

# State Law Resource

## Illinois: Voter Registration

### Disclosure

*These resources are current as of 11/20/20. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at [advocacy@afj.org](mailto:advocacy@afj.org).*

### WHAT'S IN THIS GUIDE

This guide summarizes key aspects of laws governing voter registration on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice. The updates reflect Illinois law that exists after 2020's temporary emergency election plan.

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

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# Eligibility

In order to be eligible to register to vote in Illinois, a person must:

1. Be a U.S. citizen;
2. Be at least 18 years old by Election Day; and
3. Have resided in that precinct at least 30 days prior to an election.

10 ILCS 5/5-2.

Illinois voters do *not* register by political party or declare a political party membership. However, voters must declare their party affiliation in order to receive the party ballot for which they would like to vote in a primary election; voters may request any party and may change parties from one primary to the next. 10 ILCS 5/7-43; 10 ILCS 5/7-44.

## Registration Record Card

A person seeking to register to vote must complete a form known as a registration record card, which must contain the following information: name; gender; residence; nativity by state or country; citizenship, date of birth; any disability; and the location of the most recent place of registration.

If a voter was previously registered in another jurisdiction, he or she must sign a certificate authorizing cancellation of the previous registration.

The registration form must be signed and dated by the applicant.

The registration form is an affidavit attesting to the registrant's qualifications.

10 ILCS 5/5-7.

If a registrant has either a disability or cannot read English so as to require assistance in voting, the election authority will note that the voter is entitled to assistance in voting on his or her registration record. 10 ILCS 5/5-7.02.

A person who is temporarily outside his or her county of residence because of business of the United States, such as military service, or is temporarily **out** of the United States for any reason, may register by mail by sending the application to the appropriate county clerk within the registration period. 10 ILCS 5/5-9.

# Registration Authorities

In most cases, Illinois law designates the County Clerk as the officer responsible for voter registration. 10 ILCS 5/5-4.

Illinois law allows municipalities, by referendum, to create a local Board of Election Commissioners. 10 ILCS 5/6-2 – 5/6-22.

# Registration Period

Voter registration is open continuously except during the 27 days preceding any election, and the two days after an election. During the registration period, election authorities must be open to accept registrations between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays. 10 ILCS 5/5-5.

“Grace period registration and voting” extends the regular registration deadline, allowing voters to register to vote until the election day. 10 ILCS 5/4-50; 10 ILCS 5/5-50; 10 ILCS 5/6-100.

Grace Period & Election Day Registration and Voting: A person may register at the election authority or designated sites. A Grace Period registrant will be required to vote at the time of registration; however, if the election authority does not have ballots printed, they may mail the ballot. On Election Day, registration is available in precinct in counties with more than 100,000 people or if the election authority has electronic poll books. New registrants and persons who need to update their address may register during Grace Period. Each election authority establishes locations and hours of operation for grace period voting, including Election Day registration. Contact your election authorities for locations and times.

## PROVISIONAL VOTING

A person may be required to cast a provisional ballot if any of the following apply:

- The person is not on the list of eligible voters in the precinct polling location;
- Eligibility status is challenged by an election judge or any voter and a majority of the election judges vote to uphold the challenge;
- A court orders the polls to be open beyond 7pm;
- The person registered by mail but did not provide the proper ID and fails to bring ID;
- The election authority indicates the person previously voted; or
- The voter received a mail ballot and did not return the ballot or bring it to the polling place.

The voter must execute an affidavit affirming the voter is eligible to vote in that precinct and provide any identification proving the voter’s residence to an election judge. In some instances, the person will be required to follow up with the election authority and provide necessary information.

The ballot will be counted if the election authority determines the voter is eligible.

# Registration Records

Voter registration records are public documents. Election authorities must allow the public access to registration records and extend business hours (up until midnight) to allow complete inspection of the records during the period in which candidates file nominating papers until the conclusion of electoral board hearings to determine candidate eligibility.

