

Section B

U.S. ELECTION ASSISTANCE COMMISSION



2008 Election Administration & Voting Survey

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 us to better understand the quantitative data relating to the 2008 general election that we are collecting from all U.S. states and territories.

We understand 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	
Name	Cristina Cray
Title	Director of Legislation
Office/Agency Name	Illinois State Board of Elections
Address 1	1020 South Spring
Address 2	
City	Springfield
State	Illinois
Zip Code	62704
Email Address	ccray@elections.il.gov
Telephone (area Code and number)	217.782.1577
Fax Number (area code and number)	217.782.5959

DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable).

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 legal standing 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, please specify.

Please put 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

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

[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 defeats” 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

[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 underrvote 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.

[End definition (b) above this line.]

c. Blank ballot

[Begin definition (c) below this line.]

10 ILCS 5/16-5.01 Ballots to be available for mailing

Sec. 16-5.01. (a) The election authority shall, at least 60 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 60 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 general election at which federal offices are elected 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 only at general elections at which federal officers are elected 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.

[End definition (c) above this line.]

d. Void/Spoiled ballot

[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

[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.

(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

[Begin definition (f) below this line.]

10 ILCS 5/19-2

Sec. 19-2. Any elector as defined in Section 19-1 who will be unable to enter his or her precinct polling place without violating Section 11-9.3 of the Criminal Code of 1961 or who is expecting to be absent from the county of his residence or any such elector who because of being appointed a judge of election in a precinct other than the precinct in which he resides or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday or who because of election duties for the office of an Election Authority, the State Board of Elections, or a law enforcement agency, or who because of his or her confinement or detention in a jail pending acquittal or conviction of a crime, will be

unable to be present at the polls on the day of such election 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.

[End definition (f) above this line.]

g. Early voting

[Begin definition (g) below this line.]

10 ILCS 5/19A-5

Sec. 19A-5. Issuance of ballots; voting booths.

(a) If a request is made to vote early by a registered voter in person, the election authority shall issue a ballot for early voting to the voter. The ballot must be voted on the premises of the election authority, except as otherwise provided in this Article, and returned to the election authority.

(b) On the dates for early voting prescribed in Section 19A-15, each election authority shall provide voting booths, with suitable equipment for voting, on the premises of the election authority and any other early voting polling place for use by registered voters who are issued ballots for early voting in accordance with this Article.

(c) The election authority must maintain a list for each election of the voters to whom it has issued early ballots. The list must be maintained for each precinct within the election authority's jurisdiction. Before the opening of the polls on election day, the election authority shall deliver to the judges of election in each precinct the list of registered voters who have voted by early ballot.

[End definition (g) above this line.]

h. Active Voter

[Begin definition (h) below this line.]

There is no definition in the Illinois Election Code

[End definition (h) above this line.]

i. Inactive Voter

[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 votes has not yet been canceled.

[End definition (i) above this line.]

j. Other terms (please specify) _____

[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. By “significant,” we do not mean routine or technical changes (such as changes to election district boundaries or polling place changes). However, we 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.

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

PUBLIC ACT 93-1071 (HOUSE BILL 640; EFFECTIVE JANUARY 18, 2005)

Establishes the standards with which the State Board of Elections must comply in creating and maintaining the centralized statewide voter registration database.

PUBLIC ACT 93-1082 (SENATE BILL 2133; EFFECTIVE DATE JULY 1, 2005)

Creates a grace period for the acceptance by election authorities of voter registrations applications between the close of regular registration and the 14th day before an election or primary.

PUBLIC ACT 93-1079 (HOUSE BILL 757; EFFECTIVE DATE JANUARY 21, 2005)

Makes changes to the ballot formats used to elect school board members (amends SB 2810).

PUBLIC ACT 93-1091 (SENATE BILL 738; EFFECTIVE DATE MARCH 29, 2005)

Exempts employees of the State Board of Elections from the Personnel Code.

PUBLIC ACT 93-1102 (HOUSE BILL 949; EFFECTIVE DATE APRIL 7, 2005)

Creates the Judicial Circuits Apportionment Act of 2005. Divides the 12th, 16th, 17th, 19th and 22nd Judicial Circuits into subcircuits.

