

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 7-44, 17-9, and 18-5 as follows:

6 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

7 Sec. 7-44. Any person desiring to vote at a primary shall
8 state his name, residence and party affiliation to the
9 primary judges, one of whom shall thereupon announce the same
10 in a distinct tone of voice, sufficiently loud to be heard by
11 all persons in the polling place. When article 4, 5 or 6 is
12 applicable the Certificate of Registered Voter therein
13 prescribed shall be made and signed and the official poll
14 record shall be made. If the person desiring to vote is not
15 challenged, one of the primary judges shall give to him one,
16 and only one, primary ballot of the political party with
17 which he declares himself affiliated, on the back of which
18 such primary judge shall endorse his initials in such manner
19 that they may be seen when the primary ballot is properly
20 folded. If the person desiring to vote is challenged he shall
21 not receive a primary ballot from the primary judges until he
22 shall have established his right to vote as hereinafter
23 provided. No person who refuses to state his party
24 affiliation shall be allowed to vote at a primary.

25 Copies of a list of registered voters in the precinct
26 must be prepared and posted in a least 2 places near the
27 voting booths. At least once every hour until the polls
28 close, one of the judges of elections must draw a line with a
29 pen or indelible pencil through the name of each person who
30 has voted.

31 A person who declares his party affiliation with a

1 statewide established political party and requests a primary
2 ballot of such party may nonetheless also declare his
3 affiliation with a political party established only within a
4 political subdivision, and may also vote in the primary of
5 such local party on the same election day, provided that such
6 voter may not vote in both such party primaries with respect
7 to offices of the same political subdivision. However, no
8 person declaring his affiliation with a statewide established
9 political party may vote in the primary of any other
10 statewide political party on the same election day.

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

12 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

13 Sec. 17-9. Any person desiring to vote shall give his
14 name and, if required to do so, his residence to the judges
15 of election, one of whom shall thereupon announce the same in
16 a loud and distinct tone of voice, clear, and audible; the
17 judges of elections shall check each application for ballot
18 against the list of voters registered in that precinct to
19 whom absentee ballots have been issued for that election,
20 which shall be provided by the election authority and which
21 list shall be available for inspection by pollwatchers. A
22 voter applying to vote in the precinct on election day whose
23 name appears on the list as having been issued an absentee
24 ballot shall not be permitted to vote in the precinct unless
25 that voter submits to the judges of election, for
26 cancellation or revocation, his absentee ballot. In the case
27 that the voter's absentee ballot is not present in the
28 polling place, it shall be sufficient for any such voter to
29 submit to the judges of election in lieu of his absentee
30 ballot, either a portion of such ballot if torn or mutilated,
31 an affidavit executed before the judges of election
32 specifying that the voter never received an absentee ballot,
33 or an affidavit executed before the judges of election

1 specifying that the voter desires to cancel or revoke any
2 absentee ballot that may have been cast in the voter's name.
3 All applicable provisions of Articles 4, 5 or 6 shall be
4 complied with and if such name is found on the register of
5 voters by the officer having charge thereof, he shall
6 likewise repeat said name, and the voter shall be allowed to
7 enter within the proximity of the voting booths, as above
8 provided. One of the judges shall give the voter one, and
9 only one of each ballot to be voted at the election, on the
10 back of which ballots such judge shall indorse his initials
11 in such manner that they may be seen when each such ballot is
12 properly folded, and the voter's name shall be immediately
13 checked on the register list. In those election jurisdictions
14 where perforated ballot cards are utilized of the type on
15 which write-in votes can be cast above the perforation, the
16 election authority shall provide a space both above and below
17 the perforation for the judge's initials, and the judge shall
18 endorse his or her initials in both spaces. Whenever a
19 proposal for a constitutional amendment or for the calling of
20 a constitutional convention is to be voted upon at the
21 election, the separate blue ballot or ballots pertaining
22 thereto shall, when being handed to the voter, be placed on
23 top of the other ballots to be voted at the election in such
24 manner that the legend appearing on the back thereof, as
25 prescribed in Section 16-6 of this Act, shall be plainly
26 visible to the voter. At all elections, when a registry may
27 be required, if the name of any person so desiring to vote at
28 such election is not found on the register of voters, he or
29 she shall not receive a ballot until he or she shall have
30 complied with the law prescribing the manner and conditions
31 of voting by unregistered voters. If any person desiring to
32 vote at any election shall be challenged, he or she shall not
33 receive a ballot until he or she shall have established his
34 right to vote in the manner provided hereinafter; and if he

1 or she shall be challenged after he has received his ballot,
 2 he shall not be permitted to vote until he or she has fully
 3 complied with such requirements of the law upon being
 4 challenged. Besides the election officer, not more than 2
 5 voters in excess of the whole number of voting booths
 6 provided shall be allowed within the proximity of the voting
 7 booths at one time. The provisions of this Act, so far as
 8 they require the registration of voters as a condition to
 9 their being allowed to vote shall not apply to persons
 10 otherwise entitled to vote, who are, at the time of the
 11 election, or at any time within 60 days prior to such
 12 election have been engaged in the military or naval service
 13 of the United States, and who appear personally at the
 14 polling place on election day and produce to the judges of
 15 election satisfactory evidence thereof, but such persons, if
 16 otherwise qualified to vote, shall be permitted to vote at
 17 such election without previous registration.

