



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3292

by Rep. Mike Fortner

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.

LRB098 09190 HLH 39329 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~~
17 ~~required by this Article.~~

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

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

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

1 ~~before the first day of the calendar month in which the~~
2 ~~primary is held.~~

3 ~~(d) (Blank.)~~

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

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

13 A person (i) who filed a statement of candidacy for a
14 partisan office as a qualified primary voter of an established
15 political party or (ii) who voted the ballot of an established
16 political party at a general primary election may not file a
17 statement of candidacy as a candidate of a different
18 established political party or as an independent candidate for
19 a partisan office to be filled at the general election
20 immediately following the general primary for which the person
21 filed the statement or voted the ballot. A person may file a
22 statement of candidacy for a partisan office as a qualified
23 primary voter of an established political party regardless of
24 any prior filing of candidacy for a partisan office or voting
25 the ballot of an established political party at any prior
26 election.

1 (Source: P.A. 97-681, eff. 3-30-12; revised 8-3-12.)

2 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

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

4 (a) Any person desiring to vote at a primary shall state
5 his or her name and~~7~~ residence ~~and party affiliation~~ to the
6 primary judges, one of whom shall thereupon announce the same
7 in a distinct tone of voice, sufficiently loud to be heard by
8 all persons in the polling place. When article 4, 5 or 6 is
9 applicable the Certificate of Registered Voter therein
10 prescribed shall be made and signed and the official poll
11 record shall be made. If the person desiring to vote is not
12 challenged, one of the primary judges shall give to him or her
13 ~~one, and only one,~~ primary ballot of each of the established
14 political parties nominating candidates for office at the
15 primary election, but the voter may cast a ballot of only one
16 political party, except as otherwise provided in subsection (b)
17 ~~party with which he declares himself affiliated,~~ on the back of
18 which the ~~such~~ primary judge shall endorse his or her initials
19 in such manner that they may be seen when the primary ballot is
20 properly folded. If the person desiring to vote is challenged
21 he or she shall not receive a primary ballot from the primary
22 judges until he or she shall have established his or her right
23 to vote as ~~hereinafter~~ provided in this Article. ~~No person who~~
24 ~~refuses to state his party affiliation shall be allowed to vote~~
25 ~~at a primary.~~

1 **(b)** A person who casts a ballot of ~~declares his party~~
2 ~~affiliation with~~ a statewide established political party ~~and~~
3 ~~requests a primary ballot of such party may nonetheless also~~
4 ~~declare his affiliation with a political party established only~~
5 ~~within a political subdivision, and~~ may also vote in the
6 primary of a ~~such~~ local political party established only within
7 a political subdivision on the same election day, provided that
8 the ~~such~~ voter may not vote in both ~~such~~ party primaries with
9 respect to offices of the same political subdivision. However,
10 no person casting a ballot of ~~declaring his affiliation with~~ a
11 statewide established political party may vote in the primary
12 of any other statewide political party on the same election
13 day. Each party's primary ballot shall include a space for the
14 voter to mark, indicating that political party as the party for
15 which the voter cast his or her votes. The voter may mark the
16 space on the ballot of only one political party indicating that
17 party, except as otherwise provided in this Section. If the
18 voter desires to cast his or her ballot of a statewide
19 political party and a political party established only within a
20 political subdivision, the voter may indicate that choice by
21 marking the space provided on the ballot of the statewide
22 political party and by also marking the space provided on the
23 ballot of the political party established only within a
24 political subdivision. If the voter does not mark the space on
25 the primary ballot indicating the political party in which the
26 voter cast his or her ballot, or marks more than one such

1 space, the judges of election shall count only the votes of the
2 political party in which the voter cast a vote for the office
3 nearest the top of the ballot.

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

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

6 Sec. 19-2.1. At the consolidated primary, general primary,
7 consolidated, and general elections, electors entitled to vote
8 by absentee ballot under the provisions of Section 19-1 may
9 vote in person at the office of the municipal clerk, if the
10 elector is a resident of a municipality not having a board of
11 election commissioners, or at the office of the township clerk
12 or, in counties not under township organization, at the office
13 of the road district clerk if the elector is not a resident of
14 a municipality; provided, in each case that the municipal,
15 township or road district clerk, as the case may be, is
16 authorized to conduct in-person absentee voting pursuant to
17 this Section. Absentee voting in such municipal and township
18 clerk's offices under this Section shall be conducted from the
19 22nd day through the day before the election.

