



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5040

by Rep. William B. Black

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-43	from Ch. 46, par. 7-43
10 ILCS 5/7-44	from Ch. 46, par. 7-44
10 ILCS 5/19-2.1	from Ch. 46, par. 19-2.1
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19-4.5 new	
10 ILCS 5/19-5	from Ch. 46, par. 19-5
10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/19-12.1	from Ch. 46, par. 19-12.1
10 ILCS 5/20-3	from Ch. 46, par. 20-3
10 ILCS 5/20-4	from Ch. 46, par. 20-4
10 ILCS 5/20-4.5 new	
10 ILCS 5/20-5	from Ch. 46, par. 20-5
10 ILCS 5/20-8	from Ch. 46, par. 20-8

Amends the Election Code. Eliminates the requirement that a voter declare party affiliation when voting at a primary election. Provides that the voter shall receive the primary ballot of each of the established political parties nominating candidates for office at the primary election but may cast a ballot of only one political party, except in certain cases involving statewide political parties and political parties established only within a political subdivision.

LRB095 17335 JAM 43405 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 7-43, 7-44, 19-2.1, 19-3, 19-4, 19-5, 19-8, 19-12.1,  
6 20-3, 20-4, 20-5, and 20-8 and by adding Sections 19-4.5 and  
7 20-4.5 as follows:

8 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

9 Sec. 7-43. Every person having resided in this State 6  
10 months and in the precinct 30 days next preceding any primary  
11 therein who shall be a citizen of the United States of the age  
12 of 18 or more years, shall be entitled to vote at such primary.

13 The following regulations shall be applicable to  
14 primaries:

15 ~~No person shall be entitled to vote at a primary:~~

16 ~~(a) Unless he declares his party affiliations as required~~  
17 ~~by this Article.~~

18 ~~(b) (Blank.)~~

19 ~~(c) (Blank.)~~

20 ~~(c.5) If that person has participated in the town political~~  
21 ~~party caucus, under Section 45-50 of the Township Code, of~~  
22 ~~another political party by signing an affidavit of voters~~  
23 ~~attending the caucus within 45 days before the first day of the~~

1 ~~calendar month in which the primary is held.~~

2 ~~(d) (Blank.)~~

3 (a) ~~(e)~~ In cities, villages and incorporated towns having a  
4 board of election commissioners only voters registered as  
5 provided by Article 6 of this Act shall be entitled to vote at  
6 such primary.

7 (b) ~~(f)~~ No person shall be entitled to vote at a primary  
8 unless he is registered under the provisions of Articles 4, 5  
9 or 6 of this Act, when his registration is required by any of  
10 said Articles to entitle him to vote at the election with  
11 reference to which the primary is held.

12 (Source: P.A. 95-699, eff. 11-9-07.)

13 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

14 Sec. 7-44. Voter choice of primary ballot.

15 (a) Any person desiring to vote at a primary shall state  
16 his or her name and, residence ~~and party affiliation~~ to the  
17 primary judges, one of whom shall thereupon announce the same  
18 in a distinct tone of voice, sufficiently loud to be heard by  
19 all persons in the polling place. When article 4, 5 or 6 is  
20 applicable the Certificate of Registered Voter therein  
21 prescribed shall be made and signed and the official poll  
22 record shall be made. If the person desiring to vote is not  
23 challenged, one of the primary judges shall give to him or her  
24 one, ~~and only one~~, primary ballot of each of the established  
25 political parties nominating candidates for office at the

1 primary election, but the voter may cast a ballot of only one  
2 political party, except as otherwise provided in subsection (b)  
3 ~~party with which he declares himself affiliated,~~ on the back of  
4 which the ~~such~~ primary judge shall endorse his or her initials  
5 in such manner that they may be seen when the primary ballot is  
6 properly folded. If the person desiring to vote is challenged  
7 he or she shall not receive a primary ballot from the primary  
8 judges until he or she shall have established his or her right  
9 to vote as ~~hereinafter~~ provided in this Article. ~~No person who~~  
10 ~~refuses to state his party affiliation shall be allowed to vote~~  
11 ~~at a primary.~~

12 (b) A person who casts a ballot of ~~declares his party~~  
13 ~~affiliation with~~ a statewide established political party ~~and~~  
14 ~~requests a primary ballot of such party may nonetheless also~~  
15 ~~declare his affiliation with a political party established only~~  
16 ~~within a political subdivision, and~~ may also vote in the  
17 primary of a ~~such~~ local political party established only within  
18 a political subdivision on the same election day, provided that  
19 the ~~such~~ voter may not vote in both ~~such~~ party primaries with  
20 respect to offices of the same political subdivision. However,  
21 no person casting a ballot of ~~declaring his affiliation with~~ a  
22 statewide established political party may vote in the primary  
23 of any other statewide political party on the same election  
24 day. Each party's primary ballot shall include a space for the  
25 voter to mark, indicating that political party as the party for  
26 which the voter cast his or her votes. The voter may mark the

1 space on the ballot of only one political party indicating that  
2 party, except as otherwise provided in this Section. If the  
3 voter desires to cast his or her ballot of a statewide  
4 political party and a political party established only within a  
5 political subdivision, the voter may indicate that choice by  
6 marking the space provided on the ballot of the statewide  
7 political party and by also marking the space provided on the  
8 ballot of the political party established only within a  
9 political subdivision. If the voter does not mark the space on  
10 the primary ballot indicating the political party in which the  
11 voter cast his or her ballot, or marks more than one such  
12 space, the judges of election shall count only the votes of the  
13 political party in which the voter cast a vote for the office  
14 nearest the top of the ballot.

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

16 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

17 Sec. 19-2.1. At the consolidated primary, general primary,  
18 consolidated, and general elections, electors entitled to vote  
19 by absentee ballot under the provisions of Section 19-1 may  
20 vote in person at the office of the municipal clerk, if the  
21 elector is a resident of a municipality not having a board of  
22 election commissioners, or at the office of the township clerk  
23 or, in counties not under township organization, at the office  
24 of the road district clerk if the elector is not a resident of  
25 a municipality; provided, in each case that the municipal,

1 township or road district clerk, as the case may be, is  
2 authorized to conduct in-person absentee voting pursuant to  
3 this Section. Absentee voting in such municipal and township  
4 clerk's offices under this Section shall be conducted from the  
5 22nd day through the day before the election.

6 Municipal and township clerks (or road district clerks) who  
7 have regularly scheduled working hours at regularly designated  
8 offices other than a place of residence and whose offices are  
9 open for business during the same hours as the office of the  
10 election authority shall conduct in-person absentee voting for  
11 said elections. Municipal and township clerks (or road district  
12 clerks) who have no regularly scheduled working hours but who  
13 have regularly designated offices other than a place of  
14 residence shall conduct in-person absentee voting for said  
15 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00  
16 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on  
17 Saturdays, but not during such hours as the office of the  
18 election authority is closed, unless the clerk files a written  
19 waiver with the election authority not later than July 1 of  
20 each year stating that he or she is unable to conduct such  
21 voting and the reasons therefor. Such clerks who conduct  
22 in-person absentee voting may extend their hours for that  
23 purpose to include any hours in which the election authority's  
24 office is open. Municipal and township clerks (or road district  
25 clerks) who have no regularly scheduled office hours and no  
26 regularly designated offices other than a place of residence

1 may not conduct in-person absentee voting for said elections.  
2 The election authority may devise alternative methods for  
3 in-person absentee voting before said elections for those  
4 precincts located within the territorial area of a municipality  
5 or township (or road district) wherein the clerk of such  
6 municipality or township (or road district) has waived or is  
7 not entitled to conduct such voting. In addition, electors may  
8 vote by absentee ballot under the provisions of Section 19-1 at  
9 the office of the election authority having jurisdiction over  
10 their residence. Unless specifically authorized by the  
11 election authority, municipal, township, and road district  
12 clerks shall not conduct in-person absentee voting. No less  
13 than 45 days before the date of an election, the election  
14 authority shall notify the municipal, township, and road  
15 district clerks within its jurisdiction if they are to conduct  
16 in-person absentee voting. Election authorities, however, may  
17 conduct in-person absentee voting in one or more designated  
18 appropriate public buildings from the fourth day before the  
19 election through the day before the election.

