



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3750

Introduced 2/10/2012, by Sen. William E. Brady

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-45 new	
10 ILCS 5/4-15	from Ch. 46, par. 4-15
10 ILCS 5/4-35 new	
10 ILCS 5/5-21	from Ch. 46, par. 5-21
10 ILCS 5/5-45 new	
10 ILCS 5/6-57	from Ch. 46, par. 6-57
10 ILCS 5/6-85 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	
10 ILCS 5/18A-15	

Amends the Election Code. Provides that the State Board of Elections shall assist the local election authorities in implementing a system in order to issue voter registration identification cards with a photograph of the elector. Provides that a person desiring to vote shall present a valid and current photograph identification. Provides that a person who fails to present the required identification is entitled to cast a provisional ballot. Provides that the State Board of Elections shall establish an aggressive voter education program concerning the provisions in this Act. Effective July 1, 2012.

LRB097 17639 PJG 62846 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 4-15, 5-21, 6-57, 17-9, 18-5, 18A-5, and 18A-15 and by
6 adding Sections 1A-45, 4-35, 5-45, and 6-85 as follows:

7 (10 ILCS 5/1A-45 new)

8 Sec. 1A-45. Voter education program. The State Board of
9 Elections must establish an aggressive voter education program
10 concerning the provisions contained in this amendatory Act of
11 the 97th General Assembly. The State Board of Elections must
12 educate the public as follows:

13 (1) Post information concerning changes contained in
14 this amendatory Act of the 97th General Assembly in a
15 conspicuous location at the offices of each election
16 authority and the State Board of Elections and their
17 respective websites.

18 (2) Train election judges at their mandatory training
19 sessions to answer questions by electors concerning the
20 changes made by this amendatory Act of the 97th General
21 Assembly.

22 (3) Require documentation describing the changes made
23 by this amendatory Act of the 97th General Assembly to be

1 disseminated by election judges at every election.

2 (4) Coordinate with each local election authority so
3 that at least 2 seminars are conducted in each county and
4 each municipality operating under Article 6 of this Act
5 prior to September 15, 2012.

6 (5) Coordinate with local and service organizations to
7 provide for additional informational seminars at a local or
8 statewide level.

9 (6) Place an advertisement describing the changes made
10 by this amendatory Act of the 97th General Assembly in
11 Illinois newspapers of general circulation by no later than
12 September 15, 2012.

13 (7) Coordinate with local media outlets to disseminate
14 information concerning the changes made by this amendatory
15 Act of the 97th General Assembly.

16 (8) Notify each registered elector who does not have an
17 Illinois issued driver's license or identification card of
18 the provisions of this amendatory Act of the 97th General
19 Assembly by no later than September 1, 2012. This notice
20 must include the requirements to vote absentee, early, or
21 on election day and a description of voting by provisional
22 ballot. It also must state the availability of a free
23 Illinois identification card pursuant to Section 12 of the
24 Illinois Identification Card Act.

25 In addition to the items above, the State Board of
26 Elections may implement additional educational programs in its

1 discretion.

2 (10 ILCS 5/4-15) (from Ch. 46, par. 4-15)

3 Sec. 4-15. Within 5 days after a person registers or
4 transfers his registration at the office of the county clerk,
5 such clerk shall send by mail a certificate to such person
6 setting forth the elector's name and address as it appears upon
7 the registration record card, and shall request him in case of
8 any error to present the certificate on or before the 7th day
9 next ensuing at the office of the county clerk in order to
10 secure correction of the error. The certificate shall contain
11 on the outside a request for the postmaster to return it within
12 5 days if it cannot be delivered to the addressee at the
13 address given thereon. Upon the return by the post office of a
14 certificate which it has been unable to deliver at the given
15 address because the addressee cannot be found there or because
16 no such address exists, a notice shall be at once sent through
17 the United States mail to such person at the address appearing
18 upon his registration record card requiring him to appear
19 before the county clerk, within 5 days, to answer questions
20 touching his right to register. If the person notified fails to
21 appear at the county clerk's office within 5 days as directed
22 or if he appears and fails to prove his right to register, the
23 county clerk shall mark his registration card as incomplete and
24 he shall not be permitted to vote until his registration is
25 satisfactorily completed.

