

# U.S. ELECTION ASSISTANCE COMMISSION



## *2012 Election Administration & Voting Survey*

### **Illinois**

## *Statutory Overview*

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2012 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
<b>Name</b>	Cristina Cray
<b>Title</b>	Director of Legislation
<b>Office/Agency Name</b>	Illinois State Board of Elections
<b>Address 1</b>	2329 So. MacArthur
<b>Address 2</b>	
<b>City</b>	Springfield
<b>State</b>	Illinois
<b>Zip Code</b>	62704
<b>Email Address</b>	<a href="mailto:ccray@elections.il.gov">ccray@elections.il.gov</a>
<b>Telephone (area Code and number)</b>	217.782.1577
<b>Fax Number (area code and number)</b>	217.524.5574

## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2010 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2010 with an "X" as shown below:

X No Change Since 2010

If the response has changed since 2010, please mark Changed Since 2010 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2010 response and record your 2012 response between the red bracketed text lines, as described below.

X Changed Since 2010

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

[End definition (a) above this line.]

## SECTION A: GENERAL

**A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.**

**a. Over-vote**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin definition (a) below this line.]

IL Administrative Code; Title 26: Elections, Chapter I; Part 204.  
Section 204.40:

4) It will reject all votes for an office or upon a proposition when the voter has cast more votes for such office or upon such proposition than he is entitled to cast.

10 ILCS 24B-2 Definitions:

“voting defect” means an overvoted ballot, or a ballot...

IL Administrative Code; Title 26: Elections, Chapter I; Part 207.  
Section 207.80:

f) For the purpose of subsection (d) of this Section an overvote occurs each time a voter casts more votes than he is entitled to cast for an office or a proposition.

[End definition (a) above this line.]

**b. Under-vote**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin definition (b) below this line.]

IL Administrative Code; Title 26: Elections, Chapter I; Part 207.  
Section 207.80:

e) For the purpose of subsection (a) of this Section an undervote occurs each time a voter fails or omits to cast a vote for each candidate or proposition for which he is entitled to cast a vote.

10 ILCS 5/24A-16 (5.5) “It will identify when a voter has not voted for all statewide constitutional offices.”

10 ILCS 5/24B-16 (e-5) “It will identify when a voter has not voted for all statewide constitutional offices.”

[End definition (b) above this line.]

**c. Blank ballot**

       No Change Since 2010        X   Changed Since 2010

**2010 Response:**

[Begin definition (c) below this line.]

(10 ILCS 5/16-5.01) (from Ch. 46, par. 16-5.01)

Sec. 16-5.01. (a) The election authority shall, at least 46 days prior to the date of any general election at which federal officers are elected and 45 days prior to any other regular election, have a sufficient number of ballots printed so that such ballots will be available for mailing 45 days prior to the date of the election to persons who have filed application for a ballot under the provisions of Article 20 of this Act.

(b) If at any election at which federal offices are elected or nominated the election authority is unable to comply with the provisions of subsection (a), the election authority shall mail to each such person, in lieu of the ballot, a Special Write-in Absentee Voter's Blank Ballot. The Special Write-in Absentee Voter's Blank Ballot shall be used at all elections at which federal officers are elected or nominated and shall be prepared by the election authority in substantially the following form:

Special Write-in Absentee Voter's Blank Ballot

(To vote for a person, write the title of the office and his or her name on the lines provided. Place to the left of and opposite the title of office a square and place a cross (X) in the square.)

Title of Office	Name of Candidate
(    )	
(    )	
(    )	
(    )	
(    )	
(    )	

The election authority shall send with the Special Write-in Absentee Voter's Blank Ballot a list of all referenda for which the voter is qualified to vote and all candidates for whom nomination papers have been filed and for whom the voter is qualified to vote. The voter shall be entitled to write in the name of any candidate seeking election and any referenda for which he or she is entitled to vote.

On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official Ballot", the date of the election and a facsimile of the signature of the election authority who has caused the ballot to be printed.

The provisions of Article 20, insofar as they may be applicable to the Special Write-in Absentee Voter's Blank Ballot, shall be applicable herein.

(c) Notwithstanding any provision of this Code or other law to the contrary, the governing body of a municipality may adopt, upon submission of a written statement by the municipality's election authority attesting to the administrative ability of the election authority to administer an election using a ranked ballot to the municipality's governing body, an ordinance requiring, and that municipality's election authority shall prepare, a ranked absentee ballot for municipal and

township office candidates to be voted on in the consolidated election. This ranked ballot shall be for use only by a qualified voter who either is a member of the United States military or will be outside of the United States on the consolidated primary election day and the consolidated election day. The ranked ballot shall contain a list of the titles of all municipal and township offices potentially contested at both the consolidated primary election and the consolidated election and the candidates for each office and shall permit the elector to vote in the consolidated election by indicating his or her order of preference for each candidate for each office. To indicate his or her order of preference for each candidate for each office, the voter shall put the number one next to the name of the candidate who is the voter's first choice, the number 2 for his or her second choice, and so forth so that, in consecutive numerical order, a number indicating the voter's preference is written by the voter next to each candidate's name on the ranked ballot. The voter shall not be required to indicate his or her preference for more than one candidate on the ranked ballot. The voter may not cast a write-in vote using the ranked ballot for the consolidated election. The election authority shall, if using the ranked absentee ballot authorized by this subsection, also prepare instructions for use of the ranked ballot. The ranked ballot for the consolidated election shall be mailed to the voter at the same time that the ballot for the consolidated primary election is mailed to the voter and the election authority shall accept the completed ranked ballot for the consolidated election when the authority accepts the completed ballot for the consolidated primary election.

The voter shall also be sent an absentee ballot for the consolidated election for those races that are not related to the results of the consolidated primary election as soon as the consolidated election ballot is certified.

The State Board of Elections shall adopt rules for election authorities for the implementation of this subsection, including but not limited to the application for and counting of ranked ballots.

(Source: P.A. 97-81 effective July 5, 2011)

[End definition (c) above this line.]

**d. Void/Spoiled ballot**

\_\_X\_\_ No Change Since 2010           Changed Since 2010

**2010 Response:**

[Begin definition (d) below this line.]

10 ILCS 5/24A-6, 24B-6, 24C-6

... Any voter who spoils his ballot or makes an error may return the ballot to the judges of election and secure another. However, the protruding identifying tab for proposals for a constitutional convention or constitutional amendments shall have printed thereon "Constitutional Ballot", and the ballot label page or pages for such

proposals shall precede the ballot label pages for candidates in the ballot label booklet.

10 ILCS 5/17-16

...The envelope to be used for enclosing ballots spoiled by voters while attempting to vote shall bear upon its face, in large type, the legend: "This envelope is for use before 7:00 P.M. only." All ballots not voted, and all that have been spoiled by voters while attempting to vote, shall be returned by the judges of election to the county clerk and a receipt taken therefor, and shall be preserved 2 months;

[End definition (d) above this line.]

**e. Provisional/Challenged ballot**

\_\_\_\_\_ **No Change Since 2010**    **X** **Changed Since 2010**

**2010 Response:**

[Begin definition (e) below this line.]