10 ILCS 5/5-7.

Election authorities must provide updated computer discs or tapes containing complete registration records available to the Illinois State Board of Elections within 10 days of the close of registration for any election and within 10 days of December 15 and May 15 each year. Election authorities must also, upon request, make these tapes or discs available to political committees for a fee no more than the cost of duplication plus 15%.

10 ILCS 5/5-7.

The local election authority must maintain all original voter registration records organized alphabetically in a “master file.”

The election authority must also maintain a duplicate registration record, organized by precinct. The duplicate records are delivered to the precincts on Election Day for purposes of conducting elections.

10 ILCS 5/5-28.

# Registration Methods

Voters may register either by executing a voter registration form issued by the local election authority and acknowledged by a deputy registrar (10 ILCS 5/5-7), or by completing the National Voter Registration Act registration form available at Secretary of State drivers' facilities and other government offices. 10 ILCS 5/1A-16.

In Chicago and Cook County, which encompasses suburban Chicago, voter registration applications are available in English, Spanish and Chinese, and the instructions are also available in Korean and Polish. <https://www.cookcountyclerk.com/agency/register-vote>.

## Third-Party Voter Registration Drives

### DEPUTY REGISTRARS

Eligible civic organizations may nominate deputy registrars, who are appointed by the local election authority for the purpose of registering voters. 10 ILCS 5/5-16.2.

A person nominated as a deputy registrar must complete the mandatory training prior to appointment. 10 ILCS 5/5-16.2. The training is offered periodically at times and locations determined by local election authorities (the county clerk or the local board of election commissioners). Any entity wishing to conduct a voter registration drive using deputy registrars must do so through the election authority. Individuals who are only distributing and collecting the National Voter Registration Act (NVRA) registration cards are not required to undergo the training.

A person appointed a deputy registrar becomes an agent of the local election authority eligible to register voters within that jurisdiction. 10 ILCS 5/5-16.2(g). Deputy registrars must return all executed registration documents to the election authority within seven days. 10 ILCS 5/5-7.03.

A person seeking to become a deputy registrar must:

1. Be registered to vote in the election jurisdiction in which the person seeks to become a deputy registrar;
2. Be sponsored by a registered state, civic or labor organization, school, or corporation - sponsoring organizations must be certified by the State Board of Elections, and include community organizations, interest groups, churches, schools, unions, political parties and campaigns and local political organizations;
3. Attend a mandatory training conducted by the election jurisdiction;
4. Be eighteen years old by Election Day; and
5. Take a deputy register oath. 10 ILCS 5/5-16.2.

Deputy registrar commissions are for a two-year term, commencing on December 1 following the general election in each even-numbered year. 10 ILCS 5/5-16.2.

Although deputy registrars are qualified by local election jurisdictions, a deputy registrar may register voters anywhere in Illinois. 10 ILCS 5/5-16.2. If a deputy registrar registers a person who resides outside of his or her election jurisdiction, the deputy registrar should nonetheless return the registration record to that election authority, who must forward it to the appropriate election jurisdiction within two days of receipt. 10 ILCS 5/5-16.2.

Deputy registrars, because they are an agent of the election authority, are prohibited from electioneering, which includes wearing buttons, handing out literature, or promoting a candidate or cause while registering voters. 10 ILCS 5/5-16.2.

Deputy registrars may register voters until the registration deadline (27 days before an election) and must promptly return completed registration forms to the election authority. 10 ILCS 5/5-16.2.

## REGISTRATION BY MAIL

Local election authorities are required to provide registration forms to the public. 10 ILCS 5/5-7. In addition to the office of the local election authority, a person can register to vote at Illinois Secretary of State Driver's License facilities, municipal offices, township offices, military recruitment offices and public libraries. A person who registers to vote through this form is considered to have registered by mail (regardless of whether the form is mailed or delivered to the election authority. Mail-in registration forms are available [here](https://www.elections.il.gov/electionoperations/votingbymail.aspx): <https://www.elections.il.gov/electionoperations/votingbymail.aspx>

A person seeking to register by mail must demonstrate adequate proof of identity through a driver's license or State identification card number, last four digits of a social security number, or a copy of a current and valid photo identification, or copy of a current utility bill, bank statement, paycheck, government check, or other government document showing the person's name and address. A person who fails to demonstrate adequate proof of identity will not be registered but will be notified that their registration is incomplete and will not be processed until the person provides adequate proof of identification. 10 ILCS 5/5-105.