PUBLIC ACT 94-0003 (HOUSE BILL 337; EFFECTIVE DATE MAY 31, 2005)

Amends the Judicial Circuits Apportionment Act of 2005 to create new subcircuit boundaries for the 12th, 16th, and 19th Judicial Circuits and add a fifth subcircuit to the 16th Judicial Circuit (and amends the Circuit Courts Act to provide for 5, instead of 4, subcircuits in the 16th Judicial Circuit).

PUBLIC ACT 94-0018 (HOUSE BILL 203; EFFECTIVE DATE June 14, 2005)

Provides that a person admitted to a hospital, nursing home, or rehabilitation center (now, hospital) 5 or fewer days before an election is entitled to personal delivery of an absentee ballot.

PUBLIC ACT 94-0025 (HOUSE BILL 1315; EFFECTIVE DATE January 1, 2006)

Removes the requirement that a physically disabled voter seeking assistance marking the ballot must state whether his or her disability is permanent.

PUBLIC ACT 94-0030 (SENATE BILL 1637; EFFECTIVE DATE June 14, 2005)

Provides that when the secretary or clerk of the political subdivision provides the form for a back door referendum petition, the legal sufficiency of the form cannot be the basis for a challenge to placing the referendum on the ballot.

PUBLIC ACT 94-0136 (HOUSE BILL 1971; EFFECTIVE DATE July 7, 2005)

Provides that the electronic centralized statewide voter registration list may be viewed at the Springfield office of the State Board of Elections under security measures adopted by the Board, except during the 27 days before an election. Provides that the list may not be printed, duplicated, transmitted, or altered by the person viewing it at the Board office.

PUBLIC ACT 94-0273 (SENATE BILL 489; EFFECTIVE DATE January 1, 2006)

Provides that the term of a county board chairperson begins on the first (now, third) Monday of the month following the election of county board members. Amends the Illinois Highway Code. Provides that the term of a highway commissioner begins on the third (now, first) Monday in May.

PUBLIC ACT 94-0288 (HOUSE BILL 1125; EFFECTIVE DATE January 1, 2006)

Permits minor children to accompany their parent or guardian into the voting booth if requested of the election officers and if the election officers determine that the children are not likely to disrupt or interfere with the voting process or influence the casting of a vote.

PUBLIC ACT 94-0461 (HOUSE BILL 2564; EFFECTIVE DATE August 4, 2005)

In the campaign finance Article, exempts communications exclusively between a labor organization and its members from the definition of electioneering communication. Exempts communications exclusively between an organization formed under Section 501(c)(6) of the Internal Revenue Code (business league, chamber of commerce, real estate board, board of trade, or professional football league) and its members from the definition of electioneering communication.

PUBLIC ACT 94-0492 (HOUSE BILL 715; EFFECTIVE DATE January 1, 2006)

Requires public institutions of higher learning to post voter registration forms on their websites, include voter registration information and forms in Illinois student registration mailings, and provide voter registration forms at in-person student registration.

PUBLIC ACT 94-0557 (HOUSE BILL 115; EFFECTIVE DATE August 12, 2005)

Amends the Election Code with respect to ballots cast by absentee, military, and overseas voters. Provides that an election authority must count a ballot received within the period after an election for counting provisional ballots if the ballot was postmarked by the midnight preceding the opening of polls on election day. Revises the language of these provisions.

PUBLIC ACT 94-0578 (SENATE BILL 599; EFFECTIVE DATE August 12, 2005)

Requires that a back door referendum question must appear on the ballot at an election no more than 15 months (now, one year) after the petition initiating the question is filed.

PUBLIC ACT 94-0637 (HOUSE BILL 114; EFFECTIVE DATE January 1, 2006)

Specifies that confinement or detention in a jail or prison pending acquittal or conviction of a crime is not a disqualification for voting. Makes such confinement or detention a specified reason for absentee voting.