1 If an elector possesses such a certificate valid on its
2 face, if his name does not expressly appear to have been erased
3 or withdrawn from the precinct list as corrected and revised as
4 provided by Section 4-11 of this Article, if he makes an
5 affidavit and attaches such certificate thereto, and if such
6 affidavit substantially in the form prescribed in Section 17-10
7 of this Act is sworn to before a judge of election on suitable
8 forms provided by the county clerk for that purpose, such
9 elector shall be permitted to vote even though his duplicate
10 registration card is not to be found in the precinct binder and
11 even though his name is not to be found upon the printed or any
12 other list.

13 If an elector loses or defaces the certificate, the elector
14 may obtain a duplicate certificate from the county clerk upon
15 request in person, or by telephone or mail.

16 (Source: Laws 1961, p. 3394.)

17 (10 ILCS 5/4-35 new)

18 Sec. 4-35. Voter registration identification cards. The
19 State Board of Elections shall assist the county clerk in
20 implementing a system in order to issue voter registration
21 identification cards with a photograph of the elector. This
22 voter registration identification card may be used for voting
23 purposes only. This voter registration identification card
24 shall be provided free of charge.

1 (10 ILCS 5/5-21) (from Ch. 46, par. 5-21)

2 Sec. 5-21. To each person who registers at the office of
3 the county, city, village, incorporated town or town clerk, or
4 any place designated by the Board of County Commissioners under
5 section 5-17 of article 5 and within five days thereafter, the
6 County Clerk shall send by mail a notice setting forth the
7 elector's name and address as it appears on the registration
8 record card, and shall request him in case of any error to
9 present the notice on or before the seventh day next ensuing at
10 the office of the County Clerk in order to secure the
11 correction of the error. Such notice shall contain on the
12 outside a request for the postmaster to return it within five
13 days if it cannot be delivered to the addressee at the address
14 given thereon. Upon the return by the post office of such
15 notice which it has been unable to deliver at the given address
16 because the addressee cannot be found there, a notice shall be
17 at once sent through the United States mail to such person at
18 the address appearing upon his registration record card
19 requiring him to appear before the County Clerk, within five
20 days, to answer questions touching his right to register. If
21 the person notified fails to appear at the County Clerk's
22 office within five days as directed or if he appears and fails
23 to prove his right to register, the County Clerk shall cancel
24 his registration.

25 If an elector loses or defaces the notice, the elector may
26 obtain a duplicate notice from the County Clerk upon request in

1 person, or by telephone or mail.

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

3 (10 ILCS 5/5-45 new)

4 Sec. 5-45. Voter registration identification cards. The
5 State Board of Elections shall assist the county clerk in
6 implementing a system in order to issue voter registration
7 identification cards with a photograph of the elector. This
8 voter registration identification card may be used for voting
9 purposes only. This voter registration identification card
10 shall be provided free of charge.

11 (10 ILCS 5/6-57) (from Ch. 46, par. 6-57)

12 Sec. 6-57. To each person who registers at the office of
13 the board of election commissioners or at any place designated
14 by such board under section 6-51 of this Article, after the
15 first registration under this Article, the board shall send by
16 mail a notice setting forth the elector's name and address as
17 it appears on the registration record card, and shall request
18 him in case of any error to present the notice on or before the
19 tenth day next ensuing at the office of the Board of Election
20 Commissioners in order to secure the correction of the error.
21 Such notice shall contain on the outside a request for the
22 postmaster to return it within five days if it cannot be
23 delivered to the addressee at the address given thereon. Upon
24 the return by the post office of any such notice which it has

