

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 16-5.01, 20-1, 20-2.1, 20-2.2, 20-2.3, 20-4, and 20-5
6 and by adding Section 20-25 as follows:

7 (10 ILCS 5/16-5.01) (from Ch. 46, par. 16-5.01)

8 Sec. 16-5.01. (a) The election authority shall, at least 60
9 days prior to the date of any general election at which federal
10 officers are elected and 45 days prior to any other regular
11 election, have a sufficient number of ballots printed so that
12 such ballots will be available for mailing 60 days prior to the
13 date of the election to persons who have filed application for
14 a ballot under the provisions of Article 20 of this Act.

15 (b) If at any ~~general~~ election at which federal offices are
16 elected or nominated the election authority is unable to comply
17 with the provisions of subsection (a), the election authority
18 shall mail to each such person, in lieu of the ballot, a
19 Special Write-in Absentee Voter's Blank Ballot. The Special
20 Write-in Absentee Voter's Blank Ballot shall be used ~~only~~ at
21 all ~~general~~ elections at which federal officers are elected or
22 nominated and shall be prepared by the election authority in
23 substantially the following form:

1 Special Write-in Absentee Voter's Blank Ballot

2 (To vote for a person, write the title of the office and
3 his or her name on the lines provided. Place to the left of and
4 opposite the title of office a square and place a cross (X) in
5 the square.)

6 Title of Office Name of Candidate

7 ()

8 ()

9 ()

10 ()

11 ()

12 ()

13 The election authority shall send with the Special Write-in
14 Absentee Voter's Blank Ballot a list of all referenda for which
15 the voter is qualified to vote and all candidates for whom
16 nomination papers have been filed and for whom the voter is
17 qualified to vote. The voter shall be entitled to write in the
18 name of any candidate seeking election and any referenda for
19 which he or she is entitled to vote.

20 On the back or outside of the ballot, so as to appear when
21 folded, shall be printed the words "Official Ballot", the date
22 of the election and a facsimile of the signature of the
23 election authority who has caused the ballot to be printed.

24 The provisions of Article 20, insofar as they may be
25 applicable to the Special Write-in Absentee Voter's Blank
26 Ballot, shall be applicable herein.

1 (c) Notwithstanding any provision of this Code or other law
2 to the contrary, the governing body of a municipality may
3 adopt, upon submission of a written statement by the
4 municipality's election authority attesting to the
5 administrative ability of the election authority to administer
6 an election using a ranked ballot to the municipality's
7 governing body, an ordinance requiring, and that
8 municipality's election authority shall prepare, a ranked
9 absentee ballot for municipal and township office candidates to
10 be voted on in the consolidated election. This ranked ballot
11 shall be for use only by a qualified voter who either is a
12 member of the United States military or will be outside of the
13 United States on the consolidated primary election day and the
14 consolidated election day. The ranked ballot shall contain a
15 list of the titles of all municipal and township offices
16 potentially contested at both the consolidated primary
17 election and the consolidated election and the candidates for
18 each office and shall permit the elector to vote in the
19 consolidated election by indicating his or her order of
20 preference for each candidate for each office. To indicate his
21 or her order of preference for each candidate for each office,
22 the voter shall put the number one next to the name of the
23 candidate who is the voter's first choice, the number 2 for his
24 or her second choice, and so forth so that, in consecutive
25 numerical order, a number indicating the voter's preference is
26 written by the voter next to each candidate's name on the

1 ranked ballot. The voter shall not be required to indicate his
2 or her preference for more than one candidate on the ranked
3 ballot. The voter may not cast a write-in vote using the ranked
4 ballot for the consolidated election. The election authority
5 shall, if using the ranked absentee ballot authorized by this
6 subsection, also prepare instructions for use of the ranked
7 ballot. The ranked ballot for the consolidated election shall
8 be mailed to the voter at the same time that the ballot for the
9 consolidated primary election is mailed to the voter and the
10 election authority shall accept the completed ranked ballot for
11 the consolidated election when the authority accepts the
12 completed ballot for the consolidated primary election.

