



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5377

by Rep. Thomas Morrison - Grant Wehrli - Amy Grant

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-14 new	
10 ILCS 5/3-8 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	
10 ILCS 5/19A-35	

Amends the Election Code. Requires Voters Identification Cards for those who do not have an acceptable photo ID. Sets forth requirements and exemptions. Provides that any person desiring to vote shall present to the judges of election for verification of the person's identity a government-issued photo identification card or his or her Voter Identification Card.

LRB101 16435 SMS 65814 b

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing  
5 Sections 17-9, 18-5, 18A-5, 18A-15, and 19A-35 and by adding  
6 Sections 1-14 and 3-8 as follows:

7 (10 ILCS 5/1-14 new)

8 Sec. 1-14. Voter Identification Card.

9 (a) Issuance. The Secretary of State shall issue a Voter  
10 Identification Card to each registered voter who does not have  
11 an acceptable form of photo identification card as defined in  
12 Section 3-8. The Voter Identification Card shall include at  
13 least: (i) the voter's name, signature, and photograph; (ii)  
14 the State seal; and (iii) the voter's current residence  
15 address. A Voter Identification Card is valid for as long as  
16 the registered voter maintains the name and residence on the  
17 Card. A Voter Identification Card may not be used for any  
18 purpose other than to vote in Illinois.

19 (b) Intent and purpose. It is the intent of the General  
20 Assembly to provide the Secretary of State with guidance on how  
21 to issue the Voter Identification Card to those individuals who  
22 do not have an acceptable form of photo identification as  
23 defined in Section 3-8.

1       (c) Application for the Voter Identification Card. Within a  
2 reasonable time after the effective date of this amendatory Act  
3 of the 101st General Assembly, the Secretary of State shall  
4 provide application forms for the Voter Identification Card.  
5 Any registered voter who meets the criteria set forth in this  
6 Section and who provides the proper documentation required  
7 under subsection (d) shall receive a Voter Identification Card.

8       (d) Documentation required. The Secretary of State shall  
9 require the presentation and verification of the following  
10 information for issuance of a Voter Registration Card:

11           (1) A photo identity document, except that a non-photo  
12 identity document, as defined in subsection (e), is  
13 acceptable if it includes both the applicant's name and  
14 date of birth.

15           (2) Documentation showing the applicant's date of  
16 birth.

17           (3) Evidence of voter registration.

18           (4) Documentation, as defined in subsection (f),  
19 showing the applicant's name and principal residence  
20 address.

21       (e) Non-photo identity document. A non-photo identity  
22 document must include the applicant's name and date of birth.  
23 Any of the following shall constitute a non-photo identity  
24 document in lieu of a photo identity document:

25           (1) An original birth certificate or certified copy of  
26 a birth certificate.

- 1           (2) A voter registration card.
- 2           (3) A copy of records filed in court by the applicant  
3 or on behalf of the applicant by the applicant's counsel.
- 4           (4) A naturalization document.
- 5           (5) A copy of the applicant's marriage license.
- 6           (6) A copy of the State or federal tax return filed by  
7 the applicant for the previous calendar year.
- 8           (7) An original of the annual Social Security statement  
9 received by the applicant for the current or preceding  
10 calendar year.
- 11           (8) An original of a Medicare or Medicaid statement  
12 received by the applicant.
- 13           (9) A certified school record or transcript for the  
14 current or preceding calendar year.
- 15           (f) Documentation of name and address. Any of the following  
16 documents shall be acceptable as documentation of the  
17 applicant's name and current address:
- 18           (1) A voter registration card.
- 19           (2) A utility bill or cable bill.
- 20           (3) A bank statement issued within the last 60 days.
- 21           (4) A valid and current rental agreement.
- 22           (5) A copy of the State or federal tax return filed by  
23 the applicant for the previous calendar year.
- 24           (6) A homeowner's insurance policy or bill for the  
25 current or preceding year.
- 26           (7) A mortgage, deed, or property tax bill for the

1 current or preceding year.