1 been unable to deliver at the given address because the
2 addressee cannot be found there, a notice shall be at once sent
3 through the United States mail to such person at the address
4 appearing upon his registration record card requiring him to
5 appear before the Board of Election Commissioners at a time and
6 place specified in the notice and show cause why his name
7 should not be cancelled from the register. Thereafter,
8 proceedings shall be, as nearly as may be, in conformity with
9 those established by section 6--52 of this Article with respect
10 to applications to complete registration. Such notice may be
11 sent at any time within thirty days after the registration of
12 any person, but such notice shall be sent within five days
13 after the last day of registration before any election, to all
14 persons who have registered since the last preceding election,
15 and to whom no such notice has theretofore been sent; and where
16 the addressee cannot be found, notice requiring such person to
17 appear before the board of election commissioners shall specify
18 dates for hearing before the election not later than those
19 prescribed by section 6--45 of this Article.

20 If an elector loses or defaces the notice, the elector may
21 obtain a duplicate notice from the Board of Election
22 Commissioners upon request in person, or by telephone or mail.

23 (Source: Laws 1951, p. 1795.)

24 (10 ILCS 5/6-85 new)

25 Sec. 6-85. Voter registration identification cards. The

1 State Board of Elections shall assist the board of election
2 commissioners in implementing a system in order to issue voter
3 registration identification cards with a photograph of the
4 elector. This voter registration identification card may be
5 used for voting purposes only. This voter registration
6 identification card shall be provided free of charge.

7 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

8 Sec. 17-9. Any person desiring to vote shall

9 (1) produce a valid and current:

10 (A) Illinois driver's license;

11 (B) other form of identification containing a
12 photograph issued by the Secretary of State;

13 (C) passport;

14 (D) military identification containing a
15 photograph issued by the federal government; or

16 (E) Illinois voter registration identification
17 card containing a photograph issued pursuant to
18 Section 4-35, 5-45, or 6-85; and

19 (2) give his name and, if required to do so, his
20 residence to the judges of election, one of whom shall
21 thereupon announce the same in a loud and distinct tone of
22 voice, clear, and audible. †

23 The judges of elections shall compare the photograph contained
24 on the required identification with the person seeking to vote.

25 The judge shall verify that the photograph is that of the

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

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

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

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

18 State of Illinois,)

19) ss.

20 County of)

21 Precinct Ward

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

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

9

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

11

12 Judge of Election.

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

17 State of Illinois,)

18) ss.

19 County of)

20 Precinct Ward

21 I,, do solemnly swear (or affirm), that I am a
 22 resident of this precinct and ward and entitled to vote at this
 23 election; that I am acquainted with (name of the
 24 applicant); that I verily believe him to be an actual bona fide
 25 resident of this precinct and ward and that I verily believe

1 that he or she has maintained a legal residence therein 30 days
2 and in this State 30 days next preceding this election.

3

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

5

6 Judge of Election.

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

14 The purpose of the identification required under this
15 Section is to confirm the person presenting himself or herself
16 to vote is the elector on the list of registered voters.

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

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

19 Sec. 18-5. Any person desiring to vote and whose name is
20 found upon the register of voters by the person having charge
21 thereof, shall then

22 (1) produce a valid and current:

23 (A) Illinois driver's license;

24 (B) other form of identification containing a

1 photograph issued by the Secretary of State;

2 (C) passport;

3 (D) military identification containing a
4 photograph issued by the federal government; or

5 (E) Illinois voter registration identification
6 card containing a photograph issued pursuant to
7 Section 4-35, 5-45, or 6-85;

8 (2) be questioned by one of the judges as to his
9 nativity, his term of residence at present address,
10 precinct, State and United States, his age, whether
11 naturalized and if so the date of naturalization papers and
12 court from which secured;~~7~~ and

13 (3) ~~he shall~~ be asked to state his residence when last
14 previously registered and the date of the election for
15 which he then registered.

16 The judges of elections shall compare the photograph contained
17 on the required identification with the person seeking to vote.