20 Municipal and township clerks (or road district clerks) who
21 have regularly scheduled working hours at regularly designated
22 offices other than a place of residence and whose offices are
23 open for business during the same hours as the office of the
24 election authority shall conduct in-person absentee voting for
25 said elections. Municipal and township clerks (or road district

1 clerks) who have no regularly scheduled working hours but who
2 have regularly designated offices other than a place of
3 residence shall conduct in-person absentee voting for said
4 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00
5 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on
6 Saturdays, but not during such hours as the office of the
7 election authority is closed, unless the clerk files a written
8 waiver with the election authority not later than July 1 of
9 each year stating that he or she is unable to conduct such
10 voting and the reasons therefor. Such clerks who conduct
11 in-person absentee voting may extend their hours for that
12 purpose to include any hours in which the election authority's
13 office is open. Municipal and township clerks (or road district
14 clerks) who have no regularly scheduled office hours and no
15 regularly designated offices other than a place of residence
16 may not conduct in-person absentee voting for said elections.
17 The election authority may devise alternative methods for
18 in-person absentee voting before said elections for those
19 precincts located within the territorial area of a municipality
20 or township (or road district) wherein the clerk of such
21 municipality or township (or road district) has waived or is
22 not entitled to conduct such voting. In addition, electors may
23 vote by absentee ballot under the provisions of Section 19-1 at
24 the office of the election authority having jurisdiction over
25 their residence. Unless specifically authorized by the
26 election authority, municipal, township, and road district

1 clerks shall not conduct in-person absentee voting. No less
2 than 45 days before the date of an election, the election
3 authority shall notify the municipal, township, and road
4 district clerks within its jurisdiction if they are to conduct
5 in-person absentee voting. Election authorities, however, may
6 conduct in-person absentee voting in one or more designated
7 appropriate public buildings from the fourth day before the
8 election through the day before the election.

9 In conducting in-person absentee voting under this
10 Section, the respective clerks shall be required to verify the
11 signature of the absentee voter by comparison with the
12 signature on the official registration record card. The clerk
13 also shall reasonably ascertain the identity of such applicant,
14 shall verify that each such applicant is a registered voter,
15 and shall verify the precinct in which he or she is registered
16 and the proper ballots of the political subdivisions in which
17 the applicant resides and is entitled to vote, prior to
18 providing any absentee ballot to such applicant. The clerk
19 shall verify the applicant's registration and from the most
20 recent poll list provided by the county clerk, and if the
21 applicant is not listed on that poll list then by telephoning
22 the office of the county clerk.

23 Absentee voting procedures in the office of the municipal,
24 township and road district clerks shall be subject to all of
25 the applicable provisions of this Article 19, including,
26 without limitation, those procedures relating to primary

1 ballots. Pollwatchers may be appointed to observe in-person
2 absentee voting procedures and view all reasonably requested
3 records relating to the conduct of the election, provided the
4 secrecy of the ballot is not impinged, at the office of the
5 municipal, township or road district clerks' offices where such
6 absentee voting is conducted. Such pollwatchers shall qualify
7 and be appointed in the same manner as provided in Sections
8 7-34 and 17-23, except each candidate, political party or
9 organization of citizens may appoint only one pollwatcher for
10 each location where in-person absentee voting is conducted.
11 Pollwatchers must be registered to vote in Illinois and possess
12 valid pollwatcher credentials. All requirements in this
13 Article applicable to election authorities shall apply to the
14 respective local clerks, except where inconsistent with this
15 Section.

16 The sealed absentee ballots in their carrier envelope shall
17 be delivered by the respective clerks, or by the election
18 authority on behalf of a clerk if the clerk and the election
19 authority agree, to the election authority's central ballot
20 counting location before the close of the polls on the day of
21 the general primary, consolidated primary, consolidated, or
22 general election.

