



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB5462**

Introduced 2/15/2012, by Rep. Bill Mitchell

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-11 new	
10 ILCS 5/3-6 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 Voters Identification Cards for those who do not have an acceptable photo ID. Sets forth requirements and exemptions.

LRB097 15802 PJG 60948 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing  
5 Sections 17-9, 18-5, 18A-5, 18A-15, and 19A-35 and by adding  
6 Sections 1-11 and 3-6 as follows:

7 (10 ILCS 5/1-11 new)

8 Sec. 1-11. Voter Identification Card.

9 (a) Issuance. The Secretary of State shall issue a Voter  
10 Identification Card to each registered voter who does not have  
11 an acceptable form of photo identification card as defined in  
12 Section 3-6. The Voter Identification Card shall include at  
13 least: (i) the voter's name, signature, and photograph; (ii)  
14 the State seal; and (iii) the voter's current residence  
15 address. A Voter Identification Card is valid for as long as  
16 the registered voter maintains the name and residence on the  
17 Card. A Voter Identification Card may not be used for any  
18 purpose other than to vote in Illinois.

19 (b) Intent and purpose. It is the intent of the General  
20 Assembly to provide the Secretary of State with guidance on how  
21 to issue the Voter Identification Card to those individuals who  
22 do not have an acceptable form of photo identification as  
23 defined in Section 3-6.

1       (c) Application for the Voter Identification Card. Within a  
2 reasonable time after the effective date of this amendatory Act  
3 of the 97th General Assembly, the Secretary of State shall  
4 provide application forms for the Voter Identification Card.  
5 Any registered voter who meets the criteria set forth in this  
6 Section and who provides the proper documentation required  
7 under subsection (d) shall receive a Voter Identification Card.

8       (d) Documentation required. The Secretary of State shall  
9 require the presentation and verification of the following  
10 information for issuance of a Voter Registration Card:

11           (1) A photo identity document, except that a non-photo  
12 identity document, as defined in subsection (e), is  
13 acceptable if it includes both the applicant's name and  
14 date of birth.

15           (2) Documentation showing the applicant's date of  
16 birth.

17           (3) Evidence of voter registration.

18           (4) Documentation, as defined in subsection (f),  
19 showing the applicant's name and principal residence  
20 address.

21       (e) Non-photo identity document. A non-photo identity  
22 document must include the applicant's name and date of birth.  
23 Any of the following shall constitute a non-photo identity  
24 document in lieu of a photo identity document:

25           (1) An original birth certificate or certified copy of  
26 a birth certificate.

- 1           (2) A voter registration card.
- 2           (3) A copy of records filed in court by the applicant  
3 or on behalf of the applicant by the applicant's counsel.
- 4           (4) A naturalization document.
- 5           (5) A copy of the applicant's marriage license.
- 6           (6) A copy of the State or federal tax return filed by  
7 the applicant for the previous calendar year.
- 8           (7) An original of the annual Social Security statement  
9 received by the applicant for the current or preceding  
10 calendar year.
- 11           (8) An original of a Medicare or Medicaid statement  
12 received by the applicant.
- 13           (9) A certified school record or transcript for the  
14 current or preceding calendar year.
- 15           (f) Documentation of name and address. Any of the following  
16 documents shall be acceptable as documentation of the  
17 applicant's name and current address:
- 18           (1) A voter registration card.
- 19           (2) A utility bill or cable bill.
- 20           (3) A bank statement issued within the last 60 days.
- 21           (4) A valid and current rental agreement.
- 22           (5) A copy of the State or federal tax return filed by  
23 the applicant for the previous calendar year.
- 24           (6) A homeowner's insurance policy or bill for the  
25 current or preceding year.
- 26           (7) A mortgage, deed, or property tax bill for the

1 current or preceding year.

2 (8) A W-2 for the preceding calendar year.

3 (g) Exemptions. Voters who are indigent and unable to  
4 obtain a Voter Identification Card without a fee and voters who  
5 have a religious objection to being photographed may vote a  
6 provisional ballot and sign an affidavit that indicates one of  
7 the exemptions stated in this subsection. An indigent person is  
8 defined as an individual whose income is 125% or less of  
9 current federal poverty income guidelines.

10 (10 ILCS 5/3-6 new)

11 Sec. 3-6. Acceptable forms of photo identification for  
12 voting purposes. As used in this Code, acceptable forms of  
13 photo identification for voting purposes include:

14 (1) An Illinois Driver's License.

