



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5192

Introduced 2/1/2010, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-43	from Ch. 46, par. 7-43
10 ILCS 5/7-44	from Ch. 46, par. 7-44
10 ILCS 5/19-2.1	from Ch. 46, par. 19-2.1
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19-4.5 new	
10 ILCS 5/19-5	from Ch. 46, par. 19-5
10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/19-12.1	from Ch. 46, par. 19-12.1
10 ILCS 5/20-3	from Ch. 46, par. 20-3
10 ILCS 5/20-4	from Ch. 46, par. 20-4
10 ILCS 5/20-4.5 new	
10 ILCS 5/20-5	from Ch. 46, par. 20-5
10 ILCS 5/20-8	from Ch. 46, par. 20-8

Amends the Election Code. Eliminates the requirement that a voter declare party affiliation when voting at a primary election. Provides that the voter shall receive the primary ballot of each of the established political parties nominating candidates for office at the primary election but may cast a ballot of only one political party, except in certain cases involving statewide political parties and political parties established only within a political subdivision.

LRB096 19866 JAM 35322 b

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
5 Sections 7-43, 7-44, 19-2.1, 19-3, 19-4, 19-5, 19-8, 19-12.1,
6 20-3, 20-4, 20-5, and 20-8 and by adding Sections 19-4.5 and
7 20-4.5 as follows:

8 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

9 Sec. 7-43. Every person having resided in this State 6
10 months and in the precinct 30 days next preceding any primary
11 therein who shall be a citizen of the United States of the age
12 of 18 or more years, shall be entitled to vote at such primary.

13 The following regulations shall be applicable to
14 primaries:

15 ~~No person shall be entitled to vote at a primary:~~

16 ~~(a) Unless he declares his party affiliations as required~~
17 ~~by this Article.~~

18 ~~(b) (Blank.)~~

19 ~~(c) (Blank.)~~

20 ~~(c.5) If that person has participated in the town political~~
21 ~~party caucus, under Section 45-50 of the Township Code, of~~
22 ~~another political party by signing an affidavit of voters~~
23 ~~attending the caucus within 45 days before the first day of the~~

1 ~~calendar month in which the primary is held.~~

2 ~~(d) (Blank.)~~

3 (a) ~~(e)~~ In cities, villages and incorporated towns having a
4 board of election commissioners only voters registered as
5 provided by Article 6 of this Act shall be entitled to vote at
6 such primary.

7 (b) ~~(f)~~ No person shall be entitled to vote at a primary
8 unless he is registered under the provisions of Articles 4, 5
9 or 6 of this Act, when his registration is required by any of
10 said Articles to entitle him to vote at the election with
11 reference to which the primary is held.

12 (Source: P.A. 95-699, eff. 11-9-07.)

13 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

14 Sec. 7-44. Voter choice of primary ballot.

15 (a) Any person desiring to vote at a primary shall state
16 his or her name and, residence ~~and party affiliation~~ to the
17 primary judges, one of whom shall thereupon announce the same
18 in a distinct tone of voice, sufficiently loud to be heard by
19 all persons in the polling place. When article 4, 5 or 6 is
20 applicable the Certificate of Registered Voter therein
21 prescribed shall be made and signed and the official poll
22 record shall be made. If the person desiring to vote is not
23 challenged, one of the primary judges shall give to him or her
24 one, ~~and only one~~, primary ballot of each of the established
25 political parties nominating candidates for office at the

1 primary election, but the voter may cast a ballot of only one
2 political party, except as otherwise provided in subsection (b)
3 ~~party with which he declares himself affiliated,~~ on the back of
4 which the ~~such~~ primary judge shall endorse his or her initials
5 in such manner that they may be seen when the primary ballot is
6 properly folded. If the person desiring to vote is challenged
7 he or she shall not receive a primary ballot from the primary
8 judges until he or she shall have established his or her right
9 to vote as ~~hereinafter~~ provided in this Article. ~~No person who~~
10 ~~refuses to state his party affiliation shall be allowed to vote~~
11 ~~at a primary.~~

12 (b) A person who casts a ballot of ~~declares his party~~
13 ~~affiliation with~~ a statewide established political party ~~and~~
14 ~~requests a primary ballot of such party may nonetheless also~~
15 ~~declare his affiliation with a political party established only~~
16 ~~within a political subdivision, and~~ may also vote in the
17 primary of a ~~such~~ local political party established only within
18 a political subdivision on the same election day, provided that
19 the ~~such~~ voter may not vote in both ~~such~~ party primaries with
20 respect to offices of the same political subdivision. However,
21 no person casting a ballot of ~~declaring his affiliation with~~ a
22 statewide established political party may vote in the primary
23 of any other statewide political party on the same election
24 day. Each party's primary ballot shall include a space for the
25 voter to mark, indicating that political party as the party for
26 which the voter cast his or her votes. The voter may mark the

1 space on the ballot of only one political party indicating that
2 party, except as otherwise provided in this Section. If the
3 voter desires to cast his or her ballot of a statewide
4 political party and a political party established only within a
5 political subdivision, the voter may indicate that choice by
6 marking the space provided on the ballot of the statewide
7 political party and by also marking the space provided on the
8 ballot of the political party established only within a
9 political subdivision. If the voter does not mark the space on
10 the primary ballot indicating the political party in which the
11 voter cast his or her ballot, or marks more than one such
12 space, the judges of election shall count only the votes of the
13 political party in which the voter cast a vote for the office
14 nearest the top of the ballot.

15 (Source: P.A. 81-1535.)

16 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

17 Sec. 19-2.1. At the consolidated primary, general primary,
18 consolidated, and general elections, electors entitled to vote
19 by absentee ballot under the provisions of Section 19-1 may
20 vote in person at the office of the municipal clerk, if the
21 elector is a resident of a municipality not having a board of
22 election commissioners, or at the office of the township clerk
23 or, in counties not under township organization, at the office
24 of the road district clerk if the elector is not a resident of
25 a municipality; provided, in each case that the municipal,

1 township or road district clerk, as the case may be, is
2 authorized to conduct in-person absentee voting pursuant to
3 this Section. Absentee voting in such municipal and township
4 clerk's offices under this Section shall be conducted from the
5 22nd day through the day before the election.

6 Municipal and township clerks (or road district clerks) who
7 have regularly scheduled working hours at regularly designated
8 offices other than a place of residence and whose offices are
9 open for business during the same hours as the office of the
10 election authority shall conduct in-person absentee voting for
11 said elections. Municipal and township clerks (or road district
12 clerks) who have no regularly scheduled working hours but who
13 have regularly designated offices other than a place of
14 residence shall conduct in-person absentee voting for said
15 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00
16 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on
17 Saturdays, but not during such hours as the office of the
18 election authority is closed, unless the clerk files a written
19 waiver with the election authority not later than July 1 of
20 each year stating that he or she is unable to conduct such
21 voting and the reasons therefor. Such clerks who conduct
22 in-person absentee voting may extend their hours for that
23 purpose to include any hours in which the election authority's
24 office is open. Municipal and township clerks (or road district
25 clerks) who have no regularly scheduled office hours and no
26 regularly designated offices other than a place of residence

1 may not conduct in-person absentee voting for said elections.
2 The election authority may devise alternative methods for
3 in-person absentee voting before said elections for those
4 precincts located within the territorial area of a municipality
5 or township (or road district) wherein the clerk of such
6 municipality or township (or road district) has waived or is
7 not entitled to conduct such voting. In addition, electors may
8 vote by absentee ballot under the provisions of Section 19-1 at
9 the office of the election authority having jurisdiction over
10 their residence. Unless specifically authorized by the
11 election authority, municipal, township, and road district
12 clerks shall not conduct in-person absentee voting. No less
13 than 45 days before the date of an election, the election
14 authority shall notify the municipal, township, and road
15 district clerks within its jurisdiction if they are to conduct
16 in-person absentee voting. Election authorities, however, may
17 conduct in-person absentee voting in one or more designated
18 appropriate public buildings from the fourth day before the
19 election through the day before the election.