23 Not more than 23 days before the general and consolidated
24 elections, the county clerk shall make available to those
25 municipal, township and road district clerks conducting
26 in-person absentee voting within such county, a sufficient

1 number of applications, absentee ballots, envelopes, and
2 printed voting instruction slips for use by absentee voters in
3 the offices of such clerks. The respective clerks shall receipt
4 for all ballots received, shall return all unused or spoiled
5 ballots to the county clerk on the day of the election and
6 shall strictly account for all ballots received.

7 The ballots delivered to the respective clerks shall
8 include absentee ballots for each precinct in the municipality,
9 township or road district, or shall include such separate
10 ballots for each political subdivision conducting an election
11 of officers or a referendum on that election day as will permit
12 any resident of the municipality, township or road district to
13 vote absentee in the office of the proper clerk.

14 The clerks of all municipalities, townships and road
15 districts may distribute applications for absentee ballot for
16 the use of voters who wish to mail such applications to the
17 appropriate election authority. Any person may produce,
18 reproduce, distribute, or return to an election authority the
19 application for absentee ballot. Upon receipt, the appropriate
20 election authority shall accept and promptly process any
21 application for absentee ballot.

22 (Source: P.A. 96-1008, eff. 7-6-10; 97-766, eff. 7-6-12.)

23 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

24 Sec. 19-3. The application for absentee ballot shall be
25 substantially in the following form:

1 APPLICATION FOR ABSENTEE BALLOT

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

13 I hereby make application for an official ballot or ballots
14 to be voted by me at such election, and I agree that I shall
15 return such ballot or ballots to the official issuing the same
16 prior to the closing of the polls on the date of the election
17 or, if returned by mail, postmarked no later than midnight
18 preceding election day, for counting no later than during the
19 period for counting provisional ballots, the last day of which
20 is the 14th day following election day.

21 I understand that this application is made for an official
22 absentee ballot or ballots to be voted by me at the election
23 specified in this application and that I must submit a separate
24 application for an official absentee ballot or ballots to be
25 voted by me at any subsequent election.

26 Under penalties as provided by law pursuant to Section

1 29-10 of The Election Code, the undersigned certifies that the
2 statements set forth in this application are true and correct.

3

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

5 Post office address to which ballot is mailed:

6

7 ~~However, if application is made for a primary election~~
8 ~~ballot, such application shall require the applicant to~~
9 ~~designate the name of the political party with which the~~
10 ~~applicant is affiliated.~~

11 Any person may produce, reproduce, distribute, or return to
12 an election authority the application for absentee ballot. Upon
13 receipt, the appropriate election authority shall accept and
14 promptly process any application for absentee ballot submitted
15 in a form substantially similar to that required by this
16 Section, including any substantially similar production or
17 reproduction generated by the applicant.

18 (Source: P.A. 96-312, eff. 1-1-10; 96-553, eff. 8-17-09;
19 96-1000, eff. 7-2-10; 96-1008, eff. 7-6-10; 97-766, eff.
20 7-6-12.)

21 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

22 Sec. 19-4. Mailing or delivery of ballots - Time.)
23 Immediately upon the receipt of such application either by
24 mail, not more than 40 days nor less than 5 days prior to such
25 election, or by personal delivery not more than 40 days nor

1 less than one day prior to such election, at the office of such
2 election authority, it shall be the duty of such election
3 authority to examine the records to ascertain whether or not
4 such applicant is lawfully entitled to vote as requested,
5 including a verification of the applicant's signature by
6 comparison with the signature on the official registration
7 record card, and if found so to be entitled to vote, to post
8 within one business day thereafter the name, street address,
9 ward and precinct number or township and district number, as
10 the case may be, of such applicant given on a list, the pages
11 of which are to be numbered consecutively to be kept by such
12 election authority for such purpose in a conspicuous, open and
13 public place accessible to the public at the entrance of the
14 office of such election authority, and in such a manner that
15 such list may be viewed without necessity of requesting
16 permission therefor. Within one day after posting the name and
17 other information of an applicant for an absentee ballot, the
18 election authority shall transmit that name and other posted
19 information to the State Board of Elections, which shall
20 maintain those names and other information in an electronic
21 format on its website, arranged by county and accessible to
22 State and local political committees. Within 2 business days
23 after posting a name and other information on the list within
24 its office, the election authority shall mail, postage prepaid,
25 or deliver in person in such office an official ballot or
26 ballots if more than one are to be voted at said election or if