15 (2) A State Identification Card.

16 (3) An Illinois Disabled Person Identification Card.

17 (4) A Senior Citizen Identification Card.

18 (5) A FOID Card.

19 (6) A U.S. Passport with the voter's current address.

20 (7) Any other government-issued identification card  
21 that includes the voter's name, current photograph, and  
22 current address.

23 All photo identification cards must be valid and current.

24 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

1           Sec. 17-9. Any person desiring to vote shall (i) present to  
2 the judges of election for verification of the person's  
3 identity a government-issued photo identification card, as  
4 defined in Section 3-6, or his or her Voter Identification Card  
5 and (ii) give his name and, if required to do so, his residence  
6 to the judges of election, one of whom shall thereupon announce  
7 the same in a loud and distinct tone of voice, clear, and  
8 audible; the judges of elections shall check each application  
9 for ballot against the list of voters registered in that  
10 precinct to whom grace period, absentee, or early ballots have  
11 been issued for that election, which shall be provided by the  
12 election authority and which list shall be available for  
13 inspection by pollwatchers. A voter applying to vote in the  
14 precinct on election day whose name appears on the list as  
15 having been issued a grace period, absentee, or early ballot  
16 shall not be permitted to vote in the precinct, except that a  
17 voter to whom an absentee ballot was issued may vote in the  
18 precinct if the voter submits to the election judges that  
19 absentee ballot for cancellation. If the voter is unable to  
20 submit the absentee ballot, it shall be sufficient for the  
21 voter to submit to the election judges (i) a portion of the  
22 absentee ballot if the absentee ballot was torn or mutilated or  
23 (ii) an affidavit executed before the election judges  
24 specifying that (A) the voter never received an absentee ballot  
25 or (B) the voter completed and returned an absentee ballot and  
26 was informed that the election authority did not receive that

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

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

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

25 State of Illinois,)

26 ) ss.



1 County of .....

2 ..... Precinct ..... Ward

3 I, ....., do solemnly swear (or affirm) that I am a citizen  
 4 of the United States, of the age of 18 years or over, and that  
 5 within the past 60 days prior to the date of this election at  
 6 which I am applying to vote, I have been engaged in the ....  
 7 (military or naval) service of the United States; and I am  
 8 qualified to vote under and by virtue of the Constitution and  
 9 laws of the State of Illinois, and that I am a legally  
 10 qualified voter of this precinct and ward except that I have,  
 11 because of such service, been unable to register as a voter;  
 12 that I now reside at .... (insert street and number, if any) in  
 13 this precinct and ward; that I have maintained a legal  
 14 residence in this precinct and ward for 30 days and in this  
 15 State 30 days next preceding this election.

16 .....

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

18 .....

19 Judge of Election.

20 The affidavit of any such person shall be supported by the  
 21 affidavit of a resident and qualified voter of any such  
 22 precinct and ward, which affidavit shall be in substantially  
 23 the following form:

24 State of Illinois,)

25 ) ss.

1 County of .....

2 ..... Precinct ..... Ward

3 I, ....., do solemnly swear (or affirm), that I am a  
4 resident of this precinct and ward and entitled to vote at this  
5 election; that I am acquainted with .... (name of the  
6 applicant); that I verily believe him to be an actual bona fide  
7 resident of this precinct and ward and that I verily believe  
8 that he or she has maintained a legal residence therein 30 days  
9 and in this State 30 days next preceding this election.

10 .....

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

12 .....

13 Judge of Election.

14 All affidavits made under the provisions of this Section  
15 shall be enclosed in a separate envelope securely sealed, and  
16 shall be transmitted with the returns of the elections to the  
17 county clerk or to the board of election commissioners, who  
18 shall preserve the said affidavits for the period of 6 months,  
19 during which period such affidavits shall be deemed public  
20 records and shall be freely open to examination as such.

21 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

22 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

23 Sec. 18-5. Any person desiring to vote and whose name is  
24 found upon the register of voters by the person having charge

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

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

1 postmarked not earlier than 30 days prior to the date of the  
2 election, or the person shall procure a witness personally  
3 known to the judges of election, and resident in the precinct  
4 (or district), or who shall be proved by some legal voter of  
5 such precinct or district, known to the judges to be such, who  
6 shall take the oath following, viz:

7 I do solemnly swear (or affirm) that I am a resident of  
8 this election precinct (or district), and entitled to vote at  
9 this election, and that I have been a resident of this State  
10 for 30 days last past, and am well acquainted with the person  
11 whose vote is now offered; that he is an actual and bona fide  
12 resident of this election precinct (or district), and has  
13 resided herein 30 days, and as I verily believe, in this State,  
14 30 days next preceding this election.