20 In conducting in-person absentee voting under this
21 Section, the respective clerks shall be required to verify the
22 signature of the absentee voter by comparison with the
23 signature on the official registration record card. The clerk
24 also shall reasonably ascertain the identity of such applicant,
25 shall verify that each such applicant is a registered voter,
26 and shall verify the precinct in which he or she is registered

1 and the proper ballots of the political subdivisions in which
2 the applicant resides and is entitled to vote, prior to
3 providing any absentee ballot to such applicant. The clerk
4 shall verify the applicant's registration and from the most
5 recent poll list provided by the county clerk, and if the
6 applicant is not listed on that poll list then by telephoning
7 the office of the county clerk.

8 Absentee voting procedures in the office of the municipal,
9 township and road district clerks shall be subject to all of
10 the applicable provisions of this Article 19, including,
11 without limitation, those procedures relating to primary
12 ballots. Pollwatchers may be appointed to observe in-person
13 absentee voting procedures and view all reasonably requested
14 records relating to the conduct of the election, provided the
15 secrecy of the ballot is not impinged, at the office of the
16 municipal, township or road district clerks' offices where such
17 absentee voting is conducted. Such pollwatchers shall qualify
18 and be appointed in the same manner as provided in Sections
19 7-34 and 17-23, except each candidate, political party or
20 organization of citizens may appoint only one pollwatcher for
21 each location where in-person absentee voting is conducted.
22 Pollwatchers must be registered to vote in Illinois and possess
23 valid pollwatcher credentials. All requirements in this
24 Article applicable to election authorities shall apply to the
25 respective local clerks, except where inconsistent with this
26 Section.

1 The sealed absentee ballots in their carrier envelope shall
2 be delivered by the respective clerks, or by the election
3 authority on behalf of a clerk if the clerk and the election
4 authority agree, to the election authority's central ballot
5 counting location before the close of the polls on the day of
6 the general primary, consolidated primary, consolidated, or
7 general election.

8 Not more than 23 days before the general and consolidated
9 elections, the county clerk shall make available to those
10 municipal, township and road district clerks conducting
11 in-person absentee voting within such county, a sufficient
12 number of applications, absentee ballots, envelopes, and
13 printed voting instruction slips for use by absentee voters in
14 the offices of such clerks. The respective clerks shall receipt
15 for all ballots received, shall return all unused or spoiled
16 ballots to the county clerk on the day of the election and
17 shall strictly account for all ballots received.

18 The ballots delivered to the respective clerks shall
19 include absentee ballots for each precinct in the municipality,
20 township or road district, or shall include such separate
21 ballots for each political subdivision conducting an election
22 of officers or a referendum on that election day as will permit
23 any resident of the municipality, township or road district to
24 vote absentee in the office of the proper clerk.

25 The clerks of all municipalities, townships and road
26 districts may distribute applications for absentee ballot for

1 the use of voters who wish to mail such applications to the
2 appropriate election authority. Such applications for absentee
3 ballots shall be made on forms provided by the election
4 authority. Duplication of such forms by the municipal, township
5 or road district clerk is prohibited.

6 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
7 94-1000, eff. 7-3-06.)

8 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

9 Sec. 19-3. Application for such ballot shall be made on
10 blanks to be furnished by the election authority and
11 duplication of such application for ballot is prohibited,
12 except by the election authority. The application for ballot
13 shall be substantially in the following form:

14 APPLICATION FOR ABSENTEE BALLOT

15 To be voted at the election in the County of and
16 State of Illinois, in the precinct of the (1) *township of
17 (2) *City of or (3) *.... ward in the City of

18 I state that I am a resident of the precinct of the
19 (1) *township of (2) *City of or (3) *.... ward in
20 the city of residing at in such city or town in the
21 county of and State of Illinois; that I have lived at such
22 address for month(s) last past; that I am lawfully
23 entitled to vote in such precinct at the election to be
24 held therein on; and that I wish to vote by absentee
25 ballot.

1 I hereby make application for an official ballot or ballots
 2 to be voted by me at such election, and I agree that I shall
 3 return such ballot or ballots to the official issuing the same
 4 prior to the closing of the polls on the date of the election
 5 or, if returned by mail, postmarked no later than midnight
 6 preceding election day, for counting no later than during the
 7 period for counting provisional ballots, the last day of which
 8 is the 14th day following election day.

9 Under penalties as provided by law pursuant to Section
 10 29-10 of The Election Code, the undersigned certifies that the
 11 statements set forth in this application are true and correct.

12

13 *fill in either (1), (2) or (3).

14 Post office address to which ballot is mailed:
 15

16 ~~However, if application is made for a primary election~~
 17 ~~ballot, such application shall designate the name of the~~
 18 ~~political party with which the applicant is affiliated.~~

19 ~~or, if returned by mail, postmarked no later than midnight~~
 20 ~~preceding election day, for counting no later than during the~~
 21 ~~period for counting provisional ballots, the last day of which~~
 22 ~~is the 14th day following election day~~

23 ~~or, if returned by mail, postmarked no later than midnight~~
 24 ~~preceding election day, for counting no later than during the~~
 25 ~~period for counting provisional ballots, the last day of which~~
 26 ~~is the 14th day following election day~~

1 ~~or, if returned by mail, postmarked no later than midnight~~
2 ~~preceding election day, for counting no later than during the~~
3 ~~period for counting provisional ballots, the last day of which~~
4 ~~is the 14th day following election day~~

5 ~~or, if returned by mail, postmarked no later than midnight~~
6 ~~preceding election day, for counting no later than during the~~
7 ~~period for counting provisional ballots, the last day of which~~
8 ~~is the 14th day following election day~~

9 ~~or, if returned by mail, postmarked no later than midnight~~
10 ~~preceding election day, for counting no later than during the~~
11 ~~period for counting provisional ballots, the last day of which~~
12 ~~is the 14th day following election day~~

13 ~~or, if returned by mail, postmarked no later than midnight~~
14 ~~preceding election day, for counting no later than during the~~
15 ~~period for counting provisional ballots, the last day of which~~
16 ~~is the 14th day following election day~~

17 ~~or, if returned by mail, postmarked no later than midnight~~
18 ~~preceding election day, for counting no later than during the~~
19 ~~period for counting provisional ballots, the last day of which~~
20 ~~is the 14th day following election day~~

21 (Source: P.A. 95-440, eff. 8-27-07; 96-312, eff. 1-1-10;
22 96-553, eff. 8-17-09; revised 9-15-09.)