PUBLIC ACT 94-0645 (HOUSE BILL 1968; EFFECTIVE DATE August 22, 2005)

Amends the Election Code, the State Finance Act, the Illinois Municipal Code, the Revised Cities and Villages Act of 1941, the Illinois Highway Code, the Illinois Vehicle Code, and the State Mandates Act. Makes changes with respect to the following: statewide voter registration; voter registration outreach programs by State agencies, public colleges and universities, and legislative district offices; statewide centralized voter registration database; voter registration change of address; early voting; absentee voting; legislative, judicial, and municipal candidate petition signature requirements; campaign finance disclosure by non-

profit entities and non-participating political committees; electioneering communications; pollwatchers; certification of successful write-in candidates; reporting of election returns by precinct or ward; internet voters' guides; provisional voting; voting equipment; employee time off for voting; municipal instant runoff elections; and appointment of an acting mayor or village president. In the Election Code, with respect to campaign finance disclosure reports by non-profit entities that are not political committees, changes the criteria that define those entities by removing the requirement that the entities are engaged in lobbying activities.

PUBLIC ACT 94-0647 (HOUSE BILL 2417; EFFECTIVE DATE January 1, 2006)

Abolishes local canvassing boards and provides that canvasses must be done by election authorities. Specifies that the bill's substitution of the election authority in whose jurisdiction a political subdivision's principal office is located for statutory references to a canvassing board when the political subdivision is within 2 or more election authorities' jurisdictions is only with respect to elections for (i) offices other than statewide, legislative, judicial, county, and certain regional offices and (ii) public questions other than constitutional amendments and propositions submitted statewide.

PUBLIC ACT 94-1000 (SENATE BILL 1445; EFFECTIVE DATE July 3, 2006)

Requires the State Board of Elections to inform the public about early and grace period voting. Requires that early, absentee, and provisional ballots be counted at the election authority's central ballot counting location (now, in precinct). Prohibits early and grace period voters from revoking or canceling their votes and voting again. Permits a person to whom an absentee ballot was issued to vote in person on election day if he or she presents a piece of the torn or mutilated absentee ballot or executes an affidavit specifying that the person never received an absentee ballot. Authorizes an election authority to prohibit in-person absentee voting in municipal, township, and road district clerks' offices. With respect to early voting, requires that a voter's signature must be verified and requires that early voters using optical scan technology voting equipment must be permitted to request and vote another ballot if the voter's first ballot is not accepted by the voting equipment. Requires that an election authority transmit early voter information to the State Board of Elections for posting on its website accessible to local and State political committees.

PUBLIC ACT 94-1073 (SENATE BILL 2340; EFFECTIVE DATE December 26, 2006)

With respect to votes cast using direct recording electronic voting systems, provides that until December 31, 2007, fractional cumulative votes for candidates may be tabulated at the election authority's central office location (now, at the polling place) and if so, the certificates of results shall be posted where those votes are tabulated (now, at the polling place). Effective immediately. (This legislation was written for the City of Peoria.)

PUBLIC ACT 94-1090 (HOUSE BILL 4173; EFFECTIVE DATE January 26, 2007)

Requires that if a candidate has changed his or her name during the 3 years before the deadline for filing nominating petitions, papers, or certificates, the candidate's name on his or her nominating petition, papers, or certificate and the ballot must include a reference to his or her former name or names and the date or dates of the name changes. Excludes certain name changes due to adoption or a change in marital status

PUBLIC ACT 95-0006 (HOUSE BILL 426; EFFECTIVE DATE June 20, 2007)

Amends the Election Code and the School Code. Changes the general primary election from the third Tuesday in March to the first Tuesday in February in even-numbered years. Gives the State Board of Elections the power to give effect to the directions of an established political party's national committee or State central committee with respect to the certification of the party's Presidential and Vice Presidential candidates selected at the party's national nominating convention (now, only with respect to the convention in 2004). Changes the reporting dates for a political committee's semi-annual reports of campaign contributions and expenditures to July 20th and January 20th (now, July 31st and January 31st). Eliminates, with respect to the general primary election, the report of campaign contributions received by a political committee as of 30 days before the election. In even-numbered years, requires that the 2-business day reporting of a political committee's receipt of contributions in excess of \$500 during the 30 days before the election shall apply, with respect to the general primary election, to such contributions received beginning January 1 and prior to the general primary. Makes other changes. Amends the General Assembly Compensation Act and the Legislative Commission Reorganization Act of 1984 to start the prohibition against State-paid newsletters and brochures for General Assembly members on December 15 (now, February 1) before a general primary election. Effective immediately.