15 The oath in each case may be administered by one of the  
16 judges of election, or by any officer, resident in the precinct  
17 or district, authorized by law to administer oaths. Also  
18 supported by an affidavit by a registered voter residing in  
19 such precinct, stating his own residence, and that he knows  
20 such person; and that he does reside at the place mentioned and  
21 has resided in such precinct and state for the length of time  
22 as stated by such person, which shall be subscribed and sworn  
23 to in the same way. For purposes of this Section, the  
24 submission of a photo identification issued by a college or  
25 university, accompanied by either (i) a copy of the applicant's  
26 contract or lease for a residence or (ii) one piece of mail

1 addressed to the person at his or her current residence address  
2 and postmarked not earlier than 30 days prior to the date of  
3 the election, shall be sufficient to establish proof of  
4 residence. Whereupon the vote of such person shall be received,  
5 and entered as other votes. But such judges, having charge of  
6 such registers, shall state in their respective books the facts  
7 in such case, and the affidavits, so delivered to the judges,  
8 shall be preserved and returned to the office of the  
9 commissioners of election. Blank affidavits of the character  
10 aforesaid shall be sent out to the judges of all the precincts,  
11 and the judges of election shall furnish the same on demand and  
12 administer the oaths without criticism. Such oaths, if  
13 administered by any other officer than such judge of election,  
14 shall not be received. Whenever a proposal for a constitutional  
15 amendment or for the calling of a constitutional convention is  
16 to be voted upon at the election, the separate blue ballot or  
17 ballots pertaining thereto shall be placed on top of the other  
18 ballots to be voted at the election in such manner that the  
19 legend appearing on the back thereof, as prescribed in Section  
20 16-6 of this Act, shall be plainly visible to the voter, and in  
21 this fashion the ballots shall be handed to the voter by the  
22 judge.

23 Immediately after voting, the voter shall be instructed  
24 whether the voting equipment, if used, accepted or rejected the  
25 ballot or identified the ballot as under-voted. A voter whose  
26 ballot is identified as under-voted for a statewide

1 constitutional office may return to the voting booth and  
2 complete the voting of that ballot. A voter whose ballot is not  
3 accepted by the voting equipment may, upon surrendering the  
4 ballot, request and vote another ballot. The voter's  
5 surrendered ballot shall be initialed by the election judge and  
6 handled as provided in the appropriate Article governing that  
7 voting equipment.

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

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

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

22 No judge of election shall accept from any voter less than  
23 the full number of ballots received by such voter without first  
24 advising the voter in the manner above provided of the  
25 necessity of returning all of the ballots, nor shall any such  
26 judge advise such voter in a manner contrary to that which is



1 herein permitted, or in any other manner violate the provisions  
2 of this Section; provided, that the acceptance by a judge of  
3 election of less than the full number of ballots delivered to a  
4 voter who refuses to return to the voting booth after being  
5 properly advised by such judge shall not be a violation of this  
6 Section.

7 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)

8 (10 ILCS 5/18A-5)

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

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

13 (1) The person's name does not appear on the official  
14 list of eligible voters for the precinct in which the  
15 person seeks to vote. The official list is the centralized  
16 statewide voter registration list established and  
17 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 for  
23 closing the polls beyond the time period established by  
24 State law and the person votes during the extended time  
25 period; or

1           (4) The voter ~~registered to vote by mail~~ and is  
2 required by law to present identification when voting  
3 ~~either~~ in person or, in the case of a voter who registered  
4 by mail, when voting by absentee ballot, but fails to  
5 provide an acceptable form of photo identification as  
6 described in Section 3-6 ~~do so~~.

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

9           (1) After first verifying through an examination of the  
10 precinct register that the person's address is within the  
11 precinct boundaries, an election judge at the polling place  
12 shall notify a person who is entitled to cast a provisional  
13 ballot pursuant to subsection (a) that he or she may cast a  
14 provisional ballot in that election. An election judge must  
15 accept any information provided by a person who casts a  
16 provisional ballot that the person believes supports his or  
17 her claim that he or she is a duly registered voter and  
18 qualified to vote in the election. However, if the person's  
19 residence address is outside the precinct boundaries, the  
20 election judge shall inform the person of that fact, give  
21 the person the appropriate telephone number of the election  
22 authority in order to locate the polling place assigned to  
23 serve that address, and instruct the person to go to the  
24 proper polling place to vote.

