



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 3722

2 AMENDMENT NO. _____. Amend Senate Bill 3722, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1 as follows:

5 on page 1, by replacing line 6 with the following:

6 "9-8.5, 9-8.6, 9-10, 9-15, 9-28.5, 16-6, 18A-5, 18A-15, 19-2.1,
7 19-3, and 19A-15"; and

8 on page 1, by replacing lines 9 through 11 with the following:

9 "Sec. 1-11. Public university voting. For the 2012 general
10 election, each appropriate election authority shall, in
11 addition to the early voting conducted at locations otherwise
12 required by law, conduct early voting in a"; and

13 on page 2, by replacing lines 3 through 7 with the following:

1 "University at its campuses in Macomb and Moline. The voting
2 required by this Section to be conducted on campus must be
3 conducted as otherwise required by Article 19A of this Code. If
4 an election authority has voting equipment that can accommodate
5 a ballot in every form required in the election authority's
6 jurisdiction, then the election authority shall extend early
7 voting under this Section to any registered voter in the
8 election authority's jurisdiction. However, if the election
9 authority does not have voting equipment that can accommodate a
10 ballot in every form required in the election authority's
11 jurisdiction, then the election authority may limit early
12 voting under this Section to registered voters in precincts
13 where the public university is located and precincts bordering
14 the university. Each public"; and

15 on page 10, by replacing line 16 with the following:

16 "group of persons that makes electioneering communications
17 that are not made in connection, consultation, or concert with
18 or at the request or suggestion of a public official or
19 candidate, a public official's or candidate's designated
20 political committee or campaign, or an agent or agents of the
21 public official, candidate, or political committee or
22 campaign"; and

1 on page 14, line 13, immediately after the period, by inserting
2 "This subsection does not apply to independent expenditure
3 committees."; and

4 on page 20, by replacing lines 12 and 13 with the following:

5 "(e) A ballot initiative committee may accept
6 contributions in any amount"; and

7 on page 20, immediately below line 16, by inserting the
8 following:

9 "(e-5) An independent expenditure committee may accept
10 contributions in any amount from any source, provided that the
11 committee files the document required by Section 9-3 of this
12 Article and files the disclosure reports required by the
13 provisions of this Article."; and

14 on page 22, by replacing line 4 with the following:

15 "committee makes independent expenditures in support of or in
16 opposition to the"; and

17 on page 24, by replacing lines 13 and 14 with the following:

18 "in this subsection within 30 ~~15~~ days after the Board sends

1 notification to the political committee of the excess
2 contribution by certified mail"; and

3 on page 30, by replacing line 14 with the following:

4 "threshold. The Board shall assess a civil penalty against an
5 independent expenditure committee for failure to file the
6 disclosure required by this subsection not to exceed (i) \$500
7 for an initial failure to file the required disclosure and (ii)
8 \$1,000 for each subsequent failure to file the required
9 disclosure."; and

10 on page 32, by replacing lines 6 and 7 with the following:

11 "(10) to promptly send, by first class mail directed
12 only to the officers of a political committee, and by
13 certified mail to the address of the political committee,
14 written notice of"; and

15 on page 32, immediately below line 10, by inserting the
16 following:

17 "(10 ILCS 5/9-28.5)

18 Sec. 9-28.5. Injunctive relief for electioneering
19 communications.

20 (a) Whenever the Attorney General, or a State's Attorney

1 with jurisdiction over any portion of the relevant electorate,
2 believes that any person, as defined in Section 9-1.6, is
3 making, producing, publishing, republishing, or broadcasting
4 an electioneering communication paid for by any person, as
5 defined in Section 9-1.6, who has not first complied with the
6 registration and disclosure requirements of this Article, he or
7 she may bring an action in the name of the People of the State
8 of Illinois or, in the case of a State's Attorney, the People
9 of the County, against such person or persons to restrain by
10 preliminary or permanent injunction the making, producing,
11 publishing, republishing, or broadcasting of such
12 electioneering communication until the registration and
13 disclosure requirements have been met.

14 (b) Any political committee that believes any person, as
15 defined in Section 9-1.6, is making, producing, publishing,
16 republishing, or broadcasting an electioneering communication
17 paid for by any person, as defined in Section 9-1.6, who has
18 not first complied with the registration and disclosure
19 requirements of this Article may bring an action in the circuit
20 court against such person or persons to restrain by preliminary
21 or permanent injunction the making, producing, publishing,
22 republishing, or broadcasting of such electioneering
23 communication until the registration and disclosure
24 requirements have been met.

