



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5913

by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-10	from Ch. 46, par. 7-10
10 ILCS 5/7-43	from Ch. 46, par. 7-43
10 ILCS 5/7-44	from Ch. 46, par. 7-44
10 ILCS 5/7-60	from Ch. 46, par. 7-60
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 5/19-4.5 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
10 ILCS 5/7-2 rep.	
10 ILCS 5/7-3 rep.	
10 ILCS 5/Art. 10 rep.	

Amends the Election Code. Creates an open-primary system. Provides that primary ballots shall list each candidate for office, regardless of party affiliation, participating in the primary election. Provides that the 2 candidates in any primary that received the most votes in the primary election, regardless of party affiliation of the candidates, shall be the only 2 candidates certified for participation in the general election. Makes conforming changes.

LRB098 20084 MGM 55344 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 7-10, 7-43, 7-44, 7-60, 19-2.1, 19-3, 19-4, 19-5,
6 19-8, 19-12.1, 20-3, 20-4, 20-5, and 20-8 and by adding
7 Sections 19-4.5 and 20-4.5 as follows:

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

9 Sec. 7-10. Form of petition for nomination. The name of no
10 candidate for nomination, or State central committeeman, or
11 township committeeman, or precinct committeeman, or ward
12 committeeman or candidate for delegate or alternate delegate to
13 national nominating conventions, shall be printed upon the
14 primary ballot unless a petition for nomination has been filed
15 in his behalf as provided in this Article in substantially the
16 following form:

17 We, the undersigned, ~~members of and affiliated with the~~
18 ~~.... party and qualified primary electors of the party,~~ in
19 the of, in the county of and State of Illinois,
20 do hereby petition that the following named person or persons
21 shall be a candidate or candidates of the party for the
22 nomination for (or in case of committeemen for election to) the
23 office or offices hereinafter specified, to be voted for at the

1 primary election to be held on (insert date).

2	Name	Office	Address
3	John Jones	Governor	Belvidere, Ill.
4	Jane James	Lieutenant Governor	Peoria, Ill.
5	Thomas Smith	Attorney General	Oakland, Ill.

6 Name..... Address.....

7 State of Illinois)

8) ss.

9 County of.....)

10 I,, do hereby certify that I reside at No.

11 street, in the of, county of, and State of

12, that I am 18 years of age or older, that I am a citizen

13 of the United States, and that the signatures on this sheet

14 were signed in my presence, and are genuine, and that to the

15 best of my knowledge and belief the persons so signing were at

16 the time of signing the petitions qualified voters ~~of the~~

17 ~~party~~, and that their respective residences are correctly

18 stated, as above set forth.

19

20 Subscribed and sworn to before me on (insert date).

21

22 Each sheet of the petition other than the statement of

23 candidacy and candidate's statement shall be of uniform size

1 and shall contain above the space for signatures an appropriate
2 heading giving the information as to name of candidate or
3 candidates, in whose behalf such petition is signed; the
4 office, the political party that the candidate prefers,
5 ~~represented~~ and place of residence; and the heading of each
6 sheet shall be the same.

7 Such petition shall be signed by qualified primary electors
8 residing in the political division for which the nomination is
9 sought in their own proper persons only and opposite the
10 signature of each signer, his residence address shall be
11 written or printed. The residence address required to be
12 written or printed opposite each qualified primary elector's
13 name shall include the street address or rural route number of
14 the signer, as the case may be, as well as the signer's county,
15 and city, village or town, and state. However the county or
16 city, village or town, and state of residence of the electors
17 may be printed on the petition forms where all of the electors
18 signing the petition reside in the same county or city, village
19 or town, and state. Standard abbreviations may be used in
20 writing the residence address, including street number, if any.
21 At the bottom of each sheet of such petition shall be added a
22 circulator statement signed by a person 18 years of age or
23 older who is a citizen of the United States, stating the street
24 address or rural route number, as the case may be, as well as
25 the county, city, village or town, and state; and certifying
26 that the signatures on that sheet of the petition were signed

1 in his or her presence and certifying that the signatures are
2 genuine; and either (1) indicating the dates on which that
3 sheet was circulated, or (2) indicating the first and last
4 dates on which the sheet was circulated, or (3) certifying that
5 none of the signatures on the sheet were signed more than 90
6 days preceding the last day for the filing of the petition and
7 certifying that to the best of his or her knowledge and belief
8 the persons so signing were at the time of signing the
9 petitions qualified voters of the election ~~political party~~ for
10 which a nomination is sought. Such statement shall be sworn to
11 before some officer authorized to administer oaths in this
12 State.