2 (8) A W-2 for the preceding calendar year.

3 (g) Exemptions. Voters who are indigent and unable to  
4 obtain a Voter Identification Card without a fee and voters who  
5 have a religious objection to being photographed may vote a  
6 provisional ballot and sign an affidavit that indicates one of  
7 the exemptions stated in this subsection. An indigent person is  
8 defined as an individual whose income is 125% or less of  
9 current federal poverty income guidelines.

10 (10 ILCS 5/3-8 new)

11 Sec. 3-8. Acceptable forms of photo identification for  
12 voting purposes. As used in this Code, acceptable forms of  
13 photo identification for voting purposes include:

14 (1) An Illinois Driver's License.

15 (2) A State Identification Card.

16 (3) An Illinois Disabled Person Identification Card.

17 (4) A Senior Citizen Identification Card.

18 (5) A FOID Card.

19 (6) A U.S. Passport with the voter's current address.

20 (7) Any other government-issued identification card  
21 that includes the voter's name, current photograph, and  
22 current address.

23 All photo identification cards must be valid and current.

24 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

1           Sec. 17-9. Any person desiring to vote shall (i) present to  
2 the judges of election for verification of the person's  
3 identity a government-issued photo identification card, as  
4 defined in Section 3-8, or his or her Voter Identification Card  
5 and (ii) give his name and, if required to do so, his residence  
6 to the judges of election, one of whom shall thereupon announce  
7 the same in a loud and distinct tone of voice, clear, and  
8 audible; the judges of elections shall check each application  
9 for ballot against the list of voters registered in that  
10 precinct to whom grace period, vote by mail, or early ballots  
11 have been issued for that election, which shall be provided by  
12 the election authority and which list shall be available for  
13 inspection by pollwatchers. A voter applying to vote in the  
14 precinct on election day whose name appears on the list as  
15 having been issued a grace period, vote by mail, or early  
16 ballot shall not be permitted to vote in the precinct, except  
17 that a voter to whom a vote by mail ballot was issued may vote  
18 in the precinct if the voter submits to the election judges  
19 that vote by mail ballot for cancellation. If the voter is  
20 unable to submit the vote by mail ballot, it shall be  
21 sufficient for the voter to submit to the election judges (i) a  
22 portion of the vote by mail ballot if the vote by mail ballot  
23 was torn or mutilated or (ii) an affidavit executed before the  
24 election judges specifying that (A) the voter never received a  
25 vote by mail ballot or (B) the voter completed and returned a  
26 vote by mail ballot and was informed that the election

1 authority did not receive that vote by mail ballot. All  
2 applicable provisions of Articles 4, 5 or 6 shall be complied  
3 with and if such name is found on the register of voters by the  
4 officer having charge thereof, he shall likewise repeat said  
5 name, and the voter shall be allowed to enter within the  
6 proximity of the voting booths, as above provided. One of the  
7 judges shall give the voter one, and only one of each ballot to  
8 be voted at the election, on the back of which ballots such  
9 judge shall indorse his initials in such manner that they may  
10 be seen when each such ballot is properly folded, and the  
11 voter's name shall be immediately checked on the register list.  
12 In those election jurisdictions where perforated ballot cards  
13 are utilized of the type on which write-in votes can be cast  
14 above the perforation, the election authority shall provide a  
15 space both above and below the perforation for the judge's  
16 initials, and the judge shall endorse his or her initials in  
17 both spaces. Whenever a proposal for a constitutional amendment  
18 or for the calling of a constitutional convention is to be  
19 voted upon at the election, the separate blue ballot or ballots  
20 pertaining thereto shall, when being handed to the voter, be  
21 placed on top of the other ballots to be voted at the election  
22 in such manner that the legend appearing on the back thereof,  
23 as prescribed in Section 16-6 of this Act, shall be plainly  
24 visible to the voter. At all elections, when a registry may be  
25 required, if the name of any person so desiring to vote at such  
26 election is not found on the register of voters, he or she

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

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

25 State of Illinois,)

26 ) ss.