18 All such persons shall also make an affidavit which shall
 19 be in substantially the following form:

20 State of Illinois,)
 21) ss.
 22 County of)
 23 Precinct Ward

24 I,, do solemnly swear (or affirm) that I am a
 25 citizen of the United States, of the age of 18 years or over,
 26 and that within the past 60 days prior to the date of this
 27 election at which I am applying to vote, I have been engaged
 28 in the (military or naval) service of the United States;
 29 and I am qualified to vote under and by virtue of the
 30 Constitution and laws of the State of Illinois, and that I am
 31 a legally qualified voter of this precinct and ward except
 32 that I have, because of such service, been unable to register
 33 as a voter; that I now reside at (insert street and
 34 number, if any) in this precinct and ward; that I have

1 maintained a legal residence in this precinct and ward for 30
2 days and in this State 30 days next preceding this election.

3

4 Subscribed and sworn to before me on (insert date).

5

6 Judge of Election.

7 The affidavit of any such person shall be supported by
8 the affidavit of a resident and qualified voter of any such
9 precinct and ward, which affidavit shall be in substantially
10 the following form:

11 State of Illinois,)

12) ss.

13 County of)

14 Precinct Ward

15 I,, do solemnly swear (or affirm), that I am a
16 resident of this precinct and ward and entitled to vote at
17 this election; that I am acquainted with (name of the
18 applicant); that I verily believe him to be an actual bona
19 fide resident of this precinct and ward and that I verily
20 believe that he or she has maintained a legal residence
21 therein 30 days and in this State 30 days next preceding this
22 election.

23

24 Subscribed and sworn to before me on (insert date).

25

26 Judge of Election.

27 All affidavits made under the provisions of this Section
28 shall be enclosed in a separate envelope securely sealed, and
29 shall be transmitted with the returns of the elections to the
30 county clerk or to the board of election commissioners, who
31 shall preserve the said affidavits for the period of 6
32 months, during which period such affidavits shall be deemed
33 public records and shall be freely open to examination as

1 such.

2 Copies of a list of registered voters in the precinct
3 must be prepared and posted in a least 2 places near the
4 voting booths. At least once every hour until the polls
5 close, one of the judges of elections must draw a line with a
6 pen or indelible pencil through the name of each person who
7 has voted.

8 (Source: P.A. 91-357, eff. 7-29-99.)

9 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

10 Sec. 18-5. Any person desiring to vote and whose name is
11 found upon the register of voters by the person having charge
12 thereof, shall then be questioned by one of the judges as to
13 his nativity, his term of residence at present address,
14 precinct, State and United States, his age, whether
15 naturalized and if so the date of naturalization papers and
16 court from which secured, and he shall be asked to state his
17 residence when last previously registered and the date of the
18 election for which he then registered. The judges of
19 elections shall check each application for ballot against the
20 list of voters registered in that precinct to whom absentee
21 ballots have been issued for that election, which shall be
22 provided by the election authority and which list shall be
23 available for inspection by pollwatchers. A voter applying to
24 vote in the precinct on election day whose name appears on
25 the list as having been issued an absentee ballot shall not
26 be permitted to vote in the precinct unless that voter
27 submits to the judges of election, for cancellation or
28 revocation, his absentee ballot. In the case that the
29 voter's absentee ballot is not present in the polling place,
30 it shall be sufficient for any such voter to submit to the
31 judges of election in lieu of his absentee ballot, either a
32 portion of such ballot if torn or mutilated, an affidavit
33 executed before the judges of election specifying that the

1 voter never received an absentee ballot, or an affidavit
2 executed before the judges of election specifying that the
3 voter desires to cancel or revoke any absentee ballot that
4 may have been cast in the voter's name. If such person so
5 registered shall be challenged as disqualified, the party
6 challenging shall assign his reasons therefor, and thereupon
7 one of the judges shall administer to him an oath to answer
8 questions, and if he shall take the oath he shall then be
9 questioned by the judge or judges touching such cause of
10 challenge, and touching any other cause of disqualification.
11 And he may also be questioned by the person challenging him
12 in regard to his qualifications and identity. But if a
13 majority of the judges are of the opinion that he is the
14 person so registered and a qualified voter, his vote shall
15 then be received accordingly. But if his vote be rejected by
16 such judges, such person may afterward produce and deliver an
17 affidavit to such judges, subscribed and sworn to by him
18 before one of the judges, in which it shall be stated how
19 long he has resided in such precinct, and state; that he is a
20 citizen of the United States, and is a duly qualified voter
21 in such precinct, and that he is the identical person so
22 registered. In addition to such an affidavit, the person so
23 challenged shall provide to the judges of election proof of
24 residence by producing 2 forms of identification showing the
25 person's current residence address, provided that such
26 identification to the person at his current residence address
27 and postmarked not earlier than 30 days prior to the date of
28 the election, or the person shall procure a witness
29 personally known to the judges of election, and resident in
30 the precinct (or district), or who shall be proved by some
31 legal voter of such precinct or district, known to the judges
32 to be such, who shall take the oath following, viz:

33 I do solemnly swear (or affirm) that I am a resident of
34 this election precinct (or district), and entitled to vote at

1 this election, and that I have been a resident of this State
2 for 30 days last past, and am well acquainted with the person
3 whose vote is now offered; that he is an actual and bona fide
4 resident of this election precinct (or district), and has
5 resided herein 30 days, and as I verily believe, in this
6 State, 30 days next preceding this election.