1 Section 19-4.5 applies. Mail delivery of Temporarily Absent
2 Student ballot applications pursuant to Section 19-12.3 shall
3 be by nonforwardable mail. However, for the consolidated
4 election, absentee ballots for certain precincts may be
5 delivered to applicants not less than 25 days before the
6 election if so much time is required to have prepared and
7 printed the ballots containing the names of persons nominated
8 for offices at the consolidated primary. The election authority
9 shall enclose with each absentee ballot or application written
10 instructions on how voting assistance shall be provided
11 pursuant to Section 17-14 and a document, written and approved
12 by the State Board of Elections, enumerating the circumstances
13 under which a person is authorized to vote by absentee ballot
14 pursuant to this Article; such document shall also include a
15 statement informing the applicant that if he or she falsifies
16 or is solicited by another to falsify his or her eligibility to
17 cast an absentee ballot, such applicant or other is subject to
18 penalties pursuant to Section 29-10 and Section 29-20 of the
19 Election Code. Each election authority shall maintain a list of
20 the name, street address, ward and precinct, or township and
21 district number, as the case may be, of all applicants who have
22 returned absentee ballots to such authority, and the name of
23 such absent voter shall be added to such list within one
24 business day from receipt of such ballot. If the absentee
25 ballot envelope indicates that the voter was assisted in
26 casting the ballot, the name of the person so assisting shall

1 be included on the list. The list, the pages of which are to be
2 numbered consecutively, shall be kept by each election
3 authority in a conspicuous, open, and public place accessible
4 to the public at the entrance of the office of the election
5 authority and in a manner that the list may be viewed without
6 necessity of requesting permission for viewing.

7 Each election authority shall maintain a list for each
8 election of the voters to whom it has issued absentee ballots.
9 The list shall be maintained for each precinct within the
10 jurisdiction of the election authority. Prior to the opening of
11 the polls on election day, the election authority shall deliver
12 to the judges of election in each precinct the list of
13 registered voters in that precinct to whom absentee ballots
14 have been issued by mail.

15 Each election authority shall maintain a list for each
16 election of voters to whom it has issued temporarily absent
17 student ballots. The list shall be maintained for each election
18 jurisdiction within which such voters temporarily abide.
19 Immediately after the close of the period during which
20 application may be made by mail for absentee ballots, each
21 election authority shall mail to each other election authority
22 within the State a certified list of all such voters
23 temporarily abiding within the jurisdiction of the other
24 election authority.

25 In the event that the return address of an application for
26 ballot by a physically incapacitated elector is that of a

1 facility licensed or certified under the Nursing Home Care Act,
2 the Specialized Mental Health Rehabilitation Act, or the ID/DD
3 Community Care Act, within the jurisdiction of the election
4 authority, and the applicant is a registered voter in the
5 precinct in which such facility is located, the ballots shall
6 be prepared and transmitted to a responsible judge of election
7 no later than 9 a.m. on the Saturday, Sunday or Monday
8 immediately preceding the election as designated by the
9 election authority under Section 19-12.2. Such judge shall
10 deliver in person on the designated day the ballot to the
11 applicant on the premises of the facility from which
12 application was made. The election authority shall by mail
13 notify the applicant in such facility that the ballot will be
14 delivered by a judge of election on the designated day.

15 All applications for absentee ballots shall be available at
16 the office of the election authority for public inspection upon
17 request from the time of receipt thereof by the election
18 authority until 30 days after the election, except during the
19 time such applications are kept in the office of the election
20 authority pursuant to Section 19-7, and except during the time
21 such applications are in the possession of the judges of
22 election.

23 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,
24 eff. 1-1-12; 97-813, eff. 7-13-12.)

1 Sec. 19-4.5. Primary ballots.

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

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

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

24 If a voter subject to this subsection returns to the
25 election authority the ballot of more than one established
26 political party, the judges of election shall determine which

1 votes to count as provided in subsection (b) of Section 7-44.