1 County of .....

2 ..... Precinct ..... Ward

3 I, ....., do solemnly swear (or affirm) that I am a citizen  
4 of the United States, of the age of 18 years or over, and that  
5 within the past 60 days prior to the date of this election at  
6 which I am applying to vote, I have been engaged in the ....  
7 (military or naval) service of the United States; and I am  
8 qualified to vote under and by virtue of the Constitution and  
9 laws of the State of Illinois, and that I am a legally  
10 qualified voter of this precinct and ward except that I have,  
11 because of such service, been unable to register as a voter;  
12 that I now reside at .... (insert street and number, if any) in  
13 this precinct and ward; that I have maintained a legal  
14 residence in this precinct and ward for 30 days and in this  
15 State 30 days next preceding this election.

16 .....

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

18 .....

19 Judge of Election.

20 The affidavit of any such person shall be supported by the  
21 affidavit of a resident and qualified voter of any such  
22 precinct and ward, which affidavit shall be in substantially  
23 the following form:

24 State of Illinois,)

25 ) ss.

1 County of .....

2 ..... Precinct ..... Ward

3 I, ....., do solemnly swear (or affirm), that I am a  
4 resident of this precinct and ward and entitled to vote at this  
5 election; that I am acquainted with .... (name of the  
6 applicant); that I verily believe him to be an actual bona fide  
7 resident of this precinct and ward and that I verily believe  
8 that he or she has maintained a legal residence therein 30 days  
9 and in this State 30 days next preceding this election.

10 .....

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

12 .....

13 Judge of Election.

14 All affidavits made under the provisions of this Section  
15 shall be enclosed in a separate envelope securely sealed, and  
16 shall be transmitted with the returns of the elections to the  
17 county clerk or to the board of election commissioners, who  
18 shall preserve the said affidavits for the period of 6 months,  
19 during which period such affidavits shall be deemed public  
20 records and shall be freely open to examination as such.

21 (Source: P.A. 98-1171, eff. 6-1-15.)

22 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

23 Sec. 18-5. Any person desiring to vote and whose name is  
24 found upon the register of voters by the person having charge

1       thereof, shall (i) present to the judges of election for  
2       verification of the person's identity a government-issued  
3       photo identification card, as defined in Section 3-8, or his or  
4       her Voter Identification Card, (ii) shall then be questioned by  
5       one of the judges as to his nativity, his term of residence at  
6       present address, precinct, State and United States, his age,  
7       whether naturalized and if so the date of naturalization papers  
8       and court from which secured, and (iii) he shall be asked to  
9       state his residence when last previously registered and the  
10      date of the election for which he then registered. The judges  
11      of elections shall check each application for ballot against  
12      the list of voters registered in that precinct to whom grace  
13      period, vote by mail, and early ballots have been issued for  
14      that election, which shall be provided by the election  
15      authority and which list shall be available for inspection by  
16      pollwatchers. A voter applying to vote in the precinct on  
17      election day whose name appears on the list as having been  
18      issued a grace period, vote by mail, or early ballot shall not  
19      be permitted to vote in the precinct, except that a voter to  
20      whom a vote by mail ballot was issued may vote in the precinct  
21      if the voter submits to the election judges that vote by mail  
22      ballot for cancellation. If the voter is unable to submit the  
23      vote by mail ballot, it shall be sufficient for the voter to  
24      submit to the election judges (i) a portion of the vote by mail  
25      ballot if the vote by mail ballot was torn or mutilated or (ii)  
26      an affidavit executed before the election judges specifying

