

LWVIL GOVERNMENT POSITION: STATE ELECTION LAWS

Support for improved election laws and procedures applied uniformly throughout the state and opposition to term limits for members of the Illinois General Assembly.
Support for election reforms that increase voter participation and are fair and equitable for all eligible citizens.

Position In Brief: The League supports uniform election laws and procedures throughout the state to ensure the integrity of the electoral system. The League opposes term limits for members of the General Assembly. The League believes that a good election system should provide stability and continuity of governance and should produce a legislature that addresses the problems of society effectively. It should be resistant to both outright fraud and other forms of political manipulation. The League supports election reforms that increase voter participation and protect the votes of eligible citizens. The League opposes measures that undermine or raise barriers to participation by eligible voters.

REGISTRATION AND ELECTIONS (1972 - 1977, revised 1999): The League of Women Voters supports uniformity of election laws and procedures throughout the state. Registration and voting methods should ensure the integrity of the election system, maximize voters' unencumbered access to the ballot, preserve the secrecy of the ballot and ensure accurate and timely vote tabulation. Citizens should have the right to file complaints and writs of mandamus to force compliance with election laws.

The League opposes any legislation that would require a declaration of party at the time of registration or at any time prior to a primary election. A voter's selection of a party's ballot in one primary should not be binding beyond that election.

Registration A combined in-person and mail registration system should be maintained. Citizens with more than one residence should have the option of choosing which residence will be the primary residence for registration. The length of residence required to register to vote should be the minimum needed to allow adequate time for verification and publication of voter lists. Registration procedures should include safeguards against fraud.

Elections The League supports an efficient, practical and regular election schedule. At each polling place there should be election judges from more than one of the major political parties. The League supports mandatory training and periodic retraining of all election judges. In tabulating votes, any mark or other indication that clearly shows the intent of the voter should be counted. Additional election officials for tallying ballots should be used when conditions necessitate.

STATE BOARD OF ELECTIONS (1971, revised 1999): The League of Women Voters supports a state board of elections. Such agency should ensure that election laws are applied uniformly and properly throughout the state. The state board of elections should

supervise and coordinate: voter registration; candidate filing, reporting, and certification; and the nomination and election processes.

Organization Members of the state board of elections should be appointed to staggered terms by the governor with the advice and consent of the Senate. No political party should constitute a majority of the board and the board's size should ensure that all parts of the state are represented. A means for resolving tie votes should be utilized. The League is not opposed to compensation beyond expenses, reflecting the scope of the job.

Responsibilities The state board of elections should interpret and compel compliance with the election laws and should have the power to receive complaints, conduct investigations, issue subpoenas, hold hearings, impose penalties and pursue appropriate enforcement action through the courts. The board should appoint an administrative director to oversee the day-to-day operations of the agency and may delegate authority below the state level, as appropriate. To ensure understanding and compliance with election laws and procedures, the board should 1) provide training for registration and election officials and 2) prepare and disseminate information to educate citizens and candidates.

The board should work for codification of election laws and should continually study and recommend improvements in election laws and procedures. It should make annual reports to the General Assembly, the governor and the public.

TERM LIMITS (1992, 1999): The League opposes constitutional or statutory term limitations for members of the General Assembly based on the League's support for accountability, representativeness, and effective performance and for a dynamic balance of power between the legislative and the executive branches (see LWVUS Congress and The Presidency position, pg. 6).

ELECTION SYSTEMS CRITERIA (2002):

The League believes that a good election system must meet the following two criteria:

1. An election system should provide stability and continuity of governance by assuring smooth transitions following elections and should produce a legislature that addresses the problems of society effectively and in a timely manner.
2. An election system should also be resistant to both outright fraud and forms of political manipulation, such as those involving nominating processes and procedures, gerrymandering, or financing of campaigns.

The League believes these additional criteria should also be considered when judging an election system. A system should:

- Encourage close links between legislators and their constituents so as to promote citizen participation in government and help to assure accountability.
- Be easy to use and to administer. Citizens should be able to cast their votes with ease and to understand the election results without difficulty. Complicated voting procedures that discourage voter participation and create confusion over voting results should be avoided. Consideration should be given to the administrative costs of conducting elections.
- Produce a legislature that fairly and accurately reflects the views found among the public, enabling voters to be confident that their voices will be heard.