PUBLIC ACT 95-0100 (HOUSE BILL 1348; EFFECTIVE DATE August 13, 2007)

Amends the Public Community College Act with respect to the trustee districts in Community College District No. 526. Provides that all counties, townships, census tracts, block groups, blocks, annexations, and natural boundaries are those that appear on maps published by the United States Bureau of the Census for the 2000 census and maps produced by the Department of Revenue (instead of providing that all counties, townships, census tracts, block groups, and blocks are those that appear on maps published by the United States Bureau of the Census for the 2000 census). Provides that the State Board of Elections shall adjust census tract boundaries, municipal and township annexations, and natural boundaries to make compact and contiguous districts. Effective immediately.

PUBLIC ACT 95-0141 (HOUSE BILL 1872; EFFECTIVE DATE August 13, 2007)

Amends the School Code to repeal a Section concerning the canvass of

elections. Effective immediately. Further amends the School Code. Provides that in the designation of the name of a school board candidate on a petition for nomination, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof may be used in addition to the candidate's surname. Provides that if a candidate has changed his or her name within 3 years before the last day for filing the petition, then (i) the candidate's name on the petition must be followed by "formerly known as (list all prior names during the 3-year period) until name changed on (list date of each such name change)" and (ii) the petition must be accompanied by the candidate's affidavit stating the candidate's previous names during the period specified in clause (i) and the date or dates each of those names was changed. Provides that these requirements do not apply to name changes resulting from adoption to assume an adoptive parent's or parents' surname, marriage to assume a spouse's surname, or dissolution of marriage or declaration of invalidity of marriage to assume a former surname. Provides that no other designation, such as a political slogan, title or degree, or nickname suggesting or implying possession of a title, degree or professional status, or similar information may be used in connection with the candidate's surname.

PUBLIC ACT 95-0267 (SENATE BILL 299; EFFECTIVE DATE August 17, 2007)

Permits State non-partisan civic organizations that meet certain criteria to appoint precinct pollwatchers. Effective immediately.

PUBLIC ACT 95-0440 (HOUSE BILL 263; EFFECTIVE DATE August 27, 2007)

Provides that when a qualified elector's precinct polling place is a school and the elector will be unable to enter the school to vote because the elector is a child sex offender, the elector may vote early or by absentee ballot. Requires that an election authority that designates permanent or temporary early voting polling places must designate at least one that a child sex offender may lawfully enter. Amends the Criminal Code of 1961. In the provision prohibiting a child sex offender from entering a school, removes language providing that a child sex offender has the right to be present in a school building to vote. Provides that it is a Class 4 felony for a child sex offender to knowingly be present within 100 feet of a site posted as a pick-up or discharge stop for a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when one or more persons under the age of 18 are present at the site. Effective immediately.

PUBLIC ACT 95-0441 (HOUSE BILL 1753; EFFECTIVE DATE August 27, 2007)

Creates an Election Day Voter Registration Commission. The membership shall be appointed by the legislative leaders, including 4 legislators and 4 public members; requires that the State Board of Elections provide the Commission with staff and technical assistance; specifies that reimbursement of member expenses shall be from funds appropriated to the State Board of Elections for that purpose; and requires the Commission to report to the State Board of Elections as well as the General Assembly. Abolishes the Commission and repeals the provisions on January 1, 2009. Effective immediately.

PUBLIC ACT 95-0610 (SENATE BILL 996; EFFECTIVE DATE September 11, 2007)

Amends the Circuit Courts Act. Provides that a resident judge elected from a subcircuit in the Circuit of Cook County or the 12th, 16th, 17th, 19th, or 22nd judicial circuits after January 1, 2008, must retain residency as a registered voter in the subcircuit to run for retention from the circuit at large thereafter. Effective immediately.

