

**STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

2329 S. MacArthur Blvd.
Springfield, Illinois 62704
217-782-4141
TTY: 800-964-3013
Fax: 217-782-5959

69 W. Washington St., Suite LL08
Chicago, Illinois 60602
312-814-6440
Fax: 312-814-6485



**EXECUTIVE DIRECTOR
Bernadette M. Matthews**

BOARD MEMBERS
Laura K. Donahue, Chair
Rick S. Terven, Sr., Vice Chair
Jennifer M. Ballard Croft
Cristina D. Cray
Tonya L. Genovese
Catherine S. McCrory
Jack Vrett
Casandra B. Watson

July 27, 2026

William F. Mohrman
Senior Counsel
U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Ave., NW – RFK
Washington, DC 20530
william.mohrman@usdoj.gov
via U.S. mail and email

Re: Response to letter dated July 7, 2026

Dear Mr. Mohrman,

I write in response to your letter dated July 7, 2026, identifying certain federal civil and criminal laws applicable to federal elections.¹ At the outset, I note that your letter does not identify any credible evidence of voter fraud or other impropriety in an Illinois election. Nor does it contain any allegation of a violation of federal law by an Illinois election official. The Illinois State Board of Elections (referred to here as “the Board,” or “SBE”) takes seriously credible allegations of fraud or impropriety. All claims of irregularity or fraud in any Illinois election presented to the Board are carefully and thoroughly reviewed. The Board, which is not a police agency, refers apparent violations to the appropriate authorities for potential investigation.

Despite the lack of any identified potential issues with Illinois’s voter list maintenance program, recent U.S. Department of Justice (DOJ) correspondence continues to request information as to how Illinois maintains its voter lists. Ltr. at 2 (seeking to “discuss what steps your state should take to maintain clean voter lists as required by law”). As you know, the Constitution assigns primary responsibility for federal elections to the States, subject only to

¹ This response does not indicate that the Board or its officials agree with the interpretations of federal law set forth in DOJ’s July 7 letter and attached memorandum. The Board and its officials reserve all rights, arguments, and defenses concerning the statutes referenced in the letter and attachment.

preemption by Congress. U.S. Const. art. I, § 4, cl. 1; U.S. Const. art. II, § 1, cl. 2, 4. Unless Congress provides otherwise, States have the authority “to provide a complete code for [federal] elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, [and] prevention of fraud and corrupt practices[.]” *Smiley v. Holm*, 285 U.S. 355, 366 (1932); see also *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 8–9 (2013). Federal executive interference in a state’s election administration is contrary to the U.S. Constitution’s structure. *League of United Latin Am. Citizens v. Exec. Off. of the President*, 780 F. Supp. 3d 135, 184–185 (D.D.C. 2025) (“Our Constitution entrusts Congress and the States—not the President—with the authority to regulate federal elections.”).

Consistent with that structure, the Board helps ensure that elections in Illinois are administered in accordance with state and federal election laws and are free and fair. The Board seeks to ensure that Illinois’s voter registration list both excludes ineligible voters and safeguards voters from disenfranchisement. To that end, this letter describes some of the tools that SBE and local election authorities use to maintain an accurate voter registration list, in compliance with both federal and State laws. I also encourage you to review our letter to DOJ dated September 10, 2025, a copy of which is attached, that contains further information about our list maintenance. In sum, Illinois’s voter list is updated at least **weekly** based on new information about voter eligibility. And because of these mighty efforts, elections in Illinois are fair and trustworthy.

About the Board

The Board is an eight-member bipartisan entity providing “general supervision over the administration of the registration and election laws throughout the State” of Illinois. Ill. Const. Art. III, § 5; see also 10 ILCS 5/1A-1, 1A-2. By law, four members of the Board must be from the Governor’s political party, and four must be from the party receiving the second-highest number of votes. The Board’s membership must be from within and outside Cook County. The Board acts by majority vote, which means its actions must be bipartisan and represent geographic diversity. The Board also is independent; its members serve four-year terms and are not subject to oversight by or direction from public officials or political bodies. The Board is an administrative body, not a policy-making one, and therefore does not take positions on policy issues.

Entrusting election supervision to an independent, bipartisan board exemplifies Illinois’s commitment to ensuring public confidence in elections. The Board, through its bipartisan actions, safeguards against voter fraud, voter suppression, voter confusion, and public corruption. See *Crawford v. Marion County Election Bd.*, 553 U.S. 181, 182 (2008) (the state’s “interest in protecting public confidence in elections, while closely related to its interest in preventing voter fraud, has independent significance, because such confidence encourages citizen participation in the democratic process.”). Preventing fraud—and correcting misinformation about the potential for fraud—are top priorities for SBE.

Illinois enhances public confidence in elections by designating trusted local officials to maintain and update voters’ registrations within their jurisdictions. Illinois voters feel confident that their elections are fair and accurate when their interests are safeguarded by local officials familiar with their area and with whom they can interact on a regular basis.

