



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2035

Introduced 2/10/2011, by Sen. Kyle McCarter

SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-9
10 ILCS 5/18-5

from Ch. 46, par. 17-9
from Ch. 46, par. 18-5

Amends the Election Code. Requires that a person seeking to vote on election day present a government-issued photo identification card to the election judge (now, required only when voting early). Effective immediately.

LRB097 10298 HLH 50504 b

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing
5 Sections 17-9 and 18-5 as follows:

6 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

7 Sec. 17-9. Any person desiring to vote shall (i) present to
8 the judges of election for verification of the person's
9 identity his or her Illinois driver's license, his or her
10 non-driver identification card issued by the Illinois
11 Secretary of State, or another government-issued
12 identification document containing his or her photograph and
13 (ii) give his name and, if required to do so, his residence to
14 the judges of election, one of whom shall thereupon announce
15 the same in a loud and distinct tone of voice, clear, and
16 audible; the judges of elections shall check each application
17 for ballot against the list of voters registered in that
18 precinct to whom grace period, absentee, or early ballots have
19 been issued for that election, which shall be provided by the
20 election authority and which list shall be available for
21 inspection by pollwatchers. A voter applying to vote in the
22 precinct on election day whose name appears on the list as
23 having been issued a grace period, absentee, or early ballot

1 shall not be permitted to vote in the precinct, except that a
2 voter to whom an absentee ballot was issued may vote in the
3 precinct if the voter submits to the election judges that
4 absentee ballot for cancellation. If the voter is unable to
5 submit the absentee ballot, it shall be sufficient for the
6 voter to submit to the election judges (i) a portion of the
7 absentee ballot if the absentee ballot was torn or mutilated or
8 (ii) an affidavit executed before the election judges
9 specifying that (A) the voter never received an absentee ballot
10 or (B) the voter completed and returned an absentee ballot and
11 was informed that the election authority did not receive that
12 absentee ballot. All applicable provisions of Articles 4, 5 or
13 6 shall be complied with and if such name is found on the
14 register of voters by the officer having charge thereof, he
15 shall likewise repeat said name, and the voter shall be allowed
16 to enter within the proximity of the voting booths, as above
17 provided. One of the judges shall give the voter one, and only
18 one of each ballot to be voted at the election, on the back of
19 which ballots such judge shall indorse his initials in such
20 manner that they may be seen when each such ballot is properly
21 folded, and the voter's name shall be immediately checked on
22 the register list. In those election jurisdictions where
23 perforated ballot cards are utilized of the type on which
24 write-in votes can be cast above the perforation, the election
25 authority shall provide a space both above and below the
26 perforation for the judge's initials, and the judge shall

1 endorse his or her initials in both spaces. Whenever a proposal
2 for a constitutional amendment or for the calling of a
3 constitutional convention is to be voted upon at the election,
4 the separate blue ballot or ballots pertaining thereto shall,
5 when being handed to the voter, be placed on top of the other
6 ballots to be voted at the election in such manner that the
7 legend appearing on the back thereof, as prescribed in Section
8 16-6 of this Act, shall be plainly visible to the voter. At all
9 elections, when a registry may be required, if the name of any
10 person so desiring to vote at such election is not found on the
11 register of voters, he or she shall not receive a ballot until
12 he or she shall have complied with the law prescribing the
13 manner and conditions of voting by unregistered voters. If any
14 person desiring to vote at any election shall be challenged, he
15 or she shall not receive a ballot until he or she shall have
16 established his right to vote in the manner provided
17 hereinafter; and if he or she shall be challenged after he has
18 received his ballot, he shall not be permitted to vote until he
19 or she has fully complied with such requirements of the law
20 upon being challenged. Besides the election officer, not more
21 than 2 voters in excess of the whole number of voting booths
22 provided shall be allowed within the proximity of the voting
23 booths at one time. The provisions of this Act, so far as they
24 require the registration of voters as a condition to their
25 being allowed to vote shall not apply to persons otherwise
26 entitled to vote, who are, at the time of the election, or at

1 any time within 60 days prior to such election have been
2 engaged in the military or naval service of the United States,
3 and who appear personally at the polling place on election day
4 and produce to the judges of election satisfactory evidence
5 thereof, but such persons, if otherwise qualified to vote,
6 shall be permitted to vote at such election without previous
7 registration.

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

10 State of Illinois,)

11) ss.

12 County of)

13 Precinct Ward

14 I,, do solemnly swear (or affirm) that I am a citizen
15 of the United States, of the age of 18 years or over, and that
16 within the past 60 days prior to the date of this election at
17 which I am applying to vote, I have been engaged in the
18 (military or naval) service of the United States; and I am
19 qualified to vote under and by virtue of the Constitution and
20 laws of the State of Illinois, and that I am a legally
21 qualified voter of this precinct and ward except that I have,
22 because of such service, been unable to register as a voter;
23 that I now reside at (insert street and number, if any) in
24 this precinct and ward; that I have maintained a legal
25 residence in this precinct and ward for 30 days and in this
26 State 30 days next preceding this election.

