SB3047

101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3047

Introduced 2/5/2020, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-16.6
10 ILCS 5/1A-16.7

Amends the Election Code. Provides that when a voter registration applicant's data is transferred from a designated government agency or the Office of the Secretary of State, the applicant may be required to provide a signature to the election authority before the election day or before applying for a vote by mail ballot. Effective immediately.

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 1A-16.6 and 1A-16.7 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.

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

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

1   applicant consents to the transfer of the applicant's personal

2   information to the State Board of Elections.

3   In accordance with technical specifications provided by

4   the State Board of Elections, each designated government agency

5   shall maintain a data transfer mechanism capable of

6   transmitting voter registration application information,

7   including electronic signatures where available, to the online

8   voter registration system established in Section 1A-16.5 of

9   this Code. Each designated government agency shall establish

10   and operate a voter registration system capable of transmitting

11   voter registration application information to the portal as

12   described in this Section by July 1, 2016.

13   (b) Whenever an applicant's data is transferred from a

14   designated government agency, the agency must transmit a

15   signature image if available. If no signature image was

16   provided by the agency or if no signature image is available in

17   the Secretary of State's database or the statewide voter

18   registration database, the applicant must be notified that

19   their registration will remain in a pending status and the

20   applicant will be required to provide identification and a

21   signature to the election authority before or on Election Day

22   in the polling place or during early voting or before applying

23   for a vote by mail ballot.

24   (c) The State Board of Elections shall track registration

25   data received through the online registration system that

26   originated from a designated government agency for the purposes

1   of maintaining statistics required by the federal National

2   Voter Registration Act of 1993, as amended.

3   (d) The State Board of Elections shall submit a report to

4   the General Assembly and the Governor by December 1, 2015

5   detailing the progress made to implement the government agency

6   voter registration portal described in this Section.

7   (e) The Board shall adopt rules, in consultation with the

8   impacted agencies.

9   (f) As used in this Section, a "designated government

10   agency" means the Secretary of State's Driver Services and

11   Vehicle Services Departments, the Department of Human

12   Services, the Department of Healthcare and Family Services, the

13   Department of Employment Security, and the Department on Aging;

14   however, if the designated government agency becomes a

15   designated automatic voter registration agency under Section

16   1A-16.1 or Section 1A-16.2 of this Code, that agency shall

17   cease to be a designated government agency under this Section.

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

19   (10 ILCS 5/1A-16.7)

20   Sec. 1A-16.7. Automatic voter registration.

21   (a) The State Board of Elections shall establish and

22   maintain a portal for automatic government agency voter

23   registration that permits an eligible person to electronically

24   apply to register to vote or to update his or her existing

25   voter registration as provided in Section 1A-16.1 or Section

1   1A-16.2. The portal shall interface with the online voter

2   registration system established in Section 1A-16.5 of this Code

3   and shall be capable of receiving and processing voter

4   registration application information, including electronic

5   signatures, from the Office of the Secretary of State and each

6   designated automatic voter registration agency, as defined in

7   Section 1A-16.2. The State Board of Elections may

8   cross-reference voter registration information from any

9   designated automatic voter registration agency, as defined

10   under Section 1A-16.2 of this Code, with information contained

11   in the database of the Secretary of State as provided under

12   subsection (c) of Section 1A-16.5 of this Code. The State Board

13   of Elections shall modify the online voter registration system

14   as necessary to implement this Section.

15   (b) Voter registration data received from the Office of the

16   Secretary of State or a designated automatic voter registration

17   agency through the online registration application system

18   shall be processed as provided in Section 1A-16.5 of this Code.

19   (c) The State Board of Elections shall establish technical

20   specifications applicable to each automatic government

21   registration program, including data format and transmission

22   specifications. The Office of the Secretary of State and each

23   designated automatic voter registration agency shall maintain

24   a data transfer mechanism capable of transmitting voter

25   registration application information, including electronic

26   signatures where available, to the online voter registration

1   system established in Section 1A-16.5 of this Code.

