



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3658

Introduced 2/17/2023, by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-3	from Ch. 46, par. 1-3
10 ILCS 5/1-14 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 Voter Identification Cards for those who do not have acceptable photo identification. Sets forth requirements and exemptions for Voter Identification Cards. Provides that any person desiring to vote shall present to the judges of election for verification of the person's identity acceptable photo identification or a Voter Identification Card. Defines "acceptable photo identification".

LRB103 05123 AWJ 50137 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 1-3, 17-9, 18-5, 18A-5, 18A-15, and 19A-35 and by
6 adding Section 1-14 as follows:

7 (10 ILCS 5/1-3) (from Ch. 46, par. 1-3)

8 Sec. 1-3. As used in this Act, unless the context
9 otherwise requires:

10 1. "Election" includes the submission of all questions of
11 public policy, propositions, and all measures submitted to
12 popular vote, and includes primary elections when so indicated
13 by the context.

14 2. "Regular election" means the general, general primary,
15 consolidated and consolidated primary elections regularly
16 scheduled in Article 2A. The even numbered year municipal
17 primary established in Article 2A is a regular election only
18 with respect to those municipalities in which a primary is
19 required to be held on such date.

20 3. "Special election" means an election not regularly
21 recurring at fixed intervals, irrespective of whether it is
22 held at the same time and place and by the same election
23 officers as a regular election.

1 4. "General election" means the biennial election at which
2 members of the General Assembly are elected. "General primary
3 election", "consolidated election" and "consolidated primary
4 election" mean the respective elections or the election dates
5 designated and established in Article 2A of this Code.

6 5. "Municipal election" means an election or primary,
7 either regular or special, in cities, villages, and
8 incorporated towns; and "municipality" means any such city,
9 village or incorporated town.

10 6. "Political or governmental subdivision" means any unit
11 of local government, or school district in which elections are
12 or may be held. "Political or governmental subdivision" also
13 includes, for election purposes, Regional Boards of School
14 Trustees, and Township Boards of School Trustees.

15 7. The word "township" and the word "town" shall apply
16 interchangeably to the type of governmental organization
17 established in accordance with the provisions of the Township
18 Code. The term "incorporated town" shall mean a municipality
19 referred to as an incorporated town in the Illinois Municipal
20 Code, as now or hereafter amended.

21 8. "Election authority" means a county clerk or a Board of
22 Election Commissioners.

23 9. "Election Jurisdiction" means (a) an entire county, in
24 the case of a county in which no city board of election
25 commissioners is located or which is under the jurisdiction of
26 a county board of election commissioners; (b) the territorial

1 jurisdiction of a city board of election commissioners; and
2 (c) the territory in a county outside of the jurisdiction of a
3 city board of election commissioners. In each instance
4 election jurisdiction shall be determined according to which
5 election authority maintains the permanent registration
6 records of qualified electors.

7 10. "Local election official" means the clerk or secretary
8 of a unit of local government or school district, as the case
9 may be, the treasurer of a township board of school trustees,
10 and the regional superintendent of schools with respect to the
11 various school officer elections and school referenda for
12 which the regional superintendent is assigned election duties
13 by The School Code, as now or hereafter amended.

14 11. "Judges of election", "primary judges" and similar
15 terms, as applied to cases where there are 2 sets of judges,
16 when used in connection with duties at an election during the
17 hours the polls are open, refer to the team of judges of
18 election on duty during such hours; and, when used with
19 reference to duties after the closing of the polls, refer to
20 the team of tally judges designated to count the vote after the
21 closing of the polls and the holdover judges designated
22 pursuant to Section 13-6.2 or 14-5.2. In such case, where,
23 after the closing of the polls, any act is required to be
24 performed by each of the judges of election, it shall be
25 performed by each of the tally judges and by each of the
26 holdover judges.

1 12. "Petition" of candidacy as used in Sections 7-10 and
2 7-10.1 shall consist of a statement of candidacy, candidate's
3 statement containing oath, and sheets containing signatures of
4 qualified primary electors bound together.