25           (2) The person shall execute a written form provided by  
26 the election judge that shall state or contain all of the

1 following that is available:

2 (i) an affidavit stating the following:

3 State of Illinois, County of .....,

4 Township ....., Precinct ....., Ward

5 ....., I, ....., do solemnly

6 swear (or affirm) that: I am a citizen of the United

7 States; I am 18 years of age or older; I have resided

8 in this State and in this precinct for 30 days

9 preceding this election; I have not voted in this

10 election; I am a duly registered voter in every

11 respect; and I am eligible to vote in this election.

12 Signature ..... Printed Name of Voter ..... Printed

13 Residence Address of Voter ..... City ..... State

14 .... Zip Code ..... Telephone Number ..... Date of

15 Birth ..... and Illinois Driver's License Number

16 ..... or Last 4 digits of Social Security Number

17 ..... or State Identification Card Number issued to

18 you by the Illinois Secretary of State.....

19 (ii) A box for the election judge to check one of the 3

20 reasons why the person was given a provisional ballot under

21 subsection (a) of Section 18A-5.

22 (iii) An area for the election judge to affix his or

23 her signature and to set forth any facts that support or

24 oppose the allegation that the person is not qualified to

25 vote in the precinct in which the person is seeking to

26 vote.

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

5           (3) After the person executes the portion of the written  
6           affidavit described in subsection (b) (2) (i) of this Section,  
7           the election judge shall complete the portion of the written  
8           affidavit described in subsection (b) (2) (iii) and (b) (2) (iv).

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

21          (5) The election judge shall provide the person with a  
22          provisional ballot, written instructions for casting a  
23          provisional ballot, and the provisional ballot envelope with  
24          the clear plastic packing list envelope affixed to it, which  
25          contains the person's original written affidavit and, if any,  
26          information provided by the provisional voter to support his or

1 her claim that he or she is a duly registered voter. An  
2 election judge must also give the person written information  
3 that states that any person who casts a provisional ballot  
4 shall be able to ascertain, pursuant to guidelines established  
5 by the State Board of Elections, whether the provisional vote  
6 was counted in the official canvass of votes for that election  
7 and, if the provisional vote was not counted, the reason that  
8 the vote was not counted.

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

23 (c) Instead of the affidavit form described in subsection  
24 (b), the county clerk or board of election commissioners, as  
25 the case may be, may design and use a multi-part affidavit form  
26 that is imprinted upon or attached to the provisional ballot

1 envelope described in subsection (b). If a county clerk or  
2 board of election commissioners elects to design and use its  
3 own multi-part affidavit form, then the county clerk or board  
4 of election commissioners shall establish a mechanism for  
5 accepting any information the provisional voter has supplied to  
6 the election judge to support his or her claim that he or she  
7 is a duly registered voter. In all other respects, a county  
8 clerk or board of election commissioners shall establish  
9 procedures consistent with subsection (b).

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

21 (Source: P.A. 93-574, eff. 8-21-03; 93-1071, eff. 1-18-05;  
22 94-645, eff. 8-22-05.)

23 (10 ILCS 5/18A-15)

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

25 (a) The county clerk or board of election commissioners

1 shall complete the validation and counting of provisional  
2 ballots within 14 calendar days of the day of the election. The  
3 county clerk or board of election commissioners shall have 7  
4 calendar days from the completion of the validation and  
5 counting of provisional ballots to conduct its final canvass.  
6 The State Board of Elections shall complete within 31 calendar  
7 days of the election or sooner if all the returns are received,  
8 its final canvass of the vote for all public offices.

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

12 (1) The provisional voter cast the provisional ballot  
13 in the correct precinct based on the address provided by  
14 the provisional voter. The provisional voter's affidavit  
15 shall serve as a change of address request by that voter  
16 for registration purposes for the next ensuing election if  
17 it bears an address different from that in the records of  
18 the election authority;

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

23 (3) the provisional voter is a registered voter based  
24 on information available to the county clerk or board of  
25 election commissioners provided by or obtained from any of  
26 the following:

- 1 i. the provisional voter;
- 2 ii. an election judge;
- 3 iii. the statewide voter registration database
- 4 maintained by the State Board of Elections;
- 5 iv. the records of the county clerk or board of
- 6 election commissioners' database; or
- 7 v. the records of the Secretary of State.