1 that (A) the voter never received a vote by mail ballot or (B)  
2 the voter completed and returned a vote by mail ballot and was  
3 informed that the election authority did not receive that vote  
4 by mail ballot. If such person so registered shall be  
5 challenged as disqualified, the party challenging shall assign  
6 his reasons therefor, and thereupon one of the judges shall  
7 administer to him an oath to answer questions, and if he shall  
8 take the oath he shall then be questioned by the judge or  
9 judges touching such cause of challenge, and touching any other  
10 cause of disqualification. And he may also be questioned by the  
11 person challenging him in regard to his qualifications and  
12 identity. But if a majority of the judges are of the opinion  
13 that he is the person so registered and a qualified voter, his  
14 vote shall then be received accordingly. But if his vote be  
15 rejected by such judges, such person may afterward produce and  
16 deliver an affidavit to such judges, subscribed and sworn to by  
17 him before one of the judges, in which it shall be stated how  
18 long he has resided in such precinct, and state; that he is a  
19 citizen of the United States, and is a duly qualified voter in  
20 such precinct, and that he is the identical person so  
21 registered. In addition to such an affidavit, the person so  
22 challenged shall provide to the judges of election proof of  
23 residence by producing 2 forms of identification showing the  
24 person's current residence address, provided that such  
25 identification may include a lease or contract for a residence  
26 and not more than one piece of mail addressed to the person at

1 his current residence address and postmarked not earlier than  
2 30 days prior to the date of the election, or the person shall  
3 procure a witness personally known to the judges of election,  
4 and resident in the precinct (or district), or who shall be  
5 proved by some legal voter of such precinct or district, known  
6 to the judges to be such, who shall take the oath following,  
7 viz:

8 I do solemnly swear (or affirm) that I am a resident of  
9 this election precinct (or district), and entitled to vote at  
10 this election, and that I have been a resident of this State  
11 for 30 days last past, and am well acquainted with the person  
12 whose vote is now offered; that he is an actual and bona fide  
13 resident of this election precinct (or district), and has  
14 resided herein 30 days, and as I verily believe, in this State,  
15 30 days next preceding this election.

16 The oath in each case may be administered by one of the  
17 judges of election, or by any officer, resident in the precinct  
18 or district, authorized by law to administer oaths. Also  
19 supported by an affidavit by a registered voter residing in  
20 such precinct, stating his own residence, and that he knows  
21 such person; and that he does reside at the place mentioned and  
22 has resided in such precinct and state for the length of time  
23 as stated by such person, which shall be subscribed and sworn  
24 to in the same way. For purposes of this Section, the  
25 submission of a photo identification issued by a college or  
26 university, accompanied by either (i) a copy of the applicant's

1 contract or lease for a residence or (ii) one piece of mail  
2 addressed to the person at his or her current residence address  
3 and postmarked not earlier than 30 days prior to the date of  
4 the election, shall be sufficient to establish proof of  
5 residence. Whereupon the vote of such person shall be received,  
6 and entered as other votes. But such judges, having charge of  
7 such registers, shall state in their respective books the facts  
8 in such case, and the affidavits, so delivered to the judges,  
9 shall be preserved and returned to the office of the  
10 commissioners of election. Blank affidavits of the character  
11 aforesaid shall be sent out to the judges of all the precincts,  
12 and the judges of election shall furnish the same on demand and  
13 administer the oaths without criticism. Such oaths, if  
14 administered by any other officer than such judge of election,  
15 shall not be received. Whenever a proposal for a constitutional  
16 amendment or for the calling of a constitutional convention is  
17 to be voted upon at the election, the separate blue ballot or  
18 ballots pertaining thereto shall be placed on top of the other  
19 ballots to be voted at the election in such manner that the  
20 legend appearing on the back thereof, as prescribed in Section  
21 16-6 of this Act, shall be plainly visible to the voter, and in  
22 this fashion the ballots shall be handed to the voter by the  
23 judge.

