



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1131

Introduced 2/11/2009, by Rep. Richard P. Myers - Mike Bost - William B. Black

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/20-2.3	from Ch. 46, par. 20-2.3
10 ILCS 5/20-5	from Ch. 46, par. 20-5
10 ILCS 5/20-6	from Ch. 46, par. 20-6

Amends the Election Code. Permits the spouse and dependents of an active-duty member of the U.S. armed forces to vote military absentee ballots. Permits return delivery of a military or overseas ballot (i) by mail, (ii) in person by a specified relative of the voter, or (iii) by a licensed motor carrier engaged in the delivery of property.

LRB096 09698 JAM 19859 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 20-2.3, 20-5, and 20-6 as follows:

6 (10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

7 Sec. 20-2.3. Members of the Armed Forces and their spouses  
8 and dependents. Any member of the United States Armed Forces  
9 while on active duty, and his or her spouse and dependents,  
10 otherwise qualified to vote, who expects in the course of his  
11 or her duties to be absent from the county in which he or she  
12 resides on the day of holding any election, in addition to any  
13 other method of making application for an absentee ballot under  
14 this Article, may make application for an absentee ballot to  
15 the election authority having jurisdiction over his or her  
16 precinct of residence by a facsimile machine or electronic  
17 transmission not less than 10 days before the election.

18 Ballots under this Section shall be mailed by the election  
19 authority in the manner prescribed by Section 20-5 of this  
20 Article and not otherwise. Ballots voted under this Section  
21 must be returned to the election authority before the closing  
22 of the polls on the day of election and must be counted at the  
23 election authority's central ballot counting location.

1 (Source: P.A. 94-1000, eff. 7-3-06.)

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

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

11 "CERTIFICATION

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

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

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

1 .....  
2

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

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

9 ..... (Name)

10 .....  
11

12 (Service Address)"  
13

14 .....  
15

16 .....  
17

18 .....  
19

20 If the ballot enclosed is to be voted at a primary  
21 election, the certification shall designate the name of the  
22 political party with which the voter is affiliated.

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

In addition to the above, if a ballot to be provided to an  
elector pursuant to this Section contains a public question  
described in subsection (b) of Section 28-6 and the territory

1 concerning which the question is to be submitted is not  
2 described on the ballot due to the space limitations of such  
3 ballot, the election authority shall provide a printed copy of  
4 a notice of the public question, which shall include a  
5 description of the territory in the manner required by Section  
6 16-7. The notice shall be furnished to the elector at the same  
7 time the ballot is delivered to the elector.

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

22 The envelope in which the ballot is returned to the  
23 election authority may be delivered (i) by mail, postage paid,  
24 (ii) in person, by the spouse, parent, child, brother, or  
25 sister of the voter, or (iii) by a company engaged in the  
26 business of making deliveries of property and licensed as a

1 motor carrier of property by the Illinois Commerce Commission  
2 under the Illinois Commercial Transportation Law.

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

4 (10 ILCS 5/20-6) (from Ch. 46, par. 20-6)

5 Sec. 20-6. Such absent voter shall make and subscribe to  
6 the certifications provided for in the application and on the  
7 return envelope for the ballot, and such ballot or ballots  
8 shall then be folded by such voter in the manner required to be  
9 folded before depositing the same in the ballot box, and be  
10 deposited in such envelope and the envelope securely sealed.  
11 The envelope in which the ballot is returned to the election  
12 authority may be delivered (i) by mail, postage paid, (ii) in  
13 person, by the spouse, parent, child, brother, or sister of the  
14 voter, or (iii) by a company engaged in the business of making  
15 deliveries of property and licensed as a motor carrier of  
16 property by the Illinois Commerce Commission under the Illinois  
17 Commercial Transportation Law. Such envelope shall be mailed by  
18 such voter, to the officer issuing the ballot or, if more  
19 convenient, it may be delivered in person.

20 (Source: P.A. 81-155.)