



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2487

Introduced 2/26/2021, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-3	from Ch. 46, par. 1-3
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/20-4	from Ch. 46, par. 20-4

Amends the Election Code. Provides that an election authority shall provide a trackable return envelope to return a vote by mail ballot, including absentee ballots for voters in military or naval service. Requires each election authority to provide online access to the vote by mail ballot list and corresponding dates to when the ballot was requested, received, and returned to the election authority and to update the online vote by mail status list daily. Effective immediately.

LRB102 16010 SMS 21382 b

FISCAL NOTE ACT
MAY APPLY

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 1-3, 19-4, and 20-4 as follows:

6 (10 ILCS 5/1-3) (from Ch. 46, par. 1-3)

7 Sec. 1-3. As used in this Act, unless the context
8 otherwise requires:

9 1. "Election" includes the submission of all questions of
10 public policy, propositions, and all measures submitted to
11 popular vote, and includes primary elections when so indicated
12 by the context.

13 2. "Regular election" means the general, general primary,
14 consolidated and consolidated primary elections regularly
15 scheduled in Article 2A. The even numbered year municipal
16 primary established in Article 2A is a regular election only
17 with respect to those municipalities in which a primary is
18 required to be held on such date.

19 3. "Special election" means an election not regularly
20 recurring at fixed intervals, irrespective of whether it is
21 held at the same time and place and by the same election
22 officers as a regular election.

23 4. "General election" means the biennial election at which

1 members of the General Assembly are elected. "General primary
2 election", "consolidated election" and "consolidated primary
3 election" mean the respective elections or the election dates
4 designated and established in Article 2A of this Code.

5 5. "Municipal election" means an election or primary,
6 either regular or special, in cities, villages, and
7 incorporated towns; and "municipality" means any such city,
8 village or incorporated town.

9 6. "Political or governmental subdivision" means any unit
10 of local government, or school district in which elections are
11 or may be held. "Political or governmental subdivision" also
12 includes, for election purposes, Regional Boards of School
13 Trustees, and Township Boards of School Trustees.

14 7. The word "township" and the word "town" shall apply
15 interchangeably to the type of governmental organization
16 established in accordance with the provisions of the Township
17 Code. The term "incorporated town" shall mean a municipality
18 referred to as an incorporated town in the Illinois Municipal
19 Code, as now or hereafter amended.

20 8. "Election authority" means a county clerk or a Board of
21 Election Commissioners.

22 9. "Election Jurisdiction" means (a) an entire county, in
23 the case of a county in which no city board of election
24 commissioners is located or which is under the jurisdiction of
25 a county board of election commissioners; (b) the territorial
26 jurisdiction of a city board of election commissioners; and

1 (c) the territory in a county outside of the jurisdiction of a
2 city board of election commissioners. In each instance
3 election jurisdiction shall be determined according to which
4 election authority maintains the permanent registration
5 records of qualified electors.

6 10. "Local election official" means the clerk or secretary
7 of a unit of local government or school district, as the case
8 may be, the treasurer of a township board of school trustees,
9 and the regional superintendent of schools with respect to the
10 various school officer elections and school referenda for
11 which the regional superintendent is assigned election duties
12 by The School Code, as now or hereafter amended.

13 11. "Judges of election", "primary judges" and similar
14 terms, as applied to cases where there are 2 sets of judges,
15 when used in connection with duties at an election during the
16 hours the polls are open, refer to the team of judges of
17 election on duty during such hours; and, when used with
18 reference to duties after the closing of the polls, refer to
19 the team of tally judges designated to count the vote after the
20 closing of the polls and the holdover judges designated
21 pursuant to Section 13-6.2 or 14-5.2. In such case, where,
22 after the closing of the polls, any act is required to be
23 performed by each of the judges of election, it shall be
24 performed by each of the tally judges and by each of the
25 holdover judges.

26 12. "Petition" of candidacy as used in Sections 7-10 and

1 7-10.1 shall consist of a statement of candidacy, candidate's
2 statement containing oath, and sheets containing signatures of
3 qualified primary electors bound together.

4 13. "Election district" and "precinct", when used with
5 reference to a 30-day residence requirement, means the
6 smallest constituent territory in which electors vote as a
7 unit at the same polling place in any election governed by this
8 Act.

9 14. "District" means any area which votes as a unit for the
10 election of any officer, other than the State or a unit of
11 local government or school district, and includes, but is not
12 limited to, legislative, congressional and judicial districts,
13 judicial circuits, county board districts, municipal and
14 sanitary district wards, school board districts, and
15 precincts.