24 Immediately after voting, the voter shall be instructed  
25 whether the voting equipment, if used, accepted or rejected the  
26 ballot or identified the ballot as under-voted. A voter whose

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

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

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

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

23 No judge of election shall accept from any voter less than  
24 the full number of ballots received by such voter without first  
25 advising the voter in the manner above provided of the  
26 necessity of returning all of the ballots, nor shall any such



1 judge advise such voter in a manner contrary to that which is  
2 herein permitted, or in any other manner violate the provisions  
3 of this Section; provided, that the acceptance by a judge of  
4 election of less than the full number of ballots delivered to a  
5 voter who refuses to return to the voting booth after being  
6 properly advised by such judge shall not be a violation of this  
7 Section.

8 (Source: P.A. 98-1171, eff. 6-1-15.)

9 (10 ILCS 5/18A-5)

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

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

14 (1) The person's name does not appear on the official  
15 list of eligible voters for the precinct in which the  
16 person seeks to vote and the person has refused an  
17 opportunity to register at the polling location or another  
18 grace period registration site. The official list is the  
19 centralized statewide voter registration list established  
20 and maintained in accordance with Section 1A-25;

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

25 (3) A federal or State court order extends the time for

1 closing the polls beyond the time period established by  
2 State law and the person votes during the extended time  
3 period;

4 (4) The voter ~~registered to vote by mail~~ and is  
5 required by law to present identification when voting  
6 ~~either~~ in person, in the case of a voter who registered by  
7 mail, when voting or by early voting ballot, but fails to  
8 provide an acceptable form of photo identification as  
9 described in Section 3-8, or a Voter Identification Card  
10 issued under Section 1-14 ~~do so~~;

11 (5) The voter's name appears on the list of voters who  
12 voted during the early voting period, but the voter claims  
13 not to have voted during the early voting period;

14 (6) The voter received a vote by mail ballot but did  
15 not return the vote by mail ballot to the election  
16 authority; or

17 (7) The voter attempted to register to vote on election  
18 day, but failed to provide the necessary documentation.

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

21 (1) After first verifying through an examination of the  
22 precinct register that the person's address is within the  
23 precinct boundaries, an election judge at the polling place  
24 shall notify a person who is entitled to cast a provisional  
25 ballot pursuant to subsection (a) that he or she may cast a  
26 provisional ballot in that election. An election judge must

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

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

14 (i) an affidavit stating the following:  
 15 State of Illinois, County of .....,  
 16 Township ....., Precinct ....., Ward  
 17 ....., I, ....., do solemnly  
 18 swear (or affirm) that: I am a citizen of the  
 19 United States; I am 18 years of age or older; I  
 20 have resided in this State and in this precinct for  
 21 30 days preceding this election; I have not voted  
 22 in this election; I am a duly registered voter in  
 23 every respect; and I am eligible to vote in this  
 24 election. Signature ..... Printed Name of Voter  
 25 ..... Printed Residence Address of Voter .....  
 26 City ..... State .... Zip Code ..... Telephone

1           Number ..... Date of Birth ..... and Illinois  
2           Driver's License Number ..... or Last 4 digits of  
3           Social Security Number ..... or State  
4           Identification Card Number issued to you by the  
5           Illinois Secretary of State .....

6           (ii) A box for the election judge to check one of  
7           the reasons why the person was given a provisional  
8           ballot under subsection (a) of this Section.

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

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

18          (3) After the person executes the portion of the  
19          written affidavit described in subsection (b)(2)(i) of  
20          this Section, the election judge shall complete the portion  
21          of the written affidavit described in subsection  
22          (b)(2)(iii) and (b)(2)(iv).

23          (4) The election judge shall give a copy of the  
24          completed written affidavit to the person. The election  
25          judge shall place the original written affidavit in a  
26          self-adhesive clear plastic packing list envelope that

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

10 (5) The election judge shall provide the person with a  
11 provisional ballot, written instructions for casting a  
12 provisional ballot, and the provisional ballot envelope  
13 with the clear plastic packing list envelope affixed to it,  
14 which contains the person's original written affidavit  
15 and, if any, information provided by the provisional voter  
16 to support his or her claim that he or she is a duly  
17 registered voter. An election judge must also give the  
18 person written information that states that any person who  
19 casts a provisional ballot shall be able to ascertain,  
20 pursuant to guidelines established by the State Board of  
21 Elections, whether the provisional vote was counted in the  
22 official canvass of votes for that election and, if the  
23 provisional vote was not counted, the reason that the vote  
24 was not counted.

