



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1483

Introduced 2/7/2023, by Sen. Mike Simmons

SYNOPSIS AS INTRODUCED:

| | |
|--------------------|-----------------------------|
| 10 ILCS 5/1-23 new | |
| 10 ILCS 5/3-5 | from Ch. 46, par. 3-5 |
| 10 ILCS 5/19A-20 | |
| 730 ILCS 5/3-14-1 | from Ch. 38, par. 1003-14-1 |
| 730 ILCS 5/5-5-5 | from Ch. 38, par. 1005-5-5 |

Amends the Election Code. Provides that a person convicted of a felony or otherwise under sentence in a correctional institution shall have his or her right to vote restored and shall be eligible to vote not later than 14 days following his or her conviction or not later than 5 days before the first election following the person's confinement (rather than prohibiting a person who has been convicted of any crime and is serving a sentence of confinement from voting until his or her release from confinement). Requires the election authority to collaborate with a correctional institution to facilitate an opportunity for voting by mail for eligible electors to vote in that election jurisdiction who are incarcerated in the correctional institution. Provides that all requirements of the federal Voting Rights Act of 1965 and other federal, State, and local laws regarding language access and disability access apply to the provisions. Requires the correctional institution to make available to persons in custody resource materials relating to an election. Requires the State Board of Elections in coordination with correctional institutions to annually report certain data regarding compliance with the provisions. Makes conforming changes throughout the Code and in the Unified Code of Corrections. Effective July 1, 2024.

LRB103 27023 BMS 53390 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 adding Section
5 1-23 and by changing Sections 3-5 and 19A-20 as follows:

6 (10 ILCS 5/1-23 new)

7 Sec. 1-23. Post-conviction voting.

8 (a) As used in this Section, "correctional institution"
9 means any place used to house persons under State supervision,
10 including, but not limited to, State, federal, or juvenile
11 facilities, adult transition centers, halfway houses, and
12 other reentry or rehabilitation programs.

13 (b) A person convicted of a felony, or otherwise under
14 sentence in a correctional institution or jail, shall have his
15 or her right to vote restored and shall be eligible to vote not
16 later than 14 days following his or her conviction or not later
17 than 5 days before the first primary, general, consolidated,
18 or special election immediately following his or her
19 conviction, whichever is earlier. Persons under any form of
20 State supervision who are disqualified from voting shall have
21 their right to vote restored under this Section, including,
22 but not limited to, persons incarcerated in State, federal, or
23 juvenile facilities; persons on probation or parole; persons

1 on work release; persons on furlough; persons released on
2 electronic monitoring; persons housed in adult transition
3 centers, halfway houses, or other reentry or rehabilitation
4 programs; and persons owing court fines or fees. Persons may
5 not be denied the right to vote because of a past criminal
6 conviction.

7 (c) Each election authority shall collaborate with the
8 correctional institution to facilitate an opportunity for
9 voting by mail for voters eligible to vote in that election
10 jurisdiction who are incarcerated in the correctional
11 institution.

12 (d) Any person completing a voter registration application
13 or submitting a change of address shall be notified of the
14 option to receive a vote by mail ballot. Upon request of the
15 elector, the registration shall serve as an application to
16 receive an official vote by mail ballot and the individual
17 need not complete an application. An elector who is a resident
18 of a location covered by Section 203 of the federal Voting
19 Rights Act of 1965 or local language access requirements must
20 be offered a voter registration application in a covered
21 language and must be able to request a vote by mail ballot in
22 the covered language. Upon processing the registration, the
23 election authority shall provide the individual with an
24 official ballot.

25 (e) All requirements of the federal Voting Rights Act of
26 1965, including Sections 203 and 208, State and local language

1 access requirements, and the federal Americans with
2 Disabilities Act and State and local disability access
3 requirements shall apply to this Section. The correctional
4 institution shall make available voter registration
5 applications, vote by mail ballot applications, vote by mail
6 ballots, and other election materials in the languages
7 provided by the State Board of Elections and local election
8 authorities.