20 In conducting in-person absentee voting under this  
21 Section, the respective clerks shall be required to verify the  
22 signature of the absentee voter by comparison with the  
23 signature on the official registration record card. The clerk  
24 also shall reasonably ascertain the identity of such applicant,  
25 shall verify that each such applicant is a registered voter,  
26 and shall verify the precinct in which he or she is registered

1 and the proper ballots of the political subdivisions in which  
2 the applicant resides and is entitled to vote, prior to  
3 providing any absentee ballot to such applicant. The clerk  
4 shall verify the applicant's registration and from the most  
5 recent poll list provided by the county clerk, and if the  
6 applicant is not listed on that poll list then by telephoning  
7 the office of the county clerk.

8 Absentee voting procedures in the office of the municipal,  
9 township and road district clerks shall be subject to all of  
10 the applicable provisions of this Article 19, including,  
11 without limitation, those procedures relating to primary  
12 ballots. Pollwatchers may be appointed to observe in-person  
13 absentee voting procedures and view all reasonably requested  
14 records relating to the conduct of the election, provided the  
15 secrecy of the ballot is not impinged, at the office of the  
16 municipal, township or road district clerks' offices where such  
17 absentee voting is conducted. Such pollwatchers shall qualify  
18 and be appointed in the same manner as provided in Sections  
19 7-34 and 17-23, except each candidate, political party or  
20 organization of citizens may appoint only one pollwatcher for  
21 each location where in-person absentee voting is conducted.  
22 Pollwatchers must be registered to vote in Illinois and possess  
23 valid pollwatcher credentials. All requirements in this  
24 Article applicable to election authorities shall apply to the  
25 respective local clerks, except where inconsistent with this  
26 Section.



1           The sealed absentee ballots in their carrier envelope shall  
2 be delivered by the respective clerks, or by the election  
3 authority on behalf of a clerk if the clerk and the election  
4 authority agree, to the election authority's central ballot  
5 counting location before the close of the polls on the day of  
6 the general primary, consolidated primary, consolidated, or  
7 general election.

8           Not more than 23 days before the general and consolidated  
9 elections, the county clerk shall make available to those  
10 municipal, township and road district clerks conducting  
11 in-person absentee voting within such county, a sufficient  
12 number of applications, absentee ballots, envelopes, and  
13 printed voting instruction slips for use by absentee voters in  
14 the offices of such clerks. The respective clerks shall receipt  
15 for all ballots received, shall return all unused or spoiled  
16 ballots to the county clerk on the day of the election and  
17 shall strictly account for all ballots received.

18           The ballots delivered to the respective clerks shall  
19 include absentee ballots for each precinct in the municipality,  
20 township or road district, or shall include such separate  
21 ballots for each political subdivision conducting an election  
22 of officers or a referendum on that election day as will permit  
23 any resident of the municipality, township or road district to  
24 vote absentee in the office of the proper clerk.

25           The clerks of all municipalities, townships and road  
26 districts may distribute applications for absentee ballot for

1 the use of voters who wish to mail such applications to the  
2 appropriate election authority. Such applications for absentee  
3 ballots shall be made on forms provided by the election  
4 authority. Duplication of such forms by the municipal, township  
5 or road district clerk is prohibited.

6 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
7 94-1000, eff. 7-3-06.)

8 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

9 Sec. 19-3. Application for such ballot shall be made on  
10 blanks to be furnished by the election authority and  
11 duplication of such application for ballot is prohibited,  
12 except by the election authority. The application for ballot  
13 shall be substantially in the following form:

14 APPLICATION FOR BALLOT

15 BY ELECTOR WHO EXPECTS TO BE

16 ABSENT FROM COUNTY

17 To be voted at the .... election in the County of .... and  
18 State of Illinois, in the .... precinct of the (1) \*township of  
19 .... (2) \*City of .... or (3) \*.... ward in the City of ....

20 I state that I am a resident of the .... precinct of the  
21 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
22 the city of .... residing at .... in such city or town in the  
23 county of .... and State of Illinois; that I have lived at such  
24 address for .... month(s) last past; that I am lawfully  
25 entitled to vote in such precinct at the .... election to be

1 held therein on ....; that I expect to be absent from the  
2 county of my residence on the date of holding such election,  
3 and that I will have no opportunity to vote in person on that  
4 day.

5 I hereby make application for an official ballot or ballots  
6 to be voted by me at such election if I am absent from the  
7 county of my residence, and I agree that I shall return such  
8 ballot or ballots to the official issuing the same prior to the  
9 closing of the polls on the date of the election.

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

13 .....

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

15 Post office address to which ballot is mailed:  
16 .....

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

20 APPLICATION FOR BALLOT  
21 BY ELECTOR WHO IS JUDGE OF ELECTION  
22 IN A PRECINCT OTHER THAN THE PRECINCT  
23 IN WHICH HE RESIDES

24 To be voted at the .... election in the County of .... and  
25 State of Illinois, in the .... precinct of the (1) \*township of  
26 .... (2) \*City of .... or (3) \*.... ward in the City of ....

1 I state that I am affiliated with the .... party (to be  
2 used in primary elections) and that I am a resident of the ....  
3 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
4 \*.... ward in the city of .... residing at .... in such city or  
5 town in the county of .... and State of Illinois; that I have  
6 lived at such address for .... month(s) last past; that I am  
7 lawfully entitled to vote in such precinct at the .... election  
8 to be held therein on ....; that I am a judge of election in  
9 .... precinct or the (1) \*.... ward in the city of .... or (2)  
10 \*township of .... or (3) \*city, village or incorporated town of  
11 .... in such county and that I will have no opportunity of  
12 voting in person on that day:

13 I hereby make application for an official ballot or ballots  
14 to be voted by me at such election if I serve as a judge of  
15 election in such last named precinct, and I agree that I shall  
16 return such ballot or ballots to the official issuing the same  
17 prior to the closing of the polls on the date of the election.

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

21 .....

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

23 Post office address to which ballot is mailed:

24 .....

25 APPLICATION FOR BALLOT

26 BY PHYSICALLY INCAPACITATED ELECTOR

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

4 I state ~~that I am affiliated with the .... party (to be~~  
 5 ~~used in primary elections) and~~ that I am a resident of the ....  
 6 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
 7 \*.... ward in the city of .... residing at .... in such city or  
 8 town in the county of .... and State of Illinois; that I have  
 9 lived at such address for .... month(s) last past; that I am  
 10 lawfully entitled to vote in such precinct at the .... election  
 11 to be held therein on ....; that I shall be physically  
 12 incapable of being present at the polls of such precinct on the  
 13 date of holding such election for the following reasons:

14 I hereby make application for an official ballot or ballots  
 15 to be voted by me at such election if I am so physically  
 16 incapacitated, and I agree that I shall return such ballot or  
 17 ballots to the official issuing the same prior to the closing  
 18 of the polls on the date of election.

19 Under penalties as provided by law pursuant to Section  
 20 29-10 of The Election Code, the undersigned certifies that the  
 21 statements set forth in this application are true and correct.

22 .....

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

24 Post office address to which ballot is mailed:

25 .....

1 BY CHILD SEX OFFENDER ELECTOR

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

5 I state that I am affiliated with the .... party (to be  
6 used in primary elections) and that I am a resident of the ....  
7 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
8 \*.... ward in the city of .... residing at .... in such city or  
9 town in the county of .... and State of Illinois; that I have  
10 lived at such address for .... month(s) last past; that I am  
11 lawfully entitled to vote in such precinct at the .... election  
12 to be held therein on ....; that my assigned precinct polling  
13 place is in a school and I will be unable to enter the polling  
14 place without violating Section 11-9.3 of the Criminal Code of  
15 1961.