10 ILCS 5/18A-5 Provisional voting; general provisions  
Sec. 18A-5. Provisional voting; general provisions.

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

(1) The person's name does not appear on the official list of eligible voters for the precinct in which the person seeks to vote. The official list is the centralized statewide voter registration list established and maintained in accordance with Section 1A-25;

(2) The person's voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges;

(3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period; or

(4) The voter registered to vote by mail and is required by law to present identification when voting either in person or by absentee ballot, but fails to do so;

(5) The voter's name appears on the list of voters who voted during the early voting period, but the voter claims not to have voted during the early voting period; or

(6) The voter received an absentee ballot but did not return the absentee ballot to the election authority.

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

(1) After first verifying through an examination of

the precinct register that the person's address is within the precinct boundaries, an election judge at the polling place shall notify a person who is entitled to cast a provisional ballot pursuant to subsection (a) that he or she may cast a provisional ballot in that election. An election judge must accept any information provided by a person who casts a provisional ballot that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election. However, if the person's residence address is outside the precinct boundaries, the election judge shall inform the person of that fact, give the person the appropriate telephone number of the election authority in order to locate the polling place assigned to serve that address, and instruct the person to go to the proper polling place to vote.

(2) The person shall execute a written form provided by the election judge that shall state or contain all of the following that is available:

(i) an affidavit stating the following:

State of Illinois, County of .....,  
Township ....., Precinct ....., Ward ....., I, ....., do  
solemnly swear (or affirm) that: I am a citizen of the United States; I am  
18 years of age or older; I have resided in this State and in this precinct  
for 30 days preceding this election; I have not voted in this election; I  
am a duly registered voter in every respect; and I am eligible to vote in  
this election. Signature ..... Printed Name of Voter ..... Printed  
Residence Address of Voter ..... City ..... State .... Zip Code ....  
Telephone Number ..... Date of Birth ..... and Illinois Driver's License  
Number ..... or Last 4 digits of Social Security Number ..... or State  
Identification Card Number issued to you by the Illinois Secretary of  
State.....

(ii) A box for the election judge to check one of  
the 3 reasons why the person was given a provisional ballot under  
subsection (a) of Section 18A-5.

(iii) An area for the election judge to affix his or  
her signature and to set forth any facts that support or oppose the allegation  
that the person is not qualified to vote in the precinct in which the person is  
seeking to vote.

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

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

(4) The election judge shall give a copy of the completed written affidavit  
to the person. The election judge shall place the original written affidavit in a  
self-adhesive clear plastic packing list envelope that must be attached to a  
separate envelope marked as a "provisional ballot envelope". The election



judge shall also place any information provided by the person who casts a provisional ballot in the clear plastic packing list envelope. Each county clerk or board of election commissioners, as the case may be, must design, obtain or procure self-adhesive clear plastic packing list envelopes and provisional ballot envelopes that are suitable for implementing this subsection (b)(4) of this Section.

(5) The election judge shall provide the person with a provisional ballot, written instructions for casting a provisional ballot, and the provisional ballot envelope with the clear plastic packing list envelope affixed to it, which contains the person's original written affidavit and, if any, information provided by the provisional voter to support his or her claim that he or she is a duly registered voter. An election judge must also give the person written information that states that any person who casts a provisional ballot shall be able to ascertain, pursuant to guidelines established by the State Board of Elections, whether the provisional vote was counted in the official canvass of votes for that election and, if the provisional vote was not counted, the reason that the vote was not counted.

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

(c) Instead of the affidavit form described in subsection (b), the county clerk or board of election commissioners, as the case may be, may design and use a multi-part affidavit form that is imprinted upon or attached to the provisional ballot envelope described in subsection (b). If a county clerk or board of election commissioners elects to design and use its own multi-part affidavit form, then the county clerk or board of election commissioners shall establish a mechanism for accepting any information the provisional voter has supplied to the election judge to support his or her claim that he or she is a duly registered voter. In all other respects, a county clerk or board of election commissioners shall establish procedures consistent with subsection (b).

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



commissioners, as the case may be, as a voter registration application.

[End definition (e) above this line.]

**f. Absentee**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (f) below this line.]

(10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

Sec. 19-2. Any elector as defined in Section 19-1 may by mail, not more than 40 nor less than 5 days prior to the date of such election, or by personal delivery not more than 40 nor less than one day prior to the date of such election, make application to the county clerk or to the Board of Election Commissioners for an official ballot for the voter's precinct to be voted at such election.

(Source: P.A. 95-440, eff. 8-27-07; 96-553, eff. 8-17-09.)

[End definition (f) above this line.]

**g. Early voting**

☐ **No Change Since 2010**      ☒ **Changed Since 2010**

**2010 Response:**

[Begin definition (g) below this line.]

(10 ILCS 5/1-11 new)

Sec. 1-11. Public university voting. For the 2012 general election, each appropriate election authority shall, in addition to the early voting conducted at locations otherwise required by law, conduct early voting in a high traffic location on the campus of a public university within the election authority's jurisdiction. For the purposes of this Section, "public university" means the University of Illinois at its campuses in Urbana-Champaign and Springfield, Southern Illinois University at its campuses in Carbondale and Edwardsville, Eastern Illinois University, Illinois State University, Northern Illinois University, and Western Illinois University at its campuses in Macomb and Moline. The voting required by this Section to be conducted on campus must be conducted as otherwise required by Article 19A of this Code. If an election authority has voting equipment that can accommodate a ballot in every form required in the election authority's jurisdiction, then the election authority shall extend early voting under this

Section to any registered voter in the election authority's jurisdiction. However, if the election authority does not have voting equipment that can accommodate a ballot in every form required in the election authority's jurisdiction, then the election authority may limit early voting under this Section to registered voters in precincts where the public university is located and precincts bordering the university. Each public university shall make the space available in a high traffic area for, and cooperate and coordinate with the appropriate election authority in, the implementation of this Section. This Section is repealed on May 31, 2013.

[End definition (g) above this line.]

**h. Active Voter**

  X   No Change Since 2010          Changed Since 2010

**2010 Response:**

[Begin definition (h) below this line.]

There is no definition in the Illinois Election Code

[End definition (h) above this line.]

**i. Inactive Voter**

  X   No Change Since 2010          Changed Since 2010

**2010 Response:**

[Begin definition (i) below this line.]

IL Administrative Code; Title 26: Elections, Chapter I; Part 216.  
Section 216.20 definitions:

Inactive voter – an inactive voter is a person who, having once submitted a voter registration application subsequently acknowledged by the election authority having jurisdiction over the voter's place of residence, or a registration card, has not responded to a notice to confirm his or her address, but whose authority to vote has not yet been canceled.

[End definition (i) above this line.]

**j. Other terms (please specify) \_\_\_\_\_**

  X   No Change Since 2010          Changed Since 2010

**2010 Response:**

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

**A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.**

       No Change Since 2010                        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (A2) below this line.]

**PUBLIC ACT 96-1018 (HOUSE BILL 5820; EFFECTIVE DATE January 1, 2011)**

Provides for the joint nomination of candidates for the offices of Governor and Lieutenant Governor.