Federal Law and Voter Eligibility

One of the chief aims of federal election law, as identified in the National Voter Registration Act (NVRA), is to secure voter participation. The NVRA demands that each State “promote the exercise of” the right to vote, avoiding “discriminatory and unfair registration laws and procedures[.]” as these “can have a direct and damaging effect on voter participation[.]” 52 U.S.C. § 20501(a).

The NVRA also requires states to conduct a reasonable list maintenance program to remove voters from voter rolls who are ineligible by reason of relocation or death. The Board shares the NVRA’s twin goals of removing ineligible voters without disenfranchising any eligible voter. The NVRA’s reasonableness requirement accommodates the different ways in which states operate elections. In Illinois, the Board works closely with the State’s 108 local election authorities to maintain accurate voter lists. This collaboration takes advantage of the unique capabilities of each election authority. The Board leverages its expertise by providing local election authorities with a wealth of information for conducting effective list maintenance, facilitating updates to individual voters’ registrations, providing oversight of the list maintenance program, and maintaining the technological aspects of the State’s electronic voter list. The local election authorities, which maintain familiarity with their counties, determine voter eligibility, send voters within their jurisdiction any required confirmation notices, update registrations of individual voters, including due to a change of address, and cancel registrations in the event of a voter request, death, or ineligibility of the voter, or following the biennial systematic list maintenance program to remove ineligible voters, all in compliance with the NVRA. 52 U.S.C. § 20507(a)(4), (b)-(d); 26 Ill. Adm. Code 216.40(f)-(g), 216.50(b).

Illinois has extensive processes to verify eligibility of new registrants. To be eligible to vote in Illinois, an individual must be a U.S. citizen, in most cases have resided in Illinois and in the election district for the 30 days preceding the election, and be at least 18 years old on the date of the general or consolidated election. Ill. Const. Art. III, § 1; 10 ILCS 5/3-1. People convicted of felonies are ineligible to vote while incarcerated. 730 ILCS 5/5-5-5. Local election authorities determine the qualifications of voters within their jurisdictions, and, if they are qualified, register them. 10 ILCS 5/4-10, 5-9, 6-37. To ensure voters are properly identified, SBE routinely performs searches of the American Association of Motor Vehicle Administrators (“AAMVA”) database to verify information such as social security number for every voter. SBE also provides local election authorities with access to AAMVA searching to ensure the authenticity of voter social security numbers.

The Board complies with federal laws governing elections, including the NVRA and the Help America Vote Act (HAVA). The NVRA requires that a driver’s license or mail-in voter registration application process include a statement that—

- states each eligibility requirement (including citizenship);
- contains an attestation that the applicant meets each such requirement; and
- requires the signature of the applicant, under penalty of perjury.

52 U.S.C. §§ 20504(c)(2)(C) & 20508(b)(2); *see also* 10 ILCS 5/1A-16(d) (stating the requirements for the voter registration form, including certification of citizenship). Consistent

with the NVRA and state law, the relevant application form in Illinois includes such a statement:

11. Voter Affidavit – Read all statements and sign within the box to the right.
I swear or affirm that:
- I am a citizen of the United States;
 - I will be at least 18 years old on or before the next election **(or the next General or Consolidated Election)**;
 - I will have lived in the State of Illinois and in my election precinct at least 30 days as of the date of the next election;
 - The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, then I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States.

HAVA requires that the mail-in voter registration form developed under HAVA include the question “Are you a citizen of the United States of America?” and boxes for the applicant to check to indicate whether the applicant is a citizen of the United States. 52 U.S.C. § 21083(b)(4)(a)(i); see *also* 10 ILCS 5/4-8, 5-7, 6-29 (requiring an affidavit certifying to citizenship). Again, consistent with HAVA and state law, the relevant registration form in Illinois includes such a statement:

Are you a citizen of the United States of America? (check one) yes ☐ no ☐
Will you be 18 years of age on or before the next election day OR are you currently 17 and will be 18 by the day of the next General or Consolidated Election? (check one) yes ☐ no ☐
If you checked “no” in response to either of these questions, then do not complete this form.

If an applicant does not make the required certification of citizenship, the voter registration application is denied.

Additionally, consistent with the NVRA, an eligible voter may submit a registration form to the Illinois Secretary of State during the driver’s license application process. SBE maintains an interagency agreement with the Illinois Secretary of State (SOS) that prohibits SOS from including known non-citizens or others ineligible to vote from SOS driver database records used for voter registration purposes. Under the agreement, if SOS receives a voter registration application from a non-citizen, the application is not forwarded to SBE for processing.

Finally, as noted above, the Board forwards allegations of fraud or other impropriety in voting to law enforcement agencies, if appropriate.