13 No petition sheet shall be circulated more than 90 days
14 preceding the last day provided in Section 7-12 for the filing
15 of such petition.

16 The person circulating the petition, or the candidate on
17 whose behalf the petition is circulated, may strike any
18 signature from the petition, provided that:

19 (1) the person striking the signature shall initial the
20 petition at the place where the signature is struck; and

21 (2) the person striking the signature shall sign a
22 certification listing the page number and line number of
23 each signature struck from the petition. Such
24 certification shall be filed as a part of the petition.

25 Such sheets before being filed shall be neatly fastened
26 together in book form, by placing the sheets in a pile and

1 fastening them together at one edge in a secure and suitable
2 manner, and the sheets shall then be numbered consecutively.
3 The sheets shall not be fastened by pasting them together end
4 to end, so as to form a continuous strip or roll. All petition
5 sheets which are filed with the proper local election
6 officials, election authorities or the State Board of Elections
7 shall be the original sheets which have been signed by the
8 voters and by the circulator thereof, and not photocopies or
9 duplicates of such sheets. Each petition must include as a part
10 thereof, a statement of candidacy for each of the candidates
11 filing, or in whose behalf the petition is filed. This
12 statement shall set out the address of such candidate, the
13 office for which he is a candidate, shall state that the
14 candidate is a qualified primary voter of the election for
15 ~~party to~~ which the petition relates and is qualified for the
16 office specified (in the case of a candidate for State's
17 Attorney it shall state that the candidate is at the time of
18 filing such statement a licensed attorney-at-law of this
19 State), shall state that he has filed (or will file before the
20 close of the petition filing period) a statement of economic
21 interests as required by the Illinois Governmental Ethics Act,
22 shall request that the candidate's name be placed upon the
23 official ballot, and shall be subscribed and sworn to by such
24 candidate before some officer authorized to take
25 acknowledgment of deeds in the State and shall be in
26 substantially the following form:

1 Statement of Candidacy

2	Name	Address	Office	District	Party
3	John Jones	102 Main St.	Governor	Statewide	Republican
4		Belvidere,			
5		Illinois			

6 State of Illinois)

7) ss.

8 County of)

9 I,, being first duly sworn, say that I reside at
 10 Street in the city (or village) of, in the county of,
 11 State of Illinois; that I am a qualified voter therein ~~and am a~~
 12 ~~qualified primary voter of the party;~~ that I am a
 13 candidate for nomination (for election in the case of
 14 committeeman and delegates and alternate delegates) to the
 15 office of to be voted upon at the primary election to be
 16 held on (insert date); that I am legally qualified (including
 17 being the holder of any license that may be an eligibility
 18 requirement for the office I seek the nomination for) to hold
 19 such office and that I have filed (or I will file before the
 20 close of the petition filing period) a statement of economic
 21 interests as required by the Illinois Governmental Ethics Act
 22 and I hereby request that my name be printed upon the official
 23 primary ballot for nomination for (or election to in the case
 24 of committeemen and delegates and alternate delegates) such
 25 office.

1 Signed

2 Subscribed and sworn to (or affirmed) before me by,
3 who is to me personally known, on (insert date).

4 Signed

5 (Official Character)

6 (Seal, if officer has one.)

7 The petitions, when filed, shall not be withdrawn or added
8 to, and no signatures shall be revoked except by revocation
9 filed in writing with the State Board of Elections, election
10 authority or local election official with whom the petition is
11 required to be filed, and before the filing of such petition.
12 Whoever forges the name of a signer upon any petition required
13 by this Article is deemed guilty of a forgery and on conviction
14 thereof shall be punished accordingly.

15 A candidate for the offices listed in this Section must
16 obtain the number of signatures specified in this Section on
17 his or her petition for nomination.

