

PROVISIONAL VOTING IN ILLINOIS

10 ILCS 5/18A



WHAT IS PROVISIONAL VOTING?

Provisional voting was created to allow a voter, whose eligibility has been questioned, to vote on Election Day. "Provisional Ballots" must be kept in a separate, securable container until voter eligibility to vote is determined, by the election authority, AFTER Election Day.

WHO IS ENTITLED TO VOTE A PROVISIONAL BALLOT?

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

- The voter's name does not appear on the official list of eligible voters for the precinct in which the person seeks to vote and the person has refused to register;
- The voter's voting status has been challenged and a majority of the judges uphold the challenge;
- The voter did not provide identification when registering by mail and still can't provide ID on Election Day;
- A court order extends the time for closing the polls, and the voter votes during this extended time period;
- The voter's name appears on the list of voters who voted during the early voting period, but the voter claims not to have voted during the early voting period;
- The voter admits receiving a vote by mail ballot, but failed to return it to the election authority (or election judges); or
- The voter attempted to register to vote on Election Day, but failed to provide the necessary documentation.

WHY DO WE HAVE PROVISIONAL VOTING?

- To ensure that all qualified voters are allowed to vote.
- To correct any error made during the registration process.

HOW DOES A PERSON KNOW OF HIS/HER RIGHT TO VOTE PROVISIONALLY?

Every challenged voter must be informed of his/her right to vote provisionally. This notification must be provided by the election judges or by posted signs.

PROVISIONAL VOTING PROCEDURES:

- Voter fills out "Application to Vote."
- Voter fills out and signs the "Provisional Voter Affidavit."
- Election judge signs the "Provisional Voter Affidavit" and marks one of the seven reasons the voter is being issued a provisional ballot. The original affidavit stays with the "Provisional Ballot Envelope," and the copy goes to the voter.
- The voter may present information that supports his/her claim to be a qualified voter. This information stays with the affidavit.
- The voter is issued a provisional ballot and a "Provisional Ballot Envelope."

- If the ballot is spoiled, it must be surrendered to the judge, who will issue a new ballot.
- The voted ballot is sealed in the “Provisional Ballot Envelope”.
- The “Provisional Ballot Envelope” is then returned to the election judges.
- The election judges will deposit the provisional ballot envelope in a SEPARATE SECURABLE CONTAINER (other than the ballot box containing the regular ballots).
- After voting provisionally, the voter is told how to submit additional proof of registration to the election authority, and how, after the election, to determine if their ballot was counted. Each provisional voter should be provided written instructions on how to follow up after Election Day.

WHAT HAPPENS TO THE PROVISIONAL BALLOTS?

- The provisional voter may submit additional information to the election authority.
- The additional information must be received by the election authority no later than the close of business on the Tuesday following the election.
- The election authority has 14 days (after the election) to determine voter eligibility, and thus if the ballot should be counted.
- The provisional ballots will then be counted, or left sealed in the provisional ballot envelopes.”
- The election authority will add the number of approved provisional ballots to the Election Day results.
- The provisional voter may find out if his/her ballot was counted, or if it was not counted, the reason that it was not counted.
- If the ballot is not counted, the provisional voter affidavit will be used as a registration application and the voter will be sent a voters registration ID card.

CAN A PROVISIONAL BALLOT CAST IN AN INCORRECT PRECINCT BE COUNTED?

In certain circumstances, yes. Though election judges are required to direct voters to their correct polling place, votes for statewide offices on a provisional ballot mistakenly cast in an incorrect precinct but within the voter’s county or municipality shall be valid and counted in accordance with Article 5/18A of the Illinois Election Code. Votes for Congressman, General Assembly, countywide, citywide, or township office on a provisional ballot mistakenly cast in the incorrect precinct but in the correct congressional district, legislative district, representative district, county, municipality, or township, as the case may be, shall also be valid and counted in accordance with Article 5/18A of the Illinois Election Code.

Note: Please be aware that a voter casting a ballot in an incorrect precinct might not be entitled to have all of his/her votes counted. This legislation only allows votes cast for specific offices to be remade on another ballot and be counted.

VOTER HIGHLIGHTS:

- Always contact the office of the election authority PRIOR to Election Day to verify your correct voting status. This should avoid the need for a provisional ballot on Election Day.
- Each provisional voter will be given a copy of their provisional voter affidavit.
- Each provisional voter will be given instructions on how and when to provide additional proof of registration to the election authority.
- Each provisional voter will be given instructions on how to determine (after the election) if his/her ballot was counted.
- If a provisional ballot is not counted, the envelope containing the ballot will not be opened.
- If a provisional ballot is mistakenly cast in a wrong precinct, it may only partially be counted.
- Each provisional voter whose ballot is rejected will be able to find out why his/her rejected ballot was not counted.
- If a provisional voter's ballot is not counted, the provisional voter affidavit will be used as a registration for future elections.