23 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

24 (Text of Section before amendment by P.A. 96-339)

25 Sec. 19-4. Mailing or delivery of ballots - Time.)

1 Immediately upon the receipt of such application either by
2 mail, not more than 40 days nor less than 5 days prior to such
3 election, or by personal delivery not more than 40 days nor
4 less than one day prior to such election, at the office of such
5 election authority, it shall be the duty of such election
6 authority to examine the records to ascertain whether or not
7 such applicant is lawfully entitled to vote as requested,
8 including a verification of the applicant's signature by
9 comparison with the signature on the official registration
10 record card, and if found so to be entitled to vote, to post
11 within one business day thereafter the name, street address,
12 ward and precinct number or township and district number, as
13 the case may be, of such applicant given on a list, the pages
14 of which are to be numbered consecutively to be kept by such
15 election authority for such purpose in a conspicuous, open and
16 public place accessible to the public at the entrance of the
17 office of such election authority, and in such a manner that
18 such list may be viewed without necessity of requesting
19 permission therefor. Within one day after posting the name and
20 other information of an applicant for an absentee ballot, the
21 election authority shall transmit that name and other posted
22 information to the State Board of Elections, which shall
23 maintain those names and other information in an electronic
24 format on its website, arranged by county and accessible to
25 State and local political committees. Within 2 business days
26 after posting a name and other information on the list within

1 its office, the election authority shall mail, postage prepaid,
2 or deliver in person in such office an official ballot or
3 ballots if more than one are to be voted at said election or if
4 Section 19-4.5 applies. Mail delivery of Temporarily Absent
5 Student ballot applications pursuant to Section 19-12.3 shall
6 be by nonforwardable mail. However, for the consolidated
7 election, absentee ballots for certain precincts may be
8 delivered to applicants not less than 25 days before the
9 election if so much time is required to have prepared and
10 printed the ballots containing the names of persons nominated
11 for offices at the consolidated primary. The election authority
12 shall enclose with each absentee ballot or application written
13 instructions on how voting assistance shall be provided
14 pursuant to Section 17-14 and a document, written and approved
15 by the State Board of Elections, enumerating the circumstances
16 under which a person is authorized to vote by absentee ballot
17 pursuant to this Article; such document shall also include a
18 statement informing the applicant that if he or she falsifies
19 or is solicited by another to falsify his or her eligibility to
20 cast an absentee ballot, such applicant or other is subject to
21 penalties pursuant to Section 29-10 and Section 29-20 of the
22 Election Code. Each election authority shall maintain a list of
23 the name, street address, ward and precinct, or township and
24 district number, as the case may be, of all applicants who have
25 returned absentee ballots to such authority, and the name of
26 such absent voter shall be added to such list within one

1 business day from receipt of such ballot. If the absentee
2 ballot envelope indicates that the voter was assisted in
3 casting the ballot, the name of the person so assisting shall
4 be included on the list. The list, the pages of which are to be
5 numbered consecutively, shall be kept by each election
6 authority in a conspicuous, open, and public place accessible
7 to the public at the entrance of the office of the election
8 authority and in a manner that the list may be viewed without
9 necessity of requesting permission for viewing.

10 Each election authority shall maintain a list for each
11 election of the voters to whom it has issued absentee ballots.
12 The list shall be maintained for each precinct within the
13 jurisdiction of the election authority. Prior to the opening of
14 the polls on election day, the election authority shall deliver
15 to the judges of election in each precinct the list of
16 registered voters in that precinct to whom absentee ballots
17 have been issued by mail.

18 Each election authority shall maintain a list for each
19 election of voters to whom it has issued temporarily absent
20 student ballots. The list shall be maintained for each election
21 jurisdiction within which such voters temporarily abide.
22 Immediately after the close of the period during which
23 application may be made by mail for absentee ballots, each
24 election authority shall mail to each other election authority
25 within the State a certified list of all such voters
26 temporarily abiding within the jurisdiction of the other

1 election authority.

2 In the event that the return address of an application for
3 ballot by a physically incapacitated elector is that of a
4 facility licensed or certified under the Nursing Home Care Act,
5 within the jurisdiction of the election authority, and the
6 applicant is a registered voter in the precinct in which such
7 facility is located, the ballots shall be prepared and
8 transmitted to a responsible judge of election no later than 9
9 a.m. on the Saturday, Sunday or Monday immediately preceding
10 the election as designated by the election authority under
11 Section 19-12.2. Such judge shall deliver in person on the
12 designated day the ballot to the applicant on the premises of
13 the facility from which application was made. The election
14 authority shall by mail notify the applicant in such facility
15 that the ballot will be delivered by a judge of election on the
16 designated day.

17 All applications for absentee ballots shall be available at
18 the office of the election authority for public inspection upon
19 request from the time of receipt thereof by the election
20 authority until 30 days after the election, except during the
21 time such applications are kept in the office of the election
22 authority pursuant to Section 19-7, and except during the time
23 such applications are in the possession of the judges of
24 election.

25 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

1 (Text of Section after amendment by P.A. 96-339)

2 Sec. 19-4. Mailing or delivery of ballots - Time.)
3 Immediately upon the receipt of such application either by
4 mail, not more than 40 days nor less than 5 days prior to such
5 election, or by personal delivery not more than 40 days nor
6 less than one day prior to such election, at the office of such
7 election authority, it shall be the duty of such election
8 authority to examine the records to ascertain whether or not
9 such applicant is lawfully entitled to vote as requested,
10 including a verification of the applicant's signature by
11 comparison with the signature on the official registration
12 record card, and if found so to be entitled to vote, to post
13 within one business day thereafter the name, street address,
14 ward and precinct number or township and district number, as
15 the case may be, of such applicant given on a list, the pages
16 of which are to be numbered consecutively to be kept by such
17 election authority for such purpose in a conspicuous, open and
18 public place accessible to the public at the entrance of the
19 office of such election authority, and in such a manner that
20 such list may be viewed without necessity of requesting
21 permission therefor. Within one day after posting the name and
22 other information of an applicant for an absentee ballot, the
23 election authority shall transmit that name and other posted
24 information to the State Board of Elections, which shall
25 maintain those names and other information in an electronic
26 format on its website, arranged by county and accessible to

1 State and local political committees. Within 2 business days
2 after posting a name and other information on the list within
3 its office, the election authority shall mail, postage prepaid,
4 or deliver in person in such office an official ballot or
5 ballots if more than one are to be voted at said election. Mail
6 delivery of Temporarily Absent Student ballot applications
7 pursuant to Section 19-12.3 shall be by nonforwardable mail.
8 However, for the consolidated election, absentee ballots for
9 certain precincts may be delivered to applicants not less than
10 25 days before the election if so much time is required to have
11 prepared and printed the ballots containing the names of
12 persons nominated for offices at the consolidated primary. The
13 election authority shall enclose with each absentee ballot or
14 application written instructions on how voting assistance
15 shall be provided pursuant to Section 17-14 and a document,
16 written and approved by the State Board of Elections,
17 enumerating the circumstances under which a person is
18 authorized to vote by absentee ballot pursuant to this Article;
19 such document shall also include a statement informing the
20 applicant that if he or she falsifies or is solicited by
21 another to falsify his or her eligibility to cast an absentee
22 ballot, such applicant or other is subject to penalties
23 pursuant to Section 29-10 and Section 29-20 of the Election
24 Code. Each election authority shall maintain a list of the
25 name, street address, ward and precinct, or township and
26 district number, as the case may be, of all applicants who have

1 returned absentee ballots to such authority, and the name of
2 such absent voter shall be added to such list within one
3 business day from receipt of such ballot. If the absentee
4 ballot envelope indicates that the voter was assisted in
5 casting the ballot, the name of the person so assisting shall
6 be included on the list. The list, the pages of which are to be
7 numbered consecutively, shall be kept by each election
8 authority in a conspicuous, open, and public place accessible
9 to the public at the entrance of the office of the election
10 authority and in a manner that the list may be viewed without
11 necessity of requesting permission for viewing.

12 Each election authority shall maintain a list for each
13 election of the voters to whom it has issued absentee ballots.
14 The list shall be maintained for each precinct within the
15 jurisdiction of the election authority. Prior to the opening of
16 the polls on election day, the election authority shall deliver
17 to the judges of election in each precinct the list of
18 registered voters in that precinct to whom absentee ballots
19 have been issued by mail.