25 (c) Whenever the Attorney General, or a State's Attorney
26 with jurisdiction over any portion of the relevant electorate,

1 believes that any person, as defined in Section 9-1.6, is
2 engaging in independent expenditures, as defined in this
3 Article, who has not first complied with the registration and
4 disclosure requirements of this Article, he or she may bring an
5 action in the name of the People of the State of Illinois or,
6 in the case of a State's Attorney, the People of the County,
7 against such person or persons to restrain by preliminary or
8 permanent injunction the making of such expenditures until the
9 registration and disclosure requirements have been met.

10 (d) Any political committee that believes any person, as
11 defined in Section 9-1.6, is engaging in independent
12 expenditures, as defined in this Article, who has not first
13 complied with the registration and disclosure requirements of
14 this Article may bring an action in the circuit court against
15 such person or persons to restrain by preliminary or permanent
16 injunction the making of independent expenditures until the
17 registration and disclosure requirements have been met.

18 (Source: P.A. 96-832, eff. 7-1-10.)

19 (10 ILCS 5/16-6) (from Ch. 46, par. 16-6)

20 Sec. 16-6. Whenever one or more proposals for amendment of
21 the constitution or the calling of a constitutional convention
22 or any combination thereof is or are to be voted upon by the
23 people, the proposition or propositions for the adoption or
24 rejection of such amendment or amendments or convention shall
25 be submitted upon a ballot separate from the "Official Ballot"

1 containing the names of candidates for State and other offices
 2 to be voted at such election. Such separate ballot shall be
 3 printed upon paper of a distinctly blue color and shall, as
 4 near as may be practicable, be of uniform size and blue color,
 5 but any variation in the size of such ballots or in the
 6 tincture of blue employed shall not affect or impair the
 7 validity thereof. Preceding each proposal to amend the
 8 constitution shall be printed the brief explanation of the
 9 amendment, prepared by the General Assembly, or in the case of
 10 a proposed amendment initiated by petition pursuant to Section
 11 3 of Article XIV of the Constitution of the State of Illinois
 12 by the principal proponents of the amendment as approved by the
 13 Attorney General, and immediately below the explanation, the
 14 proposition shall be printed in substantially the following
 15 form:

16 -----
 17 YES For the proposed amendment
 18 ----- to Article _____ (or Section
 19 NO _____ of Article _____) of
 20 the Constitution.

21 -----
 22 In the case of a proposition for the calling of a
 23 constitutional convention, such proposition shall be printed
 24 in substantially the following form:

25 -----
 26 YES For the calling

1 ----- of a Constitutional
 2 NO Convention.

3 -----

4 On the back or outside of the ballot so as to appear when
 5 folded, shall be printed the words "CONSTITUTION BALLOT",
 6 followed by the designation of the polling place for which the
 7 ballot is prepared, the date of the election and a facsimile of
 8 the signature of the clerk or other officer who has caused the
 9 ballots to be printed. Immediately above the words
 10 "CONSTITUTION BALLOT" in the case of a proposition for the
 11 calling of a constitutional convention or a proposition to
 12 amend the Constitution the following legend shall be printed in
 13 bold face type:

14 "NOTICE

15 THE FAILURE TO VOTE THIS BALLOT MAY BE ~~IS~~ THE EQUIVALENT OF
 16 A NEGATIVE VOTE, BECAUSE A CONVENTION SHALL BE CALLED OR THE
 17 AMENDMENT SHALL BECOME EFFECTIVE IF APPROVED BY EITHER
 18 THREE-FIFTHS OF THOSE VOTING ON THE QUESTION OR A MAJORITY OF
 19 THOSE VOTING IN THE ELECTION. (THIS IS NOT TO BE CONSTRUED AS A
 20 DIRECTION THAT YOUR VOTE IS REQUIRED TO BE CAST EITHER IN FAVOR
 21 OF OR IN OPPOSITION TO THE PROPOSITION HEREIN CONTAINED.)

22 WHETHER YOU VOTE THIS BALLOT OR NOT YOU MUST RETURN IT TO
 23 THE ELECTION JUDGE WHEN YOU LEAVE THE VOTING BOOTH".

24 ~~Immediately above the words "CONSTITUTION BALLOT" in the~~
 25 ~~case of a proposition to amend the Constitution the following~~
 26 ~~legend shall be printed in bold face type:~~

1 "not to have voted during the early voting period; or

2 (6) The voter received an absentee ballot but did not
3 return the absentee ballot to the election authority."; and

4 on page 39, line 19, by replacing "3" with "6 ~~3~~"; and

5 on page 42, immediately below line 22, by inserting the
6 following:

7 "(10 ILCS 5/18A-15)

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

9 (a) The county clerk or board of election commissioners
10 shall complete the validation and counting of provisional
11 ballots within 14 calendar days of the day of the election. The
12 county clerk or board of election commissioners shall have 7
13 calendar days from the completion of the validation and
14 counting of provisional ballots to conduct its final canvass.
15 The State Board of Elections shall complete within 31 calendar
16 days of the election or sooner if all the returns are received,
17 its final canvass of the vote for all public offices.

