



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4285

Introduced 1/28/2020, by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
10 ILCS 5/1A-16.6
10 ILCS 5/1A-16.8
10 ILCS 5/1-16 rep.
10 ILCS 5/1A-16.1 rep.
10 ILCS 5/1A-16.2 rep.
10 ILCS 5/1A-16.7 rep.
10 ILCS 5/1A-16.9 rep.
625 ILCS 5/2-105

from Ch. 95 1/2, par. 2-105

Amends the Freedom of Information Act, the Election Code, and the Illinois Vehicle Code. Restores the provisions that were amended by Public Act 100-464 to the form in which they existed before their amendment by Public Act 100-464. Effective immediately.

LRB101 18000 SMS 67438 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the Capital
15 Crimes Litigation Act. This subsection (n) shall apply
16 until the conclusion of the trial of the case, even if the
17 prosecution chooses not to pursue the death penalty prior
18 to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Regional Transportation Authority under Section 2.11 of
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety
2 Act.

3 (q) Information prohibited from being disclosed by the
4 Personnel Record Review Act.

5 (r) Information prohibited from being disclosed by the
6 Illinois School Student Records Act.

7 (s) Information the disclosure of which is restricted
8 under Section 5-108 of the Public Utilities Act.

9 (t) All identified or deidentified health information
10 in the form of health data or medical records contained in,
11 stored in, submitted to, transferred by, or released from
12 the Illinois Health Information Exchange, and identified
13 or deidentified health information in the form of health
14 data and medical records of the Illinois Health Information
15 Exchange in the possession of the Illinois Health
16 Information Exchange Authority due to its administration
17 of the Illinois Health Information Exchange. The terms
18 "identified" and "deidentified" shall be given the same
19 meaning as in the Health Insurance Portability and
20 Accountability Act of 1996, Public Law 104-191, or any
21 subsequent amendments thereto, and any regulations
22 promulgated thereunder.

23 (u) Records and information provided to an independent
24 team of experts under the Developmental Disability and
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) Information that is prohibited from being
17 disclosed under Section 7-603.5 of the Illinois Vehicle
18 Code.

19 (hh) (Blank) ~~Records that are exempt from disclosure~~
20 ~~under Section 1A-16.7 of the Election Code.~~

21 (ii) Information which is exempted from disclosure
22 under Section 2505-800 of the Department of Revenue Law of
23 the Civil Administrative Code of Illinois.

24 (jj) Information and reports that are required to be
25 submitted to the Department of Labor by registering day and
26 temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day
2 and Temporary Labor Services Act.

3 (kk) Information prohibited from disclosure under the
4 Seizure and Forfeiture Reporting Act.

5 (ll) Information the disclosure of which is restricted
6 and exempted under Section 5-30.8 of the Illinois Public
7 Aid Code.

8 (mm) Records that are exempt from disclosure under
9 Section 4.2 of the Crime Victims Compensation Act.

10 (nn) Information that is exempt from disclosure under
11 Section 70 of the Higher Education Student Assistance Act.

12 (oo) Communications, notes, records, and reports
13 arising out of a peer support counseling session prohibited
14 from disclosure under the First Responders Suicide
15 Prevention Act.

16 (pp) Names and all identifying information relating to
17 an employee of an emergency services provider or law
18 enforcement agency under the First Responders Suicide
19 Prevention Act.

20 (qq) Information and records held by the Department of
21 Public Health and its authorized representatives collected
22 under the Reproductive Health Act.

23 (rr) Information that is exempt from disclosure under
24 the Cannabis Regulation and Tax Act.

25 (ss) Data reported by an employer to the Department of
26 Human Rights pursuant to Section 2-108 of the Illinois

1 Human Rights Act.

2 (tt) Recordings made under the Children's Advocacy
3 Center Act, except to the extent authorized under that Act.

4 (uu) Information that is exempt from disclosure under
5 Section 50 of the Sexual Assault Evidence Submission Act.

6 (vv) Information that is exempt from disclosure under
7 subsections (f) and (j) of Section 5-36 of the Illinois
8 Public Aid Code.

9 (ww) Information that is exempt from disclosure under
10 Section 16.8 of the State Treasurer Act.