18 The judge shall verify that the photograph is that of the
19 person seeking to vote. The judges of elections shall check
20 each application for ballot against the list of voters
21 registered in that precinct to whom grace period, absentee, and
22 early ballots have been issued for that election, which shall
23 be provided by the election authority and which list shall be
24 available for inspection by pollwatchers. A voter applying to
25 vote in the precinct on election day whose name appears on the
26 list as having been issued a grace period, absentee, or early

1 ballot shall not be permitted to vote in the precinct, except
2 that a voter to whom an absentee ballot was issued may vote in
3 the 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. If such person so registered shall be
13 challenged as disqualified, the party challenging shall assign
14 his reasons therefor, and thereupon one of the judges shall
15 administer to him an oath to answer questions, and if he shall
16 take the oath he shall then be questioned by the judge or
17 judges touching such cause of challenge, and touching any other
18 cause of disqualification. And he may also be questioned by the
19 person challenging him in regard to his qualifications and
20 identity. But if a majority of the judges are of the opinion
21 that he is the person so registered and a qualified voter, his
22 vote shall then be received accordingly. But if his vote be
23 rejected by such judges, such person may afterward produce and
24 deliver an affidavit to such judges, subscribed and sworn to by
25 him before one of the judges, in which it shall be stated how
26 long he has resided in such precinct, and state; that he is a

1 citizen of the United States, and is a duly qualified voter in
2 such precinct, and that he is the identical person so
3 registered. In addition to such an affidavit, the person so
4 challenged shall provide to the judges of election proof of
5 residence by producing 2 forms of identification showing the
6 person's current residence address, provided that such
7 identification may include a lease or contract for a residence
8 and not more than one piece of mail addressed to the person at
9 his current residence address and postmarked not earlier than
10 30 days prior to the date of the election, or the person shall
11 procure a witness personally known to the judges of election,
12 and resident in the precinct (or district), or who shall be
13 proved by some legal voter of such precinct or district, known
14 to the judges to be such, who shall take the oath following,
15 viz:

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

24 The oath in each case may be administered by one of the
25 judges of election, or by any officer, resident in the precinct
26 or district, authorized by law to administer oaths. Also

1 supported by an affidavit by a registered voter residing in
2 such precinct, stating his own residence, and that he knows
3 such person; and that he does reside at the place mentioned and
4 has resided in such precinct and state for the length of time
5 as stated by such person, which shall be subscribed and sworn
6 to in the same way. For purposes of this Section, the
7 submission of a photo identification issued by a college or
8 university, accompanied by either (i) a copy of the applicant's
9 contract or lease for a residence or (ii) one piece of mail
10 addressed to the person at his or her current residence address
11 and postmarked not earlier than 30 days prior to the date of
12 the election, shall be sufficient to establish proof of
13 residence. Whereupon the vote of such person shall be received,
14 and entered as other votes. But such judges, having charge of
15 such registers, shall state in their respective books the facts
16 in such case, and the affidavits, so delivered to the judges,
17 shall be preserved and returned to the office of the
18 commissioners of election. Blank affidavits of the character
19 aforesaid shall be sent out to the judges of all the precincts,
20 and the judges of election shall furnish the same on demand and
21 administer the oaths without criticism. Such oaths, if
22 administered by any other officer than such judge of election,
23 shall not be received. Whenever a proposal for a constitutional
24 amendment or for the calling of a constitutional convention is
25 to be voted upon at the election, the separate blue ballot or
26 ballots pertaining thereto shall be placed on top of the other

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

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

17 The voter shall, upon quitting the voting booth, deliver to
18 one of the judges of election all of the ballots, properly
19 folded, which he received. The judge of election to whom the
20 voter delivers his ballots shall not accept the same unless all
21 of the ballots given to the voter are returned by him. If a
22 voter delivers less than all of the ballots given to him, the
23 judge to whom the same are offered shall advise him in a voice
24 clearly audible to the other judges of election that the voter
25 must return the remainder of the ballots. The statement of the
26 judge to the voter shall clearly express the fact that the