16 I hereby make application for an official ballot or ballots  
17 to be voted by me at such election because my assigned precinct  
18 polling place is in a school and I will be unable to enter the  
19 polling place without violating Section 11-9.3 of the Criminal  
20 Code of 1961, and I agree that I shall return such ballot or  
21 ballots to the official issuing the same prior to the closing  
22 of the polls on the date of election.

23 Under penalties as provided by law pursuant to Section  
24 29-10 of the Election Code, the undersigned certifies that the  
25 statements set forth in this application are true and correct.

26 .....

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

2                   Post office address to which ballot is mailed:

3                   .....

4                   APPLICATION FOR BALLOT

5                   BY ELECTOR OBSERVING RELIGIOUS HOLIDAY

6                   To be voted at the .... election in the county of ....  
7                   State of Illinois, in the .... precinct (1) \*township of ....  
8                   (2) \*City of .... or (3) \*.... ward in the City of ....

9                   I state ~~that I am affiliated with the .... party (to be~~  
10 ~~used in primary elections)~~ and that I am a resident of the ....  
11 precinct of the (1) \*township of .... (2) \*City of .... or (3)  
12 \*.... ward in the city of .... residing at .... in such city or  
13 town in the county of .... and State of Illinois; that I have  
14 lived at such address for .... month(s) past, that I am  
15 lawfully entitled to vote in such precinct at the .... election  
16 to be held therein on ....; that I shall be unable to be  
17 present at the polls of such precinct on the date of holding  
18 such election because of the tenets of my religion in the  
19 observance of a religious holiday.

20                   I hereby make application for an official ballot or ballots  
21 to be voted by me at such election if I am so unable to be  
22 present at the polls of such precinct on the date of the  
23 election because of the tenets of my religion in the observance  
24 of a religious holiday, and I agree that I shall return the  
25 ballot or ballots to the official issuing the same prior to the  
26 closing of the polls on the date of the election.

1 Under penalties as provided by law pursuant to Section  
2 29-10 of The Election Code, the undersigned certifies that the  
3 statements set forth in this application are true and correct.

4 . . . .

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

6 Post office address to which ballot is mailed:

7 .....

8 APPLICATION FOR BALLOT

9 BY ELECTOR WHO IS AN ELECTION EMPLOYEE

10 OF STATE'S ATTORNEY, COUNTY CLERK OR

11 BOARD OF ELECTION COMMISSIONERS

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

15 I state that I am a resident of the .... precinct of the  
16 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
17 the city of .... residing at .... in such city or town in the  
18 county of .... and State of Illinois; that I have lived at such  
19 address for .... month(s) last past; that I am lawfully  
20 entitled to vote in such precinct at the .... election to be  
21 held therein on ....; that I am employed in the office of the  
22 (State's Attorney of .... County) (County Clerk of .... County)  
23 (Board of Election Commissioners of the (City) (County) of ....  
24 and that because of election duties on the date of holding such  
25 election I will have no opportunity to vote in person on that  
26 day.



1 I hereby make application for an official ballot or ballots  
 2 to be voted by me at such election, and I agree that I shall  
 3 return such ballot or ballots to the official issuing the same  
 4 prior to the closing of the polls on the date of the election.

5 Under penalties as provided by law pursuant to Section  
 6 29-10 of The Election Code, the undersigned certifies that the  
 7 statements set forth in this application are true and correct.

8 . . . .

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

10 Post office address to which ballot is mailed:

11 .....

12 ~~Provided, that if application be made for a primary~~  
 13 ~~election ballot, such application shall designate the name of~~  
 14 ~~the political party with which the applicant is affiliated.~~

15 APPLICATION FOR  
 16 TEMPORARILY ABSENT STUDENT BALLOT

17 To be voted at the .... election in the County of .... and  
 18 State of Illinois, in the .... precinct of the (1) \*township of  
 19 .... (2) \*City of .... or (3) \*.... ward in the City of ....

20 I state that I am a resident of the .... precinct of the  
 21 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
 22 the city of .... residing at .... in such city or town in the  
 23 county of .... and State of Illinois; that I have lived at such  
 24 address for .... month(s) last past; that I am lawfully  
 25 entitled to vote in such precinct at the .... election to be  
 26 held therein on ....; that I am temporarily abiding outside

1 such precinct in the (1) \*township of .... (2) \*City of .... in  
 2 the county of .... and State of .... due to the fact I am a  
 3 student attending an institution of higher education, and for  
 4 that reason do not expect to have an opportunity to vote in  
 5 person on that day.

6 I hereby make application for an official ballot or ballots  
 7 to be voted by me at such election if I am absent from the  
 8 precinct of my residence, and I agree that I shall return such  
 9 ballot or ballots to the official issuing the same prior to the  
 10 closing of the polls on the date of the 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 designate the name of the~~  
 20 ~~political party with which the applicant is affiliated.~~

21 In lieu of the separate application blanks heretofore  
 22 prescribed, the election authority may adopt a standard  
 23 application blank in substantially the following form for all  
 24 categories of absentee voters:

25 APPLICATION FOR  
 26 ABSENT VOTER'S BALLOT

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

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

14 (Check One)

15 I expect to be absent from my county of residence.

16 I expect to be temporarily absent from the country.

17 I shall be serving as a judge of election in the  
 18 ..... precinct which is not my precinct of  
 19 residence.

20 I shall be observing a religious holiday in  
 21 accordance with the tenets of my religion.

22 I shall be performing official election duties  
 23 for an Election Authority .....,  
 24 (election authority)

25 ..... or the State Board of  
 26 Elections.

1 (location)

2 I shall be performing election law enforcement  
3 duties in the employment of .....,  
4 (law enforcement agency)

5 .....

6 (location)

7 I am temporarily abiding in the (1) \*township of ....  
8 (2) \*city of .... in the county of .... and State of .... due to  
9 the fact I am a student attending an institution of higher  
10 education.

11 I am physically incapacitated.

12 Reason(s):

13 I have been called for jury duty on said day by  
14 .....

15 (court jurisdiction)

16 I hereby make application for an official ballot or ballots  
17 to be voted by me at such election and agree that I shall  
18 return the ballot or ballots to the election official issuing  
19 the same in sufficient time for such official to deliver the  
20 ballot or ballots to the proper polling place prior to the  
21 closing of the polls on the date of the election.

22 Under penalties as provided by law pursuant to Section  
23 29-10 of the Election Code, the undersigned certifies that the  
24 statements set forth in this application are true and correct.

25 .....

26 \*fill in either (1), (2) or (3). Post office address to which

1 ballot is mailed:

2 .....  
3

4 ~~Provided, that if application is made for a primary~~  
5 ~~election, such application shall designate the name of the~~  
6 ~~political party with which applicant is affiliated.~~

(Source: P.A. 95-440, eff. 8-27-07.)