**PUBLIC ACT 96-1019 (SENATE BILL 2551; EFFECTIVE DATE January 1, 2011)**

Creates the Public Corruption Profit Forfeiture Act and amends the Election Code. Provides for the forfeiture to the State of Illinois of proceeds and profits derived through violations of the statutes concerning intimidation by public officials, bribery, or providing, attempting, offering to provide or soliciting, accepting, or attempting to accept a kickback, or including, directly or indirectly, the amount of any kickback prohibited in the contract price charged by a subcontractor to a prime contractor or a higher tier subcontractor or in the contract price charged by a prime contractor to any unit of State or local government for a public contract a kickback. Provides for distribution of the proceeds from forfeited property. Includes a continuing appropriation to the Department of State Police. Provides that all political contributions held by a political committee and controlled by a person convicted of the federal offenses of extortion, receiving the proceeds of extortion, bribery, and kickbacks shall be paid to the State of Illinois within 30 days from the date of entry of the guilty plea or conviction. Provides that if the prosecution or appeal was conducted by the Attorney General, then the amount provided for distribution of the forfeited assets shall be paid into the State Asset Forfeiture Fund in the State treasury to be used by the Attorney General in accordance with law. Makes changes in the bill to conform to Public Act 96-832. Effective January 1, 2011. Further amends the Public Corruption Forfeiture Act. Provides that if the investigation, arrest or arrests and prosecution leading to the forfeiture or if the appeal were undertaken by the Attorney General, the portion provided hereunder shall be paid into the Attorney General's Whistleblower Reward and Protection Fund in the State treasury to be used by the Attorney General in accordance with law. Provides that all moneys deposited pursuant to the Act in the Attorney General's

Whistleblower Reward and Protection Fund shall, subject to appropriation, be used by the Attorney General for State law enforcement purposes and for the performance of the duties of that office. deletes provision that moneys deposited into the State Asset Forfeiture Fund shall be appropriated on a continuing basis. Provides that all moneys deposited pursuant to the Act in the State's Attorneys Appellate Prosecutor Anti-Corruption Fund shall, subject to appropriation, be used by the Office of the State's Attorneys Appellate Prosecutor in the manner set forth in the Act. Amends the State Finance Act. Creates the State's Attorneys Appellate Prosecutor Anti-Corruption Fund in the State treasury.

**PUBLIC ACT 96-1037 (HOUSE BILL 4818; EFFECTIVE DATE July 14, 2010)**

Amends the Upper Mississippi River International Port District Act. Provides that the registered voters of a county included in the Upper Mississippi International Port District may petition the local election authority (now, State Board of Elections) requesting the submission of the question of whether the county should be disconnected from the District.

**PUBLIC ACT 96-1484 (HOUSE BILL 5206; EFFECTIVE DATE January 1, 2011)**

Authorizes county clerks to use an electronic system for reporting deaths, when established as provided in the Vital Records Act, to purge voter registration records of the names of deceased voters (now, requires county clerks to purge voter registration records by using death-related records). Requires that persons in charge of vital records provide municipal boards of election commissioners with the names and previous addresses of persons over the age of 18 (now, 21) years who died in the past month.

Provides that, whether or not an electronic reporting system of death registrations has been established, the county clerk must cancel the voter registrations of deceased persons on a monthly basis.

**PUBLIC ACT 97-0006 (SENATE BILL 1177; EFFECTIVE DATE June 3, 2011)**

Creates the General Assembly Redistricting Act of 2011. Redistricts the Legislative Districts (for election of Senators) and the Representative Districts (for election of Representatives). Amends the Election Code and the Illinois Voting Rights Act of 2011 to make corresponding changes. Effective immediately.

**PUBLIC ACT 97-0014 (SENATE BILL 1178; EFFECTIVE DATE June 3, 2011)**

Creates the Illinois Congressional Redistricting Act of 2011. Redistricts the Congressional Districts for the purpose of electing Representatives to the House of Representatives of the United States Congress. Effective immediately.

**PUBLIC ACT 97-0015 (SENATE BILL 1179; EFFECTIVE DATE June 3, 2011)**

Creates the Cook County Board of Review Redistricting Act of 2011. Redistricts Cook County for election of Cook County Board of Review Commissioners. Effective immediately.

**PUBLIC ACT 97-0081 (SENATE BILL 1586; EFFECTIVE DATE July 5, 2011)**

Requires an audit of 5% of early voting machines Provides that the election authority shall mail military ballots 45 days (instead of 60 days) before the election. Provides that the election authority shall allow military voters to provide e-mail addresses. Provides that absentee ballots shall be delivered only upon application of the voter. Makes changes concerning judicial elections. Makes changes concerning dates for the certification of public questions. Makes changes concerning signature requirements for petitions for referenda. Provides that petitions for nomination for State Senator shall contain at least 1,000 signature but not more than 3,000 (instead of at least 1% of the qualified electors or 1,000 signatures, whichever is greater). Provides that petitions for nomination for State Representative shall contain at least 500 signatures but not more than 1,500 (instead of 1% of the

qualified electors or 500 signatures, whichever is greater). Removes provisions of the Code requiring the election authority to appoint as deputy registrars certain employees of the Secretary of State located at driver's license examination stations. Authorizes the board of education of a school district, by resolution, to initiate an advisory question under the Code to be placed on the ballot both in the territory of the school district and in the precincts adjacent to the boundaries of the school district. Adds provisions amending the Circuit Courts Act. Provides that if and only if the provisions of Senate Bill 63 of the 97th General Assembly become law: (i) the Supreme Court shall allot all vacancies in at large judgeships or resident judgeships from Kane County of the 16th circuit occurring after the 2012 general election (instead of shall allot all vacancies in at large judgeships existing on or occurring on or after the effective date), excluding a designated vacancy; (ii) an additional resident judgeship in the 16th Circuit shall be filled by election beginning at the 2012 general election and shall be assigned to subcircuit 2 for election (instead of assigned to subcircuit 2); (iii) the 23rd circuit shall have 7 (instead of 6) resident judgeships consisting of 5 existing resident judgeships, the added resident judgeship for Kendall County, and the resident judgeship created by the first vacancy of an at large judgeship (instead of an at large resident judgeship) or a resident judgeship in the new 16th circuit; and (iv) the added resident judgeship for Kendall County shall be filled at the 2012 general election. Effective immediately, except that provisions amending the Circuit Courts Act take effect upon becoming law or upon the effective date of Senate Bill 63 of the 97th General Assembly, whichever is later. Amends the Illinois Vehicle Code. Requires the Secretary of State to accept voter registration at driver services facilities. Amends the Illinois Municipal Code. Makes changes concerning

nonpartisan primary elections. Amends the Illinois Constitutional Amendment Act. Provides that county canvassing boards must mail abstracts of votes for and against constitutional amendments to the State Board of Elections (instead of the Secretary of State). Makes various other changes. Effective immediately.

**PUBLIC ACT 97-0275 (SENATE BILL 98; EFFECTIVE DATE January 1, 2012)**

It extends the "incapacitated voter" provisions to residents of federally-operated veterans' homes, hospitals, and facilities located in Illinois in order to qualify for absentee ballots in multiple elections and to require that absentee voting be conducted at the homes, hospitals, and facilities.

Defines "federally-operated veterans' home, hospital, or facility" as the long-term care facilities at the Jesse Brown VA Medical Center, Illiana Health Care System, Edward Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain James A. Lovell Federal Health Care Center.