Civic organizations, political parties, candidates and other groups may distribute these forms to the public without restriction. While each completed form must contain the registrant's original signature no statute, rule, or regulation precludes an organization from filling in the other information on the registration form or otherwise assisting a voter in completing the registration form. Civic organizations are not prohibited from copying the completed registration forms prior to submitting them to the election authority.

Nothing in Illinois law prohibits a paid voter registration drive.

Any entity wishing to conduct a voter registration drive using deputy registrars must do so through the election authority. Individuals who are only distributing and collecting the National Voter Registration Act (NVRA) registration cards are not required to undergo the training.

A person who registers by mail becomes a registered voter not upon execution of the registration card (as with a deputy registrar) but upon receipt of the registration form by the local election authority. Mail-in registrants who provide adequate identification when registering may vote either in-person or absentee the first time voting. 10 ILCS 5/5-105.

## ONLINE REGISTRATION

People can register to vote via the State Board of Elections' online voter registration system available here: <https://ova.elections.il.gov>.

A person seeking to register online must provide:

1. Valid Illinois Driver's License or Illinois State ID number,
2. Last four digits of Social Security number
3. Date the license or ID was issued, and
4. Birth date.

## IDENTIFICATION REQUIREMENTS

Registrants must provide proof of residency and identity. A person seeking to register in person must have two forms of identification, at least one of which contains the current address. Acceptable forms of identification include: a current and valid Illinois driver's license; a current and valid identification card issued by the Illinois Secretary of State; social security card; public aid identification card; utility bill; employee or student identification card; credit card; or a civic or professional association membership card. 10 ILCS 5/5-9.

A person seeking to register by mail must provide sufficient information to verify his or her identity. Such information includes a driver's license number, the last four digits of a Social Security number or other government issued documents showing a name and address. (See above).

Effective July 1, 2014, the State Board of Elections **also** permits a person to apply to register to vote or to update his or her existing voter registration on-line. Any person with an Illinois driver's license or State identification card issued by the Secretary of State may register to vote electronically on a website maintained by the State Board of Elections.

An online applicant must also execute the following certification:

**I swear or affirm all of the following:**

1. I am the person whose name and identifying information is provided on this form, and I desire to register to vote in the State of Illinois.
2. All the information I have provided on this form is true and correct as of the date I am submitting this form.
3. I authorize the Secretary of State to transmit to the State Board of Elections my signature that is on file with the Secretary of State and understand that such signature will be used by my local election authority on this online voter registration application for admission as an elector as if I had signed this form personally.

### **MOVING TO A NEW ADDRESS**

A person who moves must re-register to vote from that address. A person who moves to a new election jurisdiction more than 30 days prior to an election, but who does not re-register, cannot vote. A person who moves more than 30 days prior to an election, but within the same election jurisdiction, may vote for federal offices only upon execution of an address correction form. A person who moves within 30 days of an election, and therefore cannot re-register, may vote the complete ballot from their prior address after executing a voter's affidavit. 10 ILCS 5/5-23.

### **CANCELLATION OR SUSPENSION OF REGISTRATION**

Election authorities must canvas the registration records by sending a notice to every voter who has not voted in the previous four years a "Notice of Suspension of Registration."

The notice empowers each such voter the opportunity to reinstate their registration by signing and returning the card to the election authority. The election authority will cancel the registration of any voter who fails to respond to the notice within 30 days. The election authority must keep all such registration records in a "suspense file" for two years and reinstate any voter upon a sufficient showing of eligibility. 10 ILCS 5/5-24.