2   (d) The State Board of Elections shall, by rule, establish

3   criteria and procedures for determining whether an agency of

4   the State or federal government seeking to become a designated

5   automatic voter registration agency has access to reliable

6   personal information, as defined under this subsection (d) and

7   subsection (f) of Section 1A-16.2 of this Code, and otherwise

8   meets the requirements to enter into an interagency contract

9   and to operate as a designated automatic voter registration

10   agency. The State Board of Elections shall approve each

11   interagency contract upon affirmative vote of a majority of its

12   members.

13   As used in this subsection (d), "reliable personal

14   information" means information about individuals obtained from

15   government sources that may be used to verify whether an

16   individual is eligible to register to vote.

17   (e) Whenever an applicant's data is transferred from the

18   Office of the Secretary of State or a designated automatic

19   voter registration agency, the agency must transmit a signature

20   image if available. If no signature image was provided by the

21   agency, or if no signature image is available in the Office of

22   the Secretary of State's database or the statewide voter

23   registration database, the applicant must be notified that his

24   or her registration will remain in a pending status, and the

25   applicant will be required to provide identification that

26   complies with the federal Help America Vote Act of 2002 and a

1   signature to the election authority before or on election day

2   in the polling place or during early voting or before applying

3   for a vote by mail ballot.

4   (f) Upon receipt of personal information collected and

5   transferred by the Office of the Secretary of State or a

6   designated automatic voter registration agency, the State

7   Board of Elections shall check the information against the

8   statewide voter registration database. The State Board of

9   Elections shall create and electronically transmit to the

10   appropriate   election   authority   a   voter   registration

11   application for any individual who is not registered to vote in

12   Illinois and is not disqualified as provided in this Section or

13   whose information reliably indicates a more recent update to

14   the name or address of a person already included in the

15   statewide voter database. The election authority shall process

16   the application accordingly.

17   (g) The appropriate election authority shall ensure that

18   any applicant who is registered to vote or whose existing voter

19   registration is updated under this Section is promptly sent

20   written notice of the change. The notice required by this

21   subsection (g) may be sent or combined with other notices

22   required or permitted by law, including, but not limited to,

23   any notices sent pursuant to Section 1A-16.5 of this Code. Any

24   notice required by this subsection (g) shall contain, at a

25   minimum: (i) the applicant's name and residential address as

26   reflected on the voter registration list; (ii) a statement

1   notifying the applicant to contact the appropriate election

2   authority if his or her voter registration has been updated in

3   error; (iii) the qualifications to register to vote in

4   Illinois; (iv) a statement notifying the applicant that he or

5   she may opt out of voter registration or request a change to

6   his or her registration information at any time by contacting

7   an election official; and (v) contact information for the

8   appropriate election authority, including a phone number,

9   address, electronic mail address, and website address.

10   (h) The appropriate election authority shall ensure that

11   any applicant whose voter registration application is not

12   accepted or deemed incomplete is promptly sent written notice

13   of the application's status. The notice required by this

14   subsection may be sent or combined with other notices required

15   or permitted by law, including, but not limited to, any notices

16   sent pursuant to Section 1A-16.5 of this Code. Any notice

17   required by this subsection (h) shall contain, at a minimum,

18   the reason the application was not accepted or deemed

19   incomplete and contact information for the appropriate

20   election authority, including a phone number, address,

21   electronic mail address, and website address.

22   (i) If the Office of the Secretary of State or a designated

23   automatic voter registration agency transfers information, or

24   if the State Board of Elections creates and transmits a voter

25   registration application, for a person who does not qualify as

26   an eligible voter, then it shall not constitute a completed

1   voter registration form, and the person shall not be considered
2   to have registered to vote.