- Encourage high-quality political campaigns by instituting procedures that promote discussion of issues and discourage mudslinging and dirty tricks.
- Encourage high voter turnout, recognizing that while administrative matters, such as barriers to registration, can affect turnout, the election system itself can also influence it.

Background and Action Election laws and their reform have been a primary concern of the League of Women Voters since its founding at the time women achieved the vote. Legislative action in this area has resulted in:

- permanent registration,
- a shorter ballot,
- reduced residency requirements,
- creation of the appointed State Board of Elections (SBE),
- consolidation of elections,
- extension of voting hours to 7 p.m.,
- liberalization of the deputy registrar law,
- legislation permitting detainees awaiting trial to vote absentee,
- amending the election code to permit poll watching by certain civic groups and,
- at the national level, lowering of the voting age.

Although a 1976-77 study of primary elections did not result in any consensus regarding an open or a closed primary system, the League has opposed legislation that makes participation in the primary election more restrictive, particularly the persistent efforts to require pre-primary party registration.

In 1983, the League worked with a coalition for legislation to enable school officials, librarians, local union officials, and officers of bona fide statewide civic organizations to designate deputy registrars. Since then, the League has worked to strengthen the deputy registrar program.

The League has supported legislation to make absentee and in-person voting more accessible to disabled citizens and to broaden in-person absentee voting opportunities for all citizens. The League's study of election consolidation found that League members were concerned about having a long time period between the primary and the general election and preferred holding elections annually in the spring and November. League efforts to have a later primary have not been successful. The League continues to work for the expansion of voter registration opportunities and the codification of election laws.

Computerized Voter Registration List The League has been on record as favoring the creation of a computerized statewide voter registration system since the early 1980's. The League has presented support statements to the State Board of Elections (SBE) several times. In 1998, the SBE formed a study group to develop conceptual design recommendations for a voter registration computer network. The League's election laws specialist was a member of the study group. The group's report was submitted to the SBE in September 1998, but creation of a computerized voter registration system was delayed due to resistance by local election authorities. There was minimal effort to implement the study group's recommendations until 2001 when SBE hired a consulting firm to design a computerized voter registration system. Work on the system was proceeding well until the fall of 2002 when the State faced a budget

crisis and FY03 funding for the voter registration project was cut to the FY02 level. LWVIL lobbied unsuccessfully for restoration of the funds. In October 2002, when the money ran out, work on the project stopped. The Help America Vote Act (HAVA) passed by Congress in October 2002, included funds to assist states with the establishment of a voter registration database. Illinois has received some “early money” under this proviso enabling the SBE to bring the consultants back to complete the Illinois Data Export Application/Uniform Data Form (IDEA/UDF) project. The goal to have the system in place for the March 2004 primary election was not met. *In the spring of 2009 the State Board of Elections announced that voter registration records from all local election authorities have been added to the Illinois Voter Registration System’s database and that Illinois is compliant with HAVA’s requirements.*

The National Voter Registration Act (NVRA) NVRA, often called Motor Voter, was a national priority throughout the ‘90’s. After NVRA was signed into law in 1993, the action moved to the states. LWVIL and other supporters were unsuccessful in obtaining passage of NVRA implementing legislation in the Illinois General Assembly. When NVRA became effective on January 1, 1995, Illinois was not in compliance.

Immediately LWVIL and others, including the U.S. Department of Justice, filed suits to force Illinois to comply. In response to the consolidated suits both the federal district court and the Seventh Circuit Court of Appeals ruled that the State must comply. The State chose to institute a two-tier voter registration system in which persons registering under NVRA provisions were eligible to vote in federal elections only. Those wishing to vote in local and state elections had to register a second time. The League and its coalition partners continued to work for passage of legislation to implement NVRA and to end the two-tier voter registration system. A bill to make the two-tier voter registration system a part of the Illinois Election Code was defeated in the 1995 veto session.