7 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

8 Sec. 19-4. Mailing or delivery of ballots - Time.)

9 Immediately upon the receipt of such application either by  
10 mail, not more than 40 days nor less than 5 days prior to such  
11 election, or by personal delivery not more than 40 days nor  
12 less than one day prior to such election, at the office of such  
13 election authority, it shall be the duty of such election  
14 authority to examine the records to ascertain whether or not  
15 such applicant is lawfully entitled to vote as requested,  
16 including a verification of the applicant's signature by  
17 comparison with the signature on the official registration  
18 record card, and if found so to be entitled to vote, to post  
19 within one business day thereafter the name, street address,  
20 ward and precinct number or township and district number, as  
21 the case may be, of such applicant given on a list, the pages  
22 of which are to be numbered consecutively to be kept by such  
23 election authority for such purpose in a conspicuous, open and  
24 public place accessible to the public at the entrance of the  
25 office of such election authority, and in such a manner that

1 such list may be viewed without necessity of requesting  
2 permission therefor. Within one day after posting the name and  
3 other information of an applicant for an absentee ballot, the  
4 election authority shall transmit that name and other posted  
5 information to the State Board of Elections, which shall  
6 maintain those names and other information in an electronic  
7 format on its website, arranged by county and accessible to  
8 State and local political committees. Within 2 business days  
9 after posting a name and other information on the list within  
10 its office, the election authority shall mail, postage prepaid,  
11 or deliver in person in such office an official ballot or  
12 ballots if more than one are to be voted at said election or if  
13 Section 19-4.5 applies. Mail delivery of Temporarily Absent  
14 Student ballot applications pursuant to Section 19-12.3 shall  
15 be by nonforwardable mail. However, for the consolidated  
16 election, absentee ballots for certain precincts may be  
17 delivered to applicants not less than 25 days before the  
18 election if so much time is required to have prepared and  
19 printed the ballots containing the names of persons nominated  
20 for offices at the consolidated primary. The election authority  
21 shall enclose with each absentee ballot or application written  
22 instructions on how voting assistance shall be provided  
23 pursuant to Section 17-14 and a document, written and approved  
24 by the State Board of Elections, enumerating the circumstances  
25 under which a person is authorized to vote by absentee ballot  
26 pursuant to this Article; such document shall also include a

1 statement informing the applicant that if he or she falsifies  
2 or is solicited by another to falsify his or her eligibility to  
3 cast an absentee ballot, such applicant or other is subject to  
4 penalties pursuant to Section 29-10 and Section 29-20 of the  
5 Election Code. Each election authority shall maintain a list of  
6 the name, street address, ward and precinct, or township and  
7 district number, as the case may be, of all applicants who have  
8 returned absentee ballots to such authority, and the name of  
9 such absent voter shall be added to such list within one  
10 business day from receipt of such ballot. If the absentee  
11 ballot envelope indicates that the voter was assisted in  
12 casting the ballot, the name of the person so assisting shall  
13 be included on the list. The list, the pages of which are to be  
14 numbered consecutively, shall be kept by each election  
15 authority in a conspicuous, open, and public place accessible  
16 to the public at the entrance of the office of the election  
17 authority and in a manner that the list may be viewed without  
18 necessity of requesting permission for viewing.

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

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

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

26           All applications for absentee ballots shall be available at



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

8 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

9 (10 ILCS 5/19-4.5 new)

10 Sec. 19-4.5. Primary ballots.

11 (a) A person entitled to vote by absentee ballot at a  
12 primary shall not be required to declare his or her political  
13 party affiliation and shall be provided with the ballots of all  
14 established political parties nominating candidates for  
15 offices for which the absentee voter is entitled to vote at  
16 that primary. That absentee voter may mark, cast, and have  
17 counted the primary ballot of only one established political  
18 party, except that he or she may mark, cast, and have counted  
19 the primary ballots of a statewide established political party  
20 and a local political party established only within a political  
21 subdivision as provided in subsection (b) of Section 7-44.

22 (b) With respect to the marking, casting, and counting of  
23 primary ballots, absentee voting shall be conducted in  
24 accordance with Sections 7-43 and 7-44 of this Code as well as  
25 the provisions of this Article.

1       (c) When voting absentee at a primary by means other than  
2       in-person absentee voting, the voter shall be instructed to  
3       discard or otherwise destroy any ballots of political parties  
4       that the voter does not intend to cast. Such a discarded or  
5       destroyed ballot or ballots is not the ballot or ballots the  
6       voter agreed in the absentee ballot application to return to  
7       the election authority.

8       If a voter subject to this subsection returns to the  
9       election authority the ballot of more than one established  
10       political party, the judges of election shall determine which  
11       votes to count as provided in subsection (b) of Section 7-44.

12           (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

13           Sec. 19-5. It shall be the duty of the election authority  
14 to fold the ballot or ballots in the manner specified by the  
15 statute for folding ballots prior to their deposit in the  
16 ballot box, and to enclose such ballot or ballots in an  
17 envelope unsealed to be furnished by him, which envelope shall  
18 bear upon the face thereof the name, official title and post  
19 office address of the election authority, and upon the other  
20 side if the ballot is to go to an elector who is to be out of  
21 the county on the day of the election a printed certification  
22 in substantially the following form:

23           I state that I am a resident of the .... precinct of the  
24 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
25 the city of .... residing at .... in such city or town in the

1 county of .... and State of Illinois, that I have lived at such  
 2 address for .... months last past; that I am lawfully entitled  
 3 to vote in such precinct at the .... election to be held on  
 4 ....; and I expect to be absent from the county of my residence  
 5 on the date of such election.

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

7 I further state that I personally marked the enclosed  
 8 ballot in secret.

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

13 .....

14 If the ballot is to go to an elector who is physically  
 15 incapacitated the envelope shall bear upon the back thereof a  
 16 certification in substantially the following form:

17 I state that I am a resident of the .... precinct of the  
 18 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
 19 the city of .... residing at .... in such city or town in the  
 20 county of .... and State of Illinois, that I have lived at such  
 21 address for .... months last past; that I am lawfully entitled  
 22 to vote in such precinct at the .... election to be held on  
 23 ....; that I shall be physically incapable of being present at  
 24 the polls of such precinct on the date of holding such  
 25 election.

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

1 I further state that I personally marked the enclosed  
 2 ballot in secret. If I received assistance in casting my  
 3 ballot, I further attest that, due to physical incapacity, I  
 4 marked the enclosed ballot in secret with the assistance of

5 .....  
 6 (Individual rendering assistance)  
 7 .....  
 8 (Residence Address)

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

13 .....

14 In the case of a voter who is voting absentee by reason of  
 15 physical incapacity, marking a ballot in secret includes  
 16 marking a ballot with the assistance of another individual,  
 17 other than a candidate whose name appears on the ballot (unless  
 18 the voter is the spouse or a parent, child, brother, or sister  
 19 of the candidate), the voter's employer, an agent of that  
 20 employer or an officer or agent of the voter's union, when the  
 21 voter's physical incapacity necessitates such assistance.

22 If the ballot is to go to an elector who will be unable to  
 23 enter his or her precinct polling place without violating  
 24 Section 11-9.3 of the Criminal Code of 1961, the envelope shall  
 25 bear upon the back thereof a certification in substantially the  
 26 following form:

1 I state that I am a resident of the .... precinct of the  
 2 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
 3 the city of .... residing at .... in said city or town in the  
 4 county of .... and State of Illinois, that I have lived at such  
 5 address for .... months last past; that I am lawfully entitled  
 6 to vote in such precinct at the .... election to be held on  
 7 ....; that my assigned precinct polling place is in a school  
 8 and I will be unable to enter the polling place without  
 9 violating Section 11-9.3 of the Criminal Code of 1961.

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

11 I further state that I personally marked the enclosed  
 12 ballot in secret.

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

17 .....

18 If the ballot is to go to an elector who is unable to be  
 19 present at the polls on the date of the election because of the  
 20 observance of a religious holiday, the envelope shall bear upon  
 21 the back thereof a certification in substantially the following  
 22 form:

23 I state that I am a resident of the .... precinct of the  
 24 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
 25 the city of .... residing at .... in said city or town in the  
 26 county of .... and State of Illinois, that I have lived at such

1 address for .... months last past; that I am lawfully entitled  
 2 to vote in such precinct at the .... election to be held on  
 3 ....; that I shall be unable to be present at the polls of such  
 4 precinct on the date of holding such election because of the  
 5 tenets of my religion in the observance of a religious holiday.  
 6 \*fill in either (1), (2) or (3).

7 I further state that I personally marked the enclosed  
 8 ballot in secret.

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

13 .....