3   (j) If the registration is processed by any election
4   authority, then it shall be presumed to have been effected and
5   officially authorized by the State, and that person shall not
6   be found on that basis to have made a false claim to
7   citizenship or to have committed an act of moral turpitude, nor
8   shall that person be subject to penalty under any relevant
9   laws, including, but not limited to, Sections 29-10 and 29-19
10   of this Code. This subsection (j) does not apply to a person
11   who knows that he or she is not entitled to register to vote
12   and who willfully votes, registers to vote, or attests under
13   penalty of perjury that he or she is eligible to register to
14   vote or willfully attempts to vote or to register to vote.

15   (k) The State Board of Elections, the Office of the
16   Secretary of State, and each designated automatic voter
17   registration agency shall implement policies and procedures to
18   protect the privacy and security of voter information as it is
19   acquired, stored, and transmitted among agencies, including
20   policies for the retention and preservation of voter
21   information. Information designated as confidential under this
22   Section may be recorded and shared among the State Board of
23   Elections, election authorities, the Office of the Secretary of
24   State, and designated automatic voter registration agencies,
25   but shall be used only for voter registration purposes, shall
26   not be disclosed to the public except in the aggregate as

1   required by subsection (m) of this Section, and shall not be

2   subject to the Freedom of Information Act. The following

3   information shall be designated as confidential:

4   (1) any portion of an applicant's Social Security

5   number;

6   (2) any portion of an applicant's driver's license

7   number or State identification number;

8   (3) an applicant's decision to decline voter

9   registration;

10   (4) the identity of the person providing information

11   relating to a specific applicant; and

12   (5) the personal residence and contact information of

13   any applicant for whom notice has been given by an

14   appropriate legal authority.

15   This subsection (k) shall not apply to information the

16   State Board of Elections is required to share with the

17   Electronic Registration Information Center.

18   (l) The voter registration procedures implemented under

19   this Section shall comport with the federal National Voter

20   Registration Act of 1993, as amended, and shall specifically

21   require that the State Board of Elections track registration

22   data received through the online registration system that

23   originated from a designated automatic voter registration

24   agency for the purposes of maintaining statistics.

25   Nothing in this Code shall require designated voter

26   registration agencies to transmit information that is

1   confidential client information under State or federal law

2   without the consent of the applicant.

3   (m) The State Board of Elections, each election authority

4   that maintains a website, the Office of the Secretary of State,

5   and each designated automatic voter registration agency that

6   maintains a website shall provide information on their websites

7   informing the public about the new registration procedures

8   described in this Section. The Office of the Secretary of State

9   and each designated automatic voter registration agency shall

10 display signage or provide literature for the public containing

11 information about the new registration procedures described in

12 this Section.

13   (n) No later than 6 months after the effective date of this

14 amendatory Act of the 100th General Assembly, the State Board

15 of Elections shall hold at least one public hearing on

16 implementing this amendatory Act of the 100th General Assembly

17 at which the public may provide input.

18   (o) The State Board of Elections shall submit an annual

19 public report to the General Assembly and the Governor

20 detailing the progress made to implement this Section. The

21 report shall include all of the following: the number of

22 records transferred under this Section by agency, the number of

23 voters newly added to the statewide voter registration list

24 because of records transferred under this Section by agency,

25 the number of updated registrations under this Section by

26 agency, the number of persons who opted out of voter

1 registration, and the number of voters who submitted voter

2 registration forms using the online procedure described in

3 Section 1A-16.5 of this Code. The 2018 and 2019 annual reports

4 may include less detail if election authorities are not

5 equipped to provide complete information to the State Board of

6 Elections. Any report produced under this subsection (o) shall

7 exclude any information that identifies any individual

8 personally.

9   (p) The State Board of Elections, in consultation with

10 election authorities, the Office of the Secretary of State,

11 designated automatic voter registration agencies, and

12 community organizations, shall adopt rules as necessary to

13 implement the provisions of this Section.

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

15   Section 99. Effective date. This Act takes effect upon

16 becoming law.