13 The voter shall also be sent an absentee ballot for the
14 consolidated election for those races that are not related to
15 the results of the consolidated primary election as soon as the
16 consolidated election ballot is certified.

17 The State Board of Elections shall adopt rules for election
18 authorities for the implementation of this subsection,
19 including but not limited to the application for and counting
20 of ranked ballots.

21 (Source: P.A. 95-889, eff. 1-1-09.)

22 (10 ILCS 5/20-1) (from Ch. 46, par. 20-1)

23 Sec. 20-1. The following words and phrases contained in
24 this Article shall be construed as follows:

25 1. "Territorial limits of the United States" means each of

1 the several States of the United States and includes the
2 District of Columbia, the Commonwealth of Puerto Rico, Guam and
3 the Virgin Islands; but does not include American Samoa, the
4 Canal Zone, the Trust Territory of the Pacific Islands or any
5 other territory or possession of the United States.

6 2. "Member of the United States Service" means (a) members
7 of the Armed Forces while on active duty and their spouses and
8 dependents of voting age when residing with or accompanying
9 them, (b) members of the Merchant Marine of the United States
10 and their spouses and dependents when residing with or
11 accompanying them and (c) United States government employees
12 serving outside the territorial limits of the United States.

13 3. "Citizens of the United States temporarily residing
14 outside the territorial limits of the United States" means
15 civilian citizens of the United States and their spouses and
16 dependents of voting age when residing with or accompanying
17 them, who maintain a precinct residence in a county in this
18 State and whose intent to return may be ascertained.

19 4. "Non-Resident Civilian Citizens" means civilian
20 citizens of the United States (a) who reside outside the
21 territorial limits of the United States, (b) who had maintained
22 a precinct residence in a county in this State immediately
23 prior to their departure from the United States, (c) who do not
24 maintain a residence and are not registered to vote in any
25 other State, and (d) whose intent to return to this State may
26 be uncertain.

1 5. "Official postcard" means the postcard application for
2 registration to vote or for an absentee ballot in the form
3 provided in Section 204(c) of the Federal Voting Rights Act of
4 1955, as amended (42 U.S.C. 1973cc-14(c)).

5 6. "Federal office" means the offices of President and
6 Vice-President of the United States, United States Senator,
7 Representative in Congress, delegates and alternate delegates
8 to the national nominating conventions and candidates for the
9 Presidential Preference Primary.

10 7. "Federal election" means any general, primary or special
11 election at which candidates are nominated or elected to
12 Federal office.

13 8. "Dependent", for purposes of this Article, shall mean a
14 father, mother, brother, sister, son or daughter.

15 9. "Electronic transmission" includes, but is not limited
16 to, transmission by electronic mail or the Internet.

17 (Source: P.A. 81-953.)

18 (10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

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

1 jurisdiction over their precinct of residence for an absentee
2 registration and absentee ballot not less than 30 days before
3 the election. Such application may be made on the official
4 postcard or on a form furnished by the election authority as
5 prescribed by Section 20-3 of this Article or by facsimile or
6 electronic transmission. A request pursuant to this Section
7 shall entitle the applicant to an absentee ballot for every
8 election in one calendar year. The original application for
9 ballot shall be kept in the office of the election authority
10 for one year as authorization to send a ballot to the voter for
11 each election to be held within that calendar year. A certified
12 copy of such application for ballot shall be sent each election
13 with the absentee ballot to the election authority's central
14 ballot counting location to be used in lieu of the original
15 application for ballot.

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

22 Ballots under this Section shall be delivered ~~mailed~~ by the
23 election authority in the manner prescribed by Section 20-5 of
24 this Article in person, by mail, or, if requested by the
25 applicant and the election authority has the capability, by
26 facsimile transmission or by electronic transmission ~~and not~~

1 ~~otherwise.~~

2 Ballots voted under this Section must be returned
3 postmarked no later than midnight preceding election day and
4 received for counting at the central ballot counting location
5 of the election authority during the period for counting
6 provisional ballots, the last day of which is the 14th day
7 following election day.