18 (a) Statewide office or delegate to a national nominating
19 convention. If a candidate seeks to run for statewide office or
20 as a delegate or alternate delegate to a national nominating
21 convention elected from the State at-large, then the
22 candidate's petition for nomination must contain at least 5,000
23 but not more than 10,000 signatures.

24 (b) Congressional office or congressional delegate to a
25 national nominating convention. If a candidate seeks to run for

1 United States Congress or as a congressional delegate or
2 alternate congressional delegate to a national nominating
3 convention elected from a congressional district, then the
4 candidate's petition for nomination must contain at least the
5 number of signatures equal to 0.5% of the qualified primary
6 electors of his or her party in his or her congressional
7 district. In the first primary election following a
8 redistricting of congressional districts, a candidate's
9 petition for nomination must contain at least 600 signatures of
10 qualified primary electors of the candidate's political party
11 in his or her congressional district.

12 (c) County office. If a candidate seeks to run for any
13 countywide office, including but not limited to county board
14 chairperson or county board member, elected on an at-large
15 basis, in a county other than Cook County, then the candidate's
16 petition for nomination must contain at least the number of
17 signatures equal to 0.5% of the qualified electors of his or
18 her party who cast votes at the last preceding general election
19 in his or her county. If a candidate seeks to run for county
20 board member elected from a county board district, then the
21 candidate's petition for nomination must contain at least the
22 number of signatures equal to 0.5% of the qualified primary
23 electors of his or her party in the county board district. In
24 the first primary election following a redistricting of county
25 board districts or the initial establishment of county board
26 districts, a candidate's petition for nomination must contain

1 at least the number of signatures equal to 0.5% of the
2 qualified electors of his or her party in the entire county who
3 cast votes at the last preceding general election divided by
4 the total number of county board districts comprising the
5 county board; provided that in no event shall the number of
6 signatures be less than 25.

7 (d) County office; Cook County only.

8 (1) If a candidate seeks to run for countywide office
9 in Cook County, then the candidate's petition for
10 nomination must contain at least the number of signatures
11 equal to 0.5% of the qualified electors of his or her party
12 who cast votes at the last preceding general election in
13 Cook County.

14 (2) If a candidate seeks to run for Cook County Board
15 Commissioner, then the candidate's petition for nomination
16 must contain at least the number of signatures equal to
17 0.5% of the qualified primary electors of his or her party
18 in his or her county board district. In the first primary
19 election following a redistricting of Cook County Board of
20 Commissioners districts, a candidate's petition for
21 nomination must contain at least the number of signatures
22 equal to 0.5% of the qualified electors of his or her party
23 in the entire county who cast votes at the last preceding
24 general election divided by the total number of county
25 board districts comprising the county board; provided that
26 in no event shall the number of signatures be less than 25.

1 (3) If a candidate seeks to run for Cook County Board
2 of Review Commissioner, which is elected from a district
3 pursuant to subsection (c) of Section 5-5 of the Property
4 Tax Code, then the candidate's petition for nomination must
5 contain at least the number of signatures equal to 0.5% of
6 the total number of registered voters in his or her board
7 of review district in the last general election at which a
8 commissioner was regularly scheduled to be elected from
9 that board of review district. In no event shall the number
10 of signatures required be greater than the requisite number
11 for a candidate who seeks countywide office in Cook County
12 under subsection (d)(1) of this Section. In the first
13 primary election following a redistricting of Cook County
14 Board of Review districts, a candidate's petition for
15 nomination must contain at least 4,000 signatures or at
16 least the number of signatures required for a countywide
17 candidate in Cook County, whichever is less, of the
18 qualified electors of his or her party in the district.

19 (e) Municipal or township office. If a candidate seeks to
20 run for municipal or township office, then the candidate's
21 petition for nomination must contain at least the number of
22 signatures equal to 0.5% of the qualified primary electors of
23 his or her party in the municipality or township. If a
24 candidate seeks to run for alderman of a municipality, then the
25 candidate's petition for nomination must contain at least the
26 number of signatures equal to 0.5% of the qualified primary

1 electors of his or her party of the ward. In the first primary
2 election following redistricting of aldermanic wards or
3 trustee districts of a municipality or the initial
4 establishment of wards or districts, a candidate's petition for
5 nomination must contain the number of signatures equal to at
6 least 0.5% of the total number of votes cast for the candidate
7 of that political party who received the highest number of
8 votes in the entire municipality at the last regular election
9 at which an officer was regularly scheduled to be elected from
10 the entire municipality, divided by the number of wards or
11 districts. In no event shall the number of signatures be less
12 than 25.