PUBLIC ACT 95-0646 (HOUSE BILL 962; EFFECTIVE DATE January 1, 2008)

Provides that a municipality having a population under 500,000 is not subject to the provisions regarding the events by which an elective office becomes vacant. Amends the Illinois Municipal Code. Provides that a person is ineligible for election or appointment (now, only applies to election) to municipal office unless that person is a qualified elector of and has resided in the municipality for at least one year. Establishes exceptions for persons in newly incorporated municipalities. Describes the events upon which a municipal elective office becomes vacant for municipalities with a population under 500,000, such as unconditional resignation, conditional resignation, death, disability, and abandonment. Provides for the election of an acting mayor and an acting president in the event of a vacancy. Provides for the appointment of an alderman or trustee to fill a vacancy. Provides when a vacant position with an unexpired term must be filled by an election. Provides for filling a vacancy in an office of a municipal officer or an alderman. Deletes provisions concerning filling the vacancy of the office of a village alderman or trustee. Effective January 1, 2008.

PUBLIC ACT 95-0699 (SENATE BILL 662; EFFECTIVE DATE November 9, 2007)

Amends the Election Code. Makes changes with respect to: first-time voters; congressional committees; write-in votes; polling place signage; qualification of primary voters; disclosure in political communications; nomination petitions of independent candidates; nomination petitions in DuPage County; voter's guides; appointment and compensation of election judges; under voted ballots; pollwatchers; absentee ballots; early voting polling places; voting equipment; and public questions. Amends the Attorney General Act. Authorizes the Attorney General to investigate and prosecute violations of the Election Code at the request of the State Board of Elections or a State's Attorney. Amends the Illinois Municipal Code. Eliminates the consolidated primary election in certain municipalities. Amends the School Code. Removes the prohibition against a school board designating the general election day as a school holiday. Makes the bill's provisions severable. Makes other changes. Effective immediately.

PUBLIC ACT 95-0714 (HOUSE BILL 1685; EFFECTIVE DATE April 7, 2008)

things Creates the Agreement Among the States to Elect the President by National Popular Vote Act. Ratifies and approves the Agreement Among the

appropriate to effect its purpose and intent that may be within their respective jurisdictions.

PUBLIC ACT 95-0862 (HOUSE BILL 4174; EFFECTIVE DATE August 19, 2008)

Requires that the words "No Candidate" be printed on a ballot below the title of each office for which there is no candidate or person who filed a declaration to be a write-in candidate. Makes other changes. Amends the Illinois Municipal Code. When more than one person may be elected to a municipal office, changes the ballot instructions to "vote for not more than" the maximum number to be elected (now, "vote for" the maximum number to be elected).

PUBLIC ACT 95-0876 (SENATE BILL 2023; EFFECTIVE DATE August 21, 2008)

Creates the First 2008 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

PUBLIC ACT 95-0916 (SENATE BILL 1872; EFFECTIVE DATE August 26, 2008)

If Senate Bill 662 of the 95th General Assembly becomes law, amends the Election Code to remove the greater nominating petition signature requirement for county offices in DuPage County (from 1.5% to 0.5% of qualified primary voters). 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.)

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

Bottom-up

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

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

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

It is downloaded to the state master list every 24 hours (overnight)

[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?

[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?

[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 drivers 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.

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

Yes- driver's license agency

Yes – Social Security Administration

[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 using NCOA?

[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?)

[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.).

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

Registration applications are available on line. All applications except the Federal Postcard Application must be downloaded, completed and mailed. FPCA's may be sent via e-mail or fax machine.

[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?

[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?

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

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

[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?

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

Single number

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

d. How are UOCAVA ballots counted and reported?

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

Centrally, 10 ILCS 5/20-8

[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.)

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

Must give a reason, 10 ILCS 5/19-1

[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?

[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?

[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.

[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.

[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.

[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.

[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. 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.

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

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

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

N/A

[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.

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

All equipment approved for use in Illinois can tabulate undervotes and overvotes per our 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.. You may enter the text directly, or cut and paste from another word processing program.

[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;

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

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.

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

b. casting an in-person ballot;

[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

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

c. casting a mail-in or absentee vote;

[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;

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

10 ILCS 5/20-4

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 or by mail, in the manner prescribed in Section 20-5.

[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).

[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.

[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 Which Pollwatcher Resides)
(Signature of Pollwatcher)

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 have in place administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

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

Yes, 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

This is technical clean-up language only.

[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.

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

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

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.]

* 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). 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 3/31/09). 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 – 2008 Election Administration and Voting Survey, 1225 New York Avenue, Suite 1100, Washington, DC 20005.