9 (f) The correctional institution shall make available to a
10 person in its custody resource materials current to an
11 election, maintained by the State Board of Elections,
12 containing detailed information regarding the voting rights of
13 a person with a criminal conviction in the following formats:
14 (1) in print; (2) on the correctional institution's website;
15 and (3) in a visible location on the premises of each
16 correctional institution where notices are customarily posted.
17 The correctional institution shall provide resource materials
18 to a person in its custody upon intake and release of the
19 person on parole, mandatory supervised release, final
20 discharge, or pardon from the correctional institution.

21 (g) Compliance with this Section shall be monitored by a
22 report published annually by the State Board of Elections, in
23 coordination with correctional institutions, containing data,
24 including numbers of voter registrations, vote by mail ballot
25 applications, vote by mail ballots completed, ballots
26 completed, voter education packets delivered, number and

1 location of ballot drop boxes established, number and location
2 of temporary polling places established, and other factors.

3 (h) A person who has left the place of the person's
4 residence as part of the person's confinement in a
5 correctional institution and who has not established another
6 residence for voter registration purposes may not be
7 considered to have changed or lost residence. The person may
8 register to vote at the address of the place the person's
9 residence was located before the person's confinement in a
10 correctional institution.

11 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

12 ~~Sec. 3-5. No person who has been legally convicted, in~~
13 ~~this or another state or in any federal court, of any crime,~~
14 ~~and is serving a sentence of confinement in any penal~~
15 ~~institution, or who has been convicted under any Section of~~
16 ~~this Code and is serving a sentence of confinement in any penal~~
17 ~~institution, shall vote, offer to vote, attempt to vote or be~~
18 ~~permitted to vote at any election until his release from~~
19 ~~confinement.~~

20 ~~Confinement for purposes of this Section shall include any~~
21 ~~person convicted and imprisoned but granted a furlough as~~
22 ~~provided by Section 3-11-1 of the Unified Code of Corrections,~~
23 ~~or admitted to a work release program as provided by Section~~
24 ~~3-13-2 of the Unified Code of Corrections. Confinement shall~~
25 ~~not include any person convicted and imprisoned but released~~

1 ~~on parole.~~

2 Confinement or detention in a jail pending acquittal or
3 conviction of a crime is not a disqualification for voting.

4 (Source: P.A. 100-863, eff. 8-14-18.)

5 (10 ILCS 5/19A-20)

6 Sec. 19A-20. Temporary branch polling places.

7 (a) In addition to permanent polling places for early
8 voting, the election authority may establish temporary branch
9 polling places for early voting.

10 (b) The provisions of subsection (b) of Section 19A-15 do
11 not apply to a temporary polling place. Voting at a temporary
12 branch polling place may be conducted on any one or more days
13 and during any hours within the period for early voting by
14 personal appearance that are determined by the election
15 authority.

16 (c) The schedules for conducting voting do not need to be
17 uniform among the temporary branch polling places.

18 (d) The legal rights and remedies which inure to the owner
19 or lessor of private property are not impaired or otherwise
20 affected by the leasing of the property for use as a temporary
21 branch polling place for early voting, except to the extent
22 necessary to conduct early voting at that location.

23 (e) In a county with a population of:

24 (1) 3,000,000 or more, the election authority in the
25 county shall establish a temporary branch polling place

1 under this Section in the county jail. ~~Only a resident of a~~
2 ~~county who is in custody at the county jail and who has not~~
3 ~~been convicted of the offense for which the resident is in~~
4 ~~custody is eligible to vote at a temporary branch polling~~
5 ~~place established under this paragraph (1).~~ The temporary
6 branch polling place established under this paragraph (1)
7 shall allow a voter to vote in the same elections that the
8 voter would be entitled to vote in where the voter
9 resides. To the maximum extent feasible, voting booths or
10 screens shall be provided to ensure the privacy of the
11 voter.