20 Each election authority shall maintain a list for each
21 election of voters to whom it has issued temporarily absent
22 student ballots. The list shall be maintained for each election
23 jurisdiction within which such voters temporarily abide.
24 Immediately after the close of the period during which
25 application may be made by mail for absentee ballots, each
26 election authority shall mail to each other election authority

1 within the State a certified list of all such voters
2 temporarily abiding within the jurisdiction of the other
3 election authority.

4 In the event that the return address of an application for
5 ballot by a physically incapacitated elector is that of a
6 facility licensed or certified under the Nursing Home Care Act
7 or the MR/DD Community Care Act, within the jurisdiction of the
8 election authority, and the applicant is a registered voter in
9 the precinct in which such facility is located, the ballots
10 shall be prepared and transmitted to a responsible judge of
11 election no later than 9 a.m. on the Saturday, Sunday or Monday
12 immediately preceding the election as designated by the
13 election authority under Section 19-12.2. Such judge shall
14 deliver in person on the designated day the ballot to the
15 applicant on the premises of the facility from which
16 application was made. The election authority shall by mail
17 notify the applicant in such facility that the ballot will be
18 delivered by a judge of election on the designated day.

19 All applications for absentee ballots shall be available at
20 the office of the election authority for public inspection upon
21 request from the time of receipt thereof by the election
22 authority until 30 days after the election, except during the
23 time such applications are kept in the office of the election
24 authority pursuant to Section 19-7, and except during the time
25 such applications are in the possession of the judges of
26 election.

1 (Source: P.A. 96-339, eff. 7-1-10.)

2 (10 ILCS 5/19-4.5 new)

3 Sec. 19-4.5. Primary ballots.

4 (a) A person entitled to vote by absentee ballot at a
5 primary shall not be required to declare his or her political
6 party affiliation and shall be provided with the ballots of all
7 established political parties nominating candidates for
8 offices for which the absentee voter is entitled to vote at
9 that primary. That absentee voter may mark, cast, and have
10 counted the primary ballot of only one established political
11 party.

12 (b) With respect to the marking, casting, and counting of
13 primary ballots, absentee voting shall be conducted in
14 accordance with Sections 7-43 and 7-44 of this Code as well as
15 the provisions of this Article.

16 (c) When voting absentee at a primary by means other than
17 in-person absentee voting, the voter shall be instructed to
18 return all ballots to the election authority.

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

20 Sec. 19-5. It shall be the duty of the election authority
21 to fold the ballot or ballots in the manner specified by the
22 statute for folding ballots prior to their deposit in the
23 ballot box, and to enclose such ballot or ballots in an
24 envelope unsealed to be furnished by him, which envelope shall

1 bear upon the face thereof the name, official title and post
2 office address of the election authority, and upon the other
3 side a printed certification in substantially the following
4 form:

5 I state that I am a resident of the precinct of the
6 (1) *township of (2) *City of or (3) *.... ward in
7 the city of residing at in such city or town in the
8 county of and State of Illinois, that I have lived at such
9 address for months last past; and that I am lawfully
10 entitled to vote in such precinct at the election to be
11 held on

12 *fill in either (1), (2) or (3).

13 I further state that I personally marked the enclosed
14 ballot in secret.

15 Under penalties of perjury as provided by law pursuant to
16 Section 29-10 of The Election Code, the undersigned certifies
17 that the statements set forth in this certification are true
18 and correct.

19

20 If the ballot is to go to an elector who is physically
21 incapacitated and needs assistance marking the ballot, the
22 envelope shall bear upon the back thereof a certification in
23 substantially the following form:

24 I state that I am a resident of the precinct of the
25 (1) *township of (2) *City of or (3) *.... ward in
26 the city of residing at in such city or town in the

1 county of and State of Illinois, that I have lived at such
 2 address for months last past; that I am lawfully entitled
 3 to vote in such precinct at the election to be held on
 4; that I am physically incapable of personally marking the
 5 ballot for such election.

6 *fill in either (1), (2) or (3).

7 I further state that I marked the enclosed ballot in secret
 8 with the assistance of

9

10 (Individual rendering assistance)

11

12 (Residence Address)

13 Under penalties of perjury as provided by law pursuant to
 14 Section 29-10 of The Election Code, the undersigned certifies
 15 that the statements set forth in this certification are true
 16 and correct.

17

18 In the case of a voter with a physical incapacity, marking
 19 a ballot in secret includes marking a ballot with the
 20 assistance of another individual, other than a candidate whose
 21 name appears on the ballot (unless the voter is the spouse or a
 22 parent, child, brother, or sister of the candidate), the
 23 voter's employer, an agent of that employer, or an officer or
 24 agent of the voter's union, when the voter's physical
 25 incapacity necessitates such assistance.

26 In the case of a physically incapacitated voter, marking a

1 ballot in secret includes marking a ballot with the assistance
2 of another individual, other than a candidate whose name
3 appears on the ballot (unless the voter is the spouse or a
4 parent, child, brother, or sister of the candidate), the
5 voter's employer, an agent of that employer, or an officer or
6 agent of the voter's union, when the voter's physical
7 incapacity necessitates such assistance.

8 ~~Provided, that if the ballot enclosed is to be voted at a~~
9 ~~primary election, the certification shall designate the name of~~
10 ~~the political party with which the voter is affiliated.~~

11 In addition to the above, the election authority shall
12 provide printed slips giving full instructions regarding the
13 manner of marking and returning the ballot in order that the
14 same may be counted, and shall furnish one of such printed
15 slips to each of such applicants at the same time the ballot is
16 delivered to him. Such instructions shall include the following
17 statement: "In signing the certification on the absentee ballot
18 envelope, you are attesting that you personally marked this
19 absentee ballot in secret. If you are physically unable to mark
20 the ballot, a friend or relative may assist you after
21 completing the enclosed affidavit. Federal and State laws
22 prohibit a candidate whose name appears on the ballot (unless
23 you are the spouse or a parent, child, brother, or sister of
24 the candidate), your employer, your employer's agent or an
25 officer or agent of your union from assisting physically
26 disabled voters."

1 In addition to the above, if a ballot to be provided to an
2 elector pursuant to this Section contains a public question
3 described in subsection (b) of Section 28-6 and the territory
4 concerning which the question is to be submitted is not
5 described on the ballot due to the space limitations of such
6 ballot, the election authority shall provide a printed copy of
7 a notice of the public question, which shall include a
8 description of the territory in the manner required by Section
9 16-7. The notice shall be furnished to the elector at the same
10 time the ballot is delivered to the elector.

11 (Source: P.A. 95-440, eff. 8-27-07; 96-553, eff. 8-17-09.)

12 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

13 Sec. 19-8. Time and place of counting ballots.

14 (a) (Blank.)

15 (b) Each absent voter's ballot returned to an election
16 authority, by any means authorized by this Article, and
17 received by that election authority before the closing of the
18 polls on election day shall be endorsed by the receiving
19 election authority with the day and hour of receipt and shall
20 be counted in the central ballot counting location of the
21 election authority on the day of the election after 7:00 p.m.,
22 except as provided in subsections (g) and (g-5).

23 (c) Each absent voter's ballot that is mailed to an
24 election authority and postmarked by the midnight preceding the
25 opening of the polls on election day, but that is received by

1 the election authority after the polls close on election day
2 and before the close of the period for counting provisional
3 ballots cast at that election, shall be endorsed by the
4 receiving authority with the day and hour of receipt and shall
5 be counted at the central ballot counting location of the
6 election authority during the period for counting provisional
7 ballots.