14 If the ballot is to go to an elector who is unable to be  
 15 present at the polls on the date of the election because he or  
 16 she is confined or detained in jail pending acquittal or  
 17 conviction of a crime, the envelope shall bear upon the back  
 18 thereof a certification in substantially the following form:

19 I state that I am a resident of the .... precinct of the  
 20 (1) \*township of .... (2) \*City of.... or (3) \*.... ward in the  
 21 city of .... residing at .... in that city or town in the  
 22 county of .... and State of Illinois, that I have lived at such  
 23 address for .... months last past; that I am lawfully entitled  
 24 to vote in such precinct at the .... election to be held on  
 25 ....; that I shall be unable to be present at the polls of such  
 26 precinct on the date of holding such election because of my

1 confinement or detention in jail pending acquittal or  
2 conviction of a crime.

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

4 I further state that I personally marked the enclosed  
5 ballot in secret.

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

10 .....

11 If the ballot is to go to an elector who is temporarily  
12 abiding outside the precinct in which he is registered to vote  
13 due to the fact he is a student attending an institution of  
14 higher education the envelope shall bear upon the back thereof  
15 a certification in substantially the following form:

16 I state that I am a resident of the .... precinct of the  
17 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
18 the city of .... residing at .... in such city or town in the  
19 county of .... and State of Illinois, that I have lived at such  
20 address for .... months last past; that I am lawfully entitled  
21 to vote in such precinct at the .... election to be held on  
22 ....; and I expect to be absent from the precinct of my  
23 residence on the date of such election because I am temporarily  
24 abiding outside such precinct in the (1) \*township of .... (2)  
25 \*city of .... in the county of .... and State of .... due to the  
26 fact I am a student attending an institution of higher

1 education.

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

3 I further state that I personally marked the enclosed  
4 ballot in secret.

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

9 .....

10 If the election authority adopts the standard absentee  
11 ballot application blank provided in Section 19-3, the printed  
12 certification on the absentee ballot envelope shall be in  
13 substantially the following form:

14 I state that I am a resident of the ..... precinct of the  
15 (1) \*township of..... (2) \*City of ..... or (3) \*..... ward  
16 in the city of ..... residing at ..... in said city or town  
17 in the county of ..... and State of Illinois, that I have  
18 lived at such address for .... months last past; that I shall  
19 be unable to be present at the polls of such precinct on the  
20 date of holding such election for the reason indicated on the  
21 application for ballot enclosed herein.

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

23 I further state that I personally marked the enclosed  
24 ballot in secret. If I received assistance in casting my  
25 ballot, I further attest that, due to physical incapacity, I  
26 marked the enclosed ballot in secret with the assistance of



1 .....  
 2 (Individual rendering assistance)  
 3 .....  
 4 (Residence Address)

5 Under penalties of perjury provided by law pursuant to  
 6 Section 29-10 of the Election Code, the undersigned certifies  
 7 that the statements set forth in this certification are true  
 8 and correct.

9 .....

10 In the case of a voter who is voting absentee by reason of  
 11 physical incapacity, marking a ballot in secret includes  
 12 marking a ballot with the assistance of another individual,  
 13 other than a candidate whose name appears on the ballot (unless  
 14 the voter is the spouse or a parent, child, brother, or sister  
 15 of the candidate), the voter's employer, an agent of that  
 16 employer, or an officer or agent of the voter's union, when the  
 17 voter's physical incapacity necessitates such assistance.

18 ~~Provided, that if the ballot enclosed is to be voted at a~~  
 19 ~~primary election, the certification shall designate the name of~~  
 20 ~~the political party with which the voter is affiliated.~~

21 In addition to the above, the election authority shall  
 22 provide printed slips giving full instructions regarding the  
 23 manner of marking and returning the ballot in order that the  
 24 same may be counted, and shall furnish one of such printed  
 25 slips to each of such applicants at the same time the ballot is  
 26 delivered to him. Such instructions shall include the following

1 statement: "In signing the certification on the absentee ballot  
2 envelope, you are attesting that you personally marked this  
3 absentee ballot in secret. If you are physically unable to mark  
4 the ballot, a friend or relative may assist you after  
5 completing the enclosed affidavit. Federal and State laws  
6 prohibit a candidate whose name appears on the ballot (unless  
7 you are the spouse or a parent, child, brother, or sister of  
8 the candidate), your employer, your employer's agent or an  
9 officer or agent of your union from assisting physically  
10 disabled voters."

11 In addition to the above, if a ballot to be provided to an  
12 elector pursuant to this Section contains a public question  
13 described in subsection (b) of Section 28-6 and the territory  
14 concerning which the question is to be submitted is not  
15 described on the ballot due to the space limitations of such  
16 ballot, the election authority shall provide a printed copy of  
17 a notice of the public question, which shall include a  
18 description of the territory in the manner required by Section  
19 16-7. The notice shall be furnished to the elector at the same  
20 time the ballot is delivered to the elector.

21 (Source: P.A. 94-637, eff. 1-1-06; 95-440, eff. 8-27-07.)

22 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

24 (a) (Blank.)

25 (b) Each absent voter's ballot returned to an election

1 authority, by any means authorized by this Article, and  
2 received by that election authority before the closing of the  
3 polls on election day shall be endorsed by the receiving  
4 election authority with the day and hour of receipt and shall  
5 be counted in the central ballot counting location of the  
6 election authority on the day of the election after 7:00 p.m.,  
7 except as provided in subsections (g) and (g-5).

8 (c) Each absent voter's ballot that is mailed to an  
9 election authority and postmarked by the midnight preceding the  
10 opening of the polls on election day, but that is received by  
11 the election authority after the polls close on election day  
12 and before the close of the period for counting provisional  
13 ballots cast at that election, shall be endorsed by the  
14 receiving authority with the day and hour of receipt and shall  
15 be counted at the central ballot counting location of the  
16 election authority during the period for counting provisional  
17 ballots.

18 Each absent voter's ballot that is mailed to an election  
19 authority absent a postmark, but that is received by the  
20 election authority after the polls close on election day and  
21 before the close of the period for counting provisional ballots  
22 cast at that election, shall be endorsed by the receiving  
23 authority with the day and hour of receipt, opened to inspect  
24 the date inserted on the certification, and, if the  
25 certification date is a date preceding the election day and the  
26 ballot is otherwise found to be valid under the requirements of

1 this Section, counted at the central ballot counting location  
2 of the election authority during the period for counting  
3 provisional ballots. Absent a date on the certification, the  
4 ballot shall not be counted.

5 (d) Special write-in absentee voter's blank ballots  
6 returned to an election authority, by any means authorized by  
7 this Article, and received by the election authority at any  
8 time before the closing of the polls on election day shall be  
9 endorsed by the receiving election authority with the day and  
10 hour of receipt and shall be counted at the central ballot  
11 counting location of the election authority during the same  
12 period provided for counting absent voters' ballots under  
13 subsections (b), (g), and (g-5). Special write-in absentee  
14 voter's blank ballots that are mailed to an election authority  
15 and postmarked by the midnight preceding the opening of the  
16 polls on election day, but that are received by the election  
17 authority after the polls close on election day and before the  
18 closing of the period for counting provisional ballots cast at  
19 that election, shall be endorsed by the receiving authority  
20 with the day and hour of receipt and shall be counted at the  
21 central ballot counting location of the election authority  
22 during the same periods provided for counting absent voters'  
23 ballots under subsection (c).

24 (e) Except as otherwise provided in this Section, absent  
25 voters' ballots and special write-in absentee voter's blank  
26 ballots received by the election authority after the closing of

1 the polls on an election day shall be endorsed by the election  
2 authority receiving them with the day and hour of receipt and  
3 shall be safely kept unopened by the election authority for the  
4 period of time required for the preservation of ballots used at  
5 the election, and shall then, without being opened, be  
6 destroyed in like manner as the used ballots of that election.

7 (f) Counting required under this Section to begin on  
8 election day after the closing of the polls shall commence no  
9 later than 8:00 p.m. and shall be conducted by a panel or  
10 panels of election judges appointed in the manner provided by  
11 law. The counting shall continue until all absent voters'  
12 ballots and special write-in absentee voter's blank ballots  
13 required to be counted on election day have been counted.

