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TO: All Election Authorities

FROM: Steven S. Sandvoss, Executive Director

RE: Decision in *Harlan v. Scholz*

DATE: September 27, 2016

Harlan v. Scholz is a Federal lawsuit which was filed in the Northern District of Illinois on August 4, 2016. The lawsuit challenges SB172 which mandates counties with a population of 100,000 or more and/or counties of 100,000 or less with electronic poll books to provide voters with the option of registering and voting at their polling places on Election Day. Counties with a population of 100,000 or less that do not have electronic polling books are not required to provide voters with the option of registering at their polling places on Election Day.

Federal Judge Samuel Der-Yeghiayan granted the Plaintiff's Motion for Preliminary Injunction on September 27, 2016. The injunction prohibits in-precinct Election Day registration in counties with a population of 100,000 or more and/or counties of 100,000 or less that have electronic poll books. Election Day registration and voting, other than that conducted in-precinct, is not affected by the court's ruling. Grace Period registration and voting is still required at all permanent polling places for early voting mandated under SB172, as well as at any temporary branch polling places (up through the day before the election.)

The Illinois Attorney General's office is considering an appeal.

Election authorities are urged to discuss the impact of today's ruling with their State's Attorney and/or legal counsel.

The State Board of Elections will keep you apprised of any new developments.

Steven S. Sandvoss