List Maintenance

As explained in this letter, Illinois frequently matches voter information in its voter roll against numerous data sets to ensure ineligible voters are removed. Illinois’s voter list maintenance efforts are intended to ensure accurate voter rolls and easily meet federal requirements.

a. Resources Used for List Maintenance

Illinois relies on data from several federal and state agencies to update its statewide electronic voter list, known as the Illinois Voter Registration System (IVRS). As set forth below, these resources ensure the accuracy of IVRS.

Illinois participates in the Electronic Registration Information Center (ERIC) to ensure Illinois election officials receive the information needed for effective list maintenance. See 10 ILCS 1A-16.8(a). ERIC is a nonpartisan consortium of state election officials from 27 states (Alaska, Arizona, Colorado, Connecticut, Delaware, Georgia, Hawaii, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, and Wisconsin) and the District of Columbia. Every 60 days, the Board securely shares voter registration data, as well as data provided by SOS, with ERIC. ERIC matches Illinois's voter list data against SOS data, other member states' data, the U.S. Social Security Administration's Master Death List, and the U.S. Postal Service's National Change of Address (NCOA) program. ERIC generates reports identifying voter registration records that may be inaccurate or out of date, including records of deceased voters and voters who have moved from one ERIC member jurisdiction to another. In addition to helping identify ineligible voters and maintain more accurate voter rolls, ERIC helps detect possible illegal voting, which is used to initiate criminal investigation and possible prosecution.

SBE also uses weekly data from the Illinois Department of Corrections to generate potential matches of registered voters with incarcerated felons, as well as monthly data from the Illinois Department of Public Health to generate potential matches of registered voters with deceased individuals.

If any of these resources identify voters who may be ineligible to vote, local election authorities review the information and—if appropriate—cancel ineligible registrants, following all applicable state and federal laws regarding notification to affected voters, described in the next section.

SBE provides a host of other support to local election authorities. For example, SBE's Division of Voting and Registration Systems (VRS) provides training on the use of IVRS, including specific instructions on conducting voter matching and processing potential matches with individuals who have died or moved to a different state. A VRS employee is assigned to each local election authority to answer questions, interpret reports and conflicting data, and otherwise guide NVRA compliance.

Through these layered safeguards and multiple data sources, Illinois maintains accurate voter registration records while protecting eligible voters, consistent with state and federal laws.

b. List Maintenance via Direct Notices to Voters

Local election authorities also conduct list maintenance by sending direct mailings to every voter every two years to confirm each registered voter remains eligible to vote. Additionally, when an ERIC match indicates a voter has relocated within Illinois, the local

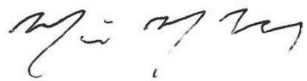
election authority or authorities send notices to both the new and former addresses. 10 ILCS 5/1A-16.8. In the event of an out-of-state match or NCOA match, forwardable confirmation notices are sent to the voter's apparent former address. If a voter's new registration cannot be successfully merged with an existing registration, an NVRA confirmation notice is sent, and the voter's registration is cancelled due to a change of address as part of Illinois's systematic program to remove ineligible voters if the voter fails to respond to a forwardable confirmation notice, and subsequently does not vote in two consecutive general federal elections, as the NVRA requires. See 52 U.S.C. § 20507(d)(1).

Illinois's multilayered approach to voter list maintenance is working. This commitment precludes establishing the specific intent and/or willfulness required for criminal liability under the laws cited in your letter.

Conclusion

"[V]oting is of the most fundamental significance under our constitutional structure." *Ill. State Bd. of Elections v. Socialist Workers Pty.*, 440 U.S. 173, 184 (1979) (citations omitted). The Board and Illinois local election authorities take very seriously their responsibility to maintain up-to-date and accurate voter registration records while ensuring that no eligible voters are disenfranchised by being mistakenly removed from the rolls. Illinois's comprehensive list maintenance framework, consistent with the NVRA, ensures free and fair elections.

Sincerely,



Marni M. Malowitz
General Counsel
Illinois State Board of Elections
(312) 814-6462
mmalowitz@elections.il.gov

cc: Illinois Attorney General Kwame Raoul (*via email only*)
Bernadette M. Matthews, Executive Director, SBE (*via email only*)

**STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

2329 S. MacArthur Blvd.
Springfield, Illinois 62704
217-782-4141
TTY: 800-964-3013
Fax: 217-782-5959

69 W. Washington St., Suite LL08
Chicago, Illinois 60602
312-814-6440
Fax: 312-814-6485



**EXECUTIVE DIRECTOR
Bernadette M. Matthews**

BOARD MEMBERS
Laura K. Donahue, Chair
Rick S. Terven, Sr., Vice Chair
Jennifer M. Ballard Croft
Cristina D. Cray
Tonya L. Genovese
Catherine S. McCrory
Jack Vrett
Casandra B. Watson