8 (c) With respect to subsection (b)(3) of this Section, the  
9 county clerk or board of election commissioners shall  
10 investigate and record whether or not the specified information  
11 is available from each of the 5 identified sources. If the  
12 information is available from one or more of the identified  
13 sources, then the county clerk or board of election  
14 commissioners shall seek to obtain the information from each of  
15 those sources until satisfied, with information from at least  
16 one of those sources, that the provisional voter is registered  
17 and entitled to vote. The county clerk or board of election  
18 commissioners shall use any information it obtains as the basis  
19 for determining the voter registration status of the  
20 provisional voter. If a conflict exists among the information  
21 available to the county clerk or board of election  
22 commissioners as to the registration status of the provisional  
23 voter, then the county clerk or board of election commissioners  
24 shall make a determination based on the totality of the  
25 circumstances. In a case where the above information equally  
26 supports or opposes the registration status of the voter, the



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

23 (d) In validating the registration status of a person  
24 casting a provisional ballot, the county clerk or board of  
25 election commissioners shall not require a provisional voter to  
26 complete any form other than the affidavit executed by the

1 provisional voter under subsection (b) (2) of Section 18A-5. In  
2 addition, the county clerk or board of election commissioners  
3 shall not require all provisional voters or any particular  
4 class or group of provisional voters to appear personally  
5 before the county clerk or board of election commissioners or  
6 as a matter of policy require provisional voters to submit  
7 additional information to verify or otherwise support the  
8 information already submitted by the provisional voter. The  
9 provisional voter may, within 2 calendar days after the  
10 election, submit additional information to the county clerk or  
11 board of election commissioners, except that in the case of  
12 provisional voting under subsection (a) (4) of Section 18A-5,  
13 the provisional voter has 10 days to provide the county clerk  
14 or board of election commissioners with the required photo  
15 identification card. This information must be received by the  
16 county clerk or board of election commissioners within the  
17 applicable 2-calendar-day or 10-calendar-day period.

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

26 (f) If the county clerk or board of election commissioners

1 determines that a provisional ballot is valid under this  
2 Section, then the provisional ballot envelope shall be opened.  
3 The outside of each provisional ballot envelope shall also be  
4 marked to identify the precinct and the date of the election.

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

19 (h) As soon as the ballots have been counted, the election  
20 judges or election officials shall, in the presence of the  
21 county clerk or board of election commissioners, place each of  
22 the following items in a separate envelope or bag: (1) all  
23 provisional ballots, voted or spoiled; (2) all provisional  
24 ballot envelopes of provisional ballots voted or spoiled; and  
25 (3) all executed affidavits of the provisional ballots voted or  
26 spoiled. All provisional ballot envelopes for provisional

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

24 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
25 94-1000, eff. 7-3-06.)

1 (10 ILCS 5/19A-35)

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

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

16 (b) In conducting early voting under this Article, the  
17 election judge or official is required to verify the signature  
18 of the early voter by comparison with the signature on the  
19 official registration card, and the judge or official must  
20 verify (i) the identity of the applicant, (ii) that the  
21 applicant is a registered voter, (iii) the precinct in which  
22 the applicant is registered, and (iv) the proper ballots of the  
23 political subdivision in which the applicant resides and is  
24 entitled to vote before providing an early ballot to the  
25 applicant. The applicant's identity must be verified by the  
26 applicant's presentation of a government-issued photo

1 identification card, as defined in Section 3-6, or his or her  
2 Voter Identification Card ~~an Illinois driver's license, a~~  
3 ~~non-driver identification card issued by the Illinois~~  
4 ~~Secretary of State, a photo identification card issued by a~~  
5 ~~university or college, or another government issued~~  
6 ~~identification document containing the applicant's photograph.~~  
7 The election judge or official must verify the applicant's  
8 registration from the most recent poll list provided by the  
9 election authority, and if the applicant is not listed on that  
10 poll list, by telephoning the office of the election authority.

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

23 (b-10) Within one day after a voter casts an early voting  
24 ballot, the election authority shall transmit the voter's name,  
25 street address, and precinct, ward, township, and district  
26 numbers, as the case may be, to the State Board of Elections,

1 which shall maintain those names and that information in an  
2 electronic format on its website, arranged by county and  
3 accessible to State and local political committees.

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

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

20 (Source: P.A. 95-699, eff. 11-9-07; 96-317, eff. 1-1-10.)