1 voter is not required to vote such remaining ballots but that
2 whether or not he votes them he must fold and deliver them to
3 the judge. In making such statement the judge of election shall
4 not indicate by word, gesture or intonation of voice that the
5 unreturned ballots shall be voted in any particular manner. No
6 new voter shall be permitted to enter the voting booth of a
7 voter who has failed to deliver the total number of ballots
8 received by him until such voter has returned to the voting
9 booth pursuant to the judge's request and again quit the booth
10 with all of the ballots required to be returned by him. Upon
11 receipt of all such ballots the judges of election shall enter
12 the name of the voter, and his number, as above provided in
13 this Section, and the judge to whom the ballots are delivered
14 shall immediately put the ballots into the ballot box. If any
15 voter who has failed to deliver all the ballots received by him
16 refuses to return to the voting booth after being advised by
17 the judge of election as herein provided, the judge shall
18 inform the other judges of such refusal, and thereupon the
19 ballot or ballots returned to the judge shall be deposited in
20 the ballot box, the voter shall be permitted to depart from the
21 polling place, and a new voter shall be permitted to enter the
22 voting booth.

23 The judge of election who receives the ballot or ballots
24 from the voter shall announce the residence and name of such
25 voter in a loud voice. The judge shall put the ballot or
26 ballots received from the voter into the ballot box in the

1 presence of the voter and the judges of election, and in plain
2 view of the public. The judges having charge of such registers
3 shall then, in a column prepared thereon, in the same line of,
4 the name of the voter, mark "Voted" or the letter "V".

5 No judge of election shall accept from any voter less than
6 the full number of ballots received by such voter without first
7 advising the voter in the manner above provided of the
8 necessity of returning all of the ballots, nor shall any such
9 judge advise such voter in a manner contrary to that which is
10 herein permitted, or in any other manner violate the provisions
11 of this Section; provided, that the acceptance by a judge of
12 election of less than the full number of ballots delivered to a
13 voter who refuses to return to the voting booth after being
14 properly advised by such judge shall not be a violation of this
15 Section.

16 The purpose of the identification required under this
17 Section is to confirm the person presenting himself or herself
18 to vote is the elector on the list of registered voters.

19 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

20 (10 ILCS 5/18A-5)

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

22 (a) A person who claims to be a registered voter is
23 entitled to cast a provisional ballot under the following
24 circumstances:

25 (1) The person's name does not appear on the official

1 list of eligible voters for the precinct in which the
2 person seeks to vote. The official list is the centralized
3 statewide voter registration list established and
4 maintained in accordance with Section 1A-25;

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

9 (3) A federal or State court order extends the time for
10 closing the polls beyond the time period established by
11 State law and the person votes during the extended time
12 period; ~~or~~

13 (4) The voter ~~registered to vote by mail and~~ is
14 required by law to present identification when voting
15 ~~either~~ in person or, in the case of a voter who registered
16 by mail, when voting by absentee ballot, but fails to
17 present the required identification described in Sections
18 17-9 and 18-5; or do so.

19 (5) The voter is required by law to present
20 identification when voting in person, but the judge of
21 elections disputes that the photograph contained on the
22 required identification is the person seeking to vote.

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

25 (1) After first verifying through an examination of the
26 precinct register that the person's address is within the

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

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

18 (i) an affidavit stating the following:

19 State of Illinois, County of,
20 Township, Precinct, Ward
21, I,, do solemnly
22 swear (or affirm) that: I am a citizen of the
23 United States; I am 18 years of age or older; I
24 have resided in this State and in this precinct for
25 30 days preceding this election; I have not voted
26 in this election; I am a duly registered voter in

1 every respect; and I am eligible to vote in this
2 election. Signature Printed Name of Voter
3 Printed Residence Address of Voter
4 City State Zip Code Telephone
5 Number Date of Birth and Illinois
6 Driver's License Number or Last 4 digits of
7 Social Security Number or State
8 Identification Card Number issued to you by the
9 Illinois Secretary of State.....

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

13 (iii) An area for the election judge to affix his
14 or her signature and to set forth any facts that
15 support or oppose the allegation that the person is not
16 qualified to vote in the precinct in which the person
17 is seeking to vote.

18 The written affidavit form described in this
19 subsection (b)(2) must be printed on a multi-part form
20 prescribed by the county clerk or board of election
21 commissioners, as the case may be.

