional voter to support his or
25 her claim that he or she is a duly registered voter. An
26 election judge must also give the person written information

1 that states that any person who casts a provisional ballot
2 shall be able to ascertain, pursuant to guidelines established
3 by the State Board of Elections, whether the provisional vote
4 was counted in the official canvass of votes for that election
5 and, if the provisional vote was not counted, the reason that
6 the vote was not counted.

7 (6) After the person has completed marking his or her
8 provisional ballot, he or she shall place the marked ballot
9 inside of the provisional ballot envelope, close and seal the
10 envelope, and return the envelope to an election judge, who
11 shall then deposit the sealed provisional ballot envelope into
12 a securable container separately identified and utilized for
13 containing sealed provisional ballot envelopes. Ballots that
14 are provisional because they are cast after 7:00 p.m. by court
15 order shall be kept separate from other provisional ballots.
16 Upon the closing of the polls, the securable container shall be
17 sealed with filament tape provided for that purpose, which
18 shall be wrapped around the box lengthwise and crosswise, at
19 least twice each way, and each of the election judges shall
20 sign the seal.

21 (c) Instead of the affidavit form described in subsection
22 (b), the county clerk or board of election commissioners, as
23 the case may be, may design and use a multi-part affidavit form
24 that is imprinted upon or attached to the provisional ballot
25 envelope described in subsection (b). If a county clerk or
26 board of election commissioners elects to design and use its

1 own multi-part affidavit form, then the county clerk or board
2 of election commissioners shall establish a mechanism for
3 accepting any information the provisional voter has supplied to
4 the election judge to support his or her claim that he or she
5 is a duly registered voter. In all other respects, a county
6 clerk or board of election commissioners shall establish
7 procedures consistent with subsection (b).

8 (d) The county clerk or board of election commissioners, as
9 the case may be, shall use the completed affidavit form
10 described in subsection (b) to update the person's voter
11 registration information in the State voter registration
12 database and voter registration database of the county clerk or
13 board of election commissioners, as the case may be. If a
14 person is later determined not to be a registered voter based
15 on Section 18A-15 of this Code, then the affidavit shall be
16 processed by the county clerk or board of election
17 commissioners, as the case may be, as a voter registration
18 application.

19 (Source: P.A. 93-574, eff. 8-21-03; 93-1071, eff. 1-18-05;
20 94-645, eff. 8-22-05.)