

# SB2079



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2079

Introduced 2/20/2009, by Sen. Chris Lauzen

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-9  
10 ILCS 5/18-5

from Ch. 46, par. 17-9  
from Ch. 46, par. 18-5

Amends the Election Code. Requires that a person seeking to vote on election day present a government-issued photo identification card to the election judge (now, required only when voting early). Effective immediately.

LRB096 04722 JAM 14785 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 Sections 17-9 and 18-5 as follows:

6 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

7 Sec. 17-9. Any person desiring to vote shall (i) present to  
8 the judges of election for verification of the person's  
9 identity his or her Illinois driver's license, his or her  
10 non-driver identification card issued by the Illinois  
11 Secretary of State, or another government-issued  
12 identification document containing his or her photograph and  
13 (ii) give his name and, if required to do so, his residence to  
14 the judges of election, one of whom shall thereupon announce  
15 the same in a loud and distinct tone of voice, clear, and  
16 audible; the judges of elections shall check each application  
17 for ballot against the list of voters registered in that  
18 precinct to whom grace period, absentee, or early ballots have  
19 been issued for that election, which shall be provided by the  
20 election authority and which list shall be available for  
21 inspection by pollwatchers. A voter applying to vote in the  
22 precinct on election day whose name appears on the list as  
23 having been issued a grace period, absentee, or early ballot

1 shall not be permitted to vote in the precinct, except that a  
2 voter to whom an absentee ballot was issued may vote in the  
3 precinct if the voter submits to the election judges that  
4 absentee ballot for cancellation. If the voter is unable to  
5 submit the absentee ballot, it shall be sufficient for the  
6 voter to submit to the election judges (i) a portion of the  
7 absentee ballot if the absentee ballot was torn or mutilated or  
8 (ii) an affidavit executed before the election judges  
9 specifying that (A) the voter never received an absentee ballot  
10 or (B) the voter completed and returned an absentee ballot and  
11 was informed that the election authority did not receive that  
12 absentee ballot. All applicable provisions of Articles 4, 5 or  
13 6 shall be complied with and if such name is found on the  
14 register of voters by the officer having charge thereof, he  
15 shall likewise repeat said name, and the voter shall be allowed  
16 to enter within the proximity of the voting booths, as above  
17 provided. One of the judges shall give the voter one, and only  
18 one of each ballot to be voted at the election, on the back of  
19 which ballots such judge shall indorse his initials in such  
20 manner that they may be seen when each such ballot is properly  
21 folded, and the voter's name shall be immediately checked on  
22 the register list. In those election jurisdictions where  
23 perforated ballot cards are utilized of the type on which  
24 write-in votes can be cast above the perforation, the election  
25 authority shall provide a space both above and below the  
26 perforation for the judge's initials, and the judge shall

1 endorse his or her initials in both spaces. Whenever a proposal  
2 for a constitutional amendment or for the calling of a  
3 constitutional convention is to be voted upon at the election,  
4 the separate blue ballot or ballots pertaining thereto shall,  
5 when being handed to the voter, be placed on top of the other  
6 ballots to be voted at the election in such manner that the  
7 legend appearing on the back thereof, as prescribed in Section  
8 16-6 of this Act, shall be plainly visible to the voter. At all  
9 elections, when a registry may be required, if the name of any  
10 person so desiring to vote at such election is not found on the  
11 register of voters, he or she shall not receive a ballot until  
12 he or she shall have complied with the law prescribing the  
13 manner and conditions of voting by unregistered voters. If any  
14 person desiring to vote at any election shall be challenged, he  
15 or she shall not receive a ballot until he or she shall have  
16 established his right to vote in the manner provided  
17 hereinafter; and if he or she shall be challenged after he has  
18 received his ballot, he shall not be permitted to vote until he  
19 or she has fully complied with such requirements of the law  
20 upon being challenged. Besides the election officer, not more  
21 than 2 voters in excess of the whole number of voting booths  
22 provided shall be allowed within the proximity of the voting  
23 booths at one time. The provisions of this Act, so far as they  
24 require the registration of voters as a condition to their  
25 being allowed to vote shall not apply to persons otherwise  
26 entitled to vote, who are, at the time of the election, or at

1 any time within 60 days prior to such election have been  
2 engaged in the military or naval service of the United States,  
3 and who appear personally at the polling place on election day  
4 and produce to the judges of election satisfactory evidence  
5 thereof, but such persons, if otherwise qualified to vote,  
6 shall be permitted to vote at such election without previous  
7 registration.

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

10 State of Illinois,)

11 ) ss.

12 County of .....)

13 ..... Precinct ..... Ward

14 I, ....., do solemnly swear (or affirm) that I am a citizen  
15 of the United States, of the age of 18 years or over, and that  
16 within the past 60 days prior to the date of this election at  
17 which I am applying to vote, I have been engaged in the ....  
18 (military or naval) service of the United States; and I am  
19 qualified to vote under and by virtue of the Constitution and  
20 laws of the State of Illinois, and that I am a legally  
21 qualified voter of this precinct and ward except that I have,  
22 because of such service, been unable to register as a voter;  
23 that I now reside at .... (insert street and number, if any) in  
24 this precinct and ward; that I have maintained a legal  
25 residence in this precinct and ward for 30 days and in this  
26 State 30 days next preceding this election.