**PUBLIC ACT 97-0411 (HOUSE BILL 3158; EFFECTIVE DATE August 16, 2011)**

Amends the Illinois Procurement Code. Provides that, for the purposes of the prohibition of certain contributions, (i) any contribution made to a political committee established to promote the candidacy of the Governor or a declared candidate for the office of Governor shall be considered as having been made to a political committee established to promote the candidacy of the Lieutenant Governor, in the case of the Governor, or the declared candidate for Lieutenant Governor having filed a joint petition, or write-in declaration of intent, with the declared candidate for Governor, as applicable, and (ii) any contribution made to a political committee established to promote the candidacy of the Lieutenant Governor or a declared candidate for the office of Lieutenant Governor shall be considered as having been made to a political committee established to promote the candidacy of the Governor, in the case of the Lieutenant Governor, or the declared candidate for Governor having filed a joint petition, or write-in declaration of intent, with the declared candidate for Lieutenant Governor, as applicable. Effective immediately.

**PUBLIC ACT 97-0582 (HOUSE BILL 2972; EFFECTIVE DATE August 26, 2011)**

Amends the Illinois Governmental Ethics Act. Provides that holdover appointees, temporary appointees, and acting appointees to offices requiring Senate confirmation may not continue in office longer than stated limited periods. Exempts from these provisions appointments to serve as the Director of the Illinois Power Agency or on the State Board of Elections. Amends the Civil Administrative Code of Illinois. Provides that, during the term of a General Assembly, the Governor may not designate a person to serve as an acting director or secretary if that person's nomination to serve as the director or secretary of that same Department was rejected by the Senate of the same General Assembly. Effective immediately.

**PUBLIC ACT 97-0585 (SENATE BILL 63; EFFECTIVE DATE August 26, 2011)**

Amends the Circuit Courts Act. Provides that the 16th judicial circuit (Kane, DeKalb, and Kendall Counties) is divided into the 16th judicial circuit (Kane County) and the 23rd judicial circuit (DeKalb and Kendall Counties). Provides that the 16th judicial circuit shall have 4 subcircuits (instead of 5 subcircuits) and 7 resident judgeships elected at large. Provides that the 16th circuit shall have one additional resident judgeship to be filled by election at the 2012 general election. Provides that the Supreme Court shall allocate (i) all vacancies in resident judgeships of the 16th circuit existing on or occurring after the effective date and (ii) the new resident judgeship until there are 2 resident judges to be elected from each subcircuit. Provides that the 23rd judicial circuit shall have 6 resident judgeships. Contains provisions regarding the assignment or allotment of certain resident judgeships, appointments by the Supreme Court, the elimination of a judgeship, the election of certain judgeships, and related matters. Makes other and corresponding changes. Effective immediately.

**PUBLIC ACT 97-0766 (SENATE BILL 3722; EFFECTIVE DATE July 6, 2012)**

Extends the grace period for the registration of voters to until the 3rd day (now, the 7th day) before the primary or election. Provides that, for the 2012 general election, each appropriate election authority shall conduct grace period registration and early voting in a high traffic location on the campus of a public university within the election authority's jurisdiction. Provides that a political committee may be designated as an independent expenditure committee. Defines "independent expenditure committee". Provides that, for an independent expenditure committee, "election cycle" means the period beginning on January 1 and ending on December 31 of each calendar year. Provides that the definition of "independent expenditure" includes any payment, gift, donation, or expenditure of funds by a natural person or political committee for the purpose of making electioneering communications or of expressly advocating for or against any question of public policy to be submitted to the voters, provided the spending is not made in connection, consultation or concert in any way with a public official, candidate or their political committee or campaign. Provides that a ballot initiative committee or independent expenditure committee



(now, a ballot initiative committee only) may accept contributions in any amount from any source, provided that the committee files a statement of organization and files the disclosure reports required by the Code. Provides that the treasurer of a political committee shall keep a detailed and exact account of the total amount of contributions made to or for the committee from a raffle, except that for licensed raffles the treasurer is not required to keep an account of the name and mailing address of any person who purchases tickets at the event in an amount that does not exceed \$150. Provides that the amounts that may be transferred between certain political party committees (now, a State political committee) and an affiliated federal political committee established by the same party shall not be limited. Provides that a natural person or independent expenditure committee that makes an independent expenditure supporting or opposing a public official or candidate that, alone or in combination with any other independent expenditure made by that natural person or independent expenditure committee supporting or opposing that public official or candidate during the election cycle, equals an aggregate value of more than (i) \$250,000 for statewide office or (ii) \$100,000 for all other elective offices must file a written disclosure with the State Board of Elections within 2 business days after making any expenditure that results in the natural person or independent expenditure committee exceeding the applicable threshold. Provides that, if a natural person or independent expenditure committee makes independent expenditures supporting or opposing the campaign of a particular public official or candidate in an aggregate amount of more than (i) \$250,000 for statewide office or (ii) \$100,000 for all other elective offices in an election cycle, then, upon receiving notice from the State Board of Elections, all candidates for that office in that election shall be permitted to accept contributions in excess of certain contribution limits imposed by the Code. Provides that contributions to a political action committee made through dues, levies, or similar assessments paid by any natural person, corporation, labor, organization or association that exceed \$500 in a quarterly reporting period shall be itemized on the committee's quarterly report and may not be reported in the aggregate. Provides that an excess contribution that is not disposed of within 30 days after the political committee receives notification of the excess contribution from the State Board of Elections (rather than, within 15 days after receipt of the excess contribution) shall escheat to the General Revenue Fund and subject the committee to a civil penalty of up to 150% of the excess contribution. Provides that it shall be the duty of the State Board of Elections to promptly send, by first class mail directed only to the officers of a political committee and by certified mail to the political committee address, written notice of any fine or penalty assessed or imposed against the political committee. Makes changes to the form of the application for absentee ballot. Provides that the period for early voting by personal appearance begins the 15th day (now, the 22nd day) before the election and extends through the 3rd day (now, the 5th day) before the election. Makes other changes Provides that the Campaign Finance Task Force shall, no later than February 1, 2013, submit a report to the Governor and the General Assembly regarding certain provisions concerning independent expenditures. Provides that the Task Force shall conduct at least 2 public hearings regarding independent expenditures. Provides that, until December 31, 2015 (now, 2011), in elections at which fractional cumulative votes are cast and a Direct Recording

Electronic Voting System is used, the tabulation of those votes may be made by the election authority at its central office location, and 4 copies of a "Certificate of Results" shall be printed by the automatic tabulation equipment and shall be posted in 4 conspicuous places at the central office location.