16 15. "Question of public policy" or "public question" means
17 any question, proposition or measure submitted to the voters
18 at an election dealing with subject matter other than the
19 nomination or election of candidates and shall include, but is
20 not limited to, any bond or tax referendum, and questions
21 relating to the Constitution.

22 16. "Ordinance providing the form of government of a
23 municipality or county pursuant to Article VII of the
24 Constitution" includes ordinances, resolutions and petitions
25 adopted by referendum which provide for the form of
26 government, the officers or the manner of selection or terms

1 of office of officers of such municipality or county, pursuant
2 to the provisions of Sections 4, 6 or 7 of Article VII of the
3 Constitution.

4 17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29,
5 6-60, and 6-66 shall include a computer tape or computer disc
6 or other electronic data processing information containing
7 voter information.

8 18. "Accessible" means accessible to persons with
9 disabilities and elderly individuals for the purpose of voting
10 or registration, as determined by rule of the State Board of
11 Elections.

12 19. "Elderly" means 65 years of age or older.

13 20. "Person with a disability" means a person having a
14 temporary or permanent physical disability.

15 21. "Leading political party" means one of the two
16 political parties whose candidates for governor at the most
17 recent three gubernatorial elections received either the
18 highest or second highest average number of votes. The
19 political party whose candidates for governor received the
20 highest average number of votes shall be known as the first
21 leading political party and the political party whose
22 candidates for governor received the second highest average
23 number of votes shall be known as the second leading political
24 party.

25 22. "Business day" means any day in which the office of an
26 election authority, local election official or the State Board

1 of Elections is open to the public for a minimum of 7 hours.

2 23. "Homeless individual" means any person who has a
3 nontraditional residence, including, but not limited to, a
4 shelter, day shelter, park bench, street corner, or space
5 under a bridge.

6 24. "Signature" means a name signed in ink or in digitized
7 form. This definition does not apply to a nominating or
8 candidate petition or a referendum petition.

9 25. "Intelligent mail barcode tracking system" means a
10 printed trackable barcode attached to the return business
11 reply envelope for mail-in ballots under Article 19 or Article
12 20 that allows an election authority to determine the date the
13 envelope was mailed in absence of a postmark.

14 26. "Trackable" means using an intelligent mail barcode
15 tracking system.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-522, eff. 6-30-16.)

17 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

18 Sec. 19-4. Mailing or delivery of ballots; time.
19 Immediately upon the receipt of such application either by
20 mail or electronic means, not more than 90 days nor less than 5
21 days prior to such election, or by personal delivery not more
22 than 90 days nor less than one day prior to such election, at
23 the office of such election authority, it shall be the duty of
24 such election authority to examine the records to ascertain
25 whether or not such applicant is lawfully entitled to vote as

1 requested, including a verification of the applicant's
2 signature by comparison with the signature on the official
3 registration record card, and if found so to be entitled to
4 vote, to post within one business day thereafter the name,
5 street address, ward and precinct number or township and
6 district number, as the case may be, of such applicant given on
7 a list, the pages of which are to be numbered consecutively to
8 be kept by such election authority for such purpose in a
9 conspicuous, open and public place accessible to the public at
10 the entrance of the office of such election authority, and in
11 such a manner that such list may be viewed without necessity of
12 requesting permission therefor. Within one day after posting
13 the name and other information of an applicant for a vote by
14 mail ballot, the election authority shall transmit by
15 electronic means pursuant to a process established by the
16 State Board of Elections that name and other posted
17 information to the State Board of Elections, which shall
18 maintain those names and other information in an electronic
19 format on its website, arranged by county and accessible to
20 State and local political committees. Within 2 business days
21 after posting a name and other information on the list within
22 its office, but no sooner than 40 days before an election, the
23 election authority shall mail, postage prepaid and trackable,
24 or deliver in person in such office an official ballot or
25 ballots if more than one are to be voted at said election.
26 Included with the ballot or ballots, the election authority

1 shall also mail return envelopes, postage prepaid and
2 trackable, or deliver in person in such office a return
3 envelope or envelopes if more than one are needed at said
4 election. Mail delivery of Temporarily Absent Student ballot
5 applications pursuant to Section 19-12.3 shall be by
6 nonforwardable mail. However, for the consolidated election,
7 vote by mail ballots for certain precincts may be delivered to
8 applicants not less than 25 days before the election if so much
9 time is required to have prepared and printed the ballots
10 containing the names of persons nominated for offices at the
11 consolidated primary. The election authority shall enclose
12 with each vote by mail ballot or application written
13 instructions on how voting assistance shall be provided
14 pursuant to Section 17-14 and a document, written and approved
15 by the State Board of Elections, informing the vote by mail
16 voter of the required postage for returning the application
17 and ballot, and enumerating the circumstances under which a
18 person is authorized to vote by vote by mail ballot pursuant to
19 this Article; such document shall also include a statement
20 informing the applicant that if he or she falsifies or is
21 solicited by another to falsify his or her eligibility to cast
22 a vote by mail ballot, such applicant or other is subject to
23 penalties pursuant to Section 29-10 and Section 29-20 of the
24 Election Code. Each election authority shall maintain a list
25 of the name, street address, ward and precinct, or township
26 and district number, as the case may be, of all applicants who