22 (3) After the person executes the portion of the
23 written affidavit described in subsection (b)(2)(i) of
24 this Section, the election judge shall complete the portion
25 of the written affidavit described in subsection
26 (b)(2)(iii) and (b)(2)(iv).

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

14 (5) The election judge shall provide the person with a
15 provisional ballot, written instructions for casting a
16 provisional ballot, and the provisional ballot envelope
17 with the clear plastic packing list envelope affixed to it,
18 which contains the person's original written affidavit
19 and, if any, information provided by the provisional voter
20 to support his or her claim that he or she is a duly
21 registered voter. An election judge must also give the
22 person written information that states that any person who
23 casts a provisional ballot shall be able to ascertain,
24 pursuant to guidelines established by the State Board of
25 Elections, whether the provisional vote was counted in the
26 official canvass of votes for that election and, if the

1 provisional vote was not counted, the reason that the vote
2 was not counted.

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

18 (7) In addition to the written affidavit described in
19 item (i) of paragraph (2) of this subsection (b), if a
20 person is entitled to cast a provisional ballot under
21 paragraph (4) of subsection (a) of this Section due to a
22 religious objection to being photographed, the person may
23 complete an affidavit under penalty of perjury at the
24 polling place and affirm that the person: (i) is the same
25 individual who personally appeared at the polling place;
26 (ii) cast the provisional ballot on election day; and (iii)

1 has a religious objection to being photographed. Upon
2 completion of the affidavit, the person may cast a
3 provisional ballot. The affidavit must be submitted with
4 the provisional ballot envelope as provided in paragraph
5 (4) of this subsection (b) and be filed with the county
6 clerk or board of election commissioners, as the case may
7 be.

8 (8) In addition to the written affidavit described in
9 item (i) of paragraph (2) of this subsection (b), if a
10 person is entitled to cast a provisional ballot under
11 paragraph (4) of subsection (a) of this Section because the
12 person suffers from a reasonable impediment that prevents
13 the person from obtaining photographic identification, the
14 person may complete an affidavit under the penalty of
15 perjury at the polling place and affirm that the person:
16 (i) is the same individual who personally appeared at the
17 polling place; (ii) cast the provisional ballot on election
18 day; and (iii) suffers from a reasonable impediment that
19 prevents the person from obtaining photographic
20 identification. The person also shall list the impediment,
21 unless otherwise prohibited by State or federal law. Upon
22 completion of the affidavit, the person may cast a
23 provisional ballot. The affidavit must be submitted with
24 the provisional ballot envelope as provided in paragraph
25 (4) of this subsection (b) and be filed with the county
26 clerk or board of election commissioners, as the case may

1 be.

2 (c) Instead of the affidavit form described in subsection
3 (b), the county clerk or board of election commissioners, as
4 the case may be, may design and use a multi-part affidavit form
5 that is imprinted upon or attached to the provisional ballot
6 envelope described in subsection (b). If a county clerk or
7 board of election commissioners elects to design and use its
8 own multi-part affidavit form, then the county clerk or board
9 of election commissioners shall establish a mechanism for
10 accepting any information the provisional voter has supplied to
11 the election judge to support his or her claim that he or she
12 is a duly registered voter. In all other respects, a county
13 clerk or board of election commissioners shall establish
14 procedures consistent with subsection (b).

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

26 (Source: P.A. 93-574, eff. 8-21-03; 93-1071, eff. 1-18-05;

1 94-645, eff. 8-22-05.)

2 (10 ILCS 5/18A-15)

3 Sec. 18A-15. Validating and counting provisional ballots.

4 (a) The county clerk or board of election commissioners
5 shall complete the validation and counting of provisional
6 ballots within 14 calendar days of the day of the election. The
7 county clerk or board of election commissioners shall have 7
8 calendar days from the completion of the validation and
9 counting of provisional ballots to conduct its final canvass.
10 The State Board of Elections shall complete within 31 calendar
11 days of the election or sooner if all the returns are received,
12 its final canvass of the vote for all public offices.