11 (xx) Information that is exempt from disclosure or
12 information that shall not be made public under the
13 Illinois Insurance Code.

14 (yy) ~~(oo)~~ Information prohibited from being disclosed
15 under the Illinois Educational Labor Relations Act.

16 (zz) ~~(pp)~~ Information prohibited from being disclosed
17 under the Illinois Public Labor Relations Act.

18 (aaa) ~~(qq)~~ Information prohibited from being disclosed
19 under Section 1-167 of the Illinois Pension Code.

20 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
21 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
22 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
23 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
24 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
25 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
26 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;

1 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
2 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; revised
3 1-6-20.)

4 Section 10. The Election Code is amended by changing
5 Sections 1A-16.6 and 1A-16.8 as follows:

6 (10 ILCS 5/1A-16.6)

7 Sec. 1A-16.6. Government agency voter registration.

8 (a) By April 1, 2016, the State Board of Elections shall
9 establish and maintain a portal for government agency
10 registration that permits an eligible person to electronically
11 apply to register to vote or to update his or her existing
12 voter registration whenever he or she conducts business, either
13 online or in person, with a designated government agency. The
14 portal shall interface with the online voter registration
15 system established in Section 1A-16.5 of this Code and shall be
16 capable of receiving and processing voter registration
17 application information, including electronic signatures, from
18 a designated government agency. The State Board of Elections
19 shall modify the online voter registration system as necessary
20 to implement this Section.

21 Voter registration data received from a designated
22 government agency through the online registration system shall
23 be processed as provided for in Section 1A-16.5 of this Code.

24 Whenever the registration interface is accessible to the

1 general public, including, but not limited to, online
2 transactions, the interface shall allow the applicant to
3 complete the process as provided for in Section 1A-16.5 of this
4 Code. The online interface shall be capable of providing the
5 applicant with the applicant's voter registration status with
6 the State Board of Elections and, if registered, the
7 applicant's current registration address. The applicant shall
8 not be required to re-enter any registration data, such as
9 name, address, and birth date, if the designated government
10 agency already has that information on file. The applicant
11 shall be informed that by choosing to register to vote or to
12 update his or her existing voter registration, the applicant
13 consents to the transfer of the applicant's personal
14 information to the State Board of Elections.

15 Whenever a government employee is accessing the
16 registration system while servicing the applicant, the
17 government employee shall notify the applicant of the
18 applicant's registration status with the State Board of
19 Elections and, if registered, the applicant's current
20 registration address. If the applicant elects to register to
21 vote or to update his or her existing voter registration, the
22 government employee shall collect the needed information and
23 assist the applicant with his or her registration. The
24 applicant shall be informed that by choosing to register to
25 vote or to update his or her existing voter registration, the
26 applicant consents to the transfer of the applicant's personal

1 information to the State Board of Elections.

2 In accordance with technical specifications provided by
3 the State Board of Elections, each designated government agency
4 shall maintain a data transfer mechanism capable of
5 transmitting voter registration application information,
6 including electronic signatures where available, to the online
7 voter registration system established in Section 1A-16.5 of
8 this Code. Each designated government agency shall establish
9 and operate a voter registration system capable of transmitting
10 voter registration application information to the portal as
11 described in this Section by July 1, 2016.

12 (b) Whenever an applicant's data is transferred from a
13 designated government agency, the agency must transmit a
14 signature image if available. If no signature image was
15 provided by the agency or if no signature image is available in
16 the Secretary of State's database or the statewide voter
17 registration database, the applicant must be notified that
18 their registration will remain in a pending status and the
19 applicant will be required to provide identification and a
20 signature to the election authority on Election Day in the
21 polling place or during early voting.

22 (c) The State Board of Elections shall track registration
23 data received through the online registration system that
24 originated from a designated government agency for the purposes
25 of maintaining statistics required by the federal National
26 Voter Registration Act of 1993, as amended.

1 (d) The State Board of Elections shall submit a report to
2 the General Assembly and the Governor by December 1, 2015
3 detailing the progress made to implement the government agency
4 voter registration portal described in this Section.

5 (e) The Board shall adopt rules, in consultation with the
6 impacted agencies.