2 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

3 Sec. 19-5. It shall be the duty of the election authority
4 to fold the ballot or ballots in the manner specified by the
5 statute for folding ballots prior to their deposit in the
6 ballot box, and to enclose such ballot or ballots in an
7 envelope unsealed to be furnished by him, which envelope shall
8 bear upon the face thereof the name, official title and post
9 office address of the election authority, and upon the other
10 side a printed certification in substantially the following
11 form:

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

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

20 I further state that I personally marked the enclosed
21 ballot in secret.

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

1
2

3 If the ballot is to go to an elector who is physically
4 incapacitated and needs assistance marking the ballot, the
5 envelope shall bear upon the back thereof a certification in
6 substantially the following form:

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

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

16 I further state that I marked the enclosed ballot in secret
17 with the assistance of

18

19 (Individual rendering assistance)

20

21 (Residence Address)

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

26

In the case of a voter with a physical incapacity, marking

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

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

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

19 In addition to the above, the election authority shall
20 provide printed slips giving full instructions regarding the
21 manner of marking and returning the ballot in order that the
22 same may be counted, and shall furnish one of such printed
23 slips to each of such applicants at the same time the ballot is
24 delivered to him. Such instructions shall include the following
25 statement: "In signing the certification on the absentee ballot
26 envelope, you are attesting that you personally marked this

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

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

19 (Source: P.A. 95-440, eff. 8-27-07; 96-553, eff. 8-17-09.)

20 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

22 (a) (Blank.)

23 (b) Each absent voter's ballot returned to an election
24 authority, by any means authorized by this Article, and
25 received by that election authority before the closing of the

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

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

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

1 provisional ballots. Absent a date on the certification, the
2 ballot shall not be counted.

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

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

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

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

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

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

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

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

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

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

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

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

21 (g-5) If an absentee ballot, other than an in-person
22 absentee ballot, is rejected by the election judge or official
23 for any reason, the election authority shall, within 2 days
24 after the rejection but in all cases before the close of the
25 period for counting provisional ballots, notify the absentee
26 voter that his or her ballot was rejected. The notice shall

1 inform the voter of the reason or reasons the ballot was
2 rejected and shall state that the voter may appear before the
3 election authority, on or before the 14th day after the
4 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 absentee ballot. The judges' determination shall not be
15 reviewable either administratively or judicially.

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

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

1 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

2 Sec. 19-12.1. Any qualified elector who has secured an
3 Illinois Person with a Disability Identification Card in
4 accordance with the Illinois Identification Card Act,
5 indicating that the person named thereon has a Class 1A or
6 Class 2 disability or any qualified voter who has a permanent
7 physical incapacity of such a nature as to make it improbable
8 that he will be able to be present at the polls at any future
9 election, or any voter who is a resident of (i) a federally
10 operated veterans' home, hospital, or facility located in
11 Illinois or (ii) a facility licensed or certified pursuant to
12 the Nursing Home Care Act, the Specialized Mental Health
13 Rehabilitation Act, or the ID/DD Community Care Act and has a
14 condition or disability of such a nature as to make it
15 improbable that he will be able to be present at the polls at
16 any future election, may secure a disabled voter's or nursing
17 home resident's identification card, which will enable him to
18 vote under this Article as a physically incapacitated or
19 nursing home voter. For the purposes of this Section,
20 "federally operated veterans' home, hospital, or facility"
21 means the long-term care facilities at the Jesse Brown VA
22 Medical Center, Illiana Health Care System, Edward Hines, Jr.
23 VA Hospital, Marion VA Medical Center, and Captain James A.
24 Lovell Federal Health Care Center.

25 Application for a disabled voter's or nursing home

1 resident's identification card shall be made either: (a) in
2 writing, with voter's sworn affidavit, to the county clerk or
3 board of election commissioners, as the case may be, and shall
4 be accompanied by the affidavit of the attending physician
5 specifically describing the nature of the physical incapacity
6 or the fact that the voter is a nursing home resident and is
7 physically unable to be present at the polls on election days;
8 or (b) by presenting, in writing or otherwise, to the county
9 clerk or board of election commissioners, as the case may be,
10 proof that the applicant has secured an Illinois Person with a
11 Disability Identification Card indicating that the person
12 named thereon has a Class 1A or Class 2 disability. Upon the
13 receipt of either the sworn-to application and the physician's
14 affidavit or proof that the applicant has secured an Illinois
15 Person with a Disability Identification Card indicating that
16 the person named thereon has a Class 1A or Class 2 disability,
17 the county clerk or board of election commissioners shall issue
18 a disabled voter's or nursing home resident's identification
19 card. Such identification cards shall be issued for a period of
20 5 years, upon the expiration of which time the voter may secure
21 a new card by making application in the same manner as is
22 prescribed for the issuance of an original card, accompanied by
23 a new affidavit of the attending physician. The date of
24 expiration of such five-year period shall be made known to any
25 interested person by the election authority upon the request of
26 such person. Applications for the renewal of the identification