September 10, 2025

Harmeet Dhillon, Assistant Attorney General
Michael E. Gates, Deputy Assistant Attorney General
Maureen Riordan, Acting Chief
U.S. Department of Justice
Civil Rights Division, Voting Section
950 Pennsylvania Ave., NW – 4CON
Washington, DC 20530
Michael.Gates2@usdoj.gov
Maureen.Riordan2@usdoj.gov

via U.S. mail and email (exhibit via email only)

Re: Supplemental response to letter dated 7/28/25

Ms. Dhillon, Mr. Gates, Ms. Riordan,

On August 11, 2025, in response to your July 28, 2025 letter, the Illinois State Board of Elections (SBE or Board) provided you with: (1) a contact list of Illinois election officials; and (2) a copy of the Illinois statewide voter registration list pursuant to Section 20507(i) of the National Voter Registration Act (NVRA), 52 U.S.C. § 20507(i), and as authorized by Section 1A-25(b) of the Illinois Election Code, 10 ILCS 5/1A-25(b). We greatly appreciate the extension of time to work with Illinois' 108 local election authorities to compile additional information requested in your letter.

Your letter asks for a description of the steps that Illinois has taken to ensure that state and local officials properly carry out, in compliance with federal law, the state's list maintenance program: Illinois maintains a reasonable program to remove voters who are ineligible by reason of death or change of address and sends confirmation notices as the NVRA requires. This letter further details voter registration practices with respect to individuals adjudicated incompetent, convicted felons, and non-citizens, as requested. We also address your inquiries regarding Illinois' responses to the 2024 Election Administration and Voting

Survey (EAVS). Illinois' list maintenance practices are fully compliant with federal law and ensure that voters who should not be on Illinois' voter rolls are removed, without disenfranchising any eligible voter.

About the Illinois State Board of Elections

SBE was created by Article III, Section 5 of the Illinois Constitution as a bipartisan entity providing "general supervision over the administration of the registration and election laws throughout the State." Ill. Const. Art. III, § 5; *see also* 10 ILCS 5/1A-1, 1A-2. The Board, through its eight members, appoints the Executive Director to exercise general supervision over the operation of the business of the Board and its employees. *Id.* 1A-10. Illinois law designates SBE's Executive Director as the chief state election official "responsible for coordination of State responsibilities" under federal election laws. 26 Ill. Adm. Code 216.100(b); *see also* 52 U.S.C. § 20509. As the sixth most populous state in our nation, with over 8 million registered voters, SBE works closely with its local election authority partners to ensure Illinois' sizeable voter rolls are up-to-date and compliant with all state and federal laws.

State and Local Registration Duties under Illinois' Bottom-Up Voter Registration System

Section 303 of the Help America Vote Act (HAVA) requires that, "each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level[.]" 52 U.S.C. § 21083(a)(1)(A). SBE operates Illinois' computerized statewide voter registration list as required by HAVA, and Illinois' local election authorities are responsible for inputting and maintaining individual voter registration records in their own local voter registration databases for their respective residents. Each local election authority then transfers the relevant voter data from its local database to the state voter registration list database. A state database like Illinois' that gathers or uploads its information from local voter registration databases to form the statewide voter registration list is known as a bottom-up voter registration system.

Illinois' centralized statewide voter registration list, housed in the Illinois Voter Registration System (IVRS), is compiled from the voter registration databases of each Illinois election authority. 10 ILCS 5/1A-25(a)(1). Illinois law requires that each of the 108 local election authorities "maintain a voter registration system capable of receiving and processing voter registration application information, including electronic signatures, from the online voter registration system established by the State Board of Elections." *Id.* 1A-16.5(a). Registration information maintained by each election authority's individual system must be synchronized with the statewide voter list in IVRS at least once every 24 hours. *Id.* 1A-25(a)(4). Illinois' bottom-up structure allows trusted local election officials to maintain control over their jurisdictions' registrations, while ensuring a centralized database is maintained at the state level in compliance with all applicable federal laws, including HAVA. A bottom-up voter registration system is listed among the permissible options for a HAVA-compliant

electronic voter list in the U.S. Election Assistance Commission's July 2025 Voluntary Guidance on Implementation of Statewide Voter Registration Lists, https://www.eac.gov/sites/default/files/eac_assets/1/1/Implementing%20Statewide%20Voter%20Registration%20Lists.pdf, at 5-6.