7 (f) As used in this Section, a "designated government
8 agency" means the Secretary of State's Driver Services and
9 Vehicle Services Departments, the Department of Human
10 Services, the Department of Healthcare and Family Services, the
11 Department of Employment Security, and the Department on Aging,
12 ~~however, if the designated government agency becomes a~~
13 ~~designated automatic voter registration agency under Section~~
14 ~~1A-16.1 or Section 1A-16.2 of this Code, that agency shall~~
15 ~~cease to be a designated government agency under this Section.~~

16 (Source: P.A. 100-464, eff. 8-28-17.)

17 (10 ILCS 5/1A-16.8)

18 Sec. 1A-16.8. Automatic transfer of registration based
19 upon information from the National Change of Address database
20 ~~and designated automatic voter registration agencies.~~

21 ~~(a)~~ The State Board of Elections shall cross-reference the
22 statewide voter registration database against the United
23 States Postal Service's National Change of Address database
24 twice each calendar year, April 15 and October 1 in
25 odd-numbered years and April 15 and December 1 in even-numbered

1 ~~years or with the same frequency as in subsection (b) of this~~
2 ~~Section,~~ and shall share the findings with the election
3 authorities.

4 ~~(b) In addition, beginning no later than September 1, 2017,~~
5 ~~the State Board of Elections shall utilize data provided as~~
6 ~~part of its membership in the Electronic Registration~~
7 ~~Information Center in order to cross reference the statewide~~
8 ~~voter registration database against databases of relevant~~
9 ~~personal information kept by designated automatic voter~~
10 ~~registration agencies, including, but not limited to, driver's~~
11 ~~license information kept by the Secretary of State, at least 6~~
12 ~~times each calendar year and shall share the findings with~~
13 ~~election authorities.~~

14 ~~This subsection (b) shall no longer apply once Sections~~
15 ~~1A-16.1 and 1A-16.2 of this Code are fully implemented as~~
16 ~~determined by the State Board of Elections. Upon a~~
17 ~~determination by the State Board of Elections of full~~
18 ~~implementation of Sections 1A-16.1 and 1A-16.2 of this Code,~~
19 ~~the State Board of Elections shall file notice of full~~
20 ~~implementation and the inapplicability of this subsection (b)~~
21 ~~with the Index Department of the Office of the Secretary of~~
22 ~~State, the Governor, the General Assembly, and the Legislative~~
23 ~~Reference Bureau.~~

24 ~~(b-5) The State Board of Elections shall not be required to~~
25 ~~share any data on any voter attained using the National Change~~
26 ~~of Address database under subsection (a) of this Section if~~

1 ~~that voter has a more recent government transaction indicated~~
2 ~~using the cross-reference under subsection (b) of this Section.~~
3 ~~If there is contradictory or unclear data between data obtained~~
4 ~~under subsections (a) and (b) of this Section, then data~~
5 ~~obtained under subsection (b) of this Section shall take~~
6 ~~priority.~~

7 ~~(e)~~ An election authority shall automatically register any
8 voter who has moved into its jurisdiction from another
9 jurisdiction in Illinois or has moved within its jurisdiction
10 provided that:

11 (1) the election authority whose jurisdiction includes
12 the new registration address provides the voter an
13 opportunity to reject the change in registration address
14 through a mailing, sent by non-forwardable mail, to the new
15 registration address, and

16 (2) when the election authority whose jurisdiction
17 includes the previous registration address is a different
18 election authority, then that election authority provides
19 the same opportunity through a mailing, sent by forwardable
20 mail, to the previous registration address.

21 This change in registration shall trigger the same
22 inter-jurisdictional or intra-jurisdictional workflows as if
23 the voter completed a new registration card, including the
24 cancellation of the voter's previous registration. Should the
25 registration of a voter be changed from one address to another
26 within the State and should the voter appear at the polls and

1 offer to vote from the prior registration address, attesting
2 that the prior registration address is the true current
3 address, the voter, if confirmed by the election authority as
4 having been registered at the prior registration address and
5 canceled only by the process authorized by this Section, shall
6 be issued a regular ballot, and the change of registration
7 address shall be canceled. If the election authority is unable
8 to immediately confirm the registration, ~~the voter shall be~~
9 ~~permitted to register and vote a regular ballot, provided that~~
10 ~~he or she meets the documentary requirements for same day~~
11 ~~registration. If the election authority is unable to confirm~~
12 ~~the registration and the voter does not meet the requirements~~
13 ~~for same day registration,~~ the voter shall be issued a
14 provisional ballot.