8 Each absent voter's ballot that is mailed to an election
9 authority absent a postmark, but that is received by the
10 election authority after the polls close on election day and
11 before the close of the period for counting provisional ballots
12 cast at that election, shall be endorsed by the receiving
13 authority with the day and hour of receipt, opened to inspect
14 the date inserted on the certification, and, if the
15 certification date is a date preceding the election day and the
16 ballot is otherwise found to be valid under the requirements of
17 this Section, counted at the central ballot counting location
18 of the election authority during the period for counting
19 provisional ballots. Absent a date on the certification, the
20 ballot shall not be counted.

21 (d) Special write-in absentee voter's blank ballots
22 returned to an election authority, by any means authorized by
23 this Article, and received by the election authority at any
24 time before the closing of the polls on election day shall be
25 endorsed by the receiving election authority with the day and
26 hour of receipt and shall be counted at the central ballot

1 counting location of the election authority during the same
2 period provided for counting absent voters' ballots under
3 subsections (b), (g), and (g-5). Special write-in absentee
4 voter's blank ballots that are mailed to an election authority
5 and postmarked by the midnight preceding the opening of the
6 polls on election day, but that are received by the election
7 authority after the polls close on election day and before the
8 closing of the period for counting provisional ballots cast at
9 that election, shall be endorsed by the receiving authority
10 with the day and hour of receipt and shall be counted at the
11 central ballot counting location of the election authority
12 during the same periods provided for counting absent voters'
13 ballots under subsection (c).

14 (e) Except as otherwise provided in this Section, absent
15 voters' ballots and special write-in absentee voter's blank
16 ballots received by the election authority after the closing of
17 the polls on an election day shall be endorsed by the election
18 authority receiving them with the day and hour of receipt and
19 shall be safely kept unopened by the election authority for the
20 period of time required for the preservation of ballots used at
21 the election, and shall then, without being opened, be
22 destroyed in like manner as the used ballots of that election.

23 (f) Counting required under this Section to begin on
24 election day after the closing of the polls shall commence no
25 later than 8:00 p.m. and shall be conducted by a panel or
26 panels of election judges appointed in the manner provided by

1 law. The counting shall continue until all absent voters'
2 ballots and special write-in absentee voter's blank ballots
3 required to be counted on election day have been counted.

4 (g) The procedures set forth in Articles 17 and 18 and,
5 with respect to primaries, in Section 19-4.5 of this Code shall
6 apply to all ballots counted under this Section. In addition,
7 within 2 days after an absentee ballot, other than an in-person
8 absentee ballot, is received, but in all cases before the close
9 of the period for counting provisional ballots, the election
10 judge or official shall compare the voter's signature on the
11 certification envelope of that absentee ballot with the
12 signature of the voter on file in the office of the election
13 authority. If the election judge or official determines that
14 the 2 signatures match, and that the absentee voter is
15 otherwise qualified to cast an absentee ballot, the election
16 authority shall cast and count the ballot on election day or
17 the day the ballot is determined to be valid, whichever is
18 later, adding the results to the precinct in which the voter is
19 registered. If the election judge or official determines that
20 the signatures do not match, or that the absentee voter is not
21 qualified to cast an absentee ballot, then without opening the
22 certification envelope, the judge or official shall mark across
23 the face of the certification envelope the word "Rejected" and
24 shall not cast or count the ballot.

25 In addition to the voter's signatures not matching, an
26 absentee ballot may be rejected by the election judge or

1 official:

2 (1) if the ballot envelope is open or has been opened
3 and resealed;

4 (2) if the voter has already cast an early or grace
5 period ballot;

6 (3) if the voter voted in person on election day or the
7 voter is not a duly registered voter in the precinct; or

8 (4) on any other basis set forth in this Code.

9 If the election judge or official determines that any of
10 these reasons apply, the judge or official shall mark across
11 the face of the certification envelope the word "Rejected" and
12 shall not cast or count the ballot.

13 (g-5) If an absentee ballot, other than an in-person
14 absentee ballot, is rejected by the election judge or official
15 for any reason, the election authority shall, within 2 days
16 after the rejection but in all cases before the close of the
17 period for counting provisional ballots, notify the absentee
18 voter that his or her ballot was rejected. The notice shall
19 inform the voter of the reason or reasons the ballot was
20 rejected and shall state that the voter may appear before the
21 election authority, on or before the 14th day after the
22 election, to show cause as to why the ballot should not be
23 rejected. The voter may present evidence to the election
24 authority supporting his or her contention that the ballot
25 should be counted. The election authority shall appoint a panel
26 of 3 election judges to review the contested ballot,

1 application, and certification envelope, as well as any
2 evidence submitted by the absentee voter. No more than 2
3 election judges on the reviewing panel shall be of the same
4 political party. The reviewing panel of election judges shall
5 make a final determination as to the validity of the contested
6 absentee ballot. The judges' determination shall not be
7 reviewable either administratively or judicially.

8 An absentee ballot subject to this subsection that is
9 determined to be valid shall be counted before the close of the
10 period for counting provisional ballots.

11 (g-10) All absentee ballots determined to be valid shall be
12 added to the vote totals for the precincts for which they were
13 cast in the order in which the ballots were opened.

14 (h) Each political party, candidate, and qualified civic
15 organization shall be entitled to have present one pollwatcher
16 for each panel of election judges therein assigned.

17 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
18 95-699, eff. 11-9-07.)

19 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

20 (Text of Section before amendment by P.A. 96-339)

21 Sec. 19-12.1. Any qualified elector who has secured an
22 Illinois Disabled Person Identification Card in accordance
23 with The Illinois Identification Card Act, indicating that the
24 person named thereon has a Class 1A or Class 2 disability or
25 any qualified voter who has a permanent physical incapacity of

1 such a nature as to make it improbable that he will be able to
2 be present at the polls at any future election, or any voter
3 who is a resident of a facility licensed or certified pursuant
4 to the Nursing Home Care Act and has a condition or disability
5 of such a nature as to make it improbable that he will be able
6 to be present at the polls at any future election, may secure a
7 disabled voter's or nursing home resident's identification
8 card, which will enable him to vote under this Article as a
9 physically incapacitated or nursing home voter.

10 Application for a disabled voter's or nursing home
11 resident's identification card shall be made either: (a) in
12 writing, with voter's sworn affidavit, to the county clerk or
13 board of election commissioners, as the case may be, and shall
14 be accompanied by the affidavit of the attending physician
15 specifically describing the nature of the physical incapacity
16 or the fact that the voter is a nursing home resident and is
17 physically unable to be present at the polls on election days;
18 or (b) by presenting, in writing or otherwise, to the county
19 clerk or board of election commissioners, as the case may be,
20 proof that the applicant has secured an Illinois Disabled
21 Person Identification Card indicating that the person named
22 thereon has a Class 1A or Class 2 disability. Upon the receipt
23 of either the sworn-to application and the physician's
24 affidavit or proof that the applicant has secured an Illinois
25 Disabled Person Identification Card indicating that the person
26 named thereon has a Class 1A or Class 2 disability, the county

1 clerk or board of election commissioners shall issue a disabled
2 voter's or nursing home resident's identification card. Such
3 identification cards shall be issued for a period of 5 years,
4 upon the expiration of which time the voter may secure a new
5 card by making application in the same manner as is prescribed
6 for the issuance of an original card, accompanied by a new
7 affidavit of the attending physician. The date of expiration of
8 such five-year period shall be made known to any interested
9 person by the election authority upon the request of such
10 person. Applications for the renewal of the identification
11 cards shall be mailed to the voters holding such cards not less
12 than 3 months prior to the date of expiration of the cards.

