



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1907

Introduced 2/26/2021, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-2.4 new	
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19-5	from Ch. 46, par. 19-5
10 ILCS 5/24A-14	from Ch. 46, par. 24A-14

Amends the Election Code. Requires the State Board of Elections to adopt rules establishing a procedure to send vote by mail ballots via electronic transmission and enable a voter with a disability to independently and privately mark a ballot using assistive technology in order for the voter to vote by mail. Provides that if a request for an accessible vote by mail ballot from a voter with a disability arrives after the election authority begins transmitting vote by mail ballots and instructions to voters, the election authority shall transmit the ballot, instructions, and balloting materials to the voter within 3 business days after receipt of the application. Requires a vote by mail ballot provided to a voter with a disability to be received and marked as required by all vote by mail ballots. Makes corresponding changes throughout the Code. Effective immediately.

LRB102 17301 SMS 22785 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, 19-5, and 24A-14 and by adding Section 19-2.4
6 as follows:

7 (10 ILCS 5/19-2.4 new)

8 Sec. 19-2.4. Vote by mail; accommodation for voters with a
9 disability.

10 (a) As used in this Section:

11 "Electronic transmission" includes, but is not limited to,
12 transmission by email or the Internet.

13 "Voter with a disability" means a person having a
14 temporary or permanent physical or mental impairment.

15 (b) The State Board of Elections shall adopt rules
16 establishing a procedure to send vote by mail ballots via
17 electronic transmission and enable a voter with a disability
18 to independently and privately mark a ballot using assistive
19 technology in order for the voter to vote by mail pursuant to
20 this Article. The State Board of Elections' adopted rules
21 shall include a method subject to the provisions in Sections
22 19-2 and 19-3 by which a voter with a disability may request an
23 accessible vote by mail ballot.

1 (c) If a request for an accessible vote by mail ballot from
2 a voter with a disability arrives after the election authority
3 begins transmitting vote by mail ballots and instructions to
4 voters, the election authority shall transmit the ballot,
5 instructions, and balloting materials to the voter within 3
6 business days after receipt of the application.

7 (d) Ballots received and marked pursuant to this Section
8 must be printed by the voter and returned to the election
9 authority as provided in Section 19-6.

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

11 Sec. 19-4. Mailing or delivery of ballots; time.
12 Immediately upon the receipt of such application either by
13 mail or electronic means, not more than 90 days nor less than 5
14 days prior to such election, or by personal delivery not more
15 than 90 days nor less than one day prior to such election, at
16 the office of such election authority, it shall be the duty of
17 such election authority to examine the records to ascertain
18 whether or not such applicant is lawfully entitled to vote as
19 requested, including a verification of the applicant's
20 signature by comparison with the signature on the official
21 registration record card, and if found so to be entitled to
22 vote, to post within one business day thereafter the name,
23 street address, ward and precinct number or township and
24 district number, as the case may be, of such applicant given on
25 a list, the pages of which are to be numbered consecutively to

1 be kept by such election authority for such purpose in a
2 conspicuous, open and public place accessible to the public at
3 the entrance of the office of such election authority, and in
4 such a manner that such list may be viewed without necessity of
5 requesting permission therefor. Within one day after posting
6 the name and other information of an applicant for a vote by
7 mail ballot, the election authority shall transmit by
8 electronic means pursuant to a process established by the
9 State Board of Elections that name and other posted
10 information to the State Board of Elections, which shall
11 maintain those names and other information in an electronic
12 format on its website, arranged by county and accessible to
13 State and local political committees. Within 2 business days
14 after posting a name and other information on the list within
15 its office, but no sooner than 40 days before an election, the
16 election authority shall mail, postage prepaid, ~~or~~ deliver in
17 person in such office, or deliver via electronic transmission
18 pursuant to Section 19-2.4 an official ballot or ballots if
19 more than one are to be voted at said election. Mail delivery
20 of Temporarily Absent Student ballot applications pursuant to
21 Section 19-12.3 shall be by nonforwardable mail. However, for
22 the consolidated election, vote by mail ballots for certain
23 precincts may be delivered to applicants not less than 25 days
24 before the election if so much time is required to have
25 prepared and printed the ballots containing the names of
26 persons nominated for offices at the consolidated primary. The

1 election authority shall enclose with each vote by mail ballot
2 or application written instructions on how voting assistance
3 shall be provided pursuant to Section 17-14 and a document,
4 written and approved by the State Board of Elections,
5 informing the vote by mail voter of the required postage for
6 returning the application and ballot, and enumerating the
7 circumstances under which a person is authorized to vote by
8 vote by mail ballot pursuant to this Article; such document
9 shall also include a statement informing the applicant that if
10 he or she falsifies or is solicited by another to falsify his
11 or her eligibility to cast a vote by mail ballot, such
12 applicant or other is subject to penalties pursuant to Section
13 29-10 and Section 29-20 of the Election Code. Each election
14 authority shall maintain a list of the name, street address,
15 ward and precinct, or township and district number, as the
16 case may be, of all applicants who have returned vote by mail
17 ballots to such authority, and the name of such vote by mail
18 voter shall be added to such list within one business day from
19 receipt of such ballot. If the vote by mail ballot envelope
20 indicates that the voter was assisted in casting the ballot,
21 the name of the person so assisting shall be included on the
22 list. The list, the pages of which are to be numbered
23 consecutively, shall be kept by each election authority in a
24 conspicuous, open, and public place accessible to the public
25 at the entrance of the office of the election authority and in
26 a manner that the list may be viewed without necessity of

1 requesting permission for viewing.