For purposes of registering voters, Illinois maintains a voter registration form “consistent with the form prescribed by the Federal Election Commission under the National Voter Registration Act of 1993...and the Help America Vote Act of 2002...in all relevant respects” and must “periodically update the form based on changes to federal or State law.” 10 ILCS 5/1A-16(d-5). Voter registration applications submitted to SBE online must be forwarded to the county clerk or board of election commissioners having jurisdiction over the applicant’s voter registration within two days of receipt. *Id.* 1A-16(b), 1A-16.5(h)(2). Each election authority must “accept Voter Registration Applications tendered to it under circumstances complying with the provisions of the National Voter Registration Act of 1993...” 26 Ill. Adm. Code 216.30(b). Next,

Upon receipt of the online voter registration application, the county clerk or board of election commissioners having jurisdiction over the applicant’s voter registration shall promptly search its voter registration database to determine whether the applicant is already registered to vote at the address on the application and whether the new registration would create a duplicate registration. If the applicant is already registered to vote at the address on the application, the clerk or board, as the case may be, shall send the applicant by first class mail, and electronic mail if the applicant has provided an electronic mail address on the original voter registration form for that address, a disposition notice as otherwise required by law informing the applicant that he or she is already registered to vote at such address. If the applicant is not already registered to vote at the address on the application and the applicant is otherwise eligible to register to vote, the clerk or board, as the case may be, shall: (1) enter the name and address of the applicant on the list of registered voters in the jurisdiction; and (2) send by mail, and electronic mail if the applicant has provided an electronic mail address on the voter registration form, a disposition notice to the applicant as otherwise provided by law setting forth the applicant’s name and address as it appears on the application and stating that the person is registered to vote.

10 ILCS 5/1A-16.5(i). The local election authority’s individual voter registration system then transfers voter data to IVRS. SBE maintains the technological aspects of IVRS, while the input and removal of voter data is handled by the local election authority. *See generally id.* 1A-25.

In lieu of completing an online voter registration application with SBE, a voter may submit a voter registration application through the office of their local election authority, designated temporary places of registration, deputy registrars, the Illinois Secretary of State (SOS), or other designated government agencies. *See id., e.g.,* 1A-16.7, 4-6, 4-6.2, 5-5, 6-29. Registration is also available at polling places during early voting and on election day, *id. e.g.,*

4-50, 5-50, 6-29, 6-100. Voters may use either SBE’s registration form or the National Mail Voter Registration Form, which are both available on the Board website. <https://www.elections.il.gov/InformationForVoters.aspx?MID=10cuvBFuZRw%3d>; see also 52 U.S.C. § 20506; 10 ILCS 5/1A-16. In all cases, the local election authority determines the voter’s qualifications, and, if they are qualified, registers them in its local system, which then sends the data to IVRS. 10 ILCS 5/1A-16, 4-11, 5-9, 6-37. After a voter is registered, Illinois’ local election authorities maintain the voter’s data utilizing the extensive resources provided by SBE, as detailed further below.

Federal List Maintenance Mandates

“[T]he NVRA both protects registered voters from improper removal from the rolls and places limited requirements on states to remove ineligible voters from the rolls.” *Am. Civil Rights Union v. Phila. City Comm’rs*, 872 F.3d 175, 179 (3d Cir. 2017). The statute sets forth several requirements regarding states’ maintenance of their voter registration lists, including that State programs:

- Make a reasonable effort to remove the names of ineligible voters by reason of death or change of residence, 52 U.S.C. § 20507(a)(4) (emphasis added);
- Are uniform, nondiscriminatory, and do not result in removal of registered voters solely by reason of failure to vote, *id.* § 20507(b);
- Do not remove a registrant on grounds of change of address unless they confirm, or fail to respond to a confirmation notice and do not vote in two general elections for Federal office after receiving, a confirmation notice, *id.* § 20507(d)(1); and
- Complete their list maintenance efforts not later than 90 days before a primary or general election for Federal office, *id.* § 20507(c)(2)(A).

A state meets its duty to run a “reasonable” list maintenance program under Section 20507(a)(4) by using change-of-address information supplied by the United States Postal Service to identify registrants whose addresses may have changed. *Id.* § 20507(c)(1)(A). If it appears a registrant has moved to a different residence address in the same jurisdiction in which the registrant is currently registered, registration records must be updated to show the new address and a notice of the change sent by forwardable mail with a postage prepaid pre-addressed return form. *Id.* § 20507(c)(1)(B)(i). If the registrant has moved to a different residence address not in the same jurisdiction, the notice procedure described in subsection (d)(2) must be used to confirm the change of address. *Id.* § 20507(c)(1)(B)(ii). As explained below, Illinois’ laws and practices ensure the state’s compliance with these mandates.

Illinois’ List Maintenance Program Meets NVRA Standards

SBE and local election authorities in Illinois partner in their joint goal to ensure accurate voter rolls. Local election authorities are responsible for sending voters within their

jurisdiction any required confirmation notices, updating registrations of individual voters, including updated addresses, and cancelling registrations in the event of a voter request, death, or ineligibility of the voter, or following the biennial list maintenance program, all in compliance with the NVRA. 52 U.S.C. § 20507(a)(4), (b)-(d); 26 Ill. Adm. Code 216.50(b). Illinois' chief state election official, through SBE, supplies the local election authorities with a wealth of information needed to conduct effective list maintenance, facilitating updates to individual voters' registrations, and providing oversight of the state's list maintenance program.

a. Illinois' Complies with and Exceeds NVRA Requirements in its Program to Remove the Names of Ineligible Voters by Reason of Death or Change of Residence

IVRS is updated daily and subject to rigorous checks to maintain its accuracy. These checks are the result of extensive efforts by SBE and its local election authority partners to ensure that only eligible people are registered to vote. As part of this process, state and local election officials rely on extensive reporting from several federal and state agencies.