1 cards shall be mailed to the voters holding such cards not less
2 than 3 months prior to the date of expiration of the cards.

3 Each disabled voter's or nursing home resident's
4 identification card shall bear an identification number, which
5 shall be clearly noted on the voter's original and duplicate
6 registration record cards. In the event the holder becomes
7 physically capable of resuming normal voting, he must surrender
8 his disabled voter's or nursing home resident's identification
9 card to the county clerk or board of election commissioners
10 before the next election.

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

1 voter but which need not be sworn to shall be placed on the
2 ballot envelope in lieu of the affidavit prescribed by Section
3 19-5.

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

7 For the purposes of this Section, "nursing home resident"
8 includes a resident of (i) a federally operated veterans' home,
9 hospital, or facility located in Illinois or (ii) a facility
10 licensed under the ID/DD Community Care Act or the Specialized
11 Mental Health Rehabilitation Act. For the purposes of this
12 Section, "federally operated veterans' home, hospital, or
13 facility" means the long-term care facilities at the Jesse
14 Brown VA Medical Center, Illiana Health Care System, Edward
15 Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain
16 James A. Lovell Federal Health Care Center.

17 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11; 97-227,
18 eff. 1-1-12; 97-275, eff. 1-1-12; 97-813, eff. 7-13-12;
19 97-1064, eff. 1-1-13.)

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

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

25 1. Members of the United States Service, citizens of the

1 United States temporarily residing outside the territorial
 2 limits of the United States, and certified program participants
 3 under the Address Confidentiality for Victims of Domestic
 4 Violence Act may make application within the periods prescribed
 5 in Sections 20-2 or 20-2.1, as the case may be. Such
 6 application shall be substantially in the following form:

7 "APPLICATION FOR BALLOT

8 To be voted at the..... election in the precinct in
 9 which is located my residence at....., in the
 10 city/village/township of(insert home address)
 11 County of..... and State of Illinois.

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

- 18 1. () a member of the United States Service,
- 19 2. () a citizen of the United States temporarily residing
 20 outside the territorial limits of the United States and that I
 21 expect to be absent from the said county of my residence on the
 22 date of holding such election, and that I will have no
 23 opportunity to vote in person on that day.
- 24 3. () a certified program participant under the Address
 25 Confidentiality for Victims of Domestic Violence Act.

26 I hereby make application for an official ballot or ballots

1 to be voted by me at such election if I am absent from the said
 2 county of my residence, and I agree that I shall return said
 3 ballot or ballots to the election authority postmarked no later
 4 than midnight preceding election day, for counting no later
 5 than during the period for counting provisional ballots, the
 6 last day of which is the 14th day following election day or
 7 shall destroy said ballot or ballots.

8 (Check below only if category 2 or 3 and not previously
 9 registered)

10 () I hereby make application to become registered as a
 11 voter and agree to return the forms and affidavits for
 12 registration to the election authority not later than 30 days
 13 before the election.

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

17

18 Post office address or service address to which
 19 registration materials or ballot should be mailed

20

21

22

23"

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

1 Such applications may be obtained from the election
2 authority having jurisdiction over the person's precinct of
3 residence.

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

10 "APPLICATION FOR BALLOT to be voted at the..... election
11 in the precinct in which is located the residence of the person
12 for whom this application is made at.....(insert
13 residence address) in the city/village/township of.....
14 County of..... and State of Illinois.

15 I certify that the following named person.....
16 (insert name of person) is a member of the United States
17 Service.

