



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5191

Introduced 2/8/2012, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19-12.2	from Ch. 46, par. 19-12.2
10 ILCS 5/20-13	from Ch. 46, par. 20-13
10 ILCS 5/20-13.1	from Ch. 46, par. 20-13.1

Amends the Election Code. Provides that an application for absentee ballot must be received by the election authority not less than 7 days (now, 5 days) prior to the election. Provides that a proper application to vote on the premises of a licensed nursing home must be made to the election authority not later than 7 days (now, 5 days) prior to the election. Provides that a special application by a non-registered resident temporarily absent from the county for an absentee ballot to vote for president and vice-president only must be made to the election authority not less than 7 days (now, 5 days) before the election. Effective immediately.

LRB097 18257 PJG 63483 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 19-4, 19-12.2, 20-13, and 20-13.1 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
9 mail, not more than 40 days nor less than 7 ~~5~~ days prior to such
10 election, or by personal delivery not more than 40 days nor
11 less than one day prior to such election, at the office of such
12 election authority, it shall be the duty of such election
13 authority to examine the records to ascertain whether or not
14 such applicant is lawfully entitled to vote as requested,
15 including a verification of the applicant's signature by
16 comparison with the signature on the official registration
17 record card, and if found so to be entitled to vote, to post
18 within one business day thereafter the name, street address,
19 ward and precinct number or township and district number, as
20 the case may be, of such applicant given on a list, the pages
21 of which are to be numbered consecutively to be kept by such
22 election authority for such purpose in a conspicuous, open and
23 public place accessible to the public at the entrance of the

1 office of such election authority, and in such a manner that
2 such list may be viewed without necessity of requesting
3 permission therefor. Within one day after posting the name and
4 other information of an applicant for an absentee ballot, the
5 election authority shall transmit that name and other posted
6 information to the State Board of Elections, which shall
7 maintain those names and other information in an electronic
8 format on its website, arranged by county and accessible to
9 State and local political committees. Within 2 business days
10 after posting a name and other information on the list within
11 its office, the election authority shall mail, postage prepaid,
12 or deliver in person in such office an official ballot or
13 ballots if more than one are to be voted at said election. Mail
14 delivery of Temporarily Absent Student ballot applications
15 pursuant to Section 19-12.3 shall be by nonforwardable mail.
16 However, for the consolidated election, absentee ballots for
17 certain precincts may be delivered to applicants not less than
18 25 days before the election if so much time is required to have
19 prepared and printed the ballots containing the names of
20 persons nominated for offices at the consolidated primary. The
21 election authority shall enclose with each absentee ballot or
22 application written instructions on how voting assistance
23 shall be provided pursuant to Section 17-14 and a document,
24 written and approved by the State Board of Elections,
25 enumerating the circumstances under which a person is
26 authorized to vote by absentee ballot pursuant to this Article;

1 such document shall also include a statement informing the
2 applicant that if he or she falsifies or is solicited by
3 another to falsify his or her eligibility to cast an absentee
4 ballot, such applicant or other is subject to penalties
5 pursuant to Section 29-10 and Section 29-20 of the Election
6 Code. Each election authority shall maintain a list of the
7 name, street address, ward and precinct, or township and
8 district number, as the case may be, of all applicants who have
9 returned absentee ballots to such authority, and the name of
10 such absent voter shall be added to such list within one
11 business day from receipt of such ballot. If the absentee
12 ballot envelope indicates that the voter was assisted in
13 casting the ballot, the name of the person so assisting shall
14 be included on the list. The list, the pages of which are to be
15 numbered consecutively, shall be kept by each election
16 authority in a conspicuous, open, and public place accessible
17 to the public at the entrance of the office of the election
18 authority and in a manner that the list may be viewed without
19 necessity of requesting permission for viewing.

20 Each election authority shall maintain a list for each
21 election of the voters to whom it has issued absentee ballots.
22 The list shall be maintained for each precinct within the
23 jurisdiction of the election authority. Prior to the opening of
24 the polls on election day, the election authority shall deliver
25 to the judges of election in each precinct the list of
26 registered voters in that precinct to whom absentee ballots

1 have been issued by mail.