5 13. "Election district" and "precinct", when used with
6 reference to a 30-day residence requirement, means the
7 smallest constituent territory in which electors vote as a
8 unit at the same polling place in any election governed by this
9 Act.

10 14. "District" means any area which votes as a unit for the
11 election of any officer, other than the State or a unit of
12 local government or school district, and includes, but is not
13 limited to, legislative, congressional and judicial districts,
14 judicial circuits, county board districts, municipal and
15 sanitary district wards, school board districts, and
16 precincts.

17 15. "Question of public policy" or "public question" means
18 any question, proposition or measure submitted to the voters
19 at an election dealing with subject matter other than the
20 nomination or election of candidates and shall include, but is
21 not limited to, any bond or tax referendum, and questions
22 relating to the Constitution.

23 16. "Ordinance providing the form of government of a
24 municipality or county pursuant to Article VII of the
25 Constitution" includes ordinances, resolutions and petitions
26 adopted by referendum which provide for the form of

1 government, the officers or the manner of selection or terms
2 of office of officers of such municipality or county, pursuant
3 to the provisions of Sections 4, 6 or 7 of Article VII of the
4 Constitution.

5 17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29,
6 6-60, and 6-66 shall include a computer tape or computer disc
7 or other electronic data processing information containing
8 voter information.

9 18. "Accessible" means accessible to persons with
10 disabilities and elderly individuals for the purpose of voting
11 or registration, as determined by rule of the State Board of
12 Elections.

13 19. "Elderly" means 65 years of age or older.

14 20. "Person with a disability" means a person having a
15 temporary or permanent physical disability.

16 21. "Leading political party" means one of the two
17 political parties whose candidates for governor at the most
18 recent three gubernatorial elections received either the
19 highest or second highest average number of votes. The
20 political party whose candidates for governor received the
21 highest average number of votes shall be known as the first
22 leading political party and the political party whose
23 candidates for governor received the second highest average
24 number of votes shall be known as the second leading political
25 party.

26 22. "Business day" means any day in which the office of an

1 election authority, local election official or the State Board
2 of Elections is open to the public for a minimum of 7 hours.

3 23. "Homeless individual" means any person who has a
4 nontraditional residence, including, but not limited to, a
5 shelter, day shelter, park bench, street corner, or space
6 under a bridge.

7 24. "Signature" means a name signed in ink or in digitized
8 form. This definition does not apply to a nominating or
9 candidate petition or a referendum petition.

10 25. "Intelligent mail barcode tracking system" means a
11 printed trackable barcode attached to the return business
12 reply envelope for mail-in ballots under Article 19 or Article
13 20 that allows an election authority to determine the date the
14 envelope was mailed in absence of a postmark.

15 26. "Acceptable photo identification" as used in Sections
16 1-14, 17-9, 18-5, 18A-5, 18A-15, and 19A-35 means any of the
17 following unexpired forms of photo identification:

18 (1) an Illinois Driver's License;

19 (2) a State identification card;

20 (3) an Illinois Disabled Person Identification Card;

21 (4) a Firearm Owners Identification Card;

22 (5) a U.S. Passport with the voter's current address;

23 or

24 (6) any other government-issued identification card
25 that includes the voter's name, current photograph, and
26 current address.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-522, eff. 6-30-16.)

2 (10 ILCS 5/1-14 new)

3 Sec. 1-14. Voter Identification Card.

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

14 (b) No later than 3 months after the effective date of this
15 amendatory Act of the 103rd General Assembly, the Secretary of
16 State shall create and make available an application form for
17 the Voter Identification Card. Any registered voter who meets
18 the criteria set forth in this Section and who provides the
19 proper documentation required under subsection (d) shall
20 receive a Voter Identification Card.

21 (c) The Secretary of State shall require the presentation
22 and verification of the following information for issuance of
23 a Voter Registration Card:

24 (1) documentation of the applicant's identity using
25 one of the documents described in subsection (d);

1 (2) evidence of voter registration; and
2 (3) documentation of the applicant's name and
3 principal residence address using one of the documents
4 described in subsection (e).