13 Each disabled voter's or nursing home resident's
14 identification card shall bear an identification number, which
15 shall be clearly noted on the voter's original and duplicate
16 registration record cards. In the event the holder becomes
17 physically capable of resuming normal voting, he must surrender
18 his disabled voter's or nursing home resident's identification
19 card to the county clerk or board of election commissioners
20 before the next election.

21 The holder of a disabled voter's or nursing home resident's
22 identification card may make application by mail for an
23 official ballot within the time prescribed by Section 19-2.
24 Such application shall contain the same information as is
25 included in the form of application for ballot by a physically
26 incapacitated elector prescribed in Section 19-3 except that it

1 shall also include the applicant's disabled voter's
2 identification card number and except that it need not be sworn
3 to. If an examination of the records discloses that the
4 applicant is lawfully entitled to vote, he shall be mailed a
5 ballot as provided in Section 19-4. The ballot envelope shall
6 be the same as that prescribed in Section 19-5 for physically
7 disabled voters, and the manner of voting and returning the
8 ballot shall be the same as that provided in this Article for
9 other absentee ballots, except that a statement to be
10 subscribed to by the voter but which need not be sworn to shall
11 be placed on the ballot envelope in lieu of the affidavit
12 prescribed by Section 19-5.

13 Any person who knowingly subscribes to a false statement in
14 connection with voting under this Section shall be guilty of a
15 Class A misdemeanor.

16 (Source: P.A. 86-820; 86-875; 86-1028.)

17 (Text of Section after amendment by P.A. 96-339)

18 Sec. 19-12.1. Any qualified elector who has secured an
19 Illinois Disabled Person Identification Card in accordance
20 with The Illinois Identification Card Act, indicating that the
21 person named thereon has a Class 1A or Class 2 disability or
22 any qualified voter who has a permanent physical incapacity of
23 such a nature as to make it improbable that he will be able to
24 be present at the polls at any future election, or any voter
25 who is a resident of a facility licensed or certified pursuant

1 to the Nursing Home Care Act or the MR/DD Community Care Act
2 and has a condition or disability of such a nature as to make
3 it improbable that he will be able to be present at the polls
4 at any future election, may secure a disabled voter's or
5 nursing home resident's identification card, which will enable
6 him to vote under this Article as a physically incapacitated or
7 nursing home voter.

8 Application for a disabled voter's or nursing home
9 resident's identification card shall be made either: (a) in
10 writing, with voter's sworn affidavit, to the county clerk or
11 board of election commissioners, as the case may be, and shall
12 be accompanied by the affidavit of the attending physician
13 specifically describing the nature of the physical incapacity
14 or the fact that the voter is a nursing home resident and is
15 physically unable to be present at the polls on election days;
16 or (b) by presenting, in writing or otherwise, to the county
17 clerk or board of election commissioners, as the case may be,
18 proof that the applicant has secured an Illinois Disabled
19 Person Identification Card indicating that the person named
20 thereon has a Class 1A or Class 2 disability. Upon the receipt
21 of either the sworn-to application and the physician's
22 affidavit or proof that the applicant has secured an Illinois
23 Disabled Person Identification Card indicating that the person
24 named thereon has a Class 1A or Class 2 disability, the county
25 clerk or board of election commissioners shall issue a disabled
26 voter's or nursing home resident's identification card. Such

1 identification cards shall be issued for a period of 5 years,
2 upon the expiration of which time the voter may secure a new
3 card by making application in the same manner as is prescribed
4 for the issuance of an original card, accompanied by a new
5 affidavit of the attending physician. The date of expiration of
6 such five-year period shall be made known to any interested
7 person by the election authority upon the request of such
8 person. Applications for the renewal of the identification
9 cards shall be mailed to the voters holding such cards not less
10 than 3 months prior to the date of expiration of the cards.

11 Each disabled voter's or nursing home resident's
12 identification card shall bear an identification number, which
13 shall be clearly noted on the voter's original and duplicate
14 registration record cards. In the event the holder becomes
15 physically capable of resuming normal voting, he must surrender
16 his disabled voter's or nursing home resident's identification
17 card to the county clerk or board of election commissioners
18 before the next election.

19 The holder of a disabled voter's or nursing home resident's
20 identification card may make application by mail for an
21 official ballot within the time prescribed by Section 19-2.
22 Such application shall contain the same information as is
23 included in the form of application for ballot by a physically
24 incapacitated elector prescribed in Section 19-3 except that it
25 shall also include the applicant's disabled voter's
26 identification card number and except that it need not be sworn

1 to. If an examination of the records discloses that the
2 applicant is lawfully entitled to vote, he shall be mailed a
3 ballot or ballots as provided in Section 19-4 and, if
4 applicable, in Section 19-4.5. The ballot envelope shall be the
5 same as that prescribed in Section 19-5 for physically disabled
6 voters, and the manner of voting and returning the ballot shall
7 be the same as that provided in this Article for other absentee
8 ballots, except that a statement to be subscribed to by the
9 voter but which need not be sworn to shall be placed on the
10 ballot envelope in lieu of the affidavit prescribed by Section
11 19-5.

12 Any person who knowingly subscribes to a false statement in
13 connection with voting under this Section shall be guilty of a
14 Class A misdemeanor.

15 For the purposes of this Section, "nursing home resident"
16 includes a resident of a facility licensed under the MR/DD
17 Community Care Act.

18 (Source: P.A. 96-339, eff. 7-1-10.)

19 (10 ILCS 5/20-3) (from Ch. 46, par. 20-3)

20 Sec. 20-3. The election authority shall furnish the
21 following applications for absentee registration or absentee
22 ballot which shall be considered a method of application in
23 lieu of the official postcard.

24 1. Members of the United States Service, citizens of the
25 United States temporarily residing outside the territorial

1 limits of the United States, and certified program participants
 2 under the Address Confidentiality for Victims of Domestic
 3 Violence Act may make application within the periods prescribed
 4 in Sections 20-2 or 20-2.1, as the case may be. Such
 5 application shall be substantially in the following form:

6 "APPLICATION FOR BALLOT

7 To be voted at the..... election in the precinct in
 8 which is located my residence at....., in the
 9 city/village/township of(insert home address)
 10 County of..... and State of Illinois.

11 I state that I am a citizen of the United States; that on
 12 (insert date of election) I shall have resided in the State of
 13 Illinois and in the election precinct for 30 days; that on the
 14 above date I shall be the age of 18 years or above; that I am
 15 lawfully entitled to vote in such precinct at that election;
 16 that I am (check category 1, 2, or 3 below):

- 17 1. () a member of the United States Service,
- 18 2. () a citizen of the United States temporarily residing
 19 outside the territorial limits of the United States and that I
 20 expect to be absent from the said county of my residence on the
 21 date of holding such election, and that I will have no
 22 opportunity to vote in person on that day.
- 23 3. () a certified program participant under the Address
 24 Confidentiality for Victims of Domestic Violence Act.

25 I hereby make application for an official ballot or ballots
 26 to be voted by me at such election if I am absent from the said

1 county of my residence, and I agree that I shall return said
 2 ballot or ballots to the election authority postmarked no later
 3 than midnight preceding election day, for counting no later
 4 than during the period for counting provisional ballots, the
 5 last day of which is the 14th day following election day or
 6 shall destroy said ballot or ballots.

7 (Check below only if category 2 or 3 and not previously
 8 registered)

9 () I hereby make application to become registered as a
 10 voter and agree to return the forms and affidavits for
 11 registration to the election authority not later than 30 days
 12 before the election.