Election authorities (including county clerks) are also empowered to canvas their registration records by other methods. Each election authority must conduct a verification of its registration records at least once every two years. The verification must be done by either (1) personal canvas by two people appointed by the election authority and not of the same political party; (2) a non-forwardable written request for verification sent by first-class mail; or (3) by another method approved by the State Board of Elections. 10 ILCS 5/5-25.

## METHODS OF VOTING

Voting is available by mail, at an early voting location, or in precinct.

### VOTE BY MAIL

Any regular registrant may submit an application for a ballot anytime within 90 days of an election. The person does not need to provide an excuse. If the voter mails an application, the election authority will compare the voter's signature on the application with the signature on file. If they match, the voter will receive a ballot by mail. If the voter applies online, the voter will affirm his or her status as a registered voter at the address given and the election authority will verify the signature when it receives the signed ballot. If, at any point, the signatures do not match, or if there is an issue with the registration, the election authority is required to notify the voter.

### EARLY VOTING

Early voting is available at the office of each election authority or other locations designated by the election authority. Locations deemed "permanent polling places" must be open every day, including Sundays and holidays, during the last two weeks of an election.

The following election jurisdictions are required to provide at least one "permanent polling place": Aurora, Bloomington, Chicago, Cook, Champaign, DeKalb, DuPage, East St. Louis, Kane, Kankakee, Kendall, Lake, LaSalle, Macon, Madison, McHenry, McLean, Peoria, Rock Island, St. Clair, Sangamon, Tazewell, Will, and Winnebago.

A voter does not need to present ID to early vote. If a voter is challenged by an election judge, the voter can provide any of the following forms of ID as proof of identity: piece of mail addressed to the voter at the voter's current address not earlier than 30 days prior to the election, driver's license, social security card, public aid identification card, utility bill, employee or student identification card, lease or contract for a residence, credit card, or a civic, union or professional association membership card.

### VOTING THE MONDAY BEFORE THE ELECTION

A voter can vote using one of these methods: (1) a registered voter can participate in early voting at the election authority or a designated location; (2) a registered voter can request a vote-by-mail ballot in person at an election authority; or (2) an unregistered person can participate in Grace Period registration and voting at the election authority or a designated location.

### ELECTION DAY VOTING

A registered voter must vote at their assigned precinct, with an exception for precincts located on a college campus (see below).

## COLLEGE CAMPUS VOTING

Voting must be available at a central location (i.e. student union) on each public college campus outside of Cook County. They must provide ballots for any precinct on or adjacent to campus property. The election authority may determine the hours of operation.

## HOSPITALIZED VOTERS

There are various ways to ensure a person admitted to a hospital, nursing home, or rehabilitation center can vote. Some counties will send election judges to the hospitals or nursing homes. The most common method is to have a relative or other voter bring the person a ballot. A person admitted to a hospital, nursing home, or rehabilitation center not more than 14 days before the election may submit an application for personal delivery of a ballot. The person must complete an application, the doctor must sign it, and then a relative or another registered voters may deliver it to an election authority and bring the person their ballot.

## PROVISIONAL VOTING

A person may be required to cast a provisional ballot if any of the following apply:

- The person is not on the list of eligible voters in the precinct polling location;
- Eligibility status is challenged by an election judge or any voter and a majority of the election judges vote to uphold the challenge;
- A court orders the polls to be open beyond 7pm;
- The person registered by mail but did not provide the proper ID and fails to bring ID;
- The election authority indicates the person previously voted; or
- The voter received a mail ballot and did not return the ballot or bring it to the polling place.

The voter must execute an affidavit affirming the voter is eligible to vote in that precinct and provide any identification proving the voter's residence to an election judge. In some instances, the person will be required to follow up with the election authority and provide necessary information.

The ballot will be counted if the election authority determines the voter is eligible.

# Contact Information for State and Local Agencies

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**FOR FURTHER ASSISTANCE**

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