



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2459

Introduced 2/19/2021, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/20-2	from Ch. 46, par. 20-2
10 ILCS 5/20-2.1	from Ch. 46, par. 20-2.1

Amends the Election Code. Requires a vote by mail ballot to be postmarked 3 days before election day (rather than by election day) to be counted. Requires a ballot that is mailed using an intelligent mail barcode tracking system to an election authority absent a postmark be counted if the intelligent mail barcode tracking system verifies the envelope was mailed no later than 3 days before election day (rather than by election day). Makes conforming changes throughout the Code.

LRB102 10985 SMS 16317 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 19-3, 19-8, 20-2, and 20-2.1 as follows:

6 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

7 Sec. 19-3. The application for vote by mail ballot shall
8 be substantially in the following form:

9 APPLICATION FOR VOTE BY MAIL BALLOT

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

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

21 I hereby make application for an official ballot or
22 ballots to be voted by me at such election, and I agree that I
23 shall return such ballot or ballots to the official issuing

1 the same prior to the closing of the polls on the date of the
 2 election or, if returned by mail, postmarked no later than 3
 3 days before election day, for counting no later than during
 4 the period for counting provisional ballots, the last day of
 5 which is the 14th day following election day.

6 I understand that this application is made for an official
 7 vote by mail ballot or ballots to be voted by me at the
 8 election specified in this application and that I must submit
 9 a separate application for an official vote by mail ballot or
 10 ballots to be voted by me at any subsequent election.

11 Under penalties as provided by law pursuant to Section
 12 29-10 of the Election Code, the undersigned certifies that the
 13 statements set forth in this application are true and correct.

14

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

16 Post office address to which ballot is mailed:
 17

18 However, if application is made for a primary election
 19 ballot, such application shall require the applicant to
 20 designate the name of the political party with which the
 21 applicant is affiliated.

22 If application is made electronically, the applicant shall
 23 mark the box associated with the above described statement
 24 included as part of the online application certifying that the
 25 statements set forth in this application are true and correct,
 26 and a signature is not required.

1 Any person may produce, reproduce, distribute, or return
2 to an election authority the application for vote by mail
3 ballot. If applications are sent to a post office box
4 controlled by any individual or organization that is not an
5 election authority, those applications shall (i) include a
6 valid and current phone number for the individual or
7 organization controlling the post office box and (ii) be
8 turned over to the appropriate election authority within 7
9 days of receipt or, if received within 2 weeks of the election
10 in which an applicant intends to vote, within 2 days of
11 receipt. Failure to turn over the applications in compliance
12 with this paragraph shall constitute a violation of this Code
13 and shall be punishable as a petty offense with a fine of \$100
14 per application. Removing, tampering with, or otherwise
15 knowingly making the postmark on the application unreadable by
16 the election authority shall establish a rebuttable
17 presumption of a violation of this paragraph. Upon receipt,
18 the appropriate election authority shall accept and promptly
19 process any application for vote by mail ballot submitted in a
20 form substantially similar to that required by this Section,
21 including any substantially similar production or reproduction
22 generated by the applicant.

23 (Source: P.A. 99-522, eff. 6-30-16; 100-623, eff. 7-20-18.)

24 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

1 (a) (Blank.)

2 (b) Each vote by mail voter's ballot returned to an
3 election authority, by any means authorized by this Article,
4 and received by that election authority before the closing of
5 the polls on election day shall be endorsed by the receiving
6 election authority with the day and hour of receipt and may be
7 processed by the election authority beginning on the day it is
8 received by the election authority in the central ballot
9 counting location of the election authority, but the results
10 of the processing may not be counted until the day of the
11 election after 7:00 p.m., except as provided in subsections
12 (g) and (g-5).

13 (c) Each vote by mail voter's ballot that is mailed to an
14 election authority and postmarked no later than 3 days before
15 election day, but that is received by the election authority
16 after the polls close on election day and before the close of
17 the period for counting provisional ballots cast at that
18 election, shall be endorsed by the receiving authority with
19 the day and hour of receipt and shall be counted at the central
20 ballot counting location of the election authority during the
21 period for counting provisional ballots.