1
2

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

3
4

Judge of Election.

5 The affidavit of any such person shall be supported by the
6 affidavit of a resident and qualified voter of any such
7 precinct and ward, which affidavit shall be in substantially
8 the following form:

9 State of Illinois,)

10) ss.

11 County of)

12 Precinct Ward

13 I,, do solemnly swear (or affirm), that I am a
14 resident of this precinct and ward and entitled to vote at this
15 election; that I am acquainted with (name of the
16 applicant); that I verily believe him to be an actual bona fide
17 resident of this precinct and ward and that I verily believe
18 that he or she has maintained a legal residence therein 30 days
19 and in this State 30 days next preceding this election.

20
21

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

22
23

Judge of Election.

24 All affidavits made under the provisions of this Section

1 shall be enclosed in a separate envelope securely sealed, and
2 shall be transmitted with the returns of the elections to the
3 county clerk or to the board of election commissioners, who
4 shall preserve the said affidavits for the period of 6 months,
5 during which period such affidavits shall be deemed public
6 records and shall be freely open to examination as such.

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

8 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

9 Sec. 18-5. Any person desiring to vote and whose name is
10 found upon the register of voters by the person having charge
11 thereof, shall (i) present to the judges of election for
12 verification of the person's identity his or her Illinois
13 driver's license, his or her non-driver identification card
14 issued by the Illinois Secretary of State, or another
15 government-issued identification document containing his or
16 her photograph, (ii) ~~then~~ be questioned by one of the judges as
17 to his nativity, his term of residence at present address,
18 precinct, State and United States, his age, whether naturalized
19 and if so the date of naturalization papers and court from
20 which secured, and (iii) ~~he shall~~ be asked to state his
21 residence when last previously registered and the date of the
22 election for which he then registered. The judges of elections
23 shall check each application for ballot against the list of
24 voters registered in that precinct to whom grace period,
25 absentee, and early ballots have been issued for that election,

1 which shall be provided by the election authority and which
2 list shall be available for inspection by pollwatchers. A voter
3 applying to vote in the precinct on election day whose name
4 appears on the list as having been issued a grace period,
5 absentee, or early ballot shall not be permitted to vote in the
6 precinct, except that a voter to whom an absentee ballot was
7 issued may vote in the precinct if the voter submits to the
8 election judges that absentee ballot for cancellation. If the
9 voter is unable to submit the absentee ballot, it shall be
10 sufficient for the voter to submit to the election judges (i) a
11 portion of the absentee ballot if the absentee ballot was torn
12 or mutilated or (ii) an affidavit executed before the election
13 judges specifying that (A) the voter never received an absentee
14 ballot or (B) the voter completed and returned an absentee
15 ballot and was informed that the election authority did not
16 receive that absentee ballot. If such person so registered
17 shall be challenged as disqualified, the party challenging
18 shall assign his reasons therefor, and thereupon one of the
19 judges shall administer to him an oath to answer questions, and
20 if he shall take the oath he shall then be questioned by the
21 judge or judges touching such cause of challenge, and touching
22 any other cause of disqualification. And he may also be
23 questioned by the person challenging him in regard to his
24 qualifications and identity. But if a majority of the judges
25 are of the opinion that he is the person so registered and a
26 qualified voter, his vote shall then be received accordingly.

1 But if his vote be rejected by such judges, such person may
2 afterward produce and deliver an affidavit to such judges,
3 subscribed and sworn to by him before one of the judges, in
4 which it shall be stated how long he has resided in such
5 precinct, and state; that he is a citizen of the United States,
6 and is a duly qualified voter in such precinct, and that he is
7 the identical person so registered. In addition to such an
8 affidavit, the person so challenged shall provide to the judges
9 of election proof of residence by producing 2 forms of
10 identification showing the person's current residence address,
11 provided that such identification may include a lease or
12 contract for a residence and not more than one piece of mail
13 addressed to the person at his current residence address and
14 postmarked not earlier than 30 days prior to the date of the
15 election, or the person shall procure a witness personally
16 known to the judges of election, and resident in the precinct
17 (or district), or who shall be proved by some legal voter of
18 such precinct or district, known to the judges to be such, who
19 shall take the oath following, viz:

20 I do solemnly swear (or affirm) that I am a resident of
21 this election precinct (or district), and entitled to vote at
22 this election, and that I have been a resident of this State
23 for 30 days last past, and am well acquainted with the person
24 whose vote is now offered; that he is an actual and bona fide
25 resident of this election precinct (or district), and has
26 resided herein 30 days, and as I verily believe, in this State,

1 30 days next preceding this election.