In November 1995, the League filed a second lawsuit challenging the constitutionality of the two-tier voter registration system. The League’s position prevailed in both the circuit court and the Illinois Appellate Court. In October 1996, the State dropped its legal challenge. NVRA continues to be implemented under rules and regulations created by the State Board of Elections. Many of the federal Help America Vote Act (HAVA) provisions also amended NVRA, thus when the state amended the state code to incorporate all HAVA, NVRA matters were included. The League remains committed to having all NVRA requirements incorporated into the Illinois Election Code.

As Illinois attempted to meet the federal requirements of NVRA a number of problems arose. In response to problems in the drivers license facilities, the Secretary of State convened an advisory committee in 1999. The committee was asked to evaluate the existing implementation of the federal Motor Voter Law (NVRA) in Illinois and to recommend administrative improvements. The LWVIL election laws issue specialist served on the advisory committee. The committee’s report was issued in November 2000. Several of the committee’s recommendations were implemented in 2001. The Secretary of State’s staff continued to make changes in its administrative procedures based on the committee’s recommendations and reports that all have been implemented. Additional procedural changes are being initiated by the SOS’s office in response to problems as they arise. Monitoring NVRA implementation remains a League priority.

Legislative Process Three Readings Rule In the spring of 1998, the League joined, as an *amicus*, in a case before the Illinois Court of Appeals. Our brief supported the plaintiffs-appellants' contention that the passage of PA 89-700 violated the three-readings rule (prior to passage legislation must be "read" - presented and/or debated by each chamber of the legislature - three separate times). The legislation banned straight-ticket voting in Illinois. The League's brief addressed only the legislative process, not the merits of the legislation. The Appeals Court accepted the brief; the Illinois Supreme Court denied it. Both courts upheld the lower court ruling. Thus, Illinois no longer has straight-ticket voting.

Term Limits The LWVUS Board announced in 1991 that the League opposes term limits for members of the U.S. Congress. Delegates to the LWVUS 1992 Convention approved a motion allowing state and local Leagues to take action against term limits for state and local legislative offices based on the national position. The LWVIL Board approved extending the position to the Illinois General Assembly. Delegates to the 1993 LWVIL Convention concurred. In the fall of 1994, the League was prepared to oppose a proposed constitutional amendment to limit the terms of state legislators to eight years. The question was not placed on the ballot because the Illinois Supreme Court ruled that the petition calling for the referendum was unconstitutional.

Based on the national position, local Leagues may oppose term limits for their county/village board or city council without a local study. However, if a League wants to support term limits for these local officials, a local study and consensus must be conducted. A local position to support term limits cannot be based on issues of representativeness, accountability or effective performance, or on a dynamic balance of power between the executive and legislative branches because these criteria are the basis for the national and state positions opposing term limits.

The 1993 LWVIL Convention approved the creation of a statewide committee to research the issue of contested elections and to work towards reform legislation regarding automatic recounts of election results. The committee made a progress report at 1994 Interim Council; however, the resignation of the committee chair immediately after Council suspended work on this issue. No replacement chairperson was found and the item was not readopted at the 1995 LWVIL Convention.

Election Systems The 1997 LWVIL Convention adopted a Will of the Convention that directed a review of the State Election Laws positions, including consideration of proportional representation. The review committee concluded that proportional representation was too much to study in addition to the position review, and recommended the creation of a separate proportional representation task force. Volunteers for the task force were insufficient. Delegates at the 1999 LWVIL Convention adopted the revised state election laws position.

Delegates at the 1999 LWVIL Convention adopted a study of cumulative voting for the Illinois House contingent upon the League's receiving funding from an appropriate foundation source. The League received a grant from the Joyce Foundation in the summer of 2000. The League's state committee began its study of Election Systems in the fall. In order to meet the grant's requirements the study was expanded to include an examination of other methods for electing representatives besides cumulative voting.