13 (b) Except as provided in subsection (i), if ~~if~~ a county
14 clerk or board of election commissioners determines that all of
15 the following apply, then a provisional ballot is valid and
16 shall be counted as a vote:

17 (1) The provisional voter cast the provisional ballot
18 in the correct precinct based on the address provided by
19 the provisional voter. The provisional voter's affidavit
20 shall serve as a change of address request by that voter
21 for registration purposes for the next ensuing election if
22 it bears an address different from that in the records of
23 the election authority;

24 (2) The affidavit executed by the provisional voter
25 pursuant to subsection (b) (2) of Section 18A-5 contains, at

1 a minimum, the provisional voter's first and last name,
2 house number and street name, and signature or mark; ~~and~~

3 (3) the provisional voter is a registered voter based
4 on information available to the county clerk or board of
5 election commissioners provided by or obtained from any of
6 the following:

7 i. the provisional voter;

8 ii. an election judge;

9 iii. the statewide voter registration database
10 maintained by the State Board of Elections;

11 iv. the records of the county clerk or board of
12 election commissioners' database; or

13 v. the records of the Secretary of State; and.

14 (4) In the case of a provisional vote cast under
15 paragraph (4) of subsection (a) of Section 18A-5, the
16 provisional voter brings a valid and current photographic
17 identification described in Sections 17-9 and 18-5 to the
18 county clerk or board of election commissioners.

19 (c) With respect to subsection (b)(3) of this Section, the
20 county clerk or board of election commissioners shall
21 investigate and record whether or not the specified information
22 is available from each of the 5 identified sources. If the
23 information is available from one or more of the identified
24 sources, then the county clerk or board of election
25 commissioners shall seek to obtain the information from each of
26 those sources until satisfied, with information from at least

1 one of those sources, that the provisional voter is registered
2 and entitled to vote. The county clerk or board of election
3 commissioners shall use any information it obtains as the basis
4 for determining the voter registration status of the
5 provisional voter. If a conflict exists among the information
6 available to the county clerk or board of election
7 commissioners as to the registration status of the provisional
8 voter, then the county clerk or board of election commissioners
9 shall make a determination based on the totality of the
10 circumstances. In a case where the above information equally
11 supports or opposes the registration status of the voter, the
12 county clerk or board of election commissioners shall decide in
13 favor of the provisional voter as being duly registered to
14 vote. If the statewide voter registration database maintained
15 by the State Board of Elections indicates that the provisional
16 voter is registered to vote, but the county clerk's or board of
17 election commissioners' voter registration database indicates
18 that the provisional voter is not registered to vote, then the
19 information found in the statewide voter registration database
20 shall control the matter and the provisional voter shall be
21 deemed to be registered to vote. If the records of the county
22 clerk or board of election commissioners indicates that the
23 provisional voter is registered to vote, but the statewide
24 voter registration database maintained by the State Board of
25 Elections indicates that the provisional voter is not
26 registered to vote, then the information found in the records

1 of the county clerk or board of election commissioners shall
2 control the matter and the provisional voter shall be deemed to
3 be registered to vote. If the provisional voter's signature on
4 his or her provisional ballot request varies from the signature
5 on an otherwise valid registration application solely because
6 of the substitution of initials for the first or middle name,
7 the election authority may not reject the provisional ballot.

8 (d) In validating the registration status of a person
9 casting a provisional ballot, the county clerk or board of
10 election commissioners shall not require a provisional voter to
11 complete any form other than the affidavit executed by the
12 provisional voter under subsection (b) (2) of Section 18A-5. In
13 addition, the county clerk or board of election commissioners
14 shall not require all provisional voters or any particular
15 class or group of provisional voters to appear personally
16 before the county clerk or board of election commissioners or
17 as a matter of policy require provisional voters to submit
18 additional information to verify or otherwise support the
19 information already submitted by the provisional voter. The
20 provisional voter may, within 2 calendar days after the
21 election, submit additional information to the county clerk or
22 board of election commissioners. This information must be
23 received by the county clerk or board of election commissioners
24 within the 2-calendar-day period.