25 (6) After the person has completed marking his or her  
26 provisional ballot, he or she shall place the marked ballot

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

14          (c) Instead of the affidavit form described in subsection  
15          (b), the county clerk or board of election commissioners, as  
16          the case may be, may design and use a multi-part affidavit form  
17          that is imprinted upon or attached to the provisional ballot  
18          envelope described in subsection (b). If a county clerk or  
19          board of election commissioners elects to design and use its  
20          own multi-part affidavit form, then the county clerk or board  
21          of election commissioners shall establish a mechanism for  
22          accepting any information the provisional voter has supplied to  
23          the election judge to support his or her claim that he or she  
24          is a duly registered voter. In all other respects, a county  
25          clerk or board of election commissioners shall establish  
26          procedures consistent with subsection (b).

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

12       (Source: P.A. 100-201, eff. 8-18-17.)

13           (10 ILCS 5/18A-15)

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

15           (a) The county clerk or board of election commissioners  
16 shall complete the validation and counting of provisional  
17 ballots within 14 calendar days of the day of the election. The  
18 county clerk or board of election commissioners shall have 7  
19 calendar days from the completion of the validation and  
20 counting of provisional ballots to conduct its final canvass.  
21 The State Board of Elections shall complete within 31 calendar  
22 days of the election or sooner if all the returns are received,  
23 its final canvass of the vote for all public offices.

24           (b) If a county clerk or board of election commissioners  
25 determines that all of the following apply, then a provisional

1 ballot is valid and shall be counted as a vote:

2 (1) the provisional voter cast the provisional ballot  
3 in the correct precinct based on the address provided by  
4 the provisional voter. The provisional voter's affidavit  
5 shall serve as a change of address request by that voter  
6 for registration purposes for the next ensuing election if  
7 it bears an address different from that in the records of  
8 the election authority. Votes for federal and statewide  
9 offices on a provisional ballot cast in the incorrect  
10 precinct that meet the other requirements of this  
11 subsection shall be valid and counted in accordance with  
12 this Article. As used in this item, "federal office" is  
13 defined as provided in Section 20-1 and "statewide office"  
14 means the Governor, Attorney General, Secretary of State,  
15 Comptroller, and Treasurer. Votes for General Assembly,  
16 countywide, citywide, or township office on a provisional  
17 ballot cast in the incorrect precinct but in the correct  
18 legislative district, representative district, county,  
19 municipality, or township, as the case may be, shall be  
20 valid and counted in accordance with this Article. As used  
21 in this item, "citywide office" means an office elected by  
22 the electors of an entire municipality. As used in this  
23 item, "township office" means an office elected by the  
24 electors of an entire township;

25 (2) the affidavit executed by the provisional voter  
26 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;

3 (3) except as permitted by item (5) of subsection (b)  
4 of this Section, the provisional voter is a registered  
5 voter based on information available to the county clerk or  
6 board of election commissioners provided by or obtained  
7 from any of the following:

8 i. the provisional voter;

9 ii. an election judge;

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

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

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

15 (4) for a provisional ballot cast under item (6) of  
16 subsection (a) of Section 18A-5, the voter did not vote by  
17 vote by mail ballot in the election at which the  
18 provisional ballot was cast; or

19 (5) for a provisional ballot cast under item (7) of  
20 subsection (a) of Section 18A-5, the voter provides the  
21 election authority with the necessary documentation within  
22 7 days of election day.