13 Under penalties as provided by law pursuant to Article 29
 14 of The Election Code, the undersigned certifies that the
 15 statements set forth in this application are true and correct.

16
 17 Post office address or service address to which
 18 registration materials or ballot should be mailed
 19
 20
 21
 22"

23 ~~If application is made for a primary election ballot, such~~
 24 ~~application shall designate the name of the political party~~
 25 ~~with which the applicant is affiliated.~~

26 Such applications may be obtained from the election

1 authority having jurisdiction over the person's precinct of
2 residence.

3 2. A spouse or dependent of a member of the United States
4 Service, said spouse or dependent being a registered voter in
5 the county, may make application on behalf of said person in
6 the office of the election authority within the periods
7 prescribed in Section 20-2 which shall be substantially in the
8 following form:

9 "APPLICATION FOR BALLOT to be voted at the..... election
10 in the precinct in which is located the residence of the person
11 for whom this application is made at.....(insert
12 residence address) in the city/village/township of.....
13 County of..... and State of Illinois.

14 I certify that the following named person.....
15 (insert name of person) is a member of the United States
16 Service.

17 I state that said person is a citizen of the United States;
18 that on (insert date of election) said person shall have
19 resided in the State of Illinois and in the election precinct
20 for which this application is made for 30 days; that on the
21 above date said person shall be the age of 18 years or above;
22 that said person is lawfully entitled to vote in such precinct
23 at that election; that said person is a member of the United
24 States Service, and that in the course of his duties said
25 person expects to be absent from his county of residence on the
26 date of holding such election, and that said person will have

1 no opportunity to vote in person on that day.

2 I hereby make application for an official ballot or ballots
3 to be voted by said person at such election and said person
4 agrees that he shall return said ballot or ballots to the
5 election authority postmarked no later than midnight preceding
6 election day, for counting no later than during the period for
7 counting provisional ballots, the last day of which is the 14th
8 day following election day, or shall destroy said ballot or
9 ballots.

10 I hereby certify that I am the (mother, father, sister,
11 brother, husband or wife) of the said elector, and that I am a
12 registered voter in the election precinct for which this
13 application is made. (Strike all but one that is applicable.)

14 Under penalties as provided by law pursuant to Article 29
15 of The Election Code, the undersigned certifies that the
16 statements set forth in this application are true and correct.

17 Name of applicant

18 Residence address

19 City/village/township.....

20 Service address to which ballot should be mailed:

21

22

23

24"

25 ~~If application is made for a primary election ballot, such~~
26 ~~application shall designate the name of the political party~~

1 ~~with which the person for whom application is made is~~
2 ~~affiliated.~~

3 Such applications may be obtained from the election
4 authority having jurisdiction over the voting precinct in which
5 the person for whom application is made is entitled to vote.

6 (Source: P.A. 96-312, eff. 1-1-10.)

7 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

8 Sec. 20-4. Immediately upon the receipt of the official
9 postcard or an application as provided in Section 20-3 within
10 the times heretofore prescribed, the election authority shall
11 ascertain whether or not such applicant is legally entitled to
12 vote as requested, including verification of the applicant's
13 signature by comparison with the signature on the official
14 registration record card, if any. If the election authority
15 ascertains that the applicant is lawfully entitled to vote, it
16 shall enter the name, street address, ward and precinct number
17 of such applicant on a list to be posted in his or its office in
18 a place accessible to the public. Within one day after posting
19 the name and other information of an applicant for a ballot,
20 the election authority shall transmit that name and posted
21 information to the State Board of Elections, which shall
22 maintain the names and other information in an electronic
23 format on its website, arranged by county and accessible to
24 State and local political committees. As soon as the official
25 ballot is prepared the election authority shall immediately

1 deliver the same to the applicant in person or by mail, in the
2 manner prescribed in Section 20-4.5, when applicable, and
3 Section 20-5.

4 If any such election authority receives a second or
5 additional application which it believes is from the same
6 person, he or it shall submit it to the chief judge of the
7 circuit court or any judge of that court designated by the
8 chief judge. If the chief judge or his designate determines
9 that the application submitted to him is a second or additional
10 one, he shall so notify the election authority who shall
11 disregard the second or additional application.

12 The election authority shall maintain a list for each
13 election of the voters to whom it has issued absentee ballots.
14 The list shall be maintained for each precinct within the
15 jurisdiction of the election authority. Prior to the opening of
16 the polls on election day, the election authority shall deliver
17 to the judges of election in each precinct the list of
18 registered voters in that precinct to whom absentee ballots
19 have been issued.

20 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

21 (10 ILCS 5/20-4.5 new)

22 Sec. 20-4.5. Primary ballots.

23 (a) A person entitled to vote by absentee ballot at a
24 primary shall not be required to declare his or her political
25 party affiliation and shall be provided with the ballots of all

1 established political parties nominating candidates for
 2 offices for which the absentee voter is entitled to vote at
 3 that primary. That absentee voter may mark, cast, and have
 4 counted the primary ballot of only one established political
 5 party.

6 (b) With respect to the marking, casting, and counting of
 7 primary ballots, absentee voting shall be conducted in
 8 accordance with Sections 7-43 and 7-44 of this Code as well as
 9 the provisions of this Article.

10 (c) When voting absentee at a primary, the voter shall be
 11 instructed to return all ballots to the election authority.

12 (10 ILCS 5/20-5) (from Ch. 46, par. 20-5)

13 Sec. 20-5. The election authority shall fold the ballot or
 14 ballots in the manner specified by the statute for folding
 15 ballots prior to their deposit in the ballot box and shall
 16 enclose such ballot in an envelope unsealed to be furnished by
 17 it, which envelope shall bear upon the face thereof the name,
 18 official title and post office address of the election
 19 authority, and upon the other side of such envelope there shall
 20 be printed a certification in substantially the following form:

21 "CERTIFICATION

22 I state that I am a resident/former resident of the
 23 precinct of the city/village/township of,
 24 (Designation to be made by Election Authority) or of the
 25 ward in the city of (Designation to be made by

1 Election Authority) residing at in said
2 city/village/township in the county of and State of
3 Illinois; that I am a

- 4 1. () member of the United States Service
- 5 2. () citizen of the United States temporarily residing
6 outside the territorial limits of the United States
- 7 3. () nonresident civilian citizen

8 and desire to cast the enclosed ballot pursuant to Article 20
9 of The Election Code; that I am lawfully entitled to vote in
10 such precinct at the election to be held on
11

12 I further state that I marked the enclosed ballot in
13 secret.

14 Under penalties as provided by law pursuant to Article 29
15 of The Election Code, the undersigned certifies that the
16 statements set forth in this certification are true and
17 correct.

18 (Name)
19
20 (Service Address)"
21
22
23

24 ~~If the ballot enclosed is to be voted at a primary~~
25 ~~election, the certification shall designate the name of the~~
26 ~~political party with which the voter is affiliated.~~

1 In addition to the above, the election authority shall
2 provide printed slips giving full instructions regarding the
3 manner of completing the forms and affidavits for absentee
4 registration or the manner of marking and returning the ballot
5 in order that the same may be counted, and shall furnish one of
6 the printed slips to each of the applicants at the same time
7 the registration materials or ballot is delivered to him.

8 In addition to the above, if a ballot to be provided to an
9 elector pursuant to this Section contains a public question
10 described in subsection (b) of Section 28-6 and the territory
11 concerning which the question is to be submitted is not
12 described on the ballot due to the space limitations of such
13 ballot, the election authority shall provide a printed copy of
14 a notice of the public question, which shall include a
15 description of the territory in the manner required by Section
16 16-7. The notice shall be furnished to the elector at the same
17 time the ballot is delivered to the elector.