18 I state that said person is a citizen of the United States;
19 that on (insert date of election) said person shall have
20 resided in the State of Illinois and in the election precinct
21 for which this application is made for 30 days; that on the
22 above date said person shall be the age of 18 years or above;
23 that said person is lawfully entitled to vote in such precinct
24 at that election; that said person is a member of the United
25 States Service, and that in the course of his duties said
26 person expects to be absent from his county of residence on the

1 date of holding such election, and that said person will have
2 no opportunity to vote in person on that day.

3 I hereby make application for an official ballot or ballots
4 to be voted by said person at such election and said person
5 agrees that he shall return said ballot or ballots to the
6 election authority postmarked no later than midnight preceding
7 election day, for counting no later than during the period for
8 counting provisional ballots, the last day of which is the 14th
9 day following election day, or shall destroy said ballot or
10 ballots.

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

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

18 Name of applicant

19 Residence address

20 City/village/township.....

21 Service address to which ballot should be mailed:

22

23

24

25"

26 ~~If application is made for a primary election ballot, such~~

1 ~~application shall designate the name of the political party~~
2 ~~with which the person for whom application is made is~~
3 ~~affiliated.~~

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

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

8 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

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

1 ballot is prepared the election authority shall immediately
2 deliver the same to the applicant in person, by mail, by
3 facsimile transmission, or by electronic transmission as
4 provided in this Article.

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

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

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

1 (Source: P.A. 96-1004, eff. 1-1-11.)

2 (10 ILCS 5/20-4.5 new)

3 Sec. 20-4.5. Primary ballots.

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

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

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

25 If a voter subject to this subsection returns to the

1 election authority the ballot of more than one established
 2 political party, the judges of election shall determine which
 3 votes to count as provided in subsection (b) of Section 7-44.

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

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

13 "CERTIFICATION

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

- 21 1. () member of the United States Service
- 22 2. () citizen of the United States temporarily residing
- 23 outside the territorial limits of the United States
- 24 3. () nonresident civilian citizen
- 25 and desire to cast the enclosed ballot pursuant to Article 20

1 of The Election Code; that I am lawfully entitled to vote in
2 such precinct at the election to be held on
3

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

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

10 (Name)
11
12 (Service Address)"
13
14
15

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

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

26 In addition to the above, if a ballot to be provided to an

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

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

24 The envelope in which the ballot is returned to the
25 election authority may be delivered (i) by mail, postage paid,
26 (ii) in person, by the spouse, parent, child, brother, or

1 sister of the voter, or (iii) by a company engaged in the
2 business of making deliveries of property and licensed as a
3 motor carrier of property by the Illinois Commerce Commission
4 under the Illinois Commercial Transportation Law.

5 Election authorities transmitting ballots by facsimile or
6 electronic transmission shall, to the extent possible, provide
7 those applicants with the same instructions, certification,
8 and other materials required when sending by mail.

9 (Source: P.A. 96-512, eff. 1-1-10; 96-1004, eff. 1-1-11.)

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

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

12 (a) (Blank.)

13 (b) Each absent voter's ballot returned to an election
14 authority, by any means authorized by this Article, and
15 received by that election authority before the closing of the
16 polls on election day shall be endorsed by the receiving
17 election authority with the day and hour of receipt and shall
18 be counted in the central ballot counting location of the
19 election authority on the day of the election after 7:00 p.m.,
20 except as provided in subsections (g) and (g-5).

21 (c) Each absent voter's ballot that is mailed to an
22 election authority and postmarked by the midnight preceding the
23 opening of the polls on election day, but that is received by
24 the election authority after the polls close on election day
25 and before the close of the period for counting provisional

1 ballots cast at that election, shall be endorsed by the
2 receiving authority with the day and hour of receipt and shall
3 be counted at the central ballot counting location of the
4 election authority during the period for counting provisional
5 ballots.

6 Each absent voter's ballot that is mailed to an election
7 authority absent a postmark, but that is received by the
8 election authority after the polls close on election day and
9 before the close of the period for counting provisional ballots
10 cast at that election, shall be endorsed by the receiving
11 authority with the day and hour of receipt, opened to inspect
12 the date inserted on the certification, and, if the
13 certification date is a date preceding the election day and the
14 ballot is otherwise found to be valid under the requirements of
15 this Section, counted at the central ballot counting location
16 of the election authority during the period for counting
17 provisional ballots. Absent a date on the certification, the
18 ballot shall not be counted.