14 (g) The procedures set forth in Articles 17 and 18 and,  
15 with respect to primaries, in Section 19-4.5 of this Code shall  
16 apply to all ballots counted under this Section. In addition,  
17 within 2 days after an absentee ballot, other than an in-person  
18 absentee ballot, is received, but in all cases before the close  
19 of the period for counting provisional ballots, the election  
20 judge or official shall compare the voter's signature on the  
21 certification envelope of that absentee ballot with the  
22 signature of the voter on file in the office of the election  
23 authority. If the election judge or official determines that  
24 the 2 signatures match, and that the absentee voter is  
25 otherwise qualified to cast an absentee ballot, the election  
26 authority shall cast and count the ballot on election day or

1 the day the ballot is determined to be valid, whichever is  
2 later, adding the results to the precinct in which the voter is  
3 registered. If the election judge or official determines that  
4 the signatures do not match, or that the absentee voter is not  
5 qualified to cast an absentee ballot, then without opening the  
6 certification envelope, the judge or official shall mark across  
7 the face of the certification envelope the word "Rejected" and  
8 shall not cast or count the ballot.

9 In addition to the voter's signatures not matching, an  
10 absentee ballot may be rejected by the election judge or  
11 official:

12 (1) if the ballot envelope is open or has been opened  
13 and resealed;

14 (2) if the voter has already cast an early or grace  
15 period ballot;

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

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

19 If the election judge or official determines that any of  
20 these reasons apply, the judge or official shall mark across  
21 the face of the certification envelope the word "Rejected" and  
22 shall not cast or count the ballot.

23 (g-5) If an absentee ballot, other than an in-person  
24 absentee ballot, is rejected by the election judge or official  
25 for any reason, the election authority shall, within 2 days  
26 after the rejection but in all cases before the close of the

1 period for counting provisional ballots, notify the absentee  
2 voter that his or her ballot was rejected. The notice shall  
3 inform the voter of the reason or reasons the ballot was  
4 rejected and shall state that the voter may appear before the  
5 election authority, on or before the 14th day after the  
6 election, to show cause as to why the ballot should not be  
7 rejected. The voter may present evidence to the election  
8 authority supporting his or her contention that the ballot  
9 should be counted. The election authority shall appoint a panel  
10 of 3 election judges to review the contested ballot,  
11 application, and certification envelope, as well as any  
12 evidence submitted by the absentee voter. No more than 2  
13 election judges on the reviewing panel shall be of the same  
14 political party. The reviewing panel of election judges shall  
15 make a final determination as to the validity of the contested  
16 absentee ballot. The judges' determination shall not be  
17 reviewable either administratively or judicially.

18 An absentee ballot subject to this subsection that is  
19 determined to be valid shall be counted before the close of the  
20 period for counting provisional ballots.

21 (g-10) All absentee ballots determined to be valid shall be  
22 added to the vote totals for the precincts for which they were  
23 cast in the order in which the ballots were opened.

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

1 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;  
2 95-699, eff. 11-9-07.)

3 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

4 Sec. 19-12.1. Any qualified elector who has secured an  
5 Illinois Disabled Person Identification Card in accordance  
6 with The Illinois Identification Card Act, indicating that the  
7 person named thereon has a Class 1A or Class 2 disability or  
8 any qualified voter who has a permanent physical incapacity of  
9 such a nature as to make it improbable that he will be able to  
10 be present at the polls at any future election, or any voter  
11 who is a resident of a facility licensed or certified pursuant  
12 to the Nursing Home Care Act and has a condition or disability  
13 of such a nature as to make it improbable that he will be able  
14 to be present at the polls at any future election, may secure a  
15 disabled voter's or nursing home resident's identification  
16 card, which will enable him to vote under this Article as a  
17 physically incapacitated or nursing home voter.

18 Application for a disabled voter's or nursing home  
19 resident's identification card shall be made either: (a) in  
20 writing, with voter's sworn affidavit, to the county clerk or  
21 board of election commissioners, as the case may be, and shall  
22 be accompanied by the affidavit of the attending physician  
23 specifically describing the nature of the physical incapacity  
24 or the fact that the voter is a nursing home resident and is  
25 physically unable to be present at the polls on election days;



1 or (b) by presenting, in writing or otherwise, to the county  
2 clerk or board of election commissioners, as the case may be,  
3 proof that the applicant has secured an Illinois Disabled  
4 Person Identification Card indicating that the person named  
5 thereon has a Class 1A or Class 2 disability. Upon the receipt  
6 of either the sworn-to application and the physician's  
7 affidavit or proof that the applicant has secured an Illinois  
8 Disabled Person Identification Card indicating that the person  
9 named thereon has a Class 1A or Class 2 disability, the county  
10 clerk or board of election commissioners shall issue a disabled  
11 voter's or nursing home resident's identification card. Such  
12 identification cards shall be issued for a period of 5 years,  
13 upon the expiration of which time the voter may secure a new  
14 card by making application in the same manner as is prescribed  
15 for the issuance of an original card, accompanied by a new  
16 affidavit of the attending physician. The date of expiration of  
17 such five-year period shall be made known to any interested  
18 person by the election authority upon the request of such  
19 person. Applications for the renewal of the identification  
20 cards shall be mailed to the voters holding such cards not less  
21 than 3 months prior to the date of expiration of the cards.

22 Each disabled voter's or nursing home resident's  
23 identification card shall bear an identification number, which  
24 shall be clearly noted on the voter's original and duplicate  
25 registration record cards. In the event the holder becomes  
26 physically capable of resuming normal voting, he must surrender

1 his disabled voter's or nursing home resident's identification  
2 card to the county clerk or board of election commissioners  
3 before the next election.

4 The holder of a disabled voter's or nursing home resident's  
5 identification card may make application by mail for an  
6 official ballot within the time prescribed by Section 19-2.  
7 Such application shall contain the same information as is  
8 included in the form of application for ballot by a physically  
9 incapacitated elector prescribed in Section 19-3 except that it  
10 shall also include the applicant's disabled voter's  
11 identification card number and except that it need not be sworn  
12 to. If an examination of the records discloses that the  
13 applicant is lawfully entitled to vote, he shall be mailed a  
14 ballot or ballots as provided in Section 19-4 and, if  
15 applicable, in Section 19-4.5. The ballot envelope shall be the  
16 same as that prescribed in Section 19-5 for physically disabled  
17 voters, and the manner of voting and returning the ballot shall  
18 be the same as that provided in this Article for other absentee  
19 ballots, except that a statement to be subscribed to by the  
20 voter but which need not be sworn to shall be placed on the  
21 ballot envelope in lieu of the affidavit prescribed by Section  
22 19-5.

23 Any person who knowingly subscribes to a false statement in  
24 connection with voting under this Section shall be guilty of a  
25 Class A misdemeanor.

26 (Source: P.A. 86-820; 86-875; 86-1028.)

1 (10 ILCS 5/20-3) (from Ch. 46, par. 20-3)

2 Sec. 20-3. The election authority shall furnish the  
3 following applications for absentee registration or absentee  
4 ballot which shall be considered a method of application in  
5 lieu of the official postcard.

6 1. Members of the United States Service, citizens of the  
7 United States temporarily residing outside the territorial  
8 limits of the United States, and certified program participants  
9 under the Address Confidentiality for Victims of Domestic  
10 Violence Act may make application within the periods prescribed  
11 in Sections 20-2 or 20-2.1, as the case may be. Such  
12 application shall be substantially in the following form:

13 "APPLICATION FOR BALLOT

14 To be voted at the..... election in the precinct in  
15 which is located my residence at....., in the  
16 city/village/township of .....(insert home address)  
17 County of..... and State of Illinois.