Illinois law mandates participation in the Electronic Registration Information Center (ERIC) to ensure Illinois election officials receive the information needed for effective list maintenance. See 10 ILCS 1A-16.8(a). ERIC is a nonpartisan consortium comprised of state election officials from 25 states and the District of Columbia that is funded and governed by its member states. As an ERIC member, Illinois follows the coalition's bylaws and procedures set forth in its Membership Agreement, which is available at: <https://ericstates.org/wpcontent/uploads/documents/ERIC-Bylaw-MA-FINAL.pdf>.

At least every 60 days, ERIC members securely share voter registration data, as well as data and licensing information provided by each member's Department of Motor Vehicles, which in Illinois is the SOS. ERIC matches member states' data against the Social Security Administration's death records and the U.S. Postal Service's National Change of Address (NCOA) program and provides member states reports identifying voter registration records within the member jurisdictions that may be inaccurate or out of date, voters who are deceased, and voters who have moved from one ERIC member jurisdiction to another. Member states, including Illinois, use this data to remove the names of ineligible voters from the official lists of eligible voters in the event of their death or change of address, as required by the NVRA. See 52 U.S.C. § 20507(a)(4), (c). In addition to helping members maintain more accurate voter rolls, ERIC helps detect possible illegal voting, which jurisdictions use to report for criminal investigation and possible prosecution.

Illinois law requires that SBE "shall utilize data provided as part of its membership in the Electronic Registration Information Center in order to cross-reference the statewide voter registration database against databases of relevant personal information kept by designated automatic voter registration agencies, including, but not limited to, driver's license information kept by the SOS, at least 6 times each calendar year and shall share the findings with election authorities." 10 ILCS 5/1A-16.8(b). Illinois law also tasks SBE with cross-referencing the statewide voter registration database against the NCOA database twice each

calendar year and sharing the findings with local election authorities. *Id.* 1A-16.8(a). Both mandated searches are performed in cooperation with ERIC.

Every 60 days, ERIC provides SBE lists of voters who: (1) moved from Illinois to another ERIC member state; (2) moved within Illinois; (3) passed away as reported on the Social Security Administration's Master Death List; and (4) have a potential duplicate record in Illinois. Twice each year, ERIC provides a report on voters who filed a change of permanent address with the U.S. Postal Service and are included in the NCOA list. *See id.* 9-16.8(a). SBE transmits jurisdiction-specific portions of these ERIC reports to the appropriate local election authority through the IVRS system for appropriate action. Local election authorities must compare all the data in the potential matches, perform any additional research needed, merge any duplicate entries, and send required notices to the affected voter pursuant to state and federal law within 90 days of receipt as required by the ERIC Agreement. If the registrant is deceased, Illinois law requires "a certified copy of the voter's death certificate or equivalent document issued by a department of vital records, wherever situated" before the registration is cancelled. 26 Ill. Adm. Code 216.50(d)(5).

To further ensure accurate list maintenance, SBE uses weekly data from the Illinois Department of Corrections to generate potential matches of registered voters with incarcerated felons, as well as monthly data from the Illinois Department of Public Health to generate potential matches of registered voters with deceased individuals. Results of these matches are given to local election authorities to research, confirm, and make any required updates to voter registrations. Additionally, the Board subscribes to the American Association of Motor Vehicle Administrators (AAMVA) database. SBE performs its own AAMVA searches to verify voter data, and the results are provided as potential matches to local election authorities to research, confirm, and make any required updates to voter registration. SBE also makes AAMVA searching available to local election authorities.

SBE provides a host of other support and resources in its partnership with local election authorities. The IVRS User Manual, attached to this letter as Exhibit A, provides detailed instructions on use of IVRS, including specific instructions on voter matching and processing potential deceased matches and cross state matches. *See Ex. A* at 85-99. To ensure each local election authority performs list maintenance duties in accordance with state and federal law, each jurisdiction is assigned to an employee from the SBE's Division of Voting and Registration Systems (VRS) for monitoring and oversight. VRS thus ensures that jurisdictions are actively performing list maintenance as to deceased voters, voters with a change of address, incarcerated individuals, and potential duplicate registrations, among other voter registration responsibilities. VRS is also available to the assigned jurisdictions to answer questions, interpret reports and conflicting data, and otherwise guide NVRA compliance.