1 .....  
2

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

3 .....  
4

Judge of Election.

5 The affidavit of any such person shall be supported by the  
6 affidavit of a resident and qualified voter of any such  
7 precinct and ward, which affidavit shall be in substantially  
8 the following form:

9 State of Illinois,)

10 ) ss.

11 County of .....)

12 ..... Precinct ..... Ward

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

20 .....  
21

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

22 .....  
23

Judge of Election.

24 All affidavits made under the provisions of this Section

1 shall be enclosed in a separate envelope securely sealed, and  
2 shall be transmitted with the returns of the elections to the  
3 county clerk or to the board of election commissioners, who  
4 shall preserve the said affidavits for the period of 6 months,  
5 during which period such affidavits shall be deemed public  
6 records and shall be freely open to examination as such.

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

8 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

9 Sec. 18-5. Any person desiring to vote and whose name is  
10 found upon the register of voters by the person having charge  
11 thereof, shall (i) present to the judges of election for  
12 verification of the person's identity his or her Illinois  
13 driver's license, his or her non-driver identification card  
14 issued by the Illinois Secretary of State, or another  
15 government-issued identification document containing his or  
16 her photograph, (ii) ~~then~~ be questioned by one of the judges as  
17 to his nativity, his term of residence at present address,  
18 precinct, State and United States, his age, whether naturalized  
19 and if so the date of naturalization papers and court from  
20 which secured, and (iii) ~~he shall~~ be asked to state his  
21 residence when last previously registered and the date of the  
22 election for which he then registered. The judges of elections  
23 shall check each application for ballot against the list of  
24 voters registered in that precinct to whom grace period,  
25 absentee, and early ballots have been issued for that election,

1 which shall be provided by the election authority and which  
2 list shall be available for inspection by pollwatchers. A voter  
3 applying to vote in the precinct on election day whose name  
4 appears on the list as having been issued a grace period,  
5 absentee, or early ballot shall not be permitted to vote in the  
6 precinct, except that a voter to whom an absentee ballot was  
7 issued may vote in the precinct if the voter submits to the  
8 election judges that absentee ballot for cancellation. If the  
9 voter is unable to submit the absentee ballot, it shall be  
10 sufficient for the voter to submit to the election judges (i) a  
11 portion of the absentee ballot if the absentee ballot was torn  
12 or mutilated or (ii) an affidavit executed before the election  
13 judges specifying that (A) the voter never received an absentee  
14 ballot or (B) the voter completed and returned an absentee  
15 ballot and was informed that the election authority did not  
16 receive that absentee ballot. If such person so registered  
17 shall be challenged as disqualified, the party challenging  
18 shall assign his reasons therefor, and thereupon one of the  
19 judges shall administer to him an oath to answer questions, and  
20 if he shall take the oath he shall then be questioned by the  
21 judge or judges touching such cause of challenge, and touching  
22 any other cause of disqualification. And he may also be  
23 questioned by the person challenging him in regard to his  
24 qualifications and identity. But if a majority of the judges  
25 are of the opinion that he is the person so registered and a  
26 qualified voter, his vote shall then be received accordingly.



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

18 I do solemnly swear (or affirm) that I am a resident of  
19 this election precinct (or district), and entitled to vote at  
20 this election, and that I have been a resident of this State  
21 for 30 days last past, and am well acquainted with the person  
22 whose vote is now offered; that he is an actual and bona fide  
23 resident of this election precinct (or district), and has  
24 resided herein 30 days, and as I verily believe, in this State,  
25 30 days next preceding this election.

26 The oath in each case may be administered by one of the

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

1           Immediately after voting, the voter shall be instructed  
2 whether the voting equipment, if used, accepted or rejected the  
3 ballot or identified the ballot as under-voted. A voter whose  
4 ballot is identified as under-voted for a statewide  
5 constitutional office may return to the voting booth and  
6 complete the voting of that ballot. A voter whose ballot is not  
7 accepted by the voting equipment may, upon surrendering the  
8 ballot, request and vote another ballot. The voter's  
9 surrendered ballot shall be initialed by the election judge and  
10 handled as provided in the appropriate Article governing that  
11 voting equipment.

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

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

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

26 No judge of election shall accept from any voter less than

1 the full number of ballots received by such voter without first  
2 advising the voter in the manner above provided of the  
3 necessity of returning all of the ballots, nor shall any such  
4 judge advise such voter in a manner contrary to that which is  
5 herein permitted, or in any other manner violate the provisions  
6 of this Section; provided, that the acceptance by a judge of  
7 election of less than the full number of ballots delivered to a  
8 voter who refuses to return to the voting booth after being  
9 properly advised by such judge shall not be a violation of this  
10 Section.

11 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;  
12 95-699, eff. 11-9-07.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.