

# HB3429



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB3429**

by Rep. Kambium Buckner

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-4

from Ch. 46, par. 19-4

Amends the Election Code. Requires an election authority to enclose a prepaid return envelope with a vote by mail ballot or application in which the vote by mail ballot may be returned free of charge (rather than informing the vote by mail voter of the required postage for returning the application and ballot).

LRB101 09917 SMS 55019 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section  
5 19-4 as follows:

6 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

7 Sec. 19-4. Mailing or delivery of ballots; time.  
8 Immediately upon the receipt of such application either by mail  
9 or electronic means, not more than 90 days nor less than 5 days  
10 prior to such election, or by personal delivery not more than  
11 90 days nor less than one day prior to such election, at the  
12 office of such election authority, it shall be the duty of such  
13 election authority to examine the records to ascertain whether  
14 or not such applicant is lawfully entitled to vote as  
15 requested, including a verification of the applicant's  
16 signature by comparison with the signature on the official  
17 registration record card, and if found so to be entitled to  
18 vote, to post within one business day thereafter the name,  
19 street address, ward and precinct number or township and  
20 district number, as the case may be, of such applicant given on  
21 a list, the pages of which are to be numbered consecutively to  
22 be kept by such election authority for such purpose in a  
23 conspicuous, open and public place accessible to the public at

1 the entrance of the office of such election authority, and in  
2 such a manner that such list may be viewed without necessity of  
3 requesting permission therefor. Within one day after posting  
4 the name and other information of an applicant for a vote by  
5 mail ballot, the election authority shall transmit by  
6 electronic means pursuant to a process established by the State  
7 Board of Elections that name and other posted information to  
8 the State Board of Elections, which shall maintain those names  
9 and other information in an electronic format on its website,  
10 arranged by county and accessible to State and local political  
11 committees. Within 2 business days after posting a name and  
12 other information on the list within its office, but no sooner  
13 than 40 days before an election, the election authority shall  
14 mail, postage prepaid, or deliver in person in such office an  
15 official ballot or ballots if more than one are to be voted at  
16 said election. Mail delivery of Temporarily Absent Student  
17 ballot applications pursuant to Section 19-12.3 shall be by  
18 nonforwardable mail. However, for the consolidated election,  
19 vote by mail ballots for certain precincts may be delivered to  
20 applicants not less than 25 days before the election if so much  
21 time is required to have prepared and printed the ballots  
22 containing the names of persons nominated for offices at the  
23 consolidated primary. The election authority shall enclose  
24 with each vote by mail ballot or application (i) a prepaid  
25 return envelope in which the vote by mail ballot may be  
26 returned free of charge, (ii) written instructions on how

1 voting assistance shall be provided pursuant to Section 17-14  
2 and, (iii) a document, written and approved by the State Board  
3 of Elections, ~~informing the vote by mail voter of the required~~  
4 ~~postage for returning the application and ballot, and~~  
5 enumerating the circumstances under which a person is  
6 authorized to vote by vote by mail ballot pursuant to this  
7 Article; such document shall also include a statement informing  
8 the applicant that if he or she falsifies or is solicited by  
9 another to falsify his or her eligibility to cast a vote by  
10 mail ballot, such applicant or other is subject to penalties  
11 pursuant to Section 29-10 and Section 29-20 of the Election  
12 Code. Each election authority shall maintain a list of the  
13 name, street address, ward and precinct, or township and  
14 district number, as the case may be, of all applicants who have  
15 returned vote by mail ballots to such authority, and the name  
16 of such vote by mail voter shall be added to such list within  
17 one business day from receipt of such ballot. If the vote by  
18 mail ballot envelope indicates that the voter was assisted in  
19 casting the ballot, the name of the person so assisting shall  
20 be included on the list. The list, the pages of which are to be  
21 numbered consecutively, shall be kept by each election  
22 authority in a conspicuous, open, and public place accessible  
23 to the public at the entrance of the office of the election  
24 authority and in a manner that the list may be viewed without  
25 necessity of requesting permission for viewing.

26 Each election authority shall maintain a list for each

1 election of the voters to whom it has issued vote by mail  
2 ballots. The list shall be maintained for each precinct within  
3 the jurisdiction of the election authority. Prior to the  
4 opening of the polls on election day, the election authority  
5 shall deliver to the judges of election in each precinct the  
6 list of registered voters in that precinct to whom vote by mail  
7 ballots have been issued by mail.

8 Each election authority shall maintain a list for each  
9 election of voters to whom it has issued temporarily absent  
10 student ballots. The list shall be maintained for each election  
11 jurisdiction within which such voters temporarily abide.  
12 Immediately after the close of the period during which  
13 application may be made by mail or electronic means for vote by  
14 mail ballots, each election authority shall mail to each other  
15 election authority within the State a certified list of all  
16 such voters temporarily abiding within the jurisdiction of the  
17 other election authority.

18 In the event that the return address of an application for  
19 ballot by a physically incapacitated elector is that of a  
20 facility licensed or certified under the Nursing Home Care Act,  
21 the Specialized Mental Health Rehabilitation Act of 2013, the  
22 ID/DD Community Care Act, or the MC/DD Act, within the  
23 jurisdiction of the election authority, and the applicant is a  
24 registered voter in the precinct in which such facility is  
25 located, the ballots shall be prepared and transmitted to a  
26 responsible judge of election no later than 9 a.m. on the

1 Friday, Saturday, Sunday, or Monday immediately preceding the  
2 election as designated by the election authority under Section  
3 19-12.2. Such judge shall deliver in person on the designated  
4 day the ballot to the applicant on the premises of the facility  
5 from which application was made. The election authority shall  
6 by mail notify the applicant in such facility that the ballot  
7 will be delivered by a judge of election on the designated day.

8 All applications for vote by mail ballots shall be  
9 available at the office of the election authority for public  
10 inspection upon request from the time of receipt thereof by the  
11 election authority until 30 days after the election, except  
12 during the time such applications are kept in the office of the  
13 election authority pursuant to Section 19-7, and except during  
14 the time such applications are in the possession of the judges  
15 of election.

16 (Source: P.A. 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;  
17 98-756, eff. 7-16-14; 98-1171, eff. 6-1-15; 99-180, eff.  
18 7-29-15; 99-522, eff. 6-30-16.)