7 The oath in each case may be administered by one of the
8 judges of election, or by any officer, resident in the
9 precinct or district, authorized by law to administer oaths.
10 Also supported by an affidavit by a registered voter residing
11 in such precinct, stating his own residence, and that he
12 knows such person; and that he does reside at the place
13 mentioned and has resided in such precinct and state for the
14 length of time as stated by such person, which shall be
15 subscribed and sworn to in the same way. Whereupon the vote
16 of such person shall be received, and entered as other votes.
17 But such judges, having charge of such registers, shall state
18 in their respective books the facts in such case, and the
19 affidavits, so delivered to the judges, shall be preserved
20 and returned to the office of the commissioners of election.
21 Blank affidavits of the character aforesaid shall be sent out
22 to the judges of all the precincts, and the judges of
23 election shall furnish the same on demand and administer the
24 oaths without criticism. Such oaths, if administered by any
25 other officer than such judge of election, shall not be
26 received. Whenever a proposal for a constitutional amendment
27 or for the calling of a constitutional convention is to be
28 voted upon at the election, the separate blue ballot or
29 ballots pertaining thereto shall be placed on top of the
30 other ballots to be voted at the election in such manner that
31 the legend appearing on the back thereof, as prescribed in
32 Section 16-6 of this Act, shall be plainly visible to the
33 voter, and in this fashion the ballots shall be handed to the
34 voter by the judge.

1 Copies of a list of registered voters in the precinct
2 must be prepared and posted in a least 2 places near the
3 voting booths. At least once every hour until the polls
4 close, one of the judges of elections must draw a line with a
5 pen or indelible pencil through the name of each person who
6 has voted.

7 The voter shall, upon quitting the voting booth, deliver
8 to one of the judges of election all of the ballots, properly
9 folded, which he received. The judge of election to whom the
10 voter delivers his ballots shall not accept the same unless
11 all of the ballots given to the voter are returned by him. If
12 a voter delivers less than all of the ballots given to him,
13 the judge to whom the same are offered shall advise him in a
14 voice clearly audible to the other judges of election that
15 the voter must return the remainder of the ballots. The
16 statement of the judge to the voter shall clearly express the
17 fact that the voter is not required to vote such remaining
18 ballots but that whether or not he votes them he must fold
19 and deliver them to the judge. In making such statement the
20 judge of election shall not indicate by word, gesture or
21 intonation of voice that the unreturned ballots shall be
22 voted in any particular manner. No new voter shall be
23 permitted to enter the voting booth of a voter who has failed
24 to deliver the total number of ballots received by him until
25 such voter has returned to the voting booth pursuant to the
26 judge's request and again quit the booth with all of the
27 ballots required to be returned by him. Upon receipt of all
28 such ballots the judges of election shall enter the name of
29 the voter, and his number, as above provided in this section,
30 and the judge to whom the ballots are delivered shall
31 immediately put the ballots into the ballot box. If any voter
32 who has failed to deliver all the ballots received by him
33 refuses to return to the voting booth after being advised by
34 the judge of election as herein provided, the judge shall

1 inform the other judges of such refusal, and thereupon the
2 ballot or ballots returned to the judge shall be deposited in
3 the ballot box, the voter shall be permitted to depart from
4 the polling place, and a new voter shall be permitted to
5 enter the voting booth.

6 The judge of election who receives the ballot or ballots
7 from the voter shall announce the residence and name of such
8 voter in a loud voice. The judge shall put the ballot or
9 ballots received from the voter into the ballot box in the
10 presence of the voter and the judges of election, and in
11 plain view of the public. The judges having charge of such
12 registers shall then, in a column prepared thereon, in the
13 same line of, the name of the voter, mark "Voted" or the
14 letter "V".

15 No judge of election shall accept from any voter less
16 than the full number of ballots received by such voter
17 without first advising the voter in the manner above provided
18 of the necessity of returning all of the ballots, nor shall
19 any such judge advise such voter in a manner contrary to that
20 which is herein permitted, or in any other manner violate the
21 provisions of this section; provided, that the acceptance by
22 a judge of election of less than the full number of ballots
23 delivered to a voter who refuses to return to the voting
24 booth after being properly advised by such judge shall not be
25 a violation of this Section.

26 (Source: P.A. 89-653, eff. 8-14-96.)