23 (c) With respect to subsection (b) (3) of this Section, the  
24 county clerk or board of election commissioners shall  
25 investigate and record whether or not the specified information  
26 is available from each of the 5 identified sources. If the

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

1 provisional voter is registered to vote, but the statewide  
2 voter registration database maintained by the State Board of  
3 Elections indicates that the provisional voter is not  
4 registered to vote, then the information found in the records  
5 of the county clerk or board of election commissioners shall  
6 control the matter and the provisional voter shall be deemed to  
7 be registered to vote. If the provisional voter's signature on  
8 his or her provisional ballot request varies from the signature  
9 on an otherwise valid registration application solely because  
10 of the substitution of initials for the first or middle name,  
11 the election authority may not reject the provisional ballot.

12 (d) In validating the registration status of a person  
13 casting a provisional ballot, the county clerk or board of  
14 election commissioners shall not require a provisional voter to  
15 complete any form other than the affidavit executed by the  
16 provisional voter under subsection (b) (2) of Section 18A-5. In  
17 addition, the county clerk or board of election commissioners  
18 shall not require all provisional voters or any particular  
19 class or group of provisional voters to appear personally  
20 before the county clerk or board of election commissioners or  
21 as a matter of policy require provisional voters to submit  
22 additional information to verify or otherwise support the  
23 information already submitted by the provisional voter. Within  
24 2 calendar days after the election, the election authority  
25 shall transmit by electronic means pursuant to a process  
26 established by the State Board of Elections the name, street

1 address, e-mail address, and precinct, ward, township, and  
2 district numbers, as the case may be, of each person casting a  
3 provisional ballot to the State Board of Elections, which shall  
4 maintain those names and that information in an electronic  
5 format on its website, arranged by county and accessible to  
6 State and local political committees. The provisional voter  
7 may, within 7 calendar days after the election, submit  
8 additional information to the county clerk or board of election  
9 commissioners, except that in the case of provisional voting  
10 under paragraph (4) of subsection (a) of Section 18A-5, the  
11 provisional voter has 10 days to provide the county clerk or  
12 board of election commissioners with the required photo  
13 identification card. This information must be received by the  
14 county clerk or board of election commissioners within the  
15 applicable 7-calendar-day or 10-calendar-day period.

16 (e) If the county clerk or board of election commissioners  
17 determines that subsection (b) (1), (b) (2), or (b) (3) does not  
18 apply, then the provisional ballot is not valid and may not be  
19 counted. The provisional ballot envelope containing the ballot  
20 cast by the provisional voter may not be opened. The county  
21 clerk or board of election commissioners shall write on the  
22 provisional ballot envelope the following: "Provisional ballot  
23 determined invalid."

24 (f) If the county clerk or board of election commissioners  
25 determines that a provisional ballot is valid under this  
26 Section, then the provisional ballot envelope shall be opened.

1 The outside of each provisional ballot envelope shall also be  
2 marked to identify the precinct and the date of the election.

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

17 (h) As soon as the ballots have been counted, the election  
18 judges or election officials shall, in the presence of the  
19 county clerk or board of election commissioners, place each of  
20 the following items in a separate envelope or bag: (1) all  
21 provisional ballots, voted or spoiled; (2) all provisional  
22 ballot envelopes of provisional ballots voted or spoiled; and  
23 (3) all executed affidavits of the provisional ballots voted or  
24 spoiled. All provisional ballot envelopes for provisional  
25 voters who have been determined not to be registered to vote  
26 shall remain sealed. The county clerk or board of election

1 commissioners shall treat the provisional ballot envelope  
2 containing the written affidavit as a voter registration  
3 application for that person for the next election and process  
4 that application. The election judges or election officials  
5 shall then securely seal each envelope or bag, initial the  
6 envelope or bag, and plainly mark on the outside of the  
7 envelope or bag in ink the precinct in which the provisional  
8 ballots were cast. The election judges or election officials  
9 shall then place each sealed envelope or bag into a box, secure  
10 and seal it in the same manner as described in item (6) of  
11 subsection (b) of Section 18A-5. Each election judge or  
12 election official shall take and subscribe an oath before the  
13 county clerk or board of election commissioners that the  
14 election judge or election official securely kept the ballots  
15 and papers in the box, did not permit any person to open the  
16 box or otherwise touch or tamper with the ballots and papers in  
17 the box, and has no knowledge of any other person opening the  
18 box. For purposes of this Section, the term "election official"  
19 means the county clerk, a member of the board of election  
20 commissioners, as the case may be, and their respective  
21 employees.