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

21 (1) The provisional voter cast the provisional ballot
22 in the correct precinct based on the address provided by
23 the provisional voter. The provisional voter's affidavit

1 shall serve as a change of address request by that voter
2 for registration purposes for the next ensuing election if
3 it bears an address different from that in the records of
4 the election authority;

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

9 (3) the provisional voter is a registered voter based
10 on information available to the county clerk or board of
11 election commissioners provided by or obtained from any of
12 the following:

13 i. the provisional voter;

14 ii. an election judge;

15 iii. the statewide voter registration database
16 maintained by the State Board of Elections;

17 iv. the records of the county clerk or board of
18 election commissioners' database; or

19 v. the records of the Secretary of State; and ~~and~~

20 (4) For a provisional ballot cast under item (6) of
21 subsection (a) of Section 18A-5, the voter did not vote by
22 absentee ballot in the election at which the provisional
23 ballot was cast.

24 (c) With respect to subsection (b) (3) of this Section, the
25 county clerk or board of election commissioners shall
26 investigate and record whether or not the specified information

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

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

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

1 board of election commissioners. This information must be
2 received by the county clerk or board of election commissioners
3 within the 2-calendar-day period.

4 (e) If the county clerk or board of election commissioners
5 determines that subsection (b)(1), (b)(2), or (b)(3) does not
6 apply, then the provisional ballot is not valid and may not be
7 counted. The provisional ballot envelope containing the ballot
8 cast by the provisional voter may not be opened. The county
9 clerk or board of election commissioners shall write on the
10 provisional ballot envelope the following: "Provisional ballot
11 determined invalid."

12 (f) If the county clerk or board of election commissioners
13 determines that a provisional ballot is valid under this
14 Section, then the provisional ballot envelope shall be opened.
15 The outside of each provisional ballot envelope shall also be
16 marked to identify the precinct and the date of the election.

17 (g) Provisional ballots determined to be valid shall be
18 counted at the election authority's central ballot counting
19 location and shall not be counted in precincts. The provisional
20 ballots determined to be valid shall be added to the vote
21 totals for the precincts from which they were cast in the order
22 in which the ballots were opened. The validation and counting
23 of provisional ballots shall be subject to the provisions of
24 this Code that apply to pollwatchers. If the provisional
25 ballots are a ballot of a punch card voting system, then the
26 provisional ballot shall be counted in a manner consistent with

1 Article 24A. If the provisional ballots are a ballot of optical
2 scan or other type of approved electronic voting system, then
3 the provisional ballots shall be counted in a manner consistent
4 with Article 24B.

5 (h) As soon as the ballots have been counted, the election
6 judges or election officials shall, in the presence of the
7 county clerk or board of election commissioners, place each of
8 the following items in a separate envelope or bag: (1) all
9 provisional ballots, voted or spoiled; (2) all provisional
10 ballot envelopes of provisional ballots voted or spoiled; and
11 (3) all executed affidavits of the provisional ballots voted or
12 spoiled. All provisional ballot envelopes for provisional
13 voters who have been determined not to be registered to vote
14 shall remain sealed. The county clerk or board of election
15 commissioners shall treat the provisional ballot envelope
16 containing the written affidavit as a voter registration
17 application for that person for the next election and process
18 that application. The election judges or election officials
19 shall then securely seal each envelope or bag, initial the
20 envelope or bag, and plainly mark on the outside of the
21 envelope or bag in ink the precinct in which the provisional
22 ballots were cast. The election judges or election officials
23 shall then place each sealed envelope or bag into a box, secure
24 and seal it in the same manner as described in item (6) of
25 subsection (b) of Section 18A-5. Each election judge or
26 election official shall take and subscribe an oath before the

1 county clerk or board of election commissioners that the
2 election judge or election official securely kept the ballots
3 and papers in the box, did not permit any person to open the
4 box or otherwise touch or tamper with the ballots and papers in
5 the box, and has no knowledge of any other person opening the
6 box. For purposes of this Section, the term "election official"
7 means the county clerk, a member of the board of election
8 commissioners, as the case may be, and their respective
9 employees.

10 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
11 94-1000, eff. 7-3-06.); and

12 on page 48, by replacing lines 11 through 23 with the
13 following:

14 "I understand that this".