8 (Source: P.A. 96-312, eff. 1-1-10.)

9 (10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

10 Sec. 20-2.2. Any non-resident civilian citizen, otherwise
11 qualified to vote, may make application to the election
12 authority having jurisdiction over his precinct of former
13 residence for an absentee ballot containing the Federal offices
14 only not less than 10 days before a Federal election. Such
15 application may be made ~~only~~ on the official postcard or by
16 facsimile or electronic transmission. A request pursuant to
17 this Section shall entitle the applicant to an absentee ballot
18 for every election in one calendar year at which Federal
19 offices are filled. The original application for ballot shall
20 be kept in the office of the election authority for one year as
21 authorization to send a ballot to the voter for each election
22 to be held within that calendar year at which Federal offices
23 are filled. A certified copy of such application for ballot
24 shall be sent each election with the absentee ballot to the
25 election authority's central ballot counting location to be

1 used in lieu of the original application for ballot. No
2 registration shall be required in order to vote pursuant to
3 this Section. Ballots under this Section shall be delivered
4 ~~mailed~~ by the election authority in the manner prescribed by
5 Section 20-5 of this Article in person, by mail, or, if
6 requested by the applicant and the election authority has the
7 capability, by facsimile transmission or by electronic
8 transmission ~~and not otherwise~~. Ballots voted under this
9 Section must be returned postmarked no later than midnight
10 preceding election day and received for counting at the central
11 ballot counting location of the election authority during the
12 period for counting provisional ballots, the last day of which
13 is the 14th day following election day.

14 (Source: P.A. 96-312, eff. 1-1-10.)

15 (10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

16 Sec. 20-2.3. Members of the Armed Forces and their spouses
17 and dependents. Any member of the United States Armed Forces
18 while on active duty, and his or her spouse and dependents,
19 otherwise qualified to vote, who expects in the course of his
20 or her duties to be absent from the county in which he or she
21 resides on the day of holding any election, in addition to any
22 other method of making application for an absentee ballot under
23 this Article, may make application for an absentee ballot to
24 the election authority having jurisdiction over his or her
25 precinct of residence by a facsimile machine or electronic

1 transmission not less than 10 days before the election.

2 Ballots under this Section shall be delivered ~~mailed~~ by the
3 election authority in the manner prescribed by Section 20-5 of
4 this Article in person, by mail, or, if requested by the
5 applicant and the election authority has the capability, by
6 facsimile transmission or by electronic transmission ~~and not~~
7 ~~otherwise~~. Ballots voted under this Section must be returned
8 postmarked no later than midnight preceding election day and
9 received for counting at the central ballot counting location
10 of the election authority during the period for counting
11 provisional ballots, the last day of which is the 14th day
12 following election day.

13 (Source: P.A. 96-312, eff. 1-1-10; 96-512, eff. 1-1-10; revised
14 10-6-09.)

15 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

16 Sec. 20-4. Immediately upon the receipt of the official
17 postcard or an application as provided in Section 20-3 within
18 the times heretofore prescribed, the election authority shall
19 ascertain whether or not such applicant is legally entitled to
20 vote as requested, including verification of the applicant's
21 signature by comparison with the signature on the official
22 registration record card, if any. If the election authority
23 ascertains that the applicant is lawfully entitled to vote, it
24 shall enter the name, street address, ward and precinct number
25 of such applicant on a list to be posted in his or its office in

1 a place accessible to the public. Within one day after posting
2 the name and other information of an applicant for a ballot,
3 the election authority shall transmit that name and posted
4 information to the State Board of Elections, which shall
5 maintain the names and other information in an electronic
6 format on its website, arranged by county and accessible to
7 State and local political committees. As soon as the official
8 ballot is prepared the election authority shall immediately
9 deliver the same to the applicant in person, ~~or~~ by mail, by
10 facsimile transmission, or by electronic transmission as
11 provided in this Article ~~in the manner prescribed in Section~~
12 ~~20-5.~~

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

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

1 registered voters in that precinct to whom absentee ballots
2 have been issued.