18 I state that I am a citizen of the United States; that on  
19 (insert date of election) I shall have resided in the State of  
20 Illinois and in the election precinct for 30 days; that on the  
21 above date I shall be the age of 18 years or above; that I am  
22 lawfully entitled to vote in such precinct at that election;  
23 that I am (check category 1, 2, or 3 below):

- 24 1. ( ) a member of the United States Service,
- 25 2. ( ) a citizen of the United States temporarily residing

1 outside the territorial limits of the United States and that I  
 2 expect to be absent from the said county of my residence on the  
 3 date of holding such election, and that I will have no  
 4 opportunity to vote in person on that day.

5 3. ( ) a certified program participant under the Address  
 6 Confidentiality for Victims of Domestic Violence Act.

7 I hereby make application for an official ballot or ballots  
 8 to be voted by me at such election if I am absent from the said  
 9 county of my residence, and I agree that I shall return said  
 10 ballot or ballots to the election authority prior to the  
 11 closing of the polls on the date of the election or shall  
 12 destroy said ballot or ballots.

13 (Check below only if category 2 or 3 and not previously  
 14 registered)

15 ( ) I hereby make application to become registered as a  
 16 voter and agree to return the forms and affidavits for  
 17 registration to the election authority not later than 30 days  
 18 before the election.

19 Under penalties as provided by law pursuant to Article 29  
 20 of The Election Code, the undersigned certifies that the  
 21 statements set forth in this application are true and correct.

22 .....

23 Post office address or service address to which  
 24 registration materials or ballot should be mailed

25 .....

26 .....

1 ....."

2 ....."

3 ~~If application is made for a primary election ballot, such~~  
4 ~~application shall designate the name of the political party~~  
5 ~~with which the applicant is affiliated.~~

6 Such applications may be obtained from the election  
7 authority having jurisdiction over the person's precinct of  
8 residence.

9 2. A spouse or dependent of a member of the United States  
10 Service, said spouse or dependent being a registered voter in  
11 the county, may make application on behalf of said person in  
12 the office of the election authority within the periods  
13 prescribed in Section 20-2 which shall be substantially in the  
14 following form:

15 "APPLICATION FOR BALLOT to be voted at the..... election  
16 in the precinct in which is located the residence of the person  
17 for whom this application is made at.....(insert  
18 residence address) in the city/village/township of.....  
19 County of..... and State of Illinois.

20 I certify that the following named person.....  
21 (insert name of person) is a member of the United States  
22 Service.

23 I state that said person is a citizen of the United States;  
24 that on (insert date of election) said person shall have  
25 resided in the State of Illinois and in the election precinct  
26 for which this application is made for 30 days; that on the

1 above date said person shall be the age of 18 years or above;  
 2 that said person is lawfully entitled to vote in such precinct  
 3 at that election; that said person is a member of the United  
 4 States Service, and that in the course of his duties said  
 5 person expects to be absent from his county of residence on the  
 6 date of holding such election, and that said person will have  
 7 no opportunity to vote in person on that day.

8 I hereby make application for an official ballot or ballots  
 9 to be voted by said person at such election and said person  
 10 agrees that he shall return said ballot or ballots to the  
 11 election authority prior to the closing of the polls on the day  
 12 of the election, or shall destroy said ballot or ballots.

13 I hereby certify that I am the (mother, father, sister,  
 14 brother, husband or wife) of the said elector, and that I am a  
 15 registered voter in the election precinct for which this  
 16 application is made. (Strike all but one that is applicable.)

17 Under penalties as provided by law pursuant to Article 29  
 18 of The Election Code, the undersigned certifies that the  
 19 statements set forth in this application are true and correct.

20 Name of applicant .....

21 Residence address .....

22 City/village/township.....

23 Service address to which ballot should be mailed:  
 24 .....  
 25 .....  
 26 .....

1 ....."

2 ~~If application is made for a primary election ballot, such~~  
3 ~~application shall designate the name of the political party~~  
4 ~~with which the person for whom application is made is~~  
5 ~~affiliated.~~

6 Such applications may be obtained from the election  
7 authority having jurisdiction over the voting precinct in which  
8 the person for whom application is made is entitled to vote.

9 (Source: P.A. 91-494, eff. 1-1-00.)

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

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

1 format on its website, arranged by county and accessible to  
2 State and local political committees. As soon as the official  
3 ballot is prepared the election authority shall immediately  
4 deliver the same to the applicant in person or by mail, in the  
5 manner prescribed in Section 20-4.5, when applicable, and  
6 Section 20-5.

7 If any such election authority receives a second or  
8 additional application which it believes is from the same  
9 person, he or it shall submit it to the chief judge of the  
10 circuit court or any judge of that court designated by the  
11 chief judge. If the chief judge or his designate determines  
12 that the application submitted to him is a second or additional  
13 one, he shall so notify the election authority who shall  
14 disregard the second or additional application.

15 The election authority shall maintain a list for each  
16 election of the voters to whom it has issued absentee ballots.  
17 The list shall be maintained for each precinct within the  
18 jurisdiction of the election authority. Prior to the opening of  
19 the polls on election day, the election authority shall deliver  
20 to the judges of election in each precinct the list of  
21 registered voters in that precinct to whom absentee ballots  
22 have been issued.

23 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

24 (10 ILCS 5/20-4.5 new)

25 Sec. 20-4.5. Primary ballots.



1       (a) A person entitled to vote by absentee ballot at a  
2 primary shall not be required to declare his or her political  
3 party affiliation and shall be provided with the ballots of all  
4 established political parties nominating candidates for  
5 offices for which the absentee voter is entitled to vote at  
6 that primary. That absentee voter may mark, cast, and have  
7 counted the primary ballot of only one established political  
8 party, except that he or she may mark, cast, and have counted  
9 the primary ballots of a statewide established political party  
10 and a local political party established only within a political  
11 subdivision as provided in subsection (b) of Section 7-44.

12       (b) With respect to the marking, casting, and counting of  
13 primary ballots, absentee voting shall be conducted in  
14 accordance with Sections 7-43 and 7-44 of this Code as well as  
15 the provisions of this Article.

16       (c) When voting absentee at a primary, the voter shall be  
17 instructed to discard or otherwise destroy any ballots of  
18 political parties that the voter does not intend to cast. Such  
19 a discarded or destroyed ballot or ballots is not the ballot or  
20 ballots the voter agreed in the absentee ballot application to  
21 return to the election authority.

22       If a voter subject to this subsection returns to the  
23 election authority the ballot of more than one established  
24 political party, the judges of election shall determine which  
25 votes to count as provided in subsection (b) of Section 7-44.

1 (10 ILCS 5/20-5) (from Ch. 46, par. 20-5)

2 Sec. 20-5. The election authority shall fold the ballot or  
3 ballots in the manner specified by the statute for folding  
4 ballots prior to their deposit in the ballot box and shall  
5 enclose such ballot in an envelope unsealed to be furnished by  
6 it, which envelope shall bear upon the face thereof the name,  
7 official title and post office address of the election  
8 authority, and upon the other side of such envelope there shall  
9 be printed a certification in substantially the following form:

10 "CERTIFICATION

11 I state that I am a resident/former resident of the .....  
12 precinct of the city/village/township of .....,  
13 (Designation to be made by Election Authority) or of the ....  
14 ward in the city of ..... (Designation to be made by  
15 Election Authority) residing at ..... in said  
16 city/village/township in the county of ..... and State of  
17 Illinois; that I am a

- 18 1. ( ) member of the United States Service
- 19 2. ( ) citizen of the United States temporarily residing  
20 outside the territorial limits of the United States
- 21 3. ( ) nonresident civilian citizen

22 and desire to cast the enclosed ballot pursuant to Article 20  
23 of The Election Code; that I am lawfully entitled to vote in  
24 such precinct at the ..... election to be held on  
25 .....

26 I further state that I marked the enclosed ballot in

1 secret.