**PUBLIC ACT 97-0847 (HOUSE BILL 5877; EFFECTIVE DATE September 22, 2012 and January 1, 2013)**

Provides that if the Administrative Office of the Illinois Courts has a policy and procedure for a state judicial officer to file a written request for non-disclosure of personal information by a government agency with the Administrative Office, the state judicial officer may file the written request with the Administrative Office of the Illinois Courts. On a quarterly basis, the Administrative Office will provide a list of all state judicial officers who have submitted a written request to it and provide the list to the appropriate officer with ultimate supervisory authority for a government agency. The officer shall promptly provide a copy of the list to any and all government agencies under his or her supervision. Receipt of the written request list constitutes the written request to the agency that it not disclose the personal information of the listed state judicial officers. Deletes changes to the definition section of the Freedom of Information Act. Changes the new Section 10-10.5 of the Election Code allowing redaction of a judicial candidate's home address on a certificate of nomination or nomination papers after the Election Code objection period, to apply only to a judicial officer who is a judicial candidate. Also, provides that prior to expiration of the objection period the judicial officer's home address information from the his or her certificate of nomination or nomination papers is available for public inspection; however, after redaction the home address information is only available for an in camera inspection by the court reviewing an objection to a judicial candidate's certificate of nomination or nomination papers. Amends the Illinois Identification Card Act. Allows a judicial officer applying for an Illinois Identification card to use his or her work address in lieu of his or her residence or mailing address in the card application. Amends the Illinois Vehicle Code application for vehicle registration provisions to include judicial officers in the list of persons who may use a work or business address instead of a domicile address on a registration application. Effective 60 days after becoming law, except for specified sections that are effective January 1, 2013.

**PUBLIC ACT 97-1134 (SENATE BILL 3338; EFFECTIVE DATE December 3, 2012)**

Provides that for the 2013 consolidated election period, an election authority or local election official shall accept until 104 days before the election at which candidates are to be on the ballot any nomination petition or certificate of nomination required by the Code to be filed no earlier than 113 and no later than 106 days before the consolidated election. Provides that a special primary election shall be held on

February 26, 2013, and a special election shall be held on April 9, 2013, to fill a vacancy in the office of representative in congress if the vacancy occurs less than 60 days following the 2012 general election. Sets forth requirements concerning the filing of petitions for nomination and the provision of ballots. Effective immediately.

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

**B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B1) below this line.]

Bottom-up [10 ILCS 1A-25]

[End response to above question (B1) above this line.]

**If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above clarification question to B1 below this line.]

It is downloaded to the state master list every 24 hours (overnight) [10 ILCS 1A-25]

[End response to above clarification question to B1 above this line.]

**B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B2) below this line.]

Please see Appendix A (chart)

This process is not used for UOCAVA voters.

[End response to above question (B2) above this line.]

**B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?**

\_\_X\_\_ No Change Since 2010      \_\_\_\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (B3) below this line.]

Please see Appendix A (chart)

They are not the same for UOCAVA voters.

[End response to above question (B3) above this line.]

**B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.**

\_\_X\_\_ No Change Since 2010      \_\_\_\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (B4) below this line.]

Yes- driver's license agency

Yes – Social Security Administration

Yes – IL Department of Public Health for Death Records

Yes – IL Department of Corrections for convictions

[End response to above question (B4) above this line.]

**B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?**

\_\_X\_\_ No Change Since 2010      \_\_\_\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (B5) below this line.]

N/A

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B6) below this line.]

10 ILCS5/3-5

Sec. 3-5. No person who has been legally convicted, in this or another State or in any federal court, of any crime, and is serving a sentence of confinement in any penal institution, or who has been convicted under any section of this Act and is serving a sentence of confinement in any penal institution, shall vote, offer to vote, attempt to vote or be permitted to vote at any election until his release from confinement.

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

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

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B7) below this line.]

(10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

Sec. 20-2.3. Members of the Armed Forces and their spouses and dependents. Any member of the United States Armed Forces while on active duty, and his or her spouse and

dependents, otherwise qualified to vote, who expects in the course of his or her duties to be absent from the county in which he or she resides on the day of holding any election, in addition to any other method of making application for an absentee ballot under this Article, may make application for an absentee ballot to the election authority having jurisdiction over his or her precinct of residence by a facsimile machine or electronic transmission not less than 10 days before the election.

Ballots under this Section shall be delivered by the election authority in the manner prescribed by Section 20-5 of this Article in person, by mail, or, if requested by the applicant and the election authority has the capability, by facsimile transmission or by electronic transmission. Ballots voted under this Section must be returned postmarked no later than midnight preceding election day and received for counting at the central ballot counting location of the election authority during the period for counting provisional ballots, the last day of which is the 14th day following election day.

(Source: P.A. 96-312, eff. 1-1-10; 96-512, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1004, eff. 1-1-11.)

[End response to above question (B7) above this line.]



## SECTION C: ELECTION ADMINISTRATION

**C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).**

**a. Are the votes counted centrally or at the precincts?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (a) below this line.]

Both

Election Day ballots are counted at the precinct. All other ballots are counted centrally.

[End response to above question (a) above this line.]

**b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (b) below this line.]

Yes, 10 ILCS 5/19-8 (g-10) – Absentee ballots

Yes, 10 ILCS 5/18A-15 (g) – Provisional ballots

Yes, 10 ILCS 5/19A-50 – Early voting ballots

Yes, 10 ILCS 4-50, 5-50 and 6-100 – Grace period voting ballots

[End response to above question (b) above this line.]

**c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (c) below this line.]

Single number See answer to **b.** above.

[End response to above question (c) above this line.]

**d. How are UOCAVA ballots counted and reported?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (d) below this line.]

Centrally counted then added to the vote totals for the precincts for which they were cast, 10 ILCS 5/20-8 (g-10)

[End response to above question (d) above this line.]

**C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (C2) below this line.]

We allow no-excuse absentee voting (10 ILCS 5/19-3)

[End response to above question (C2) above this line.]

**C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (C3) below this line.]

Yes, 10 ILCS 5/19A

Centrally counted, reported on the canvass under their respective precincts

[End response to above question (C3) above this line.]

**C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (C4) below this line.]

No

[End response to above question (C4) above this line.]

**C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.**

       No Change Since 2010              X   Changed Since 2010

**2010 Response:**

[Begin response to above question (C5) below this line.]

10 ILCS 5/18A-5

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

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

(1) The person's name does not appear on the official list of eligible voters for the precinct in which the person seeks to vote. The official list is the centralized statewide voter registration list established and maintained in accordance with Section 1A-25;

(2) The person's voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges;

(3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period; or

(4) The voter registered to vote by mail and is required by law to present identification when voting either in person or by absentee ballot, but fails to do so.

(5) The voter's name appears on the list of voters who voted during the early voting period, but the voter claims not to have voted during the early voting period; or

(6) The voter received an absentee ballot but did not return the absentee ballot to the election authority.

[End response to above question (C5) above this line.]

**C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.**

X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C6) below this line.]

No, they are automatically rejected.

10 ILCS 5/18A-15

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

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

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

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

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

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

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

(c) With respect to subsection (b)(3) of this Section, the county clerk or board of election commissioners shall investigate and record whether or not the specified information is available from each of the 5 identified sources. If the information is available from one or more of the identified sources, then the county clerk or board of election commissioners shall seek to obtain the information from each of those sources until satisfied, with information from at least one of those sources, that the provisional voter is registered and entitled to vote. The county clerk or board of election commissioners shall

use any information it obtains as the basis for determining the voter registration status of the provisional voter. If a conflict exists among the information available to the county clerk or board of election commissioners as to the registration status of the provisional voter, then the county clerk or board of election commissioners shall make a determination based on the totality of the circumstances. In a case where the above information equally supports or opposes the registration status of the voter, the county clerk or board of election commissioners shall decide in favor of the provisional voter as being duly registered to vote. If the statewide voter registration database maintained by the State Board of Elections indicates that the provisional voter is registered to vote, but the county clerk's or board of election commissioners' voter registration database indicates that the provisional voter is not registered to vote, then the information found in the statewide voter registration database shall control the matter and the provisional voter shall be deemed to be registered to vote. If the records of the county clerk or board of election commissioners indicates that the provisional voter is registered to vote, but the statewide voter registration database maintained by the State Board of Elections indicates that the provisional voter is not registered to vote, then the information found in the records of the county clerk or board of election commissioners shall control the matter and the provisional voter shall be deemed to be registered to vote. If the provisional voter's signature on his or her provisional ballot request varies from the signature on an otherwise valid registration application solely because of the substitution of initials for the first or middle name, the election authority may not reject the provisional ballot.

