



Helping Voters Register Under Illinois Law

Important: Voter registration drives in states have to follow certain state laws and rules, such as a rule against providing something of value in exchange for voter registration. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Illinois, an individual may register to vote and vote if they are:

- A U.S. Citizen;
- At least 18 years of age;
- Have resided in Illinois and in their election district 30 days before the election; or has resided and was registered in another election district in Illinois 30 days before the election, and moved to another election district in Illinois during those 30 days;¹ and
- Not confined to a penal institution for a criminal conviction²

A person 17 years of age, if otherwise qualified, may register to vote if they will be 18 years old by the general election.³ Persons 17 years of age may vote in a General Primary election if they will be 18 years old by the immediately following general election.⁴

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: A homeless individual must have a mailing address to be eligible to register to vote. The homeless individual's mailing address constitutes their residence for voting purposes. A mailing address of a homeless individual may include, but is not limited to, a shelter, a day shelter, or a private residence.⁵ Homeless persons who register with a deputy registrar must show evidence of their use of the mailing address stated. This use may be demonstrated by a piece of mail addressed to that individual and received at that address or by a statement from a person authorizing use of the mailing address.⁶

Felony Convictions: If the person has completed their sentence in a correctional institution or jail, they are eligible to register to vote if otherwise qualified.⁷

College Students: Illinois law does not specifically address college students.

PART 3: FILLING OUT AN APPLICATION

Illinois's state voter registration form includes the following information fields not designated optional:⁸

- Checkboxes to indicate U.S. citizenship and age
- Name
- Residence address
 - Mailing address, if different
- Information regarding previous registration, if any
- Former name, if changed
- Date of birth
- Sex;
- Last four digits of Social Security number, or driver's license number or Secretary of State ID card number, or indication that applicant has none of these numbers
- Signature, including to affirmation of citizenship, age, and residency
 - Space for the name, address and telephone number of person filling out the form for the applicant if the applicant cannot sign his or her name
- Date of application

If the applicant does not have a Social Security number, driver's license number, or Secretary of State ID card number, and they have never registered to vote in the same jurisdiction, if they register by mail, they must send 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 documentation that shows the name and address of the voter. Otherwise, the applicant will be required to provide a copy of the same when they vote for the first time at a voting place or before voting by mail.⁹

PART 4: VOTER REGISTRATION DEADLINE

Applications must be postmarked, submitted in person, or online by 28 days before the election, unless an applicant registers in person within the state's grace period, which lasts from the close of registration until and including the day of the election.¹⁰ Deputy registrars (see below) may not collect applications during the 27-day period before an election.¹¹

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	Only if the group uses officially-appointed deputy registrars. There is a requirement that groups who request more than 50 copies of the federal voter registration form file a distribution plan. See further details below, question A. It is recommended that organizations intending to conduct a major voter registration drive contact their election authority to confirm rules regarding collection and submission of applications without being appointed as a deputy registrar.
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<i>Are there restrictions on getting voter registration forms?</i>	There is a requirement that groups who request more than 50 copies of the federal voter registration form file a distribution plan. See further details below, question A. There are also rules specific to deputy registrars and rules that election officials must follow regarding state forms, see details below, question B.
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	Illinois law does not address this issue.
<i>Does the state require any training in order to conduct voter registration drives?</i>	There is no requirement if the person is not a deputy registrar.
<i>Does the state have restrictions on who may help others register to vote?</i>	The law does not address restrictions on persons who are not deputized.
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	Illinois law does not address restrictions on persons who are not deputized. Deputy registrars are compensated by the county board of elections. ¹²
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes, in both state and federal law, see details below question C.
<i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	There is no requirement if the person is not a deputy registrar.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.

<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	Illinois law does not address this issue.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	Illinois law does not address this issue.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	For an applicant to be eligible to vote on Election Day without registering in person during the “grace period,” the group must submit the application no later than the 28 th day prior to that election. ¹³ Additional limits apply to deputy registrars.
<i>What are the consequences for failing to submit applications on time?</i>	Illinois law does not specifically address this issue.
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant’s consent?</i>	Illinois law does not address this issue; however, it is a felony to knowingly destroy, mutilate, or deface documents which are used in connection with registration, see question D below for details.
<i>How will an applicant know whether the election official received the application?</i>	Election officials must send notice to applicants who are registered. ¹⁴ Applicants who have not received a voter card within three weeks after registration should contact the election authority. ¹⁵
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	Applicants will receive notice of an insufficient application, see question E below for details.
<i>Who investigates and enforces the state rules?</i>	The State Board of Elections/State’s Attorney/Attorney General, see question F below.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. Does the state require voter registration organizations to register or file other information detailing its voter registration activities?