2 Under penalties as provided by law pursuant to Article 29  
3 of The Election Code, the undersigned certifies that the  
4 statements set forth in this certification are true and  
5 correct.

6 ..... (Name)  
7 .....  
8 (Service Address)"  
9 .....  
10 .....  
11 .....

12 ~~If the ballot enclosed is to be voted at a primary~~  
13 ~~election, the certification shall designate the name of the~~  
14 ~~political party with which the voter is affiliated.~~

15 In addition to the above, the election authority shall  
16 provide printed slips giving full instructions regarding the  
17 manner of completing the forms and affidavits for absentee  
18 registration or the manner of marking and returning the ballot  
19 in order that the same may be counted, and shall furnish one of  
20 the printed slips to each of the applicants at the same time  
21 the registration materials or ballot is delivered to him.

22 In addition to the above, if a ballot to be provided to an  
23 elector pursuant to this Section contains a public question  
24 described in subsection (b) of Section 28-6 and the territory  
25 concerning which the question is to be submitted is not  
26 described on the ballot due to the space limitations of such

1 ballot, the election authority shall provide a printed copy of  
2 a notice of the public question, which shall include a  
3 description of the territory in the manner required by Section  
4 16-7. The notice shall be furnished to the elector at the same  
5 time the ballot is delivered to the elector.

6 The envelope in which such registration or such ballot is  
7 mailed to the voter as well as the envelope in which the  
8 registration materials or the ballot is returned by the voter  
9 shall have printed across the face thereof two parallel  
10 horizontal red bars, each one-quarter inch wide, extending from  
11 one side of the envelope to the other side, with an intervening  
12 space of one-quarter inch, the top bar to be one and  
13 one-quarter inches from the top of the envelope, and with the  
14 words "Official Election Balloting Material-VIA AIR MAIL"  
15 between the bars. In the upper right corner of such envelope in  
16 a box, there shall be printed the words: "U.S. Postage Paid 42  
17 USC 1973". All printing on the face of such envelopes shall be  
18 in red, including an appropriate inscription or blank in the  
19 upper left corner of return address of sender.

20 (Source: P.A. 84-1467.)

21 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

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

23 (a) (Blank.)

24 (b) Each absent voter's ballot returned to an election  
25 authority, by any means authorized by this Article, and

1 received by that election authority before the closing of the  
2 polls on election day shall be endorsed by the receiving  
3 election authority with the day and hour of receipt and shall  
4 be counted in the central ballot counting location of the  
5 election authority on the day of the election after 7:00 p.m.,  
6 except as provided in subsections (g) and (g-5).

7 (c) Each absent voter's ballot that is mailed to an  
8 election authority and postmarked by the midnight preceding the  
9 opening of the polls on election day, but that is received by  
10 the election authority after the polls close on election day  
11 and before the close of the period for counting provisional  
12 ballots cast at that election, shall be endorsed by the  
13 receiving authority with the day and hour of receipt and shall  
14 be counted at the central ballot counting location of the  
15 election authority during the period for counting provisional  
16 ballots.

17 Each absent voter's ballot that is mailed to an election  
18 authority absent a postmark, but that is received by the  
19 election authority after the polls close on election day and  
20 before the close of the period for counting provisional ballots  
21 cast at that election, shall be endorsed by the receiving  
22 authority with the day and hour of receipt, opened to inspect  
23 the date inserted on the certification, and, if the  
24 certification date is a date preceding the election day and the  
25 ballot is otherwise found to be valid under the requirements of  
26 this Section, counted at the central ballot counting location

1 of the election authority during the period for counting  
2 provisional ballots. Absent a date on the certification, the  
3 ballot shall not be counted.

4 (d) Special write-in absentee voter's blank ballots  
5 returned to an election authority, by any means authorized by  
6 this Article, and received by the election authority at any  
7 time before the closing of the polls on election day shall be  
8 endorsed by the receiving election authority with the day and  
9 hour of receipt and shall be counted at the central ballot  
10 counting location of the election authority during the same  
11 period provided for counting absent voters' ballots under  
12 subsections (b), (g), and (g-5). Special write-in absentee  
13 voter's blank ballot that are mailed to an election authority  
14 and postmarked by midnight preceding the opening of the polls  
15 on election day, but that are received by the election  
16 authority after the polls close on election day and before the  
17 closing of the period for counting provisional ballots cast at  
18 that election, shall be endorsed by the receiving authority  
19 with the day and hour of receipt and shall be counted at the  
20 central ballot counting location of the election authority  
21 during the same periods provided for counting absent voters'  
22 ballots under subsection (c).

23 (e) Except as otherwise provided in this Section, absent  
24 voters' ballots and special write-in absentee voter's blank  
25 ballots received by the election authority after the closing of  
26 the polls on the day of election shall be endorsed by the

1 person receiving the ballots with the day and hour of receipt  
2 and shall be safely kept unopened by the election authority for  
3 the period of time required for the preservation of ballots  
4 used at the election, and shall then, without being opened, be  
5 destroyed in like manner as the used ballots of that election.

6 (f) Counting required under this Section to begin on  
7 election day after the closing of the polls shall commence no  
8 later than 8:00 p.m. and shall be conducted by a panel or  
9 panels of election judges appointed in the manner provided by  
10 law. The counting shall continue until all absent voters'  
11 ballots and special write-in absentee voter's blank ballots  
12 required to be counted on election day have been counted.

13 (g) The procedures set forth in Articles 17 and 18 and,  
14 with respect to primaries, in Section 20-4.5 of this Code shall  
15 apply to all ballots counted under this Section. In addition,  
16 within 2 days after a ballot subject to this Article is  
17 received, but in all cases before the close of the period for  
18 counting provisional ballots, the election judge or official  
19 shall compare the voter's signature on the certification  
20 envelope of that ballot with the signature of the voter on file  
21 in the office of the election authority. If the election judge  
22 or official determines that the 2 signatures match, and that  
23 the voter is otherwise qualified to cast a ballot under this  
24 Article, the election authority shall cast and count the ballot  
25 on election day or the day the ballot is determined to be  
26 valid, whichever is later, adding the results to the precinct

1 in which the voter is registered. If the election judge or  
2 official determines that the signatures do not match, or that  
3 the voter is not qualified to cast a ballot under this Article,  
4 then without opening the certification envelope, the judge or  
5 official shall mark across the face of the certification  
6 envelope the word "Rejected" and shall not cast or count the  
7 ballot.

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

11 (1) if the ballot envelope is open or has been opened  
12 and resealed;

13 (2) if the voter has already cast an early or grace  
14 period ballot;

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

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

18 If the election judge or official determines that any of  
19 these reasons apply, the judge or official shall mark across  
20 the face of the certification envelope the word "Rejected" and  
21 shall not cast or count the ballot.

22 (g-5) If a ballot subject to this Article is rejected by  
23 the election judge or official for any reason, the election  
24 authority shall, within 2 days after the rejection but in all  
25 cases before the close of the period for counting provisional  
26 ballots, notify the voter that his or her ballot was rejected.



1 The notice shall inform the voter of the reason or reasons the  
2 ballot was rejected and shall state that the voter may appear  
3 before the election authority, on or before the 14th day after  
4 the election, to show cause as to why the ballot should not be  
5 rejected. The voter may present evidence to the election  
6 authority supporting his or her contention that the ballot  
7 should be counted. The election authority shall appoint a panel  
8 of 3 election judges to review the contested ballot,  
9 application, and certification envelope, as well as any  
10 evidence submitted by the absentee voter. No more than 2  
11 election judges on the reviewing panel shall be of the same  
12 political party. The reviewing panel of election judges shall  
13 make a final determination as to the validity of the contested  
14 ballot. The judges' determination shall not be reviewable  
15 either administratively or judicially.

16 A ballot subject to this subsection that is determined to  
17 be valid shall be counted before the close of the period for  
18 counting provisional ballots.

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

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

25 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;  
26 95-699, eff. 11-9-07.)