5 (d) Documentation of an applicant's identity must include
6 the applicant's name and date of birth. Any of the following
7 constitute acceptable documentation of an applicant's
8 identity:

9 (1) an original birth certificate or certified copy of
10 a birth certificate;

11 (2) a voter registration card;

12 (3) a copy of records filed in court by the applicant
13 or on behalf of the applicant by the applicant's counsel;

14 (4) a naturalization document;

15 (5) a copy of the applicant's marriage license;

16 (6) a copy of the State or federal tax return filed by
17 the applicant for the previous calendar year;

18 (7) an original of the annual Social Security
19 statement received by the applicant for the current or
20 preceding calendar year;

21 (8) an original of a Medicare or Medicaid statement
22 received by the applicant; or

23 (9) a certified school record or transcript for the
24 current or preceding calendar year.

25 (e) Any of the following constitute acceptable
26 documentation of an applicant's name and current address:

- 1 (1) a voter registration card;
2 (2) a utility bill or cable bill;
3 (3) a bank statement issued within the last 60 days;
4 (4) a rental agreement in which the agreement's rental
5 term has not expired;
6 (5) a copy of the State or federal tax return filed by
7 the applicant for the previous calendar year;
8 (6) a homeowner's insurance policy or bill for the
9 current or preceding year;
10 (7) a mortgage, deed, or property tax bill for the
11 current or preceding year; or
12 (8) a W-2 for the preceding calendar year.

13 (f) Voters who are indigent and unable to obtain a Voter
14 Identification Card without a fee and voters who have a
15 religious objection to being photographed may vote a
16 provisional ballot and sign an affidavit that indicates one of
17 the exemptions stated in this subsection. An indigent person
18 is defined as an individual whose income is 125% or less of the
19 federal poverty income guidelines at the time the person is
20 voting.

21 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

22 Sec. 17-9. Any person desiring to vote (i) shall present
23 to the judges of election acceptable photo identification or a
24 Voter Identification Card for verification of the person's
25 identity and (ii) shall state the person's ~~give his~~ name and,

1 if required to do so, the person's ~~his~~ residence to the judges
2 of election, one of whom shall thereupon announce the same in a
3 loud and distinct tone of voice, clear, and audible; the
4 judges of elections shall check each application for ballot
5 against the list of voters registered in that precinct to whom
6 grace period, vote by mail, or early ballots have been issued
7 for that election, which shall be provided by the election
8 authority and which list shall be available for inspection by
9 pollwatchers. A voter applying to vote in the precinct on
10 election day whose name appears on the list as having been
11 issued a grace period, vote by mail, or early ballot shall not
12 be permitted to vote in the precinct, except that a voter to
13 whom a vote by mail ballot was issued may vote in the precinct
14 if the voter submits to the election judges that vote by mail
15 ballot for cancellation. If the voter is unable to submit the
16 vote by mail ballot, it shall be sufficient for the voter to
17 submit to the election judges (i) a portion of the vote by mail
18 ballot if the vote by mail ballot was torn or mutilated or (ii)
19 an affidavit executed before the election judges specifying
20 that (A) the voter never received a vote by mail ballot or (B)
21 the voter completed and returned a vote by mail ballot and was
22 informed that the election authority did not receive that vote
23 by mail ballot. All applicable provisions of Articles 4, 5 or 6
24 shall be complied with and if such name is found on the
25 register of voters by the officer having charge thereof, he
26 shall likewise repeat said name, and the voter shall be

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

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

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

21 State of Illinois,)

22) ss.

23 County of)

24 Precinct Ward

25 I,, do solemnly swear (or affirm) that I am a citizen
 26 of the United States, of the age of 18 years or over, and that

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

12

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

14

15 Judge of Election.

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

20 State of Illinois,)

21) ss.