The measures outlined above, which are the result of extraordinary partnerships between SBE and local election authorities, meet or exceed federal standards.

b. Illinois Ensures Voters Are Sent Confirmation Notices Compliant with the NVRA and Are Not Removed from Voter Lists Solely for Failure to Vote

When an ERIC match indicates a voter has relocated within Illinois, the local election authority or authorities send notices to both the new and former addresses. 10 ILCS 5/1A-16.8. In the event of an out-of-state match or NCOA match, forwardable confirmation notices are sent to the voter's apparent former address. Additionally, Illinois election authorities send non-forwardable mailings to all voters every two years, and for any that are returned as undeliverable, the local election authority sends a forwardable confirmation notice. In all instances:

No voter registration may be canceled without following the procedures and providing the notice of suspension or cancellation required by Section 8(a) through (d) of the National Voter Registration Act of 1993. The Voter Registration Application or the Voter Registration Card of an inactive voter who has not voted in two consecutive general federal elections shall be canceled at the completion of procedures set forth in Section 8(d) of the National Voter Registration Act of 1993, provided that while such procedures are pending, the voter has taken no action specified in the National Voter Registration Act of 1993 to restore his or her name to active voter status.

26 Ill. Adm. Code 216.50(b) (*citing* 52 U.S.C. § 20507(a)-(d)). Each election authority must maintain a list of all voters to whom a forwardable confirmation of address notice has been sent. 26 Ill. Adm. Code 216.40(f). If a voter's new registration cannot be successfully merged with an existing registration, a voter's registration is not cancelled due to a change of address as part of Illinois' systematic program to remove ineligible voters unless the voter fails to respond to a forwardable confirmation notice, and subsequently, does not vote in two consecutive general federal elections, as the NVRA requires. *See* 52 U.S.C. § 20507(d)(1). Any such cancellations are generally effectuated mid-year in odd numbered years to ensure they are completed not later than 90 days before a primary or general election for Federal office. *See* 52 U.S.C. § 20507(c)(2)(A).

Other Ineligible Voters

Your letter asks about the handling of voter registrations of individuals adjudicated incompetent, convicted of felonies, or who are not U.S. citizens. Illinois law does not remove an individual's right to vote for reasons of adjudicated incompetency. With respect to convicted felons, Illinois law provides that a person sentenced to imprisonment loses the right to vote until released from imprisonment. Ill. Const. Art. III, § 2; 730 ILCS 5/5-5-5(c). As explained above, SBE uses data supplied by the Illinois Department of Corrections weekly to generate potential matches of registered voters with incarcerated felons and provides the matches to local election authorities to research, confirm, and make any required updates to voter registrations. Additionally, when a United States attorney notifies SBE of federal convictions pursuant to Section 20507(g) of the NVRA, 52 U.S.C. § 20507(g), notice is forwarded to local election authorities to ensure convicted voters' registrations are canceled if

they are incarcerated. Illinois administrative rules list the acceptable documentation required for cancellation of an incarcerated person's voter registration. See 26 Ill. Adm. Code 216.50(d)(1)-(4).

Illinois also takes numerous measures to ensure non-citizens do not register to vote. On voter registration applications created by the Illinois State Board of Elections, voters are asked, "Are you a citizen of the United States?" 10 ILCS 5/1A-16(d). Applicants are also required to certify as follows: "The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, then I may be fined, imprisoned, or, if I am not a U.S. citizen, deported from or refused entry into the United States." *Id.* Voters who register by other methods must also attest to their status as a United States citizen. See, e.g., 10 ILCS 5/4-8, 5-7, 6-29. Illinois' registration application complies with the NVRA's requirements, see 52 U.S.C. § 20508(b)(2)(A), (B), by requiring applicants to certify that they are U.S. citizens. If an applicant does not make the required certification of citizenship, the voter registration application will not be approved.

Additionally, SBE maintains an interagency agreement with the Illinois Secretary of State that prohibits SOS from including non-citizens or others ineligible to vote from SOS driver database records used for voter registration purposes. Under the agreement, if SOS receives a voter registration application from a non-citizen, the application is not forwarded to SBE for processing.

Response to EAVS Survey Inquiries

As previously explained, list maintenance determinations for individual Illinois voters are made by Illinois' 108 local election authorities. Although SBE can easily access data in IVRS showing voter status (active, inactive, canceled, etc.) as marked by the local election authorities, some of the data required to complete the approximately 500 EAVS questions is not housed in IVRS. Instead, each local election authority supplies certain data for Illinois' response to the survey. The EAVS survey instructions state that jurisdictions should enter "Data not available" if a question is applicable but the jurisdiction does not have the data necessary to answer the question. 2024 Election Administration and Voting Survey, U.S. Election Assistance Commission, OMB Control No. 3265-0006, [2024 Election Administration and Voting Survey \(EAVS\)](#). Despite this instruction, several counties reported that some of the EAVS questions would accept only a numerical entry; in those instances, counties in which data to answer the question was not available entered 0.

To respond to your six EAVS-related inquiries, SBE reached out to all local election authorities named in your letter. Each inquiry is addressed below.

