



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2946

Introduced 10/26/2021, by Sen. Darren Bailey

SYNOPSIS AS INTRODUCED:

10 ILCS 5/4-14.1

from Ch. 46, par. 4-14.1

Amends the Election Code. Provides that the county clerk of a county where a decedent last resided shall (rather than may) issue certifications of death records from the electronic reporting system for death registrations and shall (rather than may) use that system to cancel the registration of any person who has died during the preceding month. Requires a county coroner, medical examiner, or physician for a county or any other individual responsible for certification of death under the Vital Records Act to promptly transmit certified records to the county clerk within 7 days after the death. Requires the county clerk and coroner to report quarterly to its affiliated county board and certify its full compliance with the provisions and accuracy of the voter rolls. Allows an individual to request a copy of the county clerk's or coroner's report and allows for relief if the county clerk fails to provide an accurate report within specified timeframes. Requires the county clerk to request from the United States Postal Service records of each permanent change of address form submitted related to an address in the county and to update the registration of any person whose address appears to have changed, as indicated by those records.

LRB102 20950 HLH 30068 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 Section 4-14.1 as follows:

6 (10 ILCS 5/4-14.1) (from Ch. 46, par. 4-14.1)

7 Sec. 4-14.1. Cancellation of deceased voter's registration;
8 change of address.

9 (a) Upon establishment of an electronic reporting system
10 for death registrations as provided in the Vital Records Act,
11 the county clerk of the county where a decedent last resided,
12 as indicated on the decedent's death certificate, shall ~~may~~
13 issue certifications of death records from that system and
14 shall ~~may~~ use that system to cancel the registration of any
15 person who has died during the preceding month. Regardless of
16 whether or not such a system has been established, it is the
17 duty of the county clerk to examine, monthly, the records
18 deposited in his or her office pursuant to the Vital Records
19 Act that relate to deaths in the county, and to cancel the
20 registration of any person who has died during the preceding
21 month. The county coroner, medical examiner, or physician for
22 a county or any other individual responsible for certification
23 of death under Section 18 of the Vital Records Act shall

1 promptly transmit certified records to the county clerk within
2 7 days after the death of the decedent. The county clerk and
3 coroner shall report quarterly to its affiliated county board
4 and certify its full compliance with this Section and accuracy
5 of the voter rolls. In addition, on a monthly basis, the county
6 clerk shall request from the United States Postal Service
7 records of each permanent change of address form submitted to
8 the Postal Service related to an address in the county and
9 shall update the registration of any person whose address
10 appears to have changed, as indicated by those records.

11 (b) Any person may request a copy of the report required in
12 subsection (a). Failure to provide an accurate report by the
13 county clerk within 5 business days, or 48 hours if 30 days
14 before an election, may file suit for injunction or
15 declaratory relief to enforce subsection (a) or this
16 subsection (b).

17 (c) The circuit court shall have the jurisdiction to order
18 the production of the required: (i) deposits of records; (ii)
19 production of required reports; and (iii) compliance with
20 subsection (a), including establishing the accuracy of the
21 voter registration rolls.

22 (d) If a person seeking the right to receive a copy of the
23 documents pursuant to subsection (a) or enforce the provision
24 of subsection (a) prevails in a proceeding under this Section,
25 the court shall award such person reasonable attorney's fees
26 and costs. In determining what amount of attorney's fees is

1 reasonable, the court shall consider the degree to which the
2 relief obtained relates to the relief sought.

3 (e) If the court determines that a public body willfully
4 and intentionally failed to comply with this Section, or
5 otherwise acted in bad faith, the court shall also impose upon
6 the public body a civil penalty of not less than \$2,500 nor
7 more than \$5,000 for each occurrence. In assessing the civil
8 penalty, the court shall consider in aggravation or mitigation
9 the budget of the public body and whether the public body has
10 previously been assessed penalties for violations of this
11 Section. The court may impose an additional penalty of up to
12 \$1,000 for each day the violation continues if:

13 (1) the public body fails to comply with the court's
14 order after 30 days;

15 (2) the court's order is not on appeal or stayed; and

16 (3) the court does not grant the public body
17 additional time to comply with the court's order to
18 disclose public records.

19 (Source: P.A. 96-1484, eff. 1-1-11.)