2 The oath in each case may be administered by one of the
3 judges of election, or by any officer, resident in the precinct
4 or district, authorized by law to administer oaths. Also
5 supported by an affidavit by a registered voter residing in
6 such precinct, stating his own residence, and that he knows
7 such person; and that he does reside at the place mentioned and
8 has resided in such precinct and state for the length of time
9 as stated by such person, which shall be subscribed and sworn
10 to in the same way. For purposes of this Section, the
11 submission of a photo identification issued by a college or
12 university, accompanied by either (i) a copy of the applicant's
13 contract or lease for a residence or (ii) one piece of mail
14 addressed to the person at his or her current residence address
15 and postmarked not earlier than 30 days prior to the date of
16 the election, shall be sufficient to establish proof of
17 residence. Whereupon the vote of such person shall be received,
18 and entered as other votes. But such judges, having charge of
19 such registers, shall state in their respective books the facts
20 in such case, and the affidavits, so delivered to the judges,
21 shall be preserved and returned to the office of the
22 commissioners of election. Blank affidavits of the character
23 aforesaid shall be sent out to the judges of all the precincts,
24 and the judges of election shall furnish the same on demand and
25 administer the oaths without criticism. Such oaths, if
26 administered by any other officer than such judge of election,

1 shall not be received. Whenever a proposal for a constitutional
2 amendment or for the calling of a constitutional convention is
3 to be voted upon at the election, the separate blue ballot or
4 ballots pertaining thereto shall be placed on top of the other
5 ballots to be voted at the election in such manner that the
6 legend appearing on the back thereof, as prescribed in Section
7 16-6 of this Act, shall be plainly visible to the voter, and in
8 this fashion the ballots shall be handed to the voter by the
9 judge.

10 Immediately after voting, the voter shall be instructed
11 whether the voting equipment, if used, accepted or rejected the
12 ballot or identified the ballot as under-voted. A voter whose
13 ballot is identified as under-voted for a statewide
14 constitutional office may return to the voting booth and
15 complete the voting of that ballot. A voter whose ballot is not
16 accepted by the voting equipment may, upon surrendering the
17 ballot, request and vote another ballot. The voter's
18 surrendered ballot shall be initialed by the election judge and
19 handled as provided in the appropriate Article governing that
20 voting equipment.

21 The voter shall, upon quitting the voting booth, deliver to
22 one of the judges of election all of the ballots, properly
23 folded, which he received. The judge of election to whom the
24 voter delivers his ballots shall not accept the same unless all
25 of the ballots given to the voter are returned by him. If a
26 voter delivers less than all of the ballots given to him, the

1 judge to whom the same are offered shall advise him in a voice
2 clearly audible to the other judges of election that the voter
3 must return the remainder of the ballots. The statement of the
4 judge to the voter shall clearly express the fact that the
5 voter is not required to vote such remaining ballots but that
6 whether or not he votes them he must fold and deliver them to
7 the judge. In making such statement the judge of election shall
8 not indicate by word, gesture or intonation of voice that the
9 unreturned ballots shall be voted in any particular manner. No
10 new voter shall be permitted to enter the voting booth of a
11 voter who has failed to deliver the total number of ballots
12 received by him until such voter has returned to the voting
13 booth pursuant to the judge's request and again quit the booth
14 with all of the ballots required to be returned by him. Upon
15 receipt of all such ballots the judges of election shall enter
16 the name of the voter, and his number, as above provided in
17 this Section, and the judge to whom the ballots are delivered
18 shall immediately put the ballots into the ballot box. If any
19 voter who has failed to deliver all the ballots received by him
20 refuses to return to the voting booth after being advised by
21 the judge of election as herein provided, the judge shall
22 inform the other judges of such refusal, and thereupon the
23 ballot or ballots returned to the judge shall be deposited in
24 the ballot box, the voter shall be permitted to depart from the
25 polling place, and a new voter shall be permitted to enter the
26 voting booth.

1 The judge of election who receives the ballot or ballots
2 from the voter shall announce the residence and name of such
3 voter in a loud voice. The judge shall put the ballot or
4 ballots received from the voter into the ballot box in the
5 presence of the voter and the judges of election, and in plain
6 view of the public. The judges having charge of such registers
7 shall then, in a column prepared thereon, in the same line of,
8 the name of the voter, mark "Voted" or the letter "V".

9 No judge of election shall accept from any voter less than
10 the full number of ballots received by such voter without first
11 advising the voter in the manner above provided of the
12 necessity of returning all of the ballots, nor shall any such
13 judge advise such voter in a manner contrary to that which is
14 herein permitted, or in any other manner violate the provisions
15 of this Section; provided, that the acceptance by a judge of
16 election of less than the full number of ballots delivered to a
17 voter who refuses to return to the voting booth after being
18 properly advised by such judge shall not be a violation of this
19 Section.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.