15 ~~(d) No voter shall be disqualified from voting due to an~~
16 ~~error relating to an update of registration under this Section.~~

17 (Source: P.A. 99-522, eff. 6-30-16; 100-464, eff. 8-28-17.)

18 (10 ILCS 5/1-16 rep.)

19 (10 ILCS 5/1A-16.1 rep.)

20 (10 ILCS 5/1A-16.2 rep.)

21 (10 ILCS 5/1A-16.7 rep.)

22 (10 ILCS 5/1A-16.9 rep.)

23 Section 15. The Election Code is amended by repealing
24 Sections 1-16, 1A-16.1, 1A-16.2, 1A-16.7, and 1A-16.9.

1 Section 20. The Illinois Vehicle Code is amended by
2 changing Section 2-105 as follows:

3 (625 ILCS 5/2-105) (from Ch. 95 1/2, par. 2-105)

4 Sec. 2-105. Offices of Secretary of State.

5 (a) The Secretary of State shall maintain offices in the
6 State capital and in such other places in the State as he may
7 deem necessary to properly carry out the powers and duties
8 vested in him.

9 (b) The Secretary of State may construct and equip one or
10 more buildings in the State of Illinois outside of the County
11 of Sangamon as he deems necessary to properly carry out the
12 powers and duties vested in him. The Secretary of State may, on
13 behalf of the State of Illinois, acquire public or private
14 property needed therefor by lease, purchase or eminent domain.
15 The care, custody and control of such sites and buildings
16 constructed thereon shall be vested in the Secretary of State.
17 Expenditures for the construction and equipping of any of such
18 buildings upon premises owned by another public entity shall
19 not be subject to the provisions of any State law requiring
20 that the State be vested with absolute fee title to the
21 premises. The exercise of the authority vested in the Secretary
22 of State by this Section is subject to the appropriation of the
23 necessary funds.

24 (c) Pursuant to ~~Sections 1A-16.1, 1A-16.7, and~~ Section
25 1A-25 of the Election Code, the Secretary of State shall make

1 driver services facilities available for use as places of
2 accepting applications for voter registration.

3 (d) (Blank).

4 (e) Each person applying at a driver services facility for
5 a driver's license or permit, a corrected driver's license or
6 permit, an Illinois identification card or a corrected Illinois
7 identification card shall be notified, ~~under the procedures set~~
8 ~~forth in Sections 1A 16.1 and 1A 16.7 of the Election Code,~~
9 ~~that unless he or she affirmatively declines, his or her~~
10 ~~personal information shall be transferred to the State Board of~~
11 ~~Elections for the purpose of creating an electronic voter~~
12 ~~registration application~~ that the person may apply to register
13 to vote at such station and may also apply to transfer his or
14 her voter registration at such station to a different address
15 in the State. Such notification may be made in writing or
16 verbally issued by an employee or the Secretary of State.

17 The Secretary of State shall promulgate such rules as may
18 be necessary for the efficient execution of his duties and the
19 duties of his employees under this Section.

20 (f) Any person applying at a driver services facility for
21 issuance or renewal of a driver's license or Illinois
22 Identification Card shall be provided, without charge, with a
23 brochure warning the person of the dangers of financial
24 identity theft. The Department of Financial and Professional
25 Regulation shall prepare these brochures and provide them to
26 the Secretary of State for distribution. The brochures shall

1 (i) identify signs warning the reader that he or she might be
2 an intended victim of the crime of financial identity theft,
3 (ii) instruct the reader in how to proceed if the reader
4 believes that he or she is the victim of the crime of identity
5 theft, and (iii) provide the reader with names and telephone
6 numbers of law enforcement and other governmental agencies that
7 provide assistance to victims of financial identity theft.

8 ~~(g) The changes made by this amendatory Act of the 100th~~
9 ~~General Assembly shall be implemented no later than July 1,~~
10 ~~2018.~~

11 (Source: P.A. 100-464, eff. 8-28-17.)

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