(d) In validating the registration status of a person casting a provisional ballot, the county clerk or board of election commissioners shall not require a provisional voter to complete any form other than the affidavit executed by the provisional voter under subsection (b)(2) of Section 18A-5. In addition, the county clerk or board of election commissioners shall not require all provisional voters or any particular class or group of provisional voters to appear personally before the county clerk or board of election commissioners or as a matter of policy require provisional voters to submit additional information to verify or otherwise support the information already submitted by the provisional voter. The provisional voter may, within 2 calendar days after the election, submit additional information to the county clerk or board of election commissioners. This information must be received by the county clerk or board of election commissioners within the 2-calendar-day period.

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

(f) If the county clerk or board of election commissioners determines that a provisional ballot is valid under this Section, then the provisional ballot

envelope shall be opened. The outside of each provisional ballot envelope shall also be marked to identify the precinct and the date of the election.

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

(h) As soon as the ballots have been counted, the election judges or election officials shall, in the presence of the county clerk or board of election commissioners, place each of the following items in a separate envelope or bag: (1) all provisional ballots, voted or spoiled; (2) all provisional ballot envelopes of provisional ballots voted or spoiled; and (3) all executed affidavits of the provisional ballots voted or spoiled. All provisional ballot envelopes for provisional voters who have been determined not to be registered to vote shall remain sealed. The county clerk or board of election commissioners shall treat the provisional ballot envelope containing the written affidavit as a voter registration application for that person for the next election and process that application. The election judges or election officials shall then securely seal each envelope or bag, initial the envelope or bag, and plainly mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast. The election judges or election officials shall then place each sealed envelope or bag into a box, secure and seal it in the same manner as described in item (6) of subsection (b) of Section 18A-5. Each election judge or election official shall take and subscribe an oath before the county clerk or board of election commissioners that the election judge or election official securely kept the ballots and papers in the box, did not permit any person to open the box or otherwise touch or tamper with the ballots and papers in the box, and has no knowledge of any other person opening the box. For purposes of this Section, the term "election official" means the county clerk, a member of the board of election commissioners, as the case may be, and their respective employees.

[End response to above question (C6) above this line.]

**C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.**

**If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.**

       **No Change Since 2010**

  X   **Changed Since 2010**

**2010 Response:**

[Begin response to above question (C7) below this line.]

10 ILCS 5/24B-15 – 5% re-tab

Sec. 24B-15. Official Return of Precinct; Check of Totals; Retabulation. The precinct return printed by the automatic Precinct Tabulation Optical Scan Technology tabulating equipment shall include the number of ballots cast and votes cast for each candidate and proposition and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the write-in votes, the total number of ballots counted in each precinct for each political subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct retabulated to correct the return. The procedures for retabulation shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. In those election jurisdictions that use in-precinct counting equipment, the certificate of results, which has been prepared by the judges of election after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals which has been affixed to the certificate of results, the ballots for that precinct shall be retabulated to correct the return. As an additional part of this check prior to the proclamation, in those jurisdictions where in-precinct counting equipment is used, the election authority shall retabulate the total number of votes cast in 5% of the precincts within the election jurisdiction, as well as 5% of the voting devices used in early voting. The precincts to be retabulated shall be selected after election day on a random basis by the State Board of Elections, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts which are to be retabulated. The State central committee chairman of each established political party shall be given prior written notice of the time and place of the random selection procedure and may be represented at the procedure. The retabulation shall consist of counting the ballots which were originally counted and shall not involve any determination of which ballots were, in fact, properly counted. The ballots from the precincts selected for the retabulation shall remain at all times under the custody and control of the election authority and shall be transported and retabulated by the designated staff of the election authority.

As part of the retabulation, the election authority shall test the computer program in the



selected precincts. The test shall be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots which have votes in excess of the number allowed by law to test the ability of the equipment and the marking device to reject such votes. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the retabulation and may be represented at the retabulation.

The results of this retabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. Upon completion of the retabulation, the election authority shall print a comparison of the results of the retabulation with the original precinct return printed by the automatic tabulating equipment. The comparison shall be done for each precinct and for each office voted upon within that precinct, and the comparisons shall be open to the public. Upon completion of the retabulation, the returns shall be open to the public.

(10 ILCS 5/24C-15)

Sec. 24C-15. Official Return of Precinct; Check of Totals; Audit. The precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast and votes cast for each candidate and public question and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the total number of ballots and absentee ballots counted in each precinct for each political subdivision and district and the number of registered voters in each precinct. However, the election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct audited to correct the return. The procedures for this audit shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots or voting devices except for election contests and discovery recounts. The certificate of results, which has been prepared and signed by the judges of election after the ballots have been tabulated, shall be the document used for the canvass of votes for such precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals reflected on the certificate of results, the ballots for that precinct shall be audited to correct the return.

Prior to the proclamation, the election authority shall test the voting devices and equipment in 5% of the precincts within the election jurisdiction, as well as 5% of the voting devices used in early voting. The precincts to be tested shall be selected after election day on a random basis by the State Board of Elections, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected. The State Board of Elections shall design a standard and scientific random method of selecting the precincts that are to be tested. The State central committee chairman of each established political party shall be

given prior written notice of the time and place of the random selection procedure and may be represented at the procedure.

The test shall be conducted by counting the votes marked on the permanent paper record of each ballot cast in the tested precinct printed by the voting system at the time that each ballot was cast and comparing the results of this count with the results shown by the certificate of results prepared by the Direct Recording Electronic Voting System in the test precinct. The election authority shall test count these votes either by hand or by using an automatic tabulating device other than a Direct Recording Electronic voting device that has been approved by the State Board of Elections for that purpose and tested before use to ensure accuracy. The election authority shall print the results of each test count. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results. If an errorless count cannot be conducted and there continues to be difference in vote results between the certificate of results produced by the Direct Recording Electronic Voting System and the count of the permanent paper records or if an error was detected and corrected, the election authority shall immediately prepare and forward to the appropriate canvassing board a written report explaining the results of the test and any errors encountered and the report shall be made available for public inspection.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the county chairman of each established political party and qualified civic organizations shall be given prior written notice of the time and place of the test and may be represented at the test.

The results of this post-election test shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06; 95-699, eff. 11-9-07.)

[End response to above question (C7) above this line.]

**C8. Please describe any state requirements for poll worker training.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C8) below this line.]

Election Judge training is set forth in 10 ILCS 5/13-2.1 and 13-2.2.