12 (2) less than 3,000,000, the sheriff may establish a
13 temporary branch polling place at the county jail. Only a
14 resident of a county who is in custody at the county jail
15 and who has not been convicted of the offense for which the
16 resident is in custody is eligible to vote at a temporary
17 branch polling place established under this paragraph (2).
18 A temporary branch polling place established under this
19 paragraph (2) shall allow a voter to vote in the same
20 elections that the voter would be entitled to vote in
21 where the voter resides. To the maximum extent feasible,
22 voting booths or screens shall be provided to ensure the
23 privacy of the voter.

24 All provisions of this Code applicable to pollwatchers
25 shall apply to a temporary branch polling place under this
26 subsection (e), subject to approval from the election

1 authority and the county jail, except that nonpartisan
2 pollwatchers shall be limited to one per division within the
3 jail instead of one per precinct. A county that establishes a
4 temporary branch polling place inside a county jail in
5 accordance with this subsection (e) shall adhere to all
6 requirements of this subsection (e). All requirements of the
7 federal Voting Rights Act of 1965 and Sections 203 and 208 of
8 the federal Americans with Disabilities Act shall apply to
9 this subsection (e).

10 (Source: P.A. 101-442, eff. 1-1-20; 102-15, eff. 6-17-21.)

11 Section 10. The Unified Code of Corrections is amended by
12 changing Sections 3-14-1 and 5-5-5 as follows:

13 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

14 Sec. 3-14-1. Release from the institution.

15 (a) Upon release of a person on parole, mandatory release,
16 final discharge, or pardon, the Department shall return all
17 property held for him, provide him with suitable clothing and
18 procure necessary transportation for him to his designated
19 place of residence and employment. It may provide such person
20 with a grant of money for travel and expenses which may be paid
21 in installments. The amount of the money grant shall be
22 determined by the Department.

23 (a-1) The Department shall, before a wrongfully imprisoned
24 person, as defined in Section 3-1-2 of this Code, is

1 discharged from the Department, provide him or her with any
2 documents necessary after discharge.

3 (a-2) The Department of Corrections may establish and
4 maintain, in any institution it administers, revolving funds
5 to be known as "Travel and Allowances Revolving Funds". These
6 revolving funds shall be used for advancing travel and expense
7 allowances to committed, paroled, and discharged prisoners.
8 The moneys paid into such revolving funds shall be from
9 appropriations to the Department for Committed, Paroled, and
10 Discharged Prisoners.

11 (a-3) (Blank). ~~Upon release of a person who is eligible to~~
12 ~~vote on parole, mandatory release, final discharge, or pardon,~~
13 ~~the Department shall provide the person with a form that~~
14 ~~informs him or her that his or her voting rights have been~~
15 ~~restored and a voter registration application. The Department~~
16 ~~shall have available voter registration applications in the~~
17 ~~languages provided by the Illinois State Board of Elections.~~
18 ~~The form that informs the person that his or her rights have~~
19 ~~been restored shall include the following information:~~

20 ~~(1) All voting rights are restored upon release from~~
21 ~~the Department's custody.~~

22 ~~(2) A person who is eligible to vote must register in~~
23 ~~order to be able to vote.~~

24 ~~The Department of Corrections shall confirm that the~~
25 ~~person received the voter registration application and has~~
26 ~~been informed that his or her voting rights have been~~

1 ~~restored.~~

2 (a-4) Prior to release of a person on parole, mandatory
3 supervised release, final discharge, or pardon, the Department
4 shall screen every person for Medicaid eligibility. Officials
5 of the correctional institution or facility where the
6 committed person is assigned shall assist an eligible person
7 to complete a Medicaid application to ensure that the person
8 begins receiving benefits as soon as possible after his or her
9 release. The application must include the eligible person's
10 address associated with his or her residence upon release from
11 the facility. If the residence is temporary, the eligible
12 person must notify the Department of Human Services of his or
13 her change in address upon transition to permanent housing.

14 (b) (Blank).