2 Each election authority shall maintain a list for each
3 election of voters to whom it has issued temporarily absent
4 student ballots. The list shall be maintained for each election
5 jurisdiction within which such voters temporarily abide.
6 Immediately after the close of the period during which
7 application may be made by mail for absentee ballots, each
8 election authority shall mail to each other election authority
9 within the State a certified list of all such voters
10 temporarily abiding within the jurisdiction of the other
11 election authority.

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

1 delivered by a judge of election on the designated day.

2 All applications for absentee ballots shall be available at
3 the office of the election authority for public inspection upon
4 request from the time of receipt thereof by the election
5 authority until 30 days after the election, except during the
6 time such applications are kept in the office of the election
7 authority pursuant to Section 19-7, and except during the time
8 such applications are in the possession of the judges of
9 election.

10 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,
11 eff. 1-1-12; revised 9-2-11.)

12 (10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

13 Sec. 19-12.2. Voting by physically incapacitated electors
14 who have made proper application to the election authority not
15 later than 7 ~~5~~ days before the regular primary and general
16 election of 1980 and before each election thereafter shall be
17 conducted on the premises of (i) federally operated veterans'
18 homes, hospitals, and facilities located in Illinois or (ii)
19 facilities licensed or certified pursuant to the Nursing Home
20 Care Act, the Specialized Mental Health Rehabilitation Act, or
21 the ID/DD Community Care Act for the sole benefit of residents
22 of such homes, hospitals, and facilities. For the purposes of
23 this Section, "federally operated veterans' home, hospital, or
24 facility" means the long-term care facilities at the Jesse
25 Brown VA Medical Center, Illiana Health Care System, Edward

1 Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain
2 James A. Lovell Federal Health Care Center. Such voting shall
3 be conducted during any continuous period sufficient to allow
4 all applicants to cast their ballots between the hours of 9
5 a.m. and 7 p.m. either on the Friday, Saturday, Sunday or
6 Monday immediately preceding the regular election. This
7 absentee voting on one of said days designated by the election
8 authority shall be supervised by two election judges who must
9 be selected by the election authority in the following order of
10 priority: (1) from the panel of judges appointed for the
11 precinct in which such home, hospital, or facility is located,
12 or from a panel of judges appointed for any other precinct
13 within the jurisdiction of the election authority in the same
14 ward or township, as the case may be, in which the home,
15 hospital, or facility is located or, only in the case where a
16 judge or judges from the precinct, township or ward are
17 unavailable to serve, (3) from a panel of judges appointed for
18 any other precinct within the jurisdiction of the election
19 authority. The two judges shall be from different political
20 parties. Not less than 30 days before each regular election,
21 the election authority shall have arranged with the chief
22 administrative officer of each home, hospital, or facility in
23 his or its election jurisdiction a mutually convenient time
24 period on the Friday, Saturday, Sunday or Monday immediately
25 preceding the election for such voting on the premises of the
26 home, hospital, or facility and shall post in a prominent place

1 in his or its office a notice of the agreed day and time period
2 for conducting such voting at each home, hospital, or facility;
3 provided that the election authority shall not later than noon
4 on the Thursday before the election also post the names and
5 addresses of those homes, hospitals, and facilities from which
6 no applications were received and in which no supervised
7 absentee voting will be conducted. All provisions of this Code
8 applicable to pollwatchers shall be applicable herein. To the
9 maximum extent feasible, voting booths or screens shall be
10 provided to insure the privacy of the voter. Voting procedures
11 shall be as described in Article 17 of this Code, except that
12 ballots shall be treated as absentee ballots and shall not be
13 counted until the close of the polls on the following day.
14 After the last voter has concluded voting, the judges shall
15 seal the ballots in an envelope and affix their signatures
16 across the flap of the envelope. Immediately thereafter, the
17 judges shall bring the sealed envelope to the office of the
18 election authority who shall deliver such ballots to the
19 election authority's central ballot counting location prior to
20 the closing of the polls on the day of election. The judges of
21 election shall also report to the election authority the name
22 of any applicant in the home, hospital, or facility who, due to
23 unforeseen circumstance or condition or because of a religious
24 holiday, was unable to vote. In this event, the election
25 authority may appoint a qualified person from his or its staff
26 to deliver the ballot to such applicant on the day of election.