1 have requested, received, or returned vote by mail ballots to
2 such authority, and the name of such vote by mail voter shall
3 be added to such list within one business day from receipt of
4 such ballot. Each election authority shall provide online
5 access to the vote by mail ballot list and corresponding dates
6 to when the ballot was requested, received, and returned to
7 the election authority. This online vote by mail status list
8 shall be updated by the election authority daily. If the vote
9 by mail ballot envelope indicates that the voter was assisted
10 in casting the ballot, the name of the person so assisting
11 shall be included on the list. The list, the pages of which are
12 to be numbered consecutively, shall be kept by each election
13 authority in a conspicuous, open, and public place accessible
14 to the public at the entrance of the office of the election
15 authority and in a manner that the list may be viewed without
16 necessity of requesting permission for viewing in addition to
17 being available on the election authority's website.

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

26 Each election authority shall maintain a list for each

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

10 In the event that the return address of an application for
11 ballot by a physically incapacitated elector is that of a
12 facility licensed or certified under the Nursing Home Care
13 Act, the Specialized Mental Health Rehabilitation Act of 2013,
14 the ID/DD Community Care Act, or the MC/DD Act, within the
15 jurisdiction of the election authority, and the applicant is a
16 registered voter in the precinct in which such facility is
17 located, the ballots shall be prepared and transmitted to a
18 responsible judge of election no later than 9 a.m. on the
19 Friday, Saturday, Sunday, or Monday immediately preceding the
20 election as designated by the election authority under Section
21 19-12.2. Such judge shall deliver in person on the designated
22 day the ballot to the applicant on the premises of the facility
23 from which application was made. The election authority shall
24 by mail notify the applicant in such facility that the ballot
25 will be delivered by a judge of election on the designated day.

26 All applications for vote by mail ballots shall be

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

8 (Source: P.A. 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;
9 98-756, eff. 7-16-14; 98-1171, eff. 6-1-15; 99-180, eff.
10 7-29-15; 99-522, eff. 6-30-16.)

11 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

12 Sec. 20-4. Immediately upon the receipt of the official
13 postcard or an application as provided in Section 20-3 within
14 the times heretofore prescribed, the election authority shall
15 ascertain whether or not such applicant is legally entitled to
16 vote as requested, including verification of the applicant's
17 signature by comparison with the signature on the official
18 registration record card, if any. If the election authority
19 ascertains that the applicant is lawfully entitled to vote, it
20 shall enter the name, street address, ward and precinct number
21 of such applicant on a list to be posted in his or its office
22 in a place accessible to the public. Within one day after
23 posting the name and other information of an applicant for a
24 ballot, the election authority shall transmit that name and
25 posted information to the State Board of Elections, which

1 shall maintain the names and other information in an
2 electronic format on its website, arranged by county and
3 accessible to State and local political committees. Each
4 election authority shall provide online access to the vote by
5 mail ballot list and corresponding dates to when the ballot
6 was requested, received, and returned to the election
7 authority. This online vote by mail status list shall be
8 updated by the election authority daily. As soon as the
9 official ballot is prepared the election authority shall
10 immediately deliver the same to the applicant in person, by
11 mail, by facsimile transmission, or by electronic transmission
12 as provided in this Article. Included with the ballot or
13 ballots, the election authority shall also mail return
14 envelopes, postage prepaid and trackable, or deliver in person
15 in such office a return envelope or envelopes if more than one
16 are needed at said election.

17 If any such election authority receives a second or
18 additional application which it believes is from the same
19 person, he or it shall submit it to the chief judge of the
20 circuit court or any judge of that court designated by the
21 chief judge. If the chief judge or his designate determines
22 that the application submitted to him is a second or
23 additional one, he shall so notify the election authority who
24 shall disregard the second or additional application.

25 The election authority shall maintain a list for each
26 election of the voters to whom it has issued vote by mail

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

7 Election authorities may transmit by facsimile or other
8 electronic means a ballot simultaneously with transmitting an
9 application for vote by mail ballot; however, no such ballot
10 shall be counted unless an application has been completed by
11 the voter and the election authority ascertains that the
12 applicant is lawfully entitled to vote as provided in this
13 Section.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.