19 (d) Special write-in absentee voter's blank ballots
20 returned to an election authority, by any means authorized by
21 this Article, and received by the election authority at any
22 time before the closing of the polls on election day shall be
23 endorsed by the receiving election authority with the day and
24 hour of receipt and shall be counted at the central ballot
25 counting location of the election authority during the same
26 period provided for counting absent voters' ballots under

1 subsections (b), (g), and (g-5). Special write-in absentee
2 voter's blank ballot that are mailed to an election authority
3 and postmarked by midnight preceding the opening of the polls
4 on election day, but that are received by the election
5 authority after the polls close on election day and before the
6 closing of the period for counting provisional ballots cast at
7 that election, shall be endorsed by the receiving authority
8 with the day and hour of receipt and shall be counted at the
9 central ballot counting location of the election authority
10 during the same periods provided for counting absent voters'
11 ballots under subsection (c).

12 (e) Except as otherwise provided in this Section, absent
13 voters' ballots and special write-in absentee voter's blank
14 ballots received by the election authority after the closing of
15 the polls on the day of election shall be endorsed by the
16 person receiving the ballots with the day and hour of receipt
17 and shall be safely kept unopened by the election authority for
18 the period of time required for the preservation of ballots
19 used at the election, and shall then, without being opened, be
20 destroyed in like manner as the used ballots of that election.

21 (f) Counting required under this Section to begin on
22 election day after the closing of the polls shall commence no
23 later than 8:00 p.m. and shall be conducted by a panel or
24 panels of election judges appointed in the manner provided by
25 law. The counting shall continue until all absent voters'
26 ballots and special write-in absentee voter's blank ballots

1 required to be counted on election day have been counted.

2 (g) The procedures set forth in Articles 17 and 18 and,
3 with respect to primaries, in Section 20-4.5 of this Code shall
4 apply to all ballots counted under this Section. In addition,
5 within 2 days after a ballot subject to this Article is
6 received, but in all cases before the close of the period for
7 counting provisional ballots, the election judge or official
8 shall compare the voter's signature on the certification
9 envelope of that ballot with the signature of the voter on file
10 in the office of the election authority. If the election judge
11 or official determines that the 2 signatures match, and that
12 the voter is otherwise qualified to cast a ballot under this
13 Article, the election authority shall cast and count the ballot
14 on election day or the day the ballot is determined to be
15 valid, whichever is later, adding the results to the precinct
16 in which the voter is registered. If the election judge or
17 official determines that the signatures do not match, or that
18 the voter is not qualified to cast a ballot under this Article,
19 then without opening the certification envelope, the judge or
20 official shall mark across the face of the certification
21 envelope the word "Rejected" and shall not cast or count the
22 ballot.

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

26 (1) if the ballot envelope is open or has been opened

1 and resealed;

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

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

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

7 If the election judge or official determines that any of
8 these reasons apply, the judge or official shall mark across
9 the face of the certification envelope the word "Rejected" and
10 shall not cast or count the ballot.

11 (g-5) If a ballot subject to this Article is rejected by
12 the election judge or official for any reason, the election
13 authority shall, within 2 days after the rejection but in all
14 cases before the close of the period for counting provisional
15 ballots, notify the voter that his or her ballot was rejected.
16 The notice shall inform the voter of the reason or reasons the
17 ballot was rejected and shall state that the voter may appear
18 before the election authority, on or before the 14th day after
19 the election, to show cause as to why the ballot should not be
20 rejected. The voter may present evidence to the election
21 authority supporting his or her contention that the ballot
22 should be counted. The election authority shall appoint a panel
23 of 3 election judges to review the contested ballot,
24 application, and certification envelope, as well as any
25 evidence submitted by the absentee voter. No more than 2
26 election judges on the reviewing panel shall be of the same

1 political party. The reviewing panel of election judges shall
2 make a final determination as to the validity of the contested
3 ballot. The judges' determination shall not be reviewable
4 either administratively or judicially.

5 A ballot subject to this subsection that is determined to
6 be valid shall be counted before the close of the period for
7 counting provisional ballots.

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

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

14 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
15 95-699, eff. 11-9-07.)