[End response to above question (C8) above this line.]

## SECTION D: ELECTION DAY ACTIVITIES

**D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (D1) below this line.]

All equipment approved for use in Illinois can detect undervotes and overvotes per statute and SBE Rules.

IL Administrative Code; Title 26: Elections, Chapter I; Part 204.

Section 204.40: 4) It will reject all votes for an office or upon a proposition when the voter has cast more votes for such office or upon such proposition than he is entitled to cast.

10 ILCS 5/24A-16 (5.5) The voting system will identify when a voter has not voted for all statewide constitutional offices.

10 ILCS 5/24B-16 (e-5) The voting system will identify when a voter has not voted for all statewide constitutional offices.

[End response to above question (D1) above this line.]

**D2. What identification does your state require from voters in the following situations:**

**a. registering to vote;**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (a) below this line.]

(10 ILCS 5/4-10) (from Ch. 46, par. 4-10)

Sec. 4-10. Except as herein provided, no person shall be registered, unless he applies in person to a registration officer, answers such relevant questions as may be asked of him by the registration officer, and executes the affidavit of registration. The registration officer shall require the applicant to furnish two forms of identification, and except in the case of a homeless individual, one of which must include his or her residence address. These forms of identification shall include, but not be limited to, any of the following: driver's license, social security card, public aid identification card, utility bill, employee or student identification card, credit card, or a civic, union or professional association membership card. The registration officer shall require a homeless individual to furnish evidence of his or her use of

the mailing address stated. This use may be demonstrated by a piece of mail addressed to that individual and received at that address or by a statement from a person authorizing use of the mailing address. The registration officer shall require each applicant for registration to read or have read to him the affidavit of registration before permitting him to execute the affidavit.

Similar registration provisions are contained in Sections 5-9 and 6-37 of the Election Code.

10 ILCS 5/1A-16

If you do not have a driver's license or social security number, and this form is submitted by mail, and you have never registered to vote in the jurisdiction you are now registering in, then you must send, with this application, either (i) a copy of a current and valid photo identification, or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If you do not provide the information required above, then you will be required to provide election officials with either (i) or (ii) described above the first time you vote at a voting place or by absentee ballot.

(This only applies to mail in registration where the voter doesn't have a DL or SSN.)

[End response to above question (a) above this line.]

**b. casting an in-person ballot;**

  X   **No Change Since 2010**             **Changed Since 2010**

**2010 Response:**

[Begin response to above question (b) below this line.]

10 ILCS 5/19-2.1

In conducting in-person absentee voting under this Section, the respective clerks shall be required to verify the signature of the absentee voter by comparison with the signature on the official registration record card. The clerk also shall reasonably ascertain the identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant's registration and from the most recent poll list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

[End response to above question (b) above this line.]

**c. casting a mail-in or absentee vote;**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (c) below this line.]

10 ILCS 5-19-4

Sec. 19-4. Mailing or delivery of ballots - Time.) Immediately upon the receipt of such application either by mail, not more than 40 days nor less than 5 days prior to such election, or by personal delivery not more than 40 days nor less than one day prior to such election, at the office of such election authority, it shall be the duty of such election authority to examine the records to ascertain whether or not such applicant is lawfully entitled to vote as requested, including a verification of the applicant's signature by comparison with the signature on the official registration record card, and if found so to be entitled to vote, to post within one business day thereafter the name, street address, ward and precinct number or township and district number, as the case may be, of such applicant given on a list, the pages of which are to be numbered consecutively to be kept by such election authority for such purpose in a conspicuous, open and public place accessible to the public at the entrance of the office of such election authority, and in such a manner that such list may be viewed without necessity of requesting permission therefor. Within one day after posting the name and other information of an applicant for an absentee ballot, the election authority shall transmit that name and other posted information to the State Board of Elections, which shall maintain those names and other information in an electronic format on its website, arranged by county and accessible to State and local political committees.

[End response to above question (c) above this line.]

**d. casting a ballot under UOCAVA;**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (d) below this line.]

(10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

Sec. 20-4. Immediately upon the receipt of the official postcard or an application as provided in Section 20-3 within the times heretofore prescribed, the election authority shall ascertain whether or not such applicant is legally entitled to vote as requested, including verification of the applicant's signature by comparison with the signature on the official registration record card, if any. If the election authority ascertains that the applicant is lawfully entitled to vote, it shall enter the name, street address, ward and precinct number of such applicant on a list to be posted in his or its office in a place

accessible to the public. Within one day after posting the name and other information of an applicant for a ballot, the election authority shall transmit that name and posted information to the State Board of Elections, which shall maintain the names and other information in an electronic format on its website, arranged by county and accessible to State and local political committees. As soon as the official ballot is prepared the election authority shall immediately deliver the same to the applicant in person, by mail, by facsimile transmission, or by electronic transmission as provided in this Article.

[End response to above question (d) above this line.]

**e. any other stage in registration or voting process in which identification is required (please specify).**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (e) below this line.]

Early Voting

10 ILCS 5/19A-35

(b) In conducting early voting under this Article, the election judge or official is required to verify the signature of the early voter by comparison with the signature on the official registration card, and the judge or official must verify (i) the identity of the applicant, (ii) that the applicant is a registered voter, (iii) the precinct in which the applicant is registered, and (iv) the proper ballots of the political subdivision in which the applicant resides and is entitled to vote before providing an early ballot to the applicant. The applicant's identity must be verified by the applicant's presentation of an Illinois driver's license, a non-driver identification card issued by the Illinois Secretary of State, or another government-issued identification document containing the applicant's photograph. The election judge or official must verify the applicant's registration from the most recent poll list provided by the election authority, and if the applicant is not listed on that poll list, by telephoning the office of the election authority.

[End response to above question (e) above this line.]

**D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (D3) below this line.]

10 ILCS 5/17-23

Sec. 17-23. Pollwatchers in a general election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint two pollwatchers per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching. For all elections, the pollwatchers must be registered to vote in Illinois.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For all elections, the pollwatchers must be registered to vote in Illinois.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the name and addresses of its principal officers with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. For all elections, the pollwatcher must be registered to vote in Illinois.

(3.5) Each State nonpartisan civic organization within the county or political subdivision shall be entitled to appoint one pollwatcher per precinct, provided that no more than 2 pollwatchers appointed by State nonpartisan civic organizations shall be present in a precinct polling place at the same time. Each organization shall have registered the names and addresses of its principal officers with the proper election authority at least 40 days before the election. The pollwatchers must be registered to vote in Illinois. For the purpose of this paragraph, a "State nonpartisan civic organization" means any corporation, unincorporated association, or organization that:

(i) as part of its written articles of incorporation, bylaws, or charter or by separate written declaration, has among its stated purposes the provision of voter information and education, the protection of individual voters' rights, and the promotion of free and equal elections;

(ii) is organized or primarily conducts its activities within the State of Illinois; and

(iii) continuously maintains an office or business

location within the State of Illinois, together with a current listed telephone number (a post office box number without a current listed telephone number is not sufficient).

(4) In any general election held to elect candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of Illinois shall be eligible to serve as a pollwatcher in any poll located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (3) of this Section and is a registered voter in Illinois.