1 This staff person shall follow the same procedures prescribed
2 for judges conducting absentee voting in such homes, hospitals,
3 or facilities and shall return the ballot to the central ballot
4 counting location before the polls close. However, if the home,
5 hospital, or facility from which the application was made is
6 also used as a regular precinct polling place for that voter,
7 voting procedures heretofore prescribed may be implemented by 2
8 of the election judges of opposite party affiliation assigned
9 to that polling place during the hours of voting on the day of
10 the election. Judges of election shall be compensated not less
11 than \$25.00 for conducting absentee voting in such homes,
12 hospitals, or facilities.

13 Not less than 120 days before each regular election, the
14 Department of Public Health shall certify to the State Board of
15 Elections a list of the facilities licensed or certified
16 pursuant to the Nursing Home Care Act, the Specialized Mental
17 Health Rehabilitation Act, or the ID/DD Community Care Act. The
18 lists shall indicate the approved bed capacity and the name of
19 the chief administrative officer of each such home, hospital,
20 or facility, and the State Board of Elections shall certify the
21 same to the appropriate election authority within 20 days
22 thereafter.

23 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,
24 eff. 1-1-12; 97-275, eff. 1-1-12; revised 9-2-11.)

25 (10 ILCS 5/20-13) (from Ch. 46, par. 20-13)

1 not voting in any other manner in this election and I have not
2 voted and do not intend to vote in this election at any other
3 address. I request that you mail my ballot to the following
4 address:

5 (Print name and complete mailing address)

6
7
8

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

12

13 Signature of Applicant

14 The procedures set forth in Sections 20-4 through 20-12 of
15 this Article, insofar as they may be made applicable, shall be
16 applicable to absentee voting under this Section.

17 (Source: P.A. 86-875.)

18 (10 ILCS 5/20-13.1) (from Ch. 46, par. 20-13.1)

19 Sec. 20-13.1. Any person not covered by Sections 20-2,
20 20-2.1 or 20-2.2 of this Article who is registered to vote but
21 who is disqualified from voting because he moved outside his
22 election precinct during the 30 days preceding a presidential
23 election may make special application to the election authority
24 having jurisdiction over his precinct of former residence by
25 mail, not more than 30 nor less than 7 ~~5~~ days before a Federal

1 election, or in person in the office of the election authority,
 2 not more than 30 nor less than 1 day before a Federal election,
 3 for an absentee ballot to vote for the president and
 4 vice-president only. Such application shall be furnished by the
 5 election authority and shall be in substantially the following
 6 form:

7 SPECIAL VOTER APPLICATION

8 (For use by registered Illinois voters disqualified for
 9 having moved outside their precinct on or after the 30th day
 10 preceding the election, to vote for president and
 11 vice-president only.)

12 1. I hereby request a ballot to vote for president and
 13 vice-president only on (insert date of general
 14 election).

15 2. I am a citizen of the United States and my present
 16 address is: (Residence Number)
 17 (Street) (City/Village/Township)
 18 (County) (State).

19 3. As of (Month), (Day),
 20 (Year) I was a registered voter at (Residence
 21 Number) (Street)
 22 (City/Village/Township).

23 4. I moved to my present address on (Month)
 24 (Day) (Year).

25 5. I have not registered to vote from nor have I requested
 26 a ballot in any other election jurisdiction in this State or in

1 another State.

2 6. (If absentee request), I request that you mail the
3 ballot to the following address:

4 Print name and complete mailing address.

5

6

7

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

11

12 (Signature of Applicant)

13 7. Subscribed and sworn to before me on (Month)

14 (Day) (Year)

15

16 (Signature of Official
17 Administering Oath)

18 The procedures set forth in Sections 20-4 through 20-12 of
19 this Article, insofar as they may be made applicable, shall be
20 applicable to absentee voting under this Section.

21 (Source: P.A. 90-655, eff. 7-30-98.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.