22 Each vote by mail voter's ballot that is mailed to an
23 election authority absent a postmark or a barcode usable with
24 an intelligent mail barcode tracking system, but that is
25 received by the election authority after the polls close on
26 election day and before the close of the period for counting

1 provisional ballots cast at that election, shall be endorsed
2 by the receiving authority with the day and hour of receipt,
3 opened to inspect the date inserted on the certification, and,
4 if the certification date is election day or earlier and the
5 ballot is otherwise found to be valid under the requirements
6 of this Section, counted at the central ballot counting
7 location of the election authority during the period for
8 counting provisional ballots. Absent a date on the
9 certification, the ballot shall not be counted.

10 If an election authority is using an intelligent mail
11 barcode tracking system, a ballot that is mailed to an
12 election authority absent a postmark may be counted if the
13 intelligent mail barcode tracking system verifies the envelope
14 was mailed no later than 3 days before election day.

15 (d) Special write-in vote by mail voter's blank ballots
16 returned to an election authority, by any means authorized by
17 this Article, and received by the election authority at any
18 time before the closing of the polls on election day shall be
19 endorsed by the receiving election authority with the day and
20 hour of receipt and shall be counted at the central ballot
21 counting location of the election authority during the same
22 period provided for counting vote by mail voters' ballots
23 under subsections (b), (g), and (g-5). Special write-in vote
24 by mail voter's blank ballots that are mailed to an election
25 authority and postmarked no later than 3 days before election
26 day, but that are received by the election authority after the

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

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

18 (f) Counting required under this Section to begin on
19 election day after the closing of the polls shall commence no
20 later than 8:00 p.m. and shall be conducted by a panel or
21 panels of election judges appointed in the manner provided by
22 law. The counting shall continue until all vote by mail
23 voters' ballots and special write-in vote by mail voter's
24 blank ballots required to be counted on election day have been
25 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 vote by mail ballot is
3 received, but in all cases before the close of the period for
4 counting provisional ballots, the election judge or official
5 shall compare the voter's signature on the certification
6 envelope of that vote by mail 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 vote by mail voter is otherwise qualified
10 to cast a vote by mail ballot, the election authority shall
11 cast and count the ballot on election day or the day the ballot
12 is determined to be valid, whichever is later, adding the
13 results to the precinct in which the voter is registered. If
14 the election judge or official determines that the signatures
15 do not match, or that the vote by mail voter is not qualified
16 to cast a vote by mail ballot, then without opening the
17 certification envelope, the judge or official shall mark
18 across the face of the certification envelope the word
19 "Rejected" and shall not cast or count the ballot.

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

1 shall not be reviewable either administratively or judicially.

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

5 (g-10) All vote by mail ballots determined to be valid
6 shall be added to the vote totals for the precincts for which
7 they were cast in 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; 99-522, eff. 6-30-16.)

12 (10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

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

1 within that calendar year. A certified copy of such
2 application for ballot shall be sent each election with the
3 vote by mail ballot to the election authority's central ballot
4 counting location to be used in lieu of the original
5 application for ballot. No registration shall be required in
6 order to vote pursuant to this Section.

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

15 (Source: P.A. 98-1171, eff. 6-1-15; 99-522, eff. 6-30-16.)

16 (10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

17 Sec. 20-2.1. Citizens of the United States temporarily
18 residing outside the territorial limits of the United States
19 who are not registered but otherwise qualified to vote and who
20 expect to be absent from their county of residence during the
21 periods of voter registration provided for in Articles 4, 5 or
22 6 of this Code and on the day of holding any election, may make
23 simultaneous application to the election authority having
24 jurisdiction over their precinct of residence for registration
25 by mail and vote by mail ballot not less than 30 days before

1 the election. Such application may be made on the official
2 postcard or on a form furnished by the election authority as
3 prescribed by Section 20-3 of this Article or by facsimile or
4 electronic transmission. A request pursuant to this Section
5 shall entitle the applicant to a vote by mail ballot for every
6 election in one calendar year. The original application for
7 ballot shall be kept in the office of the election authority
8 for one year as authorization to send a ballot to the voter for
9 each election to be held within that calendar year. A
10 certified copy of such application for ballot shall be sent
11 each election with the vote by mail ballot to the election
12 authority's central ballot counting location to be used in
13 lieu of the original application for ballot.

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

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

25 Ballots voted under this Section must be returned
26 postmarked no later than 3 days before election day and

1 received for counting at the central ballot counting location
2 of the election authority during the period for counting
3 provisional ballots, the last day of which is the 14th day
4 following election day.

5 (Source: P.A. 98-1171, eff. 6-1-15; 99-522, eff. 6-30-16.)