No; however, election authorities are required to limit the number of the National Mail Voter Registration Booklets supplied to an organization conducting a voter registration drive to 50. Requests for the National Mail Voter Registration Booklet in quantities exceeding 50 must be referred to the State Board of Elections, which must, prior to filling the request, require the organization making such a request to submit in writing a copy of its plan to distribute the booklets, including the states in which the organization intends to distribute the booklet and the quantities to be distributed in each state. The State Board of Elections must deny the request if such a written plan is not submitted, and must substitute the Voter Registration Application for any quantities of the National Mail Voter Registration Booklet intended for distribution in Illinois. The State Board of Elections must charge the requesting party the actual cost of reproducing the National Mail Voter Registration Booklet for any quantities requested over 200.¹⁶

In addition, there is a statute relating to deputy registrars that does require registration.¹⁷ It also places a number of restrictions on the organization and collectors.¹⁸ The statute does not by its terms prohibit others who are not deputized from participating in voter registration activities, but one state, Texas, has interpreted a similar statute that did not contain a prohibition to require every individual that collects applications to become a deputy registrar.¹⁹

It is recommended that organizations intending to conduct a major voter registration drive contact their election authority. Groups that want to bypass the deputization process and simply distribute and collect the one-page voter registration applications—rather than directly registering people as a deputy—should contact their local election officials to confirm whether they will accept applications that are turned in by the organization rather than the applicant.

Any person who knowingly fails or refuses to comply with any lawful order of an election authority issued by the election authority in the performance of the duties of the election authority, is guilty of a Class A misdemeanor.²⁰ Further, except with respect to Article 9 of the election code, any person who knowingly does any act the election code prohibits or declares unlawful, or fails to do any act the election code requires, is (unless the election code prescribes a different punishment) guilty of a Class A misdemeanor.²¹

B. Are there restrictions on getting voter registration forms?

The State Board of Elections must make the voter registration form available in regular paper stock and form in sufficient quantities for the general public. The State Board of Elections may provide the voter registration form to the Secretary of State, county clerks, boards of election commissioners, designated agencies of the State of Illinois, and any other person or entity designated to have these forms by the Election Code in regular paper stock and form or some other format deemed suitable by the Board.

The State Board of Elections, county clerks, boards of election commissioners, or other designated agencies of the State of Illinois required to have these forms under the Election Code must provide a member of the public with any reasonable number of forms that he or she may request.

Election officials are not permitted to refuse to accept a voter registration form because the form is printed on photocopier or regular paper stock and form.²²

If the person is a deputy registrar, they must use forms specific to deputy registrars and not the mail form.²³

In addition, requests for the National Mail Voter Registration Booklet in quantities exceeding 50 must be referred to the State Board of Elections, which must, prior to filling the request, require the organization making such a request to submit in writing a copy of its plan to distribute the booklets, including the states in which the organization intends to distribute the booklet and the quantities to be distributed in each state. The State Board of Elections must deny the request if such a written plan is not submitted, and must substitute the Voter Registration Application for any quantities of the National Mail Voter Registration Booklet intended for distribution in Illinois. The State Board of Elections must charge the requesting party the actual cost of reproducing the National Mail Voter Registration Booklet for any quantities requested over 200.²⁴

C. *Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?*

Knowingly giving, lending or promising to give or lend any money or other valuable consideration to any other person to influence that person to register to vote is a Class 4 felony.²⁵

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."²⁶ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."²⁷

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²⁸

DURING THE DRIVE

D. *If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?*

Illinois law does not address this issue.. However, any person who knowingly destroys, mutilates, defaces, falsifies, forges, conceals or removes any record, register of voters, affidavit, or any other document which is used or to be preserved for use in connection with registration, is guilty of a Class 4 felony and shall also be ineligible for public employment for a period of 5 years immediately following the completion of his or her sentence.²⁹

E. *How may an applicant correct an incomplete application after it has been submitted to election officials?*

If the information on an application is insufficient, the election authority must send the applicant a forwardable Disposition of Registration notice informing the applicant: that their application has been rejected, identifying the reason for rejection, and that they will not be entitled to vote until a new and sufficient application has been received by the election authority.³⁰

