

94TH GENERAL ASSEMBLY State of Illinois 2005 and 2006 HB0814

Introduced 2/2/2005, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

10 ILCS 5/4-6.2 from Ch. 46, par. 4-6.2 10 ILCS 5/5-16.2 from Ch. 46, par. 5-16.2 10 ILCS 5/6-50.2 from Ch. 46, par. 6-50.2

Amends the Election Code. Prohibits the unauthorized copying or retention of personal or other information from a voter registration application. Makes violation a Class A misdemeanor.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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1 AN ACT concerning elections.

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

- Section 5. The Election Code is amended by changing Sections 4-6.2, 5-16.2, and 6-50.2 as follows:
- 6 (10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

7 Sec. 4-6.2. (a) The county clerk shall appoint all municipal and township or road district clerks or their duly 8 authorized deputies as deputy registrars who may accept the 9 registration of all qualified residents of their respective 10 municipalities, townships and road districts. A deputy 11 12 registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal 13 14 clerk, of a municipality the territory of which lies in more 15 than one county may accept the registration of any qualified resident of the municipality, regardless of which county the 16 17 resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in. 18

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The county clerk shall appoint each of the following named

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persons as deputy registrars upon the written request of such
persons:

- 1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such library.
- 2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such school. notify every county clerk shall principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.
- 3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such university, college, community college, academy or institution.
- 4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the county.
- 5. A duly elected or appointed official of a bonafide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the county. In determining the number of deputy registrars that shall be

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appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint assist deputy registrars to and facilitate registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number to every civic organization appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bonafide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

- 6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.
- 7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.
- 8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific

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reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

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31 (Signature Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section,

except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year; except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

- (b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.
- (c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.
- (d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted

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- registration forms the deputy registrar may have in his or her possession.
- (e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.
- (f) The county clerk shall not be criminally or civilly 6 liable for the acts or omissions of any deputy registrar. Such 7 deputy registrars shall not be deemed to be employees of the 8 9 county clerk. A person, including a deputy registrar, who copies, photocopies, or in any way retains information from a 10 11 voter registration application except as authorized or 12 required by State or federal law, rule, or regulation commits a Class A misdemeanor. Information includes, but is not limited 13 to, personal information such as the applicant's name, address, 14 phone number, social security number, or driver's license 15 16 number.
- 17 (Source: P.A. 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)
- 18 (10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

Sec. 5-16.2. (a) The county clerk shall appoint all municipal and township clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective counties. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of any county in which the municipality is located, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State

- 1 located at driver's license examination stations and
- designated to the election authority by the Secretary of State
- 3 who may accept the registration of any qualified residents of
- 4 the county at any such driver's license examination stations.
- 5 The appointment of employees of the Secretary of State as
- 6 deputy registrars shall be made in the manner provided in
- 7 Section 2-105 of the Illinois Vehicle Code.
- 8 The county clerk shall appoint each of the following named
- 9 persons as deputy registrars upon the written request of such
- 10 persons:

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- 1. The chief librarian, or a qualified person
- designated by the chief librarian, of any public library
- situated within the election jurisdiction, who may accept
- the registrations of any qualified resident of the county,
- 15 at such library.
- 16 2. The principal, or a qualified person designated by
- 17 the principal, of any high school, elementary school, or
- 18 vocational school situated within the election
- 20 resident of the county, at such school. The county clerk

jurisdiction, who may accept the registrations of any

shall notify every principal and vice-principal of each

situated within the election jurisdiction of their

- resident of the county, at such school. The county clerk
- high school, elementary school, and vocational school
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- 24 eligibility to serve as deputy registrars and offer
- 25 training courses for service as deputy registrars at
- 26 conveniently located facilities at least 4 months prior to
- every election.
- 3. The president, or a qualified person designated by
- the president, of any university, college, community
- 30 college, academy or other institution of learning situated
- 31 within the election jurisdiction, who may accept the
- 32 registrations of any resident of the county, at such
- university, college, community college, academy or
- 34 institution.
- 4. A duly elected or appointed official of a bona fide
- labor organization, or a reasonable number of qualified

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members designated by such official, who may accept the registrations of any qualified resident of the county.

- 5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who accept may registration of any qualified resident of the county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction their location, and the registration activities of the organization and the need to appoint assist and deputy registrars to facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number organization applicable to every civic requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.
- 6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.
- 7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his

personal application before me.