22 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13;  
23 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

24 (10 ILCS 5/19A-35)

25 Sec. 19A-35. Procedure for voting.

1 (a) Not more than 23 days before the start of the election,  
2 the county clerk shall make available to the election official  
3 conducting early voting by personal appearance a sufficient  
4 number of early ballots, envelopes, and printed voting  
5 instruction slips for the use of early voters. The election  
6 official shall receipt for all ballots received and shall  
7 return unused or spoiled ballots at the close of the early  
8 voting period to the county clerk and must strictly account for  
9 all ballots received. The ballots delivered to the election  
10 official must include early ballots for each precinct in the  
11 election authority's jurisdiction and must include separate  
12 ballots for each political subdivision conducting an election  
13 of officers or a referendum at that election.

14 (b) In conducting early voting under this Article, the  
15 election judge or official is required to verify the signature  
16 of the early voter by comparison with the signature on the  
17 official registration card, and the judge or official must  
18 verify (i) that the applicant is a registered voter, (ii) the  
19 precinct in which the applicant is registered, ~~and~~ (iii) the  
20 proper ballots of the political subdivision in which the  
21 applicant resides and is entitled to vote, and (iv) the  
22 applicant's identity, which must be verified by the applicant's  
23 presentation of a government-issued photo identification card,  
24 as defined in Section 3-8, or his or her Voter Identification  
25 Card, before providing an early ballot to the applicant. The  
26 election judge or official must verify the applicant's

1 registration from the most recent poll list provided by the  
2 election authority, and if the applicant is not listed on that  
3 poll list, by telephoning the office of the election authority.

4 (b-5) A person requesting an early voting ballot to whom a  
5 vote by mail ballot was issued may vote early if the person  
6 submits that vote by mail ballot to the judges of election or  
7 official conducting early voting for cancellation. If the voter  
8 is unable to submit the vote by mail ballot, it shall be  
9 sufficient for the voter to submit to the judges or official  
10 (i) a portion of the vote by mail ballot if the vote by mail  
11 ballot was torn or mutilated or (ii) an affidavit executed  
12 before the judges or official specifying that (A) the voter  
13 never received a vote by mail ballot or (B) the voter completed  
14 and returned a vote by mail ballot and was informed that the  
15 election authority did not receive that vote by mail ballot.

16 (b-10) Within one day after a voter casts an early voting  
17 ballot, the election authority shall transmit the voter's name,  
18 street address, and precinct, ward, township, and district  
19 numbers, as the case may be, to the State Board of Elections,  
20 which shall maintain those names and that information in an  
21 electronic format on its website, arranged by county and  
22 accessible to State and local political committees.

23 (b-15) Immediately after voting an early ballot, the voter  
24 shall be instructed whether the voting equipment accepted or  
25 rejected the ballot or identified that ballot as under-voted  
26 for a statewide constitutional office. A voter whose ballot is



1 identified as under-voted may return to the voting booth and  
2 complete the voting of that ballot. A voter whose early voting  
3 ballot is not accepted by the voting equipment may, upon  
4 surrendering the ballot, request and vote another early voting  
5 ballot. The voter's surrendered ballot shall be initialed by  
6 the election judge or official conducting the early voting and  
7 handled as provided in the appropriate Article governing the  
8 voting equipment used.

9 (c) The sealed early ballots in their carrier envelope  
10 shall be delivered by the election authority to the central  
11 ballot counting location before the close of the polls on the  
12 day of the election.

13 (Source: P.A. 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)