15 (c) Except as otherwise provided in this Code, the
16 Department shall establish procedures to provide written
17 notification of any release of any person who has been
18 convicted of a felony to the State's Attorney and sheriff of
19 the county from which the offender was committed, and the
20 State's Attorney and sheriff of the county into which the
21 offender is to be paroled or released. Except as otherwise
22 provided in this Code, the Department shall establish
23 procedures to provide written notification to the proper law
24 enforcement agency for any municipality of any release of any
25 person who has been convicted of a felony if the arrest of the
26 offender or the commission of the offense took place in the

1 municipality, if the offender is to be paroled or released
2 into the municipality, or if the offender resided in the
3 municipality at the time of the commission of the offense. If a
4 person convicted of a felony who is in the custody of the
5 Department of Corrections or on parole or mandatory supervised
6 release informs the Department that he or she has resided,
7 resides, or will reside at an address that is a housing
8 facility owned, managed, operated, or leased by a public
9 housing agency, the Department must send written notification
10 of that information to the public housing agency that owns,
11 manages, operates, or leases the housing facility. The written
12 notification shall, when possible, be given at least 14 days
13 before release of the person from custody, or as soon
14 thereafter as possible. The written notification shall be
15 provided electronically if the State's Attorney, sheriff,
16 proper law enforcement agency, or public housing agency has
17 provided the Department with an accurate and up to date email
18 address.

19 (c-1) (Blank).

20 (c-2) The Department shall establish procedures to provide
21 notice to the Illinois State Police of the release or
22 discharge of persons convicted of violations of the
23 Methamphetamine Control and Community Protection Act or a
24 violation of the Methamphetamine Precursor Control Act. The
25 Illinois State Police shall make this information available to
26 local, State, or federal law enforcement agencies upon

1 request.

2 (c-5) If a person on parole or mandatory supervised
3 release becomes a resident of a facility licensed or regulated
4 by the Department of Public Health, the Illinois Department of
5 Public Aid, or the Illinois Department of Human Services, the
6 Department of Corrections shall provide copies of the
7 following information to the appropriate licensing or
8 regulating Department and the licensed or regulated facility
9 where the person becomes a resident:

10 (1) The mittimus and any pre-sentence investigation
11 reports.

12 (2) The social evaluation prepared pursuant to Section
13 3-8-2.

14 (3) Any pre-release evaluation conducted pursuant to
15 subsection (j) of Section 3-6-2.

16 (4) Reports of disciplinary infractions and
17 dispositions.

18 (5) Any parole plan, including orders issued by the
19 Prisoner Review Board, and any violation reports and
20 dispositions.

21 (6) The name and contact information for the assigned
22 parole agent and parole supervisor.

23 This information shall be provided within 3 days of the
24 person becoming a resident of the facility.

25 (c-10) If a person on parole or mandatory supervised
26 release becomes a resident of a facility licensed or regulated

1 by the Department of Public Health, the Illinois Department of
2 Public Aid, or the Illinois Department of Human Services, the
3 Department of Corrections shall provide written notification
4 of such residence to the following:

5 (1) The Prisoner Review Board.

6 (2) The chief of police and sheriff in the
7 municipality and county in which the licensed facility is
8 located.

9 The notification shall be provided within 3 days of the
10 person becoming a resident of the facility.

11 (d) Upon the release of a committed person on parole,
12 mandatory supervised release, final discharge, or pardon, the
13 Department shall provide such person with information
14 concerning programs and services of the Illinois Department of
15 Public Health to ascertain whether such person has been
16 exposed to the human immunodeficiency virus (HIV) or any
17 identified causative agent of Acquired Immunodeficiency
18 Syndrome (AIDS).

19 (e) Upon the release of a committed person on parole,
20 mandatory supervised release, final discharge, pardon, or who
21 has been wrongfully imprisoned, the Department shall verify
22 the released person's full name, date of birth, and social
23 security number. If verification is made by the Department by
24 obtaining a certified copy of the released person's birth
25 certificate and the released person's social security card or
26 other documents authorized by the Secretary, the Department

1 shall provide the birth certificate and social security card
2 or other documents authorized by the Secretary to the released
3 person. If verification by the Department is done by means
4 other than obtaining a certified copy of the released person's
5 birth certificate and the released person's social security
6 card or other documents authorized by the Secretary, the
7 Department shall complete a verification form, prescribed by
8 the Secretary of State, and shall provide that verification
9 form to the released person.