22 County of)

23 Precinct Ward

24 I,, do solemnly swear (or affirm), that I am a
 25 resident of this precinct and ward and entitled to vote at this

1 election; that I am acquainted with (name of the
2 applicant); that I verily believe him to be an actual bona fide
3 resident of this precinct and ward and that I verily believe
4 that he or she has maintained a legal residence therein 30 days
5 and in this State 30 days next preceding this election.

6
7 Subscribed and sworn to before me on (insert date).
8
9 Judge of Election.

10 All affidavits made under the provisions of this Section
11 shall be enclosed in a separate envelope securely sealed, and
12 shall be transmitted with the returns of the elections to the
13 county clerk or to the board of election commissioners, who
14 shall preserve the said affidavits for the period of 6 months,
15 during which period such affidavits shall be deemed public
16 records and shall be freely open to examination as such.
17 (Source: P.A. 98-1171, eff. 6-1-15.)

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

19 Sec. 18-5. Any person desiring to vote and whose name is
20 found upon the register of voters by the person having charge
21 thereof, (i) shall present to the judges of election
22 acceptable photo identification or a Voter Identification Card
23 for verification of the person's identity, (ii) shall then be
24 questioned by one of the judges as to the person's ~~his~~

1 nativity, the person's ~~his~~ term of residence at present
2 address, precinct, State and United States, the person's ~~his~~
3 age, whether naturalized and if so the date of naturalization
4 papers and court from which secured, and (iii) ~~he~~ shall be
5 asked to state the person's ~~his~~ residence when last previously
6 registered and the date of the election for which the person ~~he~~
7 then registered. The judges of elections shall check each
8 application for ballot against the list of voters registered
9 in that precinct to whom grace period, vote by mail, and early
10 ballots have been issued for that election, which shall be
11 provided by the election authority and which list shall be
12 available for inspection by pollwatchers. A voter applying to
13 vote in the precinct on election day whose name appears on the
14 list as having been issued a grace period, vote by mail, or
15 early ballot shall not be permitted to vote in the precinct,
16 except that a voter to whom a vote by mail ballot was issued
17 may vote in the precinct if the voter submits to the election
18 judges that vote by mail ballot for cancellation. If the voter
19 is unable to submit the vote by mail ballot, it shall be
20 sufficient for the voter to submit to the election judges (i) a
21 portion of the vote by mail ballot if the vote by mail ballot
22 was torn or mutilated or (ii) an affidavit executed before the
23 election judges specifying that (A) the voter never received a
24 vote by mail ballot or (B) the voter completed and returned a
25 vote by mail ballot and was informed that the election
26 authority did not receive that vote by mail ballot. If such

1 person so registered shall be challenged as disqualified, the
2 party challenging shall assign his reasons therefor, and
3 thereupon one of the judges shall administer to him an oath to
4 answer questions, and if he shall take the oath he shall then
5 be questioned by the judge or judges touching such cause of
6 challenge, and touching any other cause of disqualification.
7 And he may also be questioned by the person challenging him in
8 regard to his qualifications and identity. But if a majority
9 of the judges are of the opinion that he is the person so
10 registered and a qualified voter, his vote shall then be
11 received accordingly. But if his vote be rejected by such
12 judges, such person may afterward produce and deliver an
13 affidavit to such judges, subscribed and sworn to by him
14 before one of the judges, in which it shall be stated how long
15 he has resided in such precinct, and state; that he is a
16 citizen of the United States, and is a duly qualified voter in
17 such precinct, and that he is the identical person so
18 registered. In addition to such an affidavit, the person so
19 challenged shall provide to the judges of election proof of
20 residence by producing 2 forms of identification showing the
21 person's current residence address, provided that such
22 identification may include a lease or contract for a residence
23 and not more than one piece of mail addressed to the person at
24 his current residence address and postmarked not earlier than
25 30 days prior to the date of the election, or the person shall
26 procure a witness personally known to the judges of election,