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

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

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

11 Sec. 20-5. The election authority shall fold the ballot or
12 ballots in the manner specified by the statute for folding
13 ballots prior to their deposit in the ballot box and shall
14 enclose such ballot in an envelope unsealed to be furnished by
15 it, which envelope shall bear upon the face thereof the name,
16 official title and post office address of the election
17 authority, and upon the other side of such envelope there shall
18 be printed a certification in substantially the following form:

19 "CERTIFICATION

20 I state that I am a resident/former resident of the
21 precinct of the city/village/township of,
22 (Designation to be made by Election Authority) or of the
23 ward in the city of (Designation to be made by
24 Election Authority) residing at in said
25 city/village/township in the county of and State of

1 Illinois; that I am a

2 1. () member of the United States Service

3 2. () citizen of the United States temporarily residing
4 outside the territorial limits of the United States

5 3. () nonresident civilian citizen

6 and desire to cast the enclosed ballot pursuant to Article 20
7 of The Election Code; that I am lawfully entitled to vote in
8 such precinct at the election to be held on
9

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

12 Under penalties as provided by law pursuant to Article 29
13 of The Election Code, the undersigned certifies that the
14 statements set forth in this certification are true and
15 correct.

16 (Name)

17

18 (Service Address)"

19

20

21

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

25 In addition to the above, the election authority shall
26 provide printed slips giving full instructions regarding the

1 manner of completing the forms and affidavits for absentee
2 registration or the manner of marking and returning the ballot
3 in order that the same may be counted, and shall furnish one of
4 the printed slips to each of the applicants at the same time
5 the registration materials or ballot is delivered to him.

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

16 The envelope in which such registration or such ballot is
17 mailed to the voter as well as the envelope in which the
18 registration materials or the ballot is returned by the voter
19 shall have printed across the face thereof two parallel
20 horizontal red bars, each one-quarter inch wide, extending from
21 one side of the envelope to the other side, with an intervening
22 space of one-quarter inch, the top bar to be one and
23 one-quarter inches from the top of the envelope, and with the
24 words "Official Election Balloting Material-VIA AIR MAIL"
25 between the bars. In the upper right corner of such envelope in
26 a box, there shall be printed the words: "U.S. Postage Paid 42

1 USC 1973". All printing on the face of such envelopes shall be
2 in red, including an appropriate inscription or blank in the
3 upper left corner of return address of sender.

4 The envelope in which the ballot is returned to the
5 election authority may be delivered (i) by mail, postage paid,
6 (ii) in person, by the spouse, parent, child, brother, or
7 sister of the voter, or (iii) by a company engaged in the
8 business of making deliveries of property and licensed as a
9 motor carrier of property by the Illinois Commerce Commission
10 under the Illinois Commercial Transportation Law.

11 Election authorities transmitting ballots by facsimile or
12 electronic transmission shall, to the extent possible, provide
13 those applicants with the same instructions, certification,
14 and other materials required when sending by mail.

15 (Source: P.A. 96-512, eff. 1-1-10.)

16 (10 ILCS 5/20-25 new)

17 Sec. 20-25. Extraordinary procedures. In the event of a
18 deployment of the United States Armed Forces or the declaration
19 of an emergency by the President of the United States or the
20 Governor of Illinois, The Governor or the executive director of
21 the State Board of Elections may modify the registration and
22 voting procedures established by this Article or by rules
23 adopted pursuant to this Article for the duration of the
24 deployment or emergency in order to facilitate absentee voting
25 under this Article. The Governor or executive director, as the

1 case may be, then promptly shall notify each election authority
2 of the changes in procedures. Each election authority shall
3 publicize the modifications and shall provide notice of the
4 modifications to each person under its jurisdiction subject to
5 this Article for whom the election authority has contact
6 information.