1. Your letter identifies 32 local election authorities that did not supply the number of confirmation notices sent to voters for use in the 2024 EAVS survey. All but one of the 32 jurisdictions reported that they did send confirmation notices to voters during the relevant time. Twenty-seven of the 32 jurisdictions noted that their local voter registration system either did not track confirmation notice data or did not track it in a manner that assisted in completing the EAVS

survey. Sixteen jurisdictions indicated that they transitioned or are in the process of transitioning to a new system for future tracking of this information. The steps Illinois takes to ensure that these authorities are conducting list maintenance are described in detail throughout this letter.

2. SBE does not possess sufficient data to identify all reasons why jurisdictions reported sending confirmation notices to a larger percentage of voters than the national average. Confirmation notices are sent and stored locally by each local election authority. 26 Ill. Adm. Code 216.40(f). Further, local election authorities do not report to SBE the reason each confirmation notice is sent, nor does NVRA require them to do so. Notwithstanding these limitations, below is an explanation of factors impacting the overall volume of confirmation notices.

First, Illinois law requires that whenever ERIC identifies a match to an Illinois voter who relocated within the state, both the voter's old election authority and new election authority must mail notices to the voter, resulting in two mailings for each registered voter. 10 ILCS 5/1A-16.8(a)-(c). This includes all in-state matches arising from both NCOA data and SOS motor vehicle data. *Id.* Some jurisdictions may count both types of notices in their total of confirmation notices, increasing their overall number of confirmation notices mailed.

Second, and as further explained in response to #3 below, a number of jurisdictions included in their total reported number of confirmation notices both NVRA confirmation notices and a variety of general notices that they sent to voters. *See* Response to #3 below at 10; *see also* 52 U.S.C. § 20507(d)(2). This inflated those jurisdictions' reported EAVS "confirmation notice" totals.

Finally, Illinois has experienced population shifts that may account for a portion of the high number of confirmation notices sent. The National Movers Study for both 2023 and 2024 reported that Illinois had the second highest rate of outbound moves in the nation. National Movers Studies, available at <https://www.unitedvanlines.com/newsroom/2024-national-movers-study>; <https://www.unitedvanlines.com/newsroom/movers-study-2023>. Because confirmation notices are sent when records indicate a voter changed addresses, sizeable population shifts inevitably increase the number of confirmation notices sent.

3. Your letter identifies 16 local election authorities that reported sending confirmation notices to more than one hundred percent of all registered voters. SBE reached out to each of these authorities to request an explanation. Seven counties indicated that they included various general notices mailed to voters in their confirmation notice totals, not exclusively forwardable NVRA confirmation notices. One county explained that the high volume of REAL ID replacement registrations may have yielded a higher total of confirmation notices sent. Other counties noted that they are transitioning to a new vendor for more assistance tracking confirmation notices.

4. SBE does not possess the data to report specific reasons why jurisdictions sent confirmation notices for "not categorized" reasons, nor does the NVRA require it to do so.

5. SBE does not possess the data needed to explain the number and percentage of voters removed from voter rolls for the "other" reason, nor to provide the number of voters removed for each reason described as "other." Although election authorities report individual voter registration cancellations to SBE in the IVRS system, they frequently do not report the reason for cancellation, nor

does the NVRA require them to do so. The response to #6 below details the common reasons jurisdictions identified for using the “other” reason for removal.

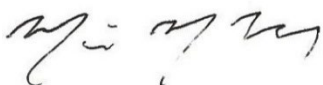
6. Your letter identifies 18 local election authorities that reported more than a quarter of voters listed as being removed for a reason described as “other.” SBE reached out to each of these authorities to request an explanation. Many local election authorities indicated that they used the “other” category because their local system’s list of reasons for removal did not match EAVS’s list of reasons for removal. “Other” was also used where the jurisdiction accepted a match to a newer registration in another jurisdiction, permitting the removal of the old registration.

Conclusion

Federal and Illinois law both recognize the right to vote as “fundamental.” *See, e.g.*, 52 U.S.C. § 20501(a)(1); *Tully v. Edgar*, 664 N.E.2d 43, 650 (Ill. 1996). “[V]oting is of the most fundamental significance under our constitutional structure.” *Ill. State Bd. of Elections v. Socialist Workers Pty.*, 440 U.S. 173, 184 (1979) (citations omitted). SBE and local election authorities take very seriously their responsibility to maintain up-to-date and accurate voter registration records while ensuring that no eligible voters are disenfranchised by being mistakenly removed from the rolls. Illinois’ comprehensive list maintenance framework fully complies with federal law, including the NVRA and HAVA.

If you have any additional questions about Illinois’ list maintenance laws and procedures, please do not hesitate to contact me.

Sincerely,



Marni M. Malowitz
General Counsel
Illinois State Board of Elections
(312) 814-6462
mmalowitz@elections.il.gov

cc: Bernadette M. Matthews, Executive Director, SBE (*via email only*)

Attachment: Exhibit A – IVRS User Manual