In a caucus meeting at the 2001 LWVIL Convention, members of the state committee presented information and a progress report to convention delegates. The study was readopted by the convention. As a means for reaching member agreement, League members used a mail-in form to identify and rank criteria important for a good election system. Responses were received from members in 42 local Leagues and two members at-large. In January 2002, the state board reported the results and issued a position statement. The position is written in broad terms that will allow the League flexibility in evaluating any proposed electoral system. There is no reference to cumulative voting in the position because the response to the Election Systems questionnaire indicated that League members did not support a return to cumulative voting.

Although local Leagues were actively and repeatedly offered a prepared discussion model and pass-through grants to conduct public educational forums on the issue, the League was unable to meet the grant's requirement to engage the public in a discussion of election systems. Only one public forum was held. It drew a very limited audience but received good press coverage.

Election Administration Reform In February 2001, at the LWVIL Annual Legislative Briefing League members were given an overview of Illinois' decentralized election administration. During discussion members agreed that the League should undertake a deeper examination of Illinois' election administration. Following the 2001 Convention the League created the Election Administration Reform (EAR) Committee in response to the perceived problems relating to the November 2000 election. The EAR Committee, working under the League's Making Democracy Work Action Focus, was directed to examine the administration of elections in Illinois. For six years (2001-07) the committee undertook a number of activities, including meeting with representatives of the secretary of state, the state board of elections, and the disabled community. The committee surveyed local election officials and conducted three poll watching projects. In an effort to understand the decision-making processes affecting election administration the committee had ongoing contacts with several local election authorities. The committee reported its findings to League members through articles in the *Illinois Voter*, in memos, and in presentations at state meetings.

Among the issues that the committee looked at were: the use of students as election judges, polling place accessibility, testing and certification of voting equipment, limitations on the issuance of poll watching credentials, recruitment and training of election judges, voting rights for detainees, development of the statewide voter registration database, implementation of the federal Help America Vote Act (HAVA), and the effects of new voting equipment on the electoral process. The EAR Committee's work led to passage of two League initiated bills 1) allowing detainees awaiting trial to vote absentee; and 2) permitting civic organizations to poll watch. The detainee bill became law in 2005. The poll watching bill passed both Houses and was signed by the Governor in 2007.

The adoption of HAVA in 2002 forced Illinois and other states to make changes in the conduct of elections. HAVA provided federal funds to help states with implementation. Illinois moved quickly by creating a state planning committee to develop a HAVA state plan. LWVIL's president served on the planning committee. Early in the process steps were taken to replace the punch card voting equipment and to make administrative

changes not requiring election code amendments. Amendments to the Illinois Election Code were achieved with the adoption of Omnibus Elections bills in 2005 and 2006. Summary reports of these two bills were prepared and made available to local Leagues. Additional amendments were included in the 2007 Omnibus Elections bill.

Since the November 2000 election Illinois citizens have experienced many changes relating to elections and their administration due to altered rules for deputy registrars, the introduction of grace period voter registration and early voting, the use of provisional ballots, new rules for absentee voting and the widespread use of new voting equipment. The 2006 primary election was the first test of many of the new procedures and of new voting equipment. Many problems were identified and election officials worked to correct them before the November 2006 general election; however, that election revealed many technical problems in several election jurisdictions. They are being addressed through the combined efforts of the State Board of Elections, the affected local election authorities, and the voting equipment vendors. Reports from the April 2007 election showed fewer problems but turnout is typically low for odd-year spring elections. This may mean that not all problems have been detected. The major test for Illinois' reformed electoral process will be in 2008.

The League's revised election laws positions completed and adopted in 1999 enabled the EAR committee to take action when needed. In 2007, the EAR committee was dissolved and its findings were incorporated into the election laws position. (see page 35 for the new position statement).

National Popular Vote Compact: The Illinois General Assembly passed legislation that created an agreement among the states to elect the president under a National Popular Vote Compact. LWVIL took no action on this legislation. Delegates at the 2008 LWVUS convention adopted a fast-track study of the advisability of using the National Popular Vote Compact as a method for electing the U.S. President. At the time, Illinois was one of only four states that had adopted the compact. Illinois League members participated in the study. In May 2009 the national board announced the League's position: "The LWVUS affirms its support of the direct election of the president and abolition of the Electoral College, but the LWVUS has no position on the National Popular Vote Compact as studied in 2008-2009."