10 (f) Forty-five days prior to the scheduled discharge of a
11 person committed to the custody of the Department of
12 Corrections, the Department shall give the person:

13 (1) who is otherwise uninsured an opportunity to apply
14 for health care coverage including medical assistance
15 under Article V of the Illinois Public Aid Code in
16 accordance with subsection (b) of Section 1-8.5 of the
17 Illinois Public Aid Code, and the Department of
18 Corrections shall provide assistance with completion of
19 the application for health care coverage including medical
20 assistance;

21 (2) information about obtaining a standard Illinois
22 Identification Card or a limited-term Illinois
23 Identification Card under Section 4 of the Illinois
24 Identification Card Act;

25 (3) information about voter registration and may
26 distribute information prepared by the State Board of

1 Elections. The Department of Corrections may enter into an
2 interagency contract with the State Board of Elections to
3 participate in the automatic voter registration program
4 and be a designated automatic voter registration agency
5 under Section 1A-16.2 of the Election Code;

6 (4) information about job listings upon discharge from
7 the correctional institution or facility;

8 (5) information about available housing upon discharge
9 from the correctional institution or facility;

10 (6) a directory of elected State officials and of
11 officials elected in the county and municipality, if any,
12 in which the committed person intends to reside upon
13 discharge from the correctional institution or facility;
14 and

15 (7) any other information that the Department of
16 Corrections deems necessary to provide the committed
17 person in order for the committed person to reenter the
18 community and avoid recidivism.

19 The Department may adopt rules to implement this Section.

20 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;
21 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-606, eff.
22 1-1-22; 102-813, eff. 5-13-22.)

23 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

24 Sec. 5-5-5. Loss and restoration of rights.

25 (a) Conviction and disposition shall not entail the loss

1 by the defendant of any civil rights, except under this
2 Section and Sections 29-6 and 29-10 of The Election Code, as
3 now or hereafter amended.

4 (b) A person convicted of a felony shall be ineligible to
5 hold an office created by the Constitution of this State until
6 the completion of his sentence.

7 (c) (Blank). ~~A person sentenced to imprisonment shall lose~~
8 ~~his right to vote until released from imprisonment.~~

9 (d) On completion of sentence of imprisonment or upon
10 discharge from probation, conditional discharge or periodic
11 imprisonment, or at any time thereafter, all license rights
12 and privileges granted under the authority of this State which
13 have been revoked or suspended because of conviction of an
14 offense shall be restored unless the authority having
15 jurisdiction of such license rights finds after investigation
16 and hearing that restoration is not in the public interest.
17 This paragraph (d) shall not apply to the suspension or
18 revocation of a license to operate a motor vehicle under the
19 Illinois Vehicle Code.

20 (e) Upon a person's discharge from incarceration or
21 parole, or upon a person's discharge from probation or at any
22 time thereafter, the committing court may enter an order
23 certifying that the sentence has been satisfactorily completed
24 when the court believes it would assist in the rehabilitation
25 of the person and be consistent with the public welfare. Such
26 order may be entered upon the motion of the defendant or the

1 State or upon the court's own motion.

2 (f) Upon entry of the order, the court shall issue to the
3 person in whose favor the order has been entered a certificate
4 stating that his behavior after conviction has warranted the
5 issuance of the order.

6 (g) This Section shall not affect the right of a defendant
7 to collaterally attack his conviction or to rely on it in bar
8 of subsequent proceedings for the same offense.