3 (Signature of Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

- (b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.
- (c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an

- 1 election shall be returned by the deputy registrars within 24
- 2 hours after receipt thereof. Unused materials shall be returned
- 3 by deputy registrars appointed pursuant to paragraph 4 of
- 4 subsection (a), not later than the next working day following
- 5 the close of registration.
- 6 (d) The county clerk or board of election commissioners, as
- 7 the case may be, must provide any additional forms requested by
- 8 any deputy registrar regardless of the number of unaccounted
- 9 registration forms the deputy registrar may have in his or her
- 10 possession.
- 11 (e) No deputy registrar shall engage in any electioneering
- or the promotion of any cause during the performance of his or
- 13 her duties.
- 14 (f) The county clerk shall not be criminally or civilly
- liable for the acts or omissions of any deputy registrar. Such
- deputy registers shall not be deemed to be employees of the
- 17 county clerk. A person, including a deputy registrar, who
- 18 copies, photocopies, or in any way retains information from a
- 19 <u>voter registration application except as authorized or</u>
- 20 <u>required by State or federal law, rule, or regulation commits a</u>
- 21 <u>Class A misdemeanor. Information includes, but is not limited</u>
- 22 to, personal information such as the applicant's name, address,
- 23 phone number, social security number, or driver's license
- 24 <u>number.</u>
- 25 (Source: P.A. 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)
- 26 (10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)
- Sec. 6-50.2. (a) The board of election commissioners shall
- 28 appoint all precinct committeepersons in the election
- 29 jurisdiction as deputy registrars who may accept the
- 30 registration of any qualified resident of the election
- 31 jurisdiction, except during the 27 days preceding an election.
- 32 The election authority shall appoint as deputy registrars a
- 33 reasonable number of employees of the Secretary of State
- 34 located at driver's license examination stations and
- 35 designated to the election authority by the Secretary of State

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- 1 who may accept the registration of any qualified residents of
- 2 the county at any such driver's license examination stations.
- 3 The appointment of employees of the Secretary of State as
- 4 deputy registrars shall be made in the manner provided in
- 5 Section 2-105 of the Illinois Vehicle Code.
 - The board of election commissioners shall appoint each of the following named persons as deputy registrars upon the written request of such persons:
 - 1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the election jurisdiction, at such library.
 - 2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such school. The board of election commissioners shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated in the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.
 - 3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such university, college, community college, academy or institution.
 - 4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the election

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jurisdiction.

- 5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept registration of any qualified resident of the election jurisdiction. In determining the number of deputy registrars that shall be appointed, the board of election commissioners shall consider the population of jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a board of election commissioners fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.
- 6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the election jurisdiction at any such public aid office.
- 7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the election jurisdiction at any such

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unemployment office. If the request to be appointed as deputy registrar is denied, the board of election commissioners shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

8. The president of any corporation, as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the election jurisdiction.

The board of election commissioners may appoint as many additional deputy registrars as it considers necessary. The board of election commissioners shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The board of election commissioners, appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the board by November 30 of each year. The board may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the election jurisdiction and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will

faithfully discharge the duties of the office of registration officer to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

6 (Signature of Registration Officer)"

This oath shall be administered and certified to by one of the commissioners or by the executive director or by some person designated by the board of election commissioners, and shall immediately thereafter be filed with the board of election commissioners. The members of the board of election commissioners and all persons authorized by them under the provisions of this Article to take registrations, after themselves taking and subscribing to the above oath, are authorized to take or administer such oaths and execute such affidavits as are required by this Article.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The board of election commissioners shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the board of election commissioners and such appointees. The board of election commissioners shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to

removal for cause.

- (c) Completed registration materials under the control of deputy registrars appointed pursuant to subsection (a) shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.
- (d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession.
- (e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.
- (f) The board of election commissioners shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the board of election commissioners. A person, including a deputy registrar, who copies, photocopies, or in any way retains information from a voter registration application except as authorized or required by State or federal law, rule, or regulation commits a Class A misdemeanor. Information includes, but is not limited to, personal information such as the applicant's name, address, phone number, social security number, or driver's license number.

(Source: P.A. 92-816, eff. 8-21-02; 93-574, eff. 8-21-03.)