



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2597

Introduced 2/16/2016, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/20-2	from Ch. 46, par. 20-2
10 ILCS 5/20-2.1	from Ch. 46, par. 20-2.1
10 ILCS 5/20-2.2	from Ch. 46, par. 20-2.2
10 ILCS 5/20-2.3	from Ch. 46, par. 20-2.3
10 ILCS 5/20-8	from Ch. 46, par. 20-8

Amends the Election Code. Provides that specified vote by mail ballots must be returned postmarked no later than midnight on election day (rather than midnight on the day preceding election day). Effective immediately.

LRB099 19000 MLM 43389 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 20-2, 20-2.1, 20-2.2, 20-2.3, and 20-8 as follows:

6 (10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

7 Sec. 20-2. Any member of the United States Service,  
8 otherwise qualified to vote, who expects in the course of his  
9 duties to be absent from the county in which he resides on the  
10 day of holding any election may make application for a vote by  
11 mail ballot to the election authority having jurisdiction over  
12 his precinct of residence on the official postcard or on a form  
13 furnished by the election authority as prescribed by Section  
14 20-3 of this Article not less than 10 days before the election.  
15 A request pursuant to this Section shall entitle the applicant  
16 to a vote by mail ballot for every election in one calendar  
17 year. The original application for ballot shall be kept in the  
18 office of the election authority for one year as authorization  
19 to send a ballot to the voter for each election to be held  
20 within that calendar year. A certified copy of such application  
21 for ballot shall be sent each election with the vote by mail  
22 ballot to the election authority's central ballot counting  
23 location to be used in lieu of the original application for

1 ballot. No registration shall be required in order to vote  
2 pursuant to this Section.

3 Ballots under this Section shall be mailed by the election  
4 authority in the manner prescribed by Section 20-5 of this  
5 Article and not otherwise. Ballots voted under this Section  
6 must be returned postmarked no later than midnight ~~on preceding~~  
7 election day and received for counting at the central ballot  
8 counting location of the election authority during the period  
9 for counting provisional ballots, the last day of which is the  
10 14th day following election day.

11 (Source: P.A. 98-1171, eff. 6-1-15.)

12 (10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

13 Sec. 20-2.1. Citizens of the United States temporarily  
14 residing outside the territorial limits of the United States  
15 who are not registered but otherwise qualified to vote and who  
16 expect to be absent from their county of residence during the  
17 periods of voter registration provided for in Articles 4, 5 or  
18 6 of this Code and on the day of holding any election, may make  
19 simultaneous application to the election authority having  
20 jurisdiction over their precinct of residence for registration  
21 by mail and vote by mail ballot not less than 30 days before  
22 the election. Such application may be made on the official  
23 postcard or on a form furnished by the election authority as  
24 prescribed by Section 20-3 of this Article or by facsimile or  
25 electronic transmission. A request pursuant to this Section

1 shall entitle the applicant to a vote by mail ballot for every  
2 election in one calendar year. The original application for  
3 ballot shall be kept in the office of the election authority  
4 for one year as authorization to send a ballot to the voter for  
5 each election to be held within that calendar year. A certified  
6 copy of such application for ballot shall be sent each election  
7 with the vote by mail ballot to the election authority's  
8 central ballot counting location to be used in lieu of the  
9 original application for ballot.

10 Registration shall be required in order to vote pursuant to  
11 this Section. However, if the election authority receives one  
12 of such applications after 30 days but not less than 10 days  
13 before a Federal election, said applicant shall be sent a  
14 ballot containing the Federal offices only and registration for  
15 that election shall be waived.

16 Ballots under this Section shall be delivered by the  
17 election authority in the manner prescribed by Section 20-5 of  
18 this Article in person, by mail, or, if requested by the  
19 applicant and the election authority has the capability, by  
20 facsimile transmission or by electronic transmission.

21 Ballots voted under this Section must be returned  
22 postmarked no later than midnight on ~~preceding~~ election day and  
23 received for counting at the central ballot counting location  
24 of the election authority during the period for counting  
25 provisional ballots, the last day of which is the 14th day  
26 following election day.

1 (Source: P.A. 98-1171, eff. 6-1-15.)

2 (10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

3 Sec. 20-2.2. Any non-resident civilian citizen, otherwise  
4 qualified to vote, may make application to the election  
5 authority having jurisdiction over his precinct of former  
6 residence for a vote by mail ballot containing the Federal  
7 offices only not less than 10 days before a Federal election.  
8 Such application may be made on the official postcard or by  
9 facsimile or electronic transmission. A request pursuant to  
10 this Section shall entitle the applicant to a vote by mail  
11 ballot for every election in one calendar year at which Federal  
12 offices are filled. The original application for ballot shall  
13 be kept in the office of the election authority for one year as  
14 authorization to send a ballot to the voter for each election  
15 to be held within that calendar year at which Federal offices  
16 are filled. A certified copy of such application for ballot  
17 shall be sent each election with the vote by mail ballot to the  
18 election authority's central ballot counting location to be  
19 used in lieu of the original application for ballot. No  
20 registration shall be required in order to vote pursuant to  
21 this Section. Ballots under this Section shall be delivered by  
22 the election authority in the manner prescribed by Section 20-5  
23 of this Article in person, by mail, or, if requested by the  
24 applicant and the election authority has the capability, by  
25 facsimile transmission or by electronic transmission. Ballots

1 voted under this Section must be returned postmarked no later  
2 than midnight on ~~preceding~~ election day and received for  
3 counting at the central ballot counting location of the  
4 election authority during the period for counting provisional  
5 ballots, the last day of which is the 14th day following  
6 election day.