9 (h) No application for any license specified in subsection
10 (i) of this Section granted under the authority of this State
11 shall be denied by reason of an eligible offender who has
12 obtained a certificate of relief from disabilities, as defined
13 in Article 5.5 of this Chapter, having been previously
14 convicted of one or more criminal offenses, or by reason of a
15 finding of lack of "good moral character" when the finding is
16 based upon the fact that the applicant has previously been
17 convicted of one or more criminal offenses, unless:

18 (1) there is a direct relationship between one or more
19 of the previous criminal offenses and the specific license
20 sought; or

21 (2) the issuance of the license would involve an
22 unreasonable risk to property or to the safety or welfare
23 of specific individuals or the general public.

24 In making such a determination, the licensing agency shall
25 consider the following factors:

26 (1) the public policy of this State, as expressed in

1 Article 5.5 of this Chapter, to encourage the licensure
2 and employment of persons previously convicted of one or
3 more criminal offenses;

4 (2) the specific duties and responsibilities
5 necessarily related to the license being sought;

6 (3) the bearing, if any, the criminal offenses or
7 offenses for which the person was previously convicted
8 will have on his or her fitness or ability to perform one
9 or more such duties and responsibilities;

10 (4) the time which has elapsed since the occurrence of
11 the criminal offense or offenses;

12 (5) the age of the person at the time of occurrence of
13 the criminal offense or offenses;

14 (6) the seriousness of the offense or offenses;

15 (7) any information produced by the person or produced
16 on his or her behalf in regard to his or her rehabilitation
17 and good conduct, including a certificate of relief from
18 disabilities issued to the applicant, which certificate
19 shall create a presumption of rehabilitation in regard to
20 the offense or offenses specified in the certificate; and

21 (8) the legitimate interest of the licensing agency in
22 protecting property, and the safety and welfare of
23 specific individuals or the general public.

24 (i) A certificate of relief from disabilities shall be
25 issued only for a license or certification issued under the
26 following Acts:

1 (1) the Animal Welfare Act; except that a certificate
2 of relief from disabilities may not be granted to provide
3 for the issuance or restoration of a license under the
4 Animal Welfare Act for any person convicted of violating
5 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
6 Care for Animals Act or Section 26-5 or 48-1 of the
7 Criminal Code of 1961 or the Criminal Code of 2012;

8 (2) the Illinois Athletic Trainers Practice Act;

9 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
10 and Nail Technology Act of 1985;

11 (4) the Boiler and Pressure Vessel Repairer Regulation
12 Act;

13 (5) the Boxing and Full-contact Martial Arts Act;

14 (6) the Illinois Certified Shorthand Reporters Act of
15 1984;

16 (7) the Illinois Farm Labor Contractor Certification
17 Act;

18 (8) the Registered Interior Designers Act;

19 (9) the Illinois Professional Land Surveyor Act of
20 1989;

21 (10) the Landscape Architecture Registration Act;

22 (11) the Marriage and Family Therapy Licensing Act;

23 (12) the Private Employment Agency Act;

24 (13) the Professional Counselor and Clinical
25 Professional Counselor Licensing and Practice Act;

26 (14) the Real Estate License Act of 2000;

- 1 (15) the Illinois Roofing Industry Licensing Act;
- 2 (16) the Professional Engineering Practice Act of
- 3 1989;
- 4 (17) the Water Well and Pump Installation Contractor's
- 5 License Act;
- 6 (18) the Electrologist Licensing Act;
- 7 (19) the Auction License Act;
- 8 (20) the Illinois Architecture Practice Act of 1989;
- 9 (21) the Dietitian Nutritionist Practice Act;
- 10 (22) the Environmental Health Practitioner Licensing
- 11 Act;
- 12 (23) the Funeral Directors and Embalmers Licensing
- 13 Code;
- 14 (24) (blank);
- 15 (25) the Professional Geologist Licensing Act;
- 16 (26) the Illinois Public Accounting Act; and
- 17 (27) the Structural Engineering Practice Act of 1989.
- 18 (Source: P.A. 102-284, eff. 8-6-21.)

19 Section 99. Effective date. This Act takes effect July 1,

20 2024.