1 and resident in the precinct (or district), or who shall be
2 proved by some legal voter of such precinct or district, known
3 to the judges to be such, who shall take the oath following,
4 viz:

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

13 The oath in each case may be administered by one of the
14 judges of election, or by any officer, resident in the
15 precinct or district, authorized by law to administer oaths.
16 Also supported by an affidavit by a registered voter residing
17 in such precinct, stating his own residence, and that he knows
18 such person; and that he does reside at the place mentioned and
19 has resided in such precinct and state for the length of time
20 as stated by such person, which shall be subscribed and sworn
21 to in the same way. For purposes of this Section, the
22 submission of a photo identification issued by a college or
23 university, accompanied by either (i) a copy of the
24 applicant's contract or lease for a residence or (ii) one
25 piece of mail addressed to the person at his or her current
26 residence address and postmarked not earlier than 30 days

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

21 Immediately after voting, the voter shall be instructed
22 whether the voting equipment, if used, accepted or rejected
23 the ballot or identified the ballot as under-voted. A voter
24 whose ballot is identified as under-voted for a statewide
25 constitutional office may return to the voting booth and
26 complete the voting of that ballot. A voter whose ballot is not

1 accepted by the voting equipment may, upon surrendering the
2 ballot, request and vote another ballot. The voter's
3 surrendered ballot shall be initialed by the election judge
4 and handled as provided in the appropriate Article governing
5 that voting equipment.

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

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

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

20 No judge of election shall accept from any voter less than
21 the full number of ballots received by such voter without
22 first advising the voter in the manner above provided of the
23 necessity of returning all of the ballots, nor shall any such
24 judge advise such voter in a manner contrary to that which is
25 herein permitted, or in any other manner violate the
26 provisions of this Section; provided, that the acceptance by a

1 judge of election of less than the full number of ballots
2 delivered to a voter who refuses to return to the voting booth
3 after being properly advised by such judge shall not be a
4 violation of this Section.

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

6 (10 ILCS 5/18A-5)

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

8 (a) A person who claims to be a registered voter is
9 entitled to cast a provisional ballot under the following
10 circumstances:

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

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

22 (3) A federal or State court order extends the time
23 for closing the polls beyond the time period established
24 by State law and the person votes during the extended time
25 period;

1 (4) The voter ~~registered to vote by mail~~ and is
2 required by law to present acceptable photo identification
3 or a Voter Identification Card ~~identification~~ when voting
4 ~~either~~ in person, in the case of a voter who registered by
5 mail, or by early voting ballot, but fails to provide
6 acceptable photo identification or a Voter Identification
7 Card ~~do so;~~

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

11 (6) The voter received a vote by mail ballot but did
12 not return the vote by mail ballot to the election
13 authority; ~~or~~

14 (7) The voter attempted to register to vote on
15 election day, but failed to provide the necessary
16 documentation; ~~or~~

17 (8) The voter has signed an affidavit attesting under
18 subsection (f) of Section 1-14 that the voter has a
19 religious objection to being photographed or the voter is
20 indigent and unable to obtain a Voter Identification Card.

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

23 (1) After first verifying through an examination of
24 the precinct register that the person's address is within
25 the precinct boundaries, an election judge at the polling
26 place shall notify a person who is entitled to cast a

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

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

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

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

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

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

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

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

26 (4) The election judge shall give a copy of the

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

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

1 was not counted.

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

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

1 she is a duly registered voter. In all other respects, a county
2 clerk or board of election commissioners shall establish
3 procedures consistent with subsection (b).

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

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

16 (10 ILCS 5/18A-15)

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

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

1 its final canvass of the vote for all public offices.

2 (b) If a county clerk or board of election commissioners
3 determines that all of the following apply, then a provisional
4 ballot is valid and shall be counted as a vote:

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

1 electors of an entire township;

2 (2) the affidavit executed by the provisional voter
3 pursuant to subsection (b)(2) of Section 18A-5 contains,
4 at a minimum, the provisional voter's first and last name,
5 house number and street name, and signature or mark;

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

11 i. the provisional voter;

12 ii. an election judge;

13 iii. the statewide voter registration database
14 maintained by the State Board of Elections;

15 iv. the records of the county clerk or board of
16 election commissioners' database; or

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

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

22 (5) for a provisional ballot cast under item (7) of
23 subsection (a) of Section 18A-5, the voter provides the
24 election authority with the necessary documentation within
25 7 days of election day.