25 (e) If the county clerk or board of election commissioners
26 determines that subsection (b) (1), (b) (2), or (b) (3) does not

1 apply, then the provisional ballot is not valid and may not be
2 counted. The provisional ballot envelope containing the ballot
3 cast by the provisional voter may not be opened. The county
4 clerk or board of election commissioners shall write on the
5 provisional ballot envelope the following: "Provisional ballot
6 determined invalid."

7 (f) If the county clerk or board of election commissioners
8 determines that a provisional ballot is valid under this
9 Section, then the provisional ballot envelope shall be opened.
10 The outside of each provisional ballot envelope shall also be
11 marked to identify the precinct and the date of the election.

12 (g) Provisional ballots determined to be valid shall be
13 counted at the election authority's central ballot counting
14 location and shall not be counted in precincts. The provisional
15 ballots determined to be valid shall be added to the vote
16 totals for the precincts from which they were cast in the order
17 in which the ballots were opened. The validation and counting
18 of provisional ballots shall be subject to the provisions of
19 this Code that apply to pollwatchers. If the provisional
20 ballots are a ballot of a punch card voting system, then the
21 provisional ballot shall be counted in a manner consistent with
22 Article 24A. If the provisional ballots are a ballot of optical
23 scan or other type of approved electronic voting system, then
24 the provisional ballots shall be counted in a manner consistent
25 with Article 24B.

26 (h) As soon as the ballots have been counted, the election

1 judges or election officials shall, in the presence of the
2 county clerk or board of election commissioners, place each of
3 the following items in a separate envelope or bag: (1) all
4 provisional ballots, voted or spoiled; (2) all provisional
5 ballot envelopes of provisional ballots voted or spoiled; and
6 (3) all executed affidavits of the provisional ballots voted or
7 spoiled. All provisional ballot envelopes for provisional
8 voters who have been determined not to be registered to vote
9 shall remain sealed. The county clerk or board of election
10 commissioners shall treat the provisional ballot envelope
11 containing the written affidavit as a voter registration
12 application for that person for the next election and process
13 that application. The election judges or election officials
14 shall then securely seal each envelope or bag, initial the
15 envelope or bag, and plainly mark on the outside of the
16 envelope or bag in ink the precinct in which the provisional
17 ballots were cast. The election judges or election officials
18 shall then place each sealed envelope or bag into a box, secure
19 and seal it in the same manner as described in item (6) of
20 subsection (b) of Section 18A-5. Each election judge or
21 election official shall take and subscribe an oath before the
22 county clerk or board of election commissioners that the
23 election judge or election official securely kept the ballots
24 and papers in the box, did not permit any person to open the
25 box or otherwise touch or tamper with the ballots and papers in
26 the box, and has no knowledge of any other person opening the

1 box. For purposes of this Section, the term "election official"
2 means the county clerk, a member of the board of election
3 commissioners, as the case may be, and their respective
4 employees.

5 (i) If the county clerk or board of election commissioners,
6 as the case may be, determines that a provisional ballot was
7 cast only due to the provisional voter's inability to provide
8 proof of identification and an affidavit is submitted pursuant
9 to subsection (7) or (8) of subsection (b) of Section 18A-5,
10 the county clerk or board of election commissioners, as the
11 case may be, shall find that the provisional ballot is valid
12 unless the county clerk or board of election commissioners has
13 grounds to believe the affidavit is false.

14 (j) Before making the determinations under subsection (b),
15 and if the county clerk of board of election commissioners, as
16 the case may be, determines that a provision ballot was cast
17 for a cause other than the inability to provide proof of
18 identification as required by described in Sections 17-9 and
19 18-5, the county clerk or board of election commissioners shall
20 note on the envelope containing the provisional ballot that the
21 voter complied with the proof of identification requirement.

22 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
23 94-1000, eff. 7-3-06.)

24 Section 99. Effective date. This Act takes effect July 1,
25 2012.