F. *Who is responsible for investigating and enforcing the state rules?*

The State Board of Elections reviews and inspects procedures and records relating to the conduct of elections and registration, and reports violations of election law to the appropriate State's Attorney or the

Attorney General.³¹ The Executive Director of the Illinois State Board of Elections is designated as the Chief State Election Official for the purposes of the National Voter Registration Act of 1993.³²

WEB PAGE OF STATUTE

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=170&ChapterID=3>

For more information, contact:

Project Vote

1420 K Street NW, Suite 700
Washington, DC 20005
(888) 546-4173
www.projectvote.org

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DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

¹ 10 ILL. COMP. STAT. 5/3-1. Despite the statute, the Illinois voter registration application indicates that a person must “live in [their] election precinct at least 30 days” to vote. Illinois Voter Registration Application, <http://www.elections.il.gov/Downloads/VotingInformation/PDF/R-19.pdf>.

² 10 ILL. COMP. STAT. 5/3-5

³ Registering to Vote In Illinois, <http://www.elections.il.gov/Downloads/ElectionInformation/PDF/registervote.pdf> (last revised June 10, 2015)

⁴ 10 ILL. COMP. STAT. 5/3-6

⁵ 10 ILL. COMP. STAT. 5/3-2(b)

⁶ 10 ILL. COMP. STAT. 5/4-10

⁷ Ill. Const. art. III, § 2

⁸ Illinois Voter Registration Application, <http://www.elections.il.gov/Downloads/VotingInformation/PDF/R-19.pdf> (last visited May 10, 2016); see 10 ILL. COMP. STAT. 5/1A-16

⁹ Illinois Voter Registration Application, <http://www.elections.il.gov/Downloads/VotingInformation/PDF/R-19.pdf> (last visited May 10, 2016).

¹⁰ 10 ILL. COMP. STAT. 5/4-50, 5-50, 6-100, Ill. State Bd. of Elections, *Registering to Vote in Illinois*, <http://www.elections.il.gov/Downloads/ElectionInformation/PDF/registervote.pdf> (last revised June 10, 2015).

¹¹ 10 ILL. COMP. STAT. 5/4-6.2, 5-16.2, 6-50.2

¹² 10 ILL. COMP. STAT. 5/4-25, 5-35, 6-71

¹³ See Ill. State Bd. of Elections, *Voter Registration*,

<http://www.elections.il.gov/votinginformation/register.aspx> (last visited May 10, 2016).

¹⁴ 10 ILL. COMP. STAT. 5/4-15, 5-21, 6-57

¹⁵ Ill. State Bd. of Elections, *Registering to Vote in Illinois*,

<http://www.elections.il.gov/Downloads/ElectionInformation/PDF/registervote.pdf> (rev. June 10, 2015).

¹⁶ Ill. Admin. Code tit. 26 § 216.60

¹⁷ 10 ILL. COMP. STAT. 5/4-6.2, 5-16.2(a)(5), 6-50.2(a)(5)

¹⁸ Deputy Registrar Guidelines, <http://elections.il.gov/Downloads/ElectionInformation/PDF/DRGuide.pdf> (revised July 6, 2015).

¹⁹ See Texas Secretary of State, *Texas Volunteer Deputy Registrar Guide*, www.sos.state.tx.us/elections/pamphlets/deputy.shtml (last visited May 12, 2016).

²⁰ 10 ILL. COMP. STAT. 5/29-11

²¹ 10 ILL. COMP. STAT. 5/29-12

²² 10 ILL. COMP. STAT. 5/1A-16

²³ State Bd, Deputy Registrar Guide (rev. July 2015), <http://www.elections.il.gov/downloads/electioninformation/pdf/drguide.pdf>

²⁴ Ill. Admin. Code tit. 26 § 216.60

²⁵ 10 ILL. COMP. STAT. 5/29-1

²⁶ 52 U.S.C. § 10307(c)

²⁷ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

²⁸ California Secretary of State, Guide to Voter Registration Drives 11, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (Rev. Jan. 2016)

²⁹ 10 ILL. COMP. STAT. 5/29-6

³⁰ Ill. Admin. Code tit. 26 § 216.70(f)

³¹ 10 ILL. COMP. STAT. 5/1A-8(7)

³² Ill. Admin. Code tit. 26 § 216.100