(5) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the



proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. The pollwatcher must be registered to vote in Illinois.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be. The election authority may not require any such party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group to submit the names or other information concerning pollwatchers before making credentials available to such persons or organizations.

Pollwatcher credentials shall be in substantially the following form:

#### POLLWATCHER CREDENTIALS

##### TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ..... (name of pollwatcher) who resides at ..... (address) in the county of ....., ..... (township or municipality) of ..... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

..... (Signature of Appointing Authority)  
..... TITLE (party official, candidate,  
civic organization president,  
proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ..... (address) in the county of ....., ..... (township or municipality) of ..... (name), State of Illinois, and is duly registered to vote in Illinois.

.....  
(Precinct and/or Ward in ..... (Signature of Pollwatcher)  
Which Pollwatcher Resides)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may

leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates and qualified civic organizations can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

#### CANDIDATE CREDENTIALS

##### TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ..... (name of candidate) hereby certify that I am a candidate for ..... (name of office) and seek admittance to ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

.....  
(Signature of Candidate)                      OFFICE FOR WHICH  
CANDIDATE SEEKS  
NOMINATION OR  
ELECTION

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station themselves in a

position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act.

[End response to above question (D3) above this line.]

## SECTION E: OTHER

**E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (E1) below this line.]

We went from Emergency Rules (November 24, 2004 emergency expired April 23, 2005; new Part adopted effective August 25, 2005) to Permanent Rules.

IL Administrative Code; Title 26: Elections, Chapter I; Part 150.  
Administrative Complaint Procedures for Violations of Title III of HAVA

[End response to above question (E1) above this line.]

**E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (E2) below this line.]

Early Voting pilot program for college campuses

See Section A question A1 g

Illinois offers Grace Period Registration

10 ILCS 5/5-50

Sec. 5-50. Grace period. Notwithstanding any other provision of this Code to the contrary, each election authority shall establish procedures for the registration of voters and for change of address during the period from the close of registration for a primary or election and until the 14th day before the primary or election. During this grace period, an unregistered qualified elector may register to vote, and a registered voter may submit a change of address form, in person in the office of the election authority or at a voter registration location specifically designated for this purpose by the election authority. The election authority shall register that individual, or change a registered voter's address, in the same manner as

otherwise provided by this Article for registration and change of address.

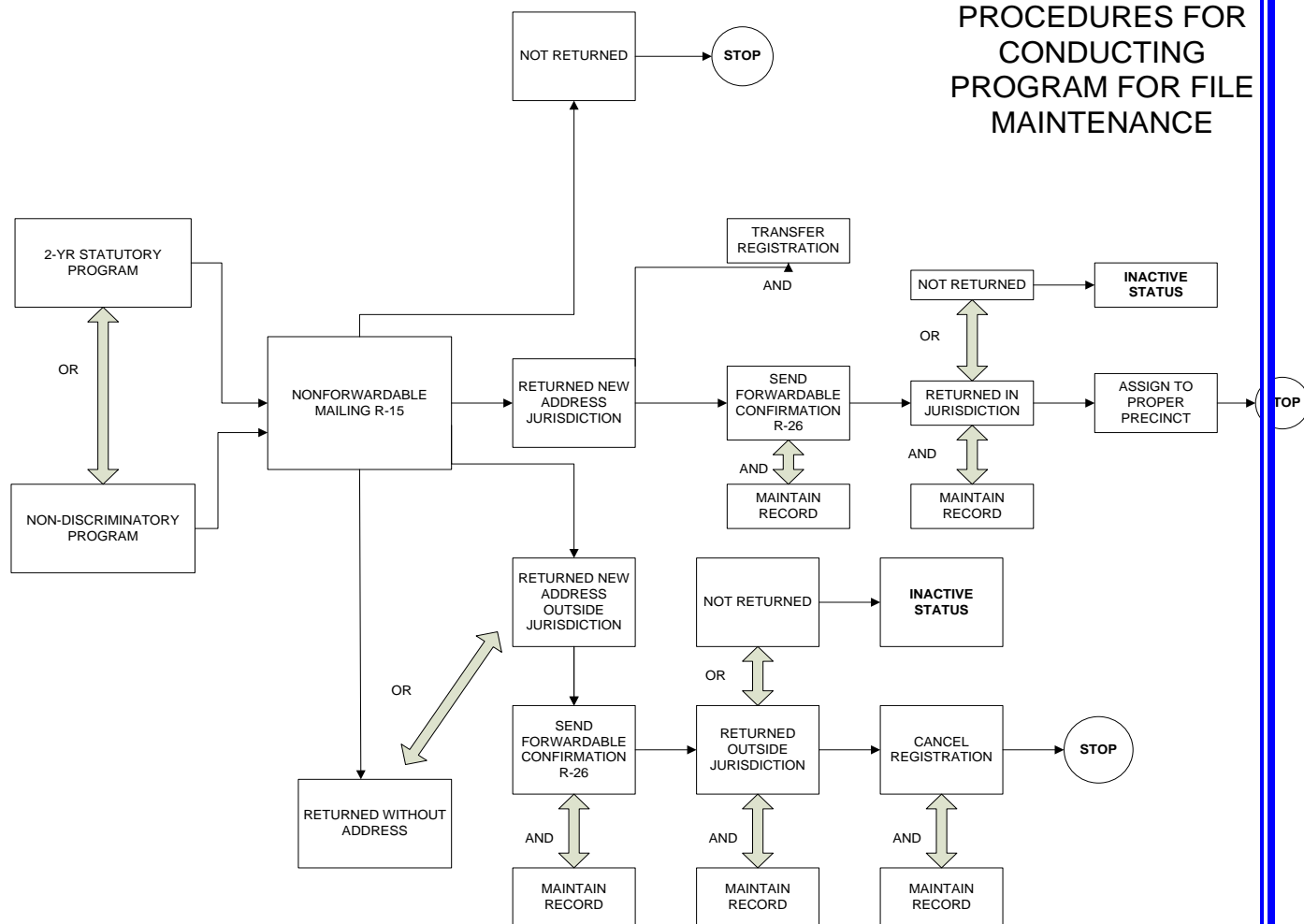
If a voter who registers or changes address during this grace period wishes to vote at the first election or primary occurring after the grace period, he or she must do so by grace period voting, either in person in the office of the election authority or at a location specifically designated for this purpose by the election authority, or by mail, at the discretion of the election authority. Grace period voting shall be in a manner substantially similar to voting under Article 19.

Within one day after a voter casts a grace period ballot, the election authority shall transmit the voter's name, street address, and precinct, ward, township, and district numbers, as the case may be, to the State Board of Elections, which shall maintain those names and that information in an electronic format on its website, arranged by county and accessible to State and local political committees. The name of each person issued a grace period ballot shall also be placed on the appropriate precinct list of persons to whom absentee and early ballots have been issued, for use as provided in Sections 17-9 and 18-5.

A person who casts a grace period ballot shall not be permitted to revoke that ballot and vote another ballot with respect to that primary or election. Ballots cast by persons who register or change address during the grace period must be transmitted to and counted at the election authority's central ballot counting location and shall not be transmitted to and counted at precinct polling places. The grace period ballots determined to be valid shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.

[End response to above question (E2) above this line.]

## Appendix A



\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This

estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2012 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.