26 (c) With respect to subsection (b)(3) of this Section, the

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

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

16 (d) In validating the registration status of a person
17 casting a provisional ballot, the county clerk or board of
18 election commissioners shall not require a provisional voter
19 to complete any form other than the affidavit executed by the
20 provisional voter under subsection (b) (2) of Section 18A-5. In
21 addition, the county clerk or board of election commissioners
22 shall not require all provisional voters or any particular
23 class or group of provisional voters to appear personally
24 before the county clerk or board of election commissioners or
25 as a matter of policy require provisional voters to submit
26 additional information to verify or otherwise support the

1 information already submitted by the provisional voter. Within
2 calendar days after the election, the election authority
3 shall transmit by electronic means pursuant to a process
4 established by the State Board of Elections the name, street
5 address, e-mail address, and precinct, ward, township, and
6 district numbers, as the case may be, of each person casting a
7 provisional ballot to the State Board of Elections, which
8 shall maintain those names and that information in an
9 electronic format on its website, arranged by county and
10 accessible to State and local political committees. The
11 provisional voter may, within 7 calendar days after the
12 election, submit additional information to the county clerk or
13 board of election commissioners, except that in the case of
14 provisional voting under paragraph (4) of subsection (a) of
15 Section 18A-5, the provisional voter has 10 days to provide
16 the county clerk or board of election commissioners with
17 acceptable photo identification or a Voter Identification
18 Card. This information must be received by the county clerk or
19 board of election commissioners within the applicable
20 7-calendar-day period or 10-calendar-day period.

21 (e) If the county clerk or board of election commissioners
22 determines that subsection (b) (1), (b) (2), or (b) (3) does not
23 apply, then the provisional ballot is not valid and may not be
24 counted. The provisional ballot envelope containing the ballot
25 cast by the provisional voter may not be opened. The county
26 clerk or board of election commissioners shall write on the

1 provisional ballot envelope the following: "Provisional ballot
2 determined invalid."

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

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

22 (h) As soon as the ballots have been counted, the election
23 judges or election officials shall, in the presence of the
24 county clerk or board of election commissioners, place each of
25 the following items in a separate envelope or bag: (1) all
26 provisional ballots, voted or spoiled; (2) all provisional

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

1 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13;
2 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

3 (10 ILCS 5/19A-35)

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

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

18 (b) In conducting early voting under this Article, the
19 election judge or official is required to verify the signature
20 of the early voter by comparison with the signature on the
21 official registration card, and the judge or official must
22 verify (i) that the applicant is a registered voter, (ii) the
23 precinct in which the applicant is registered, ~~and~~ (iii) the
24 proper ballots of the political subdivision in which the
25 applicant resides and is entitled to vote, and (iv) the

1 applicant's identity by the applicant's presentation of
2 acceptable photo identification or a Voter Identification Card
3 before providing an early ballot to the applicant. The
4 election judge or official must verify the applicant's
5 registration from the most recent poll list provided by the
6 election authority, and if the applicant is not listed on that
7 poll list, by telephoning the office of the election
8 authority.

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

21 (b-10) Within one day after a voter casts an early voting
22 ballot, the election authority shall transmit the voter's
23 name, street address, and precinct, ward, township, and
24 district numbers, as the case may be, to the State Board of
25 Elections, which shall maintain those names and that
26 information in an electronic format on its website, arranged

1 by county and accessible to State and local political
2 committees.

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

15 (c) The sealed early ballots in their carrier envelope
16 shall be delivered by the election authority to the central
17 ballot counting location before the close of the polls on the
18 day of the election.

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