7 (Source: P.A. 98-1171, eff. 6-1-15.)

8 (10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

9 Sec. 20-2.3. Members of the Armed Forces and their spouses  
10 and dependents. Any member of the United States Armed Forces  
11 while on active duty, and his or her spouse and dependents,  
12 otherwise qualified to vote, who expects in the course of his  
13 or her duties to be absent from the county in which he or she  
14 resides on the day of holding any election, in addition to any  
15 other method of making application for vote by mail ballot  
16 under this Article, may make application for a vote by mail  
17 ballot to the election authority having jurisdiction over his  
18 or her precinct of residence by a facsimile machine or  
19 electronic transmission not less than 10 days before the  
20 election.

21 Ballots under this Section shall be delivered by the  
22 election authority in the manner prescribed by Section 20-5 of  
23 this Article in person, by mail, or, if requested by the  
24 applicant and the election authority has the capability, by  
25 facsimile transmission or by electronic transmission. Ballots

1 voted under this Section must be returned postmarked no later  
2 than midnight on ~~preceding~~ election day and received for  
3 counting at the central ballot counting location of the  
4 election authority during the period for counting provisional  
5 ballots, the last day of which is the 14th day following  
6 election day.

7 (Source: P.A. 98-1171, eff. 6-1-15.)

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

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

10 (a) (Blank.)

11 (b) Each vote by mail voter's ballot returned to an  
12 election authority, by any means authorized by this Article,  
13 and received by that election authority may be processed by the  
14 election authority beginning on the 15th day before election  
15 day in the central ballot counting location of the election  
16 authority, but the results of the processing may not be counted  
17 until the day of the election after 7:00 p.m., except as  
18 provided in subsections (g) and (g-5).

19 (c) Each vote by mail voter's ballot that is mailed to an  
20 election authority and postmarked no later than election day,  
21 but that is received by the election authority after the polls  
22 close on election day and before the close of the period for  
23 counting provisional ballots cast at that election, shall be  
24 endorsed by the receiving authority with the day and hour of  
25 receipt and shall be counted at the central ballot counting

1 location of the election authority during the period for  
2 counting provisional ballots.

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

16 (d) Special write-in vote by mail voter's blank ballots  
17 returned to an election authority, by any means authorized by  
18 this Article, and received by the election authority at any  
19 time before the closing of the polls on election day shall be  
20 endorsed by the receiving election authority with the day and  
21 hour of receipt and shall be counted at the central ballot  
22 counting location of the election authority during the same  
23 period provided for counting vote by mail voters' ballots under  
24 subsections (b), (g), and (g-5). Special write-in vote by mail  
25 voter's blank ballot that are mailed to an election authority  
26 and postmarked by midnight ~~preceding the opening of the polls~~



1 on election day, but that are received by the election  
2 authority after the polls close on election day and before the  
3 closing of the period for counting provisional ballots cast at  
4 that election, shall be endorsed by the receiving authority  
5 with the day and hour of receipt and shall be counted at the  
6 central ballot counting location of the election authority  
7 during the same periods provided for counting vote by mail  
8 voters' ballots under subsection (c).

9 (e) Except as otherwise provided in this Section, vote by  
10 mail voters' ballots and special write-in vote by mail voter's  
11 blank ballots received by the election authority after the  
12 closing of the polls on the day of election shall be endorsed  
13 by the person receiving the ballots with the day and hour of  
14 receipt and shall be safely kept unopened by the election  
15 authority for the period of time required for the preservation  
16 of ballots used at the election, and shall then, without being  
17 opened, be destroyed in like manner as the used ballots of that  
18 election.

19 (f) Counting required under this Section to begin on  
20 election day after the closing of the polls shall commence no  
21 later than 8:00 p.m. and shall be conducted by a panel or  
22 panels of election judges appointed in the manner provided by  
23 law. The counting shall continue until all vote by mail voters'  
24 ballots and special write-in vote by mail voter's blank ballots  
25 required to be counted on election day have been counted.

26 (g) The procedures set forth in Articles 17 and 18 of this

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

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

- 23 (1) if the ballot envelope is open or has been opened  
24 and resealed;
- 25 (2) if the voter has already cast an early or grace  
26 period ballot;

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

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

4           If the election judge or official determines that any of  
5 these reasons apply, the judge or official shall mark across  
6 the face of the certification envelope the word "Rejected" and  
7 shall not cast or count the ballot.

8           (g-5) If a ballot subject to this Article is rejected by  
9 the election judge or official for any reason, the election  
10 authority shall, within 2 days after the rejection but in all  
11 cases before the close of the period for counting provisional  
12 ballots, notify the voter that his or her ballot was rejected.  
13 The notice shall inform the voter of the reason or reasons the  
14 ballot was rejected and shall state that the voter may appear  
15 before the election authority, on or before the 14th day after  
16 the election, to show cause as to why the ballot should not be  
17 rejected. The voter may present evidence to the election  
18 authority supporting his or her contention that the ballot  
19 should be counted. The election authority shall appoint a panel  
20 of 3 election judges to review the contested ballot,  
21 application, and certification envelope, as well as any  
22 evidence submitted by the vote by mail voter. No more than 2  
23 election judges on the reviewing panel shall be of the same  
24 political party. The reviewing panel of election judges shall  
25 make a final determination as to the validity of the contested  
26 ballot. The judges' determination shall not be reviewable

1 either administratively or judicially.

2 A ballot subject to this subsection that is determined to  
3 be valid shall be counted before the close of the period for  
4 counting provisional ballots.

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

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

11 (Source: P.A. 98-1171, eff. 6-1-15.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.