18 The envelope in which such registration or such ballot is
19 mailed to the voter as well as the envelope in which the
20 registration materials or the ballot is returned by the voter
21 shall have printed across the face thereof two parallel
22 horizontal red bars, each one-quarter inch wide, extending from
23 one side of the envelope to the other side, with an intervening
24 space of one-quarter inch, the top bar to be one and
25 one-quarter inches from the top of the envelope, and with the
26 words "Official Election Balloting Material-VIA AIR MAIL"

1 between the bars. In the upper right corner of such envelope in
2 a box, there shall be printed the words: "U.S. Postage Paid 42
3 USC 1973". All printing on the face of such envelopes shall be
4 in red, including an appropriate inscription or blank in the
5 upper left corner of return address of sender.

6 The envelope in which the ballot is returned to the
7 election authority may be delivered (i) by mail, postage paid,
8 (ii) in person, by the spouse, parent, child, brother, or
9 sister of the voter, or (iii) by a company engaged in the
10 business of making deliveries of property and licensed as a
11 motor carrier of property by the Illinois Commerce Commission
12 under the Illinois Commercial Transportation Law.

13 (Source: P.A. 96-512, eff. 1-1-10.)

14 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

15 Sec. 20-8. Time and place of counting ballots.

16 (a) (Blank.)

17 (b) Each absent voter's ballot returned to an election
18 authority, by any means authorized by this Article, and
19 received by that election authority before the closing of the
20 polls on election day shall be endorsed by the receiving
21 election authority with the day and hour of receipt and shall
22 be counted in the central ballot counting location of the
23 election authority on the day of the election after 7:00 p.m.,
24 except as provided in subsections (g) and (g-5).

25 (c) Each absent voter's ballot that is mailed to an

1 election authority and postmarked by the midnight preceding the
2 opening of the polls on election day, but that is received by
3 the election authority after the polls close on election day
4 and before the close of the period for counting provisional
5 ballots cast at that election, shall be endorsed by the
6 receiving authority with the day and hour of receipt and shall
7 be counted at the central ballot counting location of the
8 election authority during the period for counting provisional
9 ballots.

10 Each absent voter's ballot that is mailed to an election
11 authority absent a postmark, but that is received by the
12 election authority after the polls close on election day and
13 before the close of the period for counting provisional ballots
14 cast at that election, shall be endorsed by the receiving
15 authority with the day and hour of receipt, opened to inspect
16 the date inserted on the certification, and, if the
17 certification date is a date preceding the election day and the
18 ballot is otherwise found to be valid under the requirements of
19 this Section, counted at the central ballot counting location
20 of the election authority during the period for counting
21 provisional ballots. Absent a date on the certification, the
22 ballot shall not be counted.

23 (d) Special write-in absentee voter's blank ballots
24 returned to an election authority, by any means authorized by
25 this Article, and received by the election authority at any
26 time before the closing of the polls on election day shall be

1 endorsed by the receiving election authority with the day and
2 hour of receipt and shall be counted at the central ballot
3 counting location of the election authority during the same
4 period provided for counting absent voters' ballots under
5 subsections (b), (g), and (g-5). Special write-in absentee
6 voter's blank ballot that are mailed to an election authority
7 and postmarked by midnight preceding the opening of the polls
8 on election day, but that are received by the election
9 authority after the polls close on election day and before the
10 closing of the period for counting provisional ballots cast at
11 that election, shall be endorsed by the receiving authority
12 with the day and hour of receipt and shall be counted at the
13 central ballot counting location of the election authority
14 during the same periods provided for counting absent voters'
15 ballots under subsection (c).

16 (e) Except as otherwise provided in this Section, absent
17 voters' ballots and special write-in absentee voter's blank
18 ballots received by the election authority after the closing of
19 the polls on the day of election shall be endorsed by the
20 person receiving the ballots with the day and hour of receipt
21 and shall be safely kept unopened by the election authority for
22 the period of time required for the preservation of ballots
23 used at the election, and shall then, without being opened, be
24 destroyed in like manner as the used ballots of that election.

25 (f) Counting required under this Section to begin on
26 election day after the closing of the polls shall commence no

1 later than 8:00 p.m. and shall be conducted by a panel or
2 panels of election judges appointed in the manner provided by
3 law. The counting shall continue until all absent voters'
4 ballots and special write-in absentee voter's blank ballots
5 required to be counted on election day have been counted.

6 (g) The procedures set forth in Articles 17 and 18 and,
7 with respect to primaries, in Section 20-4.5 of this Code shall
8 apply to all ballots counted under this Section. In addition,
9 within 2 days after a ballot subject to this Article is
10 received, but in all cases before the close of the period for
11 counting provisional ballots, the election judge or official
12 shall compare the voter's signature on the certification
13 envelope of that ballot with the signature of the voter on file
14 in the office of the election authority. If the election judge
15 or official determines that the 2 signatures match, and that
16 the voter is otherwise qualified to cast a ballot under this
17 Article, the election authority shall cast and count the ballot
18 on election day or the day the ballot is determined to be
19 valid, whichever is later, adding the results to the precinct
20 in which the voter is registered. If the election judge or
21 official determines that the signatures do not match, or that
22 the voter is not qualified to cast a ballot under this Article,
23 then without opening the certification envelope, the judge or
24 official shall mark across the face of the certification
25 envelope the word "Rejected" and shall not cast or count the
26 ballot.

1 In addition to the voter's signatures not matching, a
2 ballot subject to this Article may be rejected by the election
3 judge or official:

4 (1) if the ballot envelope is open or has been opened
5 and resealed;

6 (2) if the voter has already cast an early or grace
7 period ballot;

8 (3) if the voter voted in person on election day or the
9 voter is not a duly registered voter in the precinct; or

10 (4) on any other basis set forth in this Code.

11 If the election judge or official determines that any of
12 these reasons apply, the judge or official shall mark across
13 the face of the certification envelope the word "Rejected" and
14 shall not cast or count the ballot.

15 (g-5) If a ballot subject to this Article is rejected by
16 the election judge or official for any reason, the election
17 authority shall, within 2 days after the rejection but in all
18 cases before the close of the period for counting provisional
19 ballots, notify the voter that his or her ballot was rejected.
20 The notice shall inform the voter of the reason or reasons the
21 ballot was rejected and shall state that the voter may appear
22 before the election authority, on or before the 14th day after
23 the election, to show cause as to why the ballot should not be
24 rejected. The voter may present evidence to the election
25 authority supporting his or her contention that the ballot
26 should be counted. The election authority shall appoint a panel

1 of 3 election judges to review the contested ballot,
2 application, and certification envelope, as well as any
3 evidence submitted by the absentee voter. No more than 2
4 election judges on the reviewing panel shall be of the same
5 political party. The reviewing panel of election judges shall
6 make a final determination as to the validity of the contested
7 ballot. The judges' determination shall not be reviewable
8 either administratively or judicially.

9 A ballot subject to this subsection that is determined to
10 be valid shall be counted before the close of the period for
11 counting provisional ballots.

12 (g-10) All ballots determined to be valid shall be added to
13 the vote totals for the precincts for which they were cast in
14 the order in which the ballots were opened.

15 (h) Each political party, candidate, and qualified civic
16 organization shall be entitled to have present one pollwatcher
17 for each panel of election judges therein assigned.

18 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
19 95-699, eff. 11-9-07.)

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act.