2 Each election authority shall maintain a list for each
3 election of the voters to whom it has issued vote by mail
4 ballots. The list shall be maintained for each precinct within
5 the jurisdiction of the election authority. Prior to the
6 opening of the polls on election day, the election authority
7 shall deliver to the judges of election in each precinct the
8 list of registered voters in that precinct to whom vote by mail
9 ballots have been issued by mail.

10 Each election authority shall maintain a list for each
11 election of voters to whom it has issued temporarily absent
12 student ballots. The list shall be maintained for each
13 election jurisdiction within which such voters temporarily
14 abide. Immediately after the close of the period during which
15 application may be made by mail or electronic means for vote by
16 mail ballots, each election authority shall mail to each other
17 election authority within the State a certified list of all
18 such voters temporarily abiding within the jurisdiction of the
19 other election authority.

20 In the event that the return address of an application for
21 ballot by a physically incapacitated elector is that of a
22 facility licensed or certified under the Nursing Home Care
23 Act, the Specialized Mental Health Rehabilitation Act of 2013,
24 the ID/DD Community Care Act, or the MC/DD Act, within the
25 jurisdiction of the election authority, and the applicant is a
26 registered voter in the precinct in which such facility is

1 located, the ballots shall be prepared and transmitted to a
2 responsible judge of election no later than 9 a.m. on the
3 Friday, Saturday, Sunday, or Monday immediately preceding the
4 election as designated by the election authority under Section
5 19-12.2. Such judge shall deliver in person on the designated
6 day the ballot to the applicant on the premises of the facility
7 from which application was made. The election authority shall
8 by mail notify the applicant in such facility that the ballot
9 will be delivered by a judge of election on the designated day.

10 All applications for vote by mail ballots shall be
11 available at the office of the election authority for public
12 inspection upon request from the time of receipt thereof by
13 the election authority until 30 days after the election,
14 except during the time such applications are kept in the
15 office of the election authority pursuant to Section 19-7, and
16 except during the time such applications are in the possession
17 of the judges of election.

18 (Source: P.A. 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;
19 98-756, eff. 7-16-14; 98-1171, eff. 6-1-15; 99-180, eff.
20 7-29-15; 99-522, eff. 6-30-16.)

21 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

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

1 envelope unsealed to be furnished by him, which envelope shall
2 bear upon the face thereof the name, official title and post
3 office address of the election authority, and upon the other
4 side a printed certification in substantially the following
5 form:

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

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

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

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

20

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

25 I state that I am a resident of the precinct of the
26 (1) *township of (2) *City of or (3) *.... ward in

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

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

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

10

11 (Individual rendering assistance)

12

13 (Residence Address)

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

18

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

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

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

12 In addition to the above, the election authority shall
13 provide printed slips or an electronic version thereof for
14 voters voting by mail pursuant to Section 19-2.4 giving full
15 instructions regarding the manner of marking and returning the
16 ballot in order that the same may be counted, and shall furnish
17 one of such printed slips to each of such applicants at the
18 same time the ballot is delivered to him. Such instructions
19 shall include the following statement: "In signing the
20 certification on the vote by mail ballot envelope, you are
21 attesting that you personally marked this vote by mail ballot
22 in secret. If you are physically unable to mark the ballot, a
23 friend or relative may assist you after completing the
24 enclosed affidavit. Federal and State laws prohibit a
25 candidate whose name appears on the ballot (unless you are the
26 spouse or a parent, child, brother, or sister of the

1 candidate), your employer, your employer's agent or an officer
2 or agent of your union from assisting voters with physical
3 disabilities."

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

14 Election authorities transmitting ballots by electronic
15 transmission pursuant to Section 19-2.4 shall, to the greatest
16 extent possible, provide those applicants with the same
17 instructions, certifications, and other balloting materials
18 required when sending by mail.

19 (Source: P.A. 98-1171, eff. 6-1-15; 99-143, eff. 7-27-15.)

20 (10 ILCS 5/24A-14) (from Ch. 46, par. 24A-14)

21 Sec. 24A-14. If any ballot is damaged, ~~or~~ defective, or
22 otherwise so that it cannot properly be counted by the
23 automatic tabulating equipment, a true duplicate copy shall be
24 made of the ~~damaged~~ ballot in the presence of witnesses and
25 substituted for the original ~~damaged~~ ballot. Likewise, a

1 duplicate ballot shall be made of a defective ballot which
2 shall not include the invalid votes. All duplicate ballots
3 shall be clearly labeled "duplicate", shall bear a serial
4 number which shall be registered on the damaged, ~~or~~ defective,
5 or otherwise unreadable ballot, and shall be counted in lieu
6 of the damaged, ~~or~~ defective, or otherwise unreadable ballot.
7 (Source: Laws 1965, p. 2220.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.