13 (f) State central committeeperson. If a candidate seeks to
14 run for State central committeeperson, then the candidate's
15 petition for nomination must contain at least 100 signatures of
16 the primary electors of his or her party of his or her
17 congressional district.

18 (g) Sanitary district trustee. If a candidate seeks to run
19 for trustee of a sanitary district in which trustees are not
20 elected from wards, then the candidate's petition for
21 nomination must contain at least the number of signatures equal
22 to 0.5% of the primary electors of his or her party from the
23 sanitary district. If a candidate seeks to run for trustee of a
24 sanitary district in which trustees are elected from wards,
25 then the candidate's petition for nomination must contain at
26 least the number of signatures equal to 0.5% of the primary

1 electors of his or her party in the ward of that sanitary
2 district. In the first primary election following
3 redistricting of sanitary districts elected from wards, a
4 candidate's petition for nomination must contain at least the
5 signatures of 150 qualified primary electors of his or her ward
6 of that sanitary district.

7 (h) Judicial office. If a candidate seeks to run for
8 judicial office in a district, then the candidate's petition
9 for nomination must contain the number of signatures equal to
10 0.4% of the number of votes cast in that district for the
11 candidate for his or her political party for the office of
12 Governor at the last general election at which a Governor was
13 elected, but in no event less than 500 signatures. If a
14 candidate seeks to run for judicial office in a circuit or
15 subcircuit, then the candidate's petition for nomination must
16 contain the number of signatures equal to 0.25% of the number
17 of votes cast for the judicial candidate of his or her
18 political party who received the highest number of votes at the
19 last general election at which a judicial officer from the same
20 circuit or subcircuit was regularly scheduled to be elected,
21 but in no event less than 1,000 signatures in circuits and
22 subcircuits located in the First Judicial District or 500
23 signatures in every other Judicial District.

24 (i) Precinct, ward, and township committeeperson. If a
25 candidate seeks to run for precinct committeeperson, then the
26 candidate's petition for nomination must contain at least 10

1 signatures of the primary electors of his or her party for the
2 precinct. If a candidate seeks to run for ward committeeperson,
3 then the candidate's petition for nomination must contain no
4 less than the number of signatures equal to 10% of the primary
5 electors of his or her party of the ward, but no more than 16%
6 of those same electors; provided that the maximum number of
7 signatures may be 50 more than the minimum number, whichever is
8 greater. If a candidate seeks to run for township
9 committeeperson, then the candidate's petition for nomination
10 must contain no less than the number of signatures equal to 5%
11 of the primary electors of his or her party of the township,
12 but no more than 8% of those same electors; provided that the
13 maximum number of signatures may be 50 more than the minimum
14 number, whichever is greater.

15 (j) State's attorney or regional superintendent of schools
16 for multiple counties. If a candidate seeks to run for State's
17 attorney or regional Superintendent of Schools who serves more
18 than one county, then the candidate's petition for nomination
19 must contain at least the number of signatures equal to 0.5% of
20 the primary electors of his or her party in the territory
21 comprising the counties.

22 (k) Any other office. If a candidate seeks any other
23 office, then the candidate's petition for nomination must
24 contain at least the number of signatures equal to 0.5% of the
25 registered voters of the political subdivision, district, or
26 division for which the nomination is made or 25 signatures,

1 whichever is greater.

2 For purposes of this Section the number of primary electors
3 shall be determined by taking the total vote cast, in the
4 applicable district, for the candidate for that political party
5 who received the highest number of votes, statewide, at the
6 last general election in the State at which electors for
7 President of the United States were elected. For political
8 subdivisions, the number of primary electors shall be
9 determined by taking the total vote cast for the candidate for
10 that political party who received the highest number of votes
11 in the political subdivision at the last regular election at
12 which an officer was regularly scheduled to be elected from
13 that subdivision. For wards or districts of political
14 subdivisions, the number of primary electors shall be
15 determined by taking the total vote cast for the candidate for
16 that political party who received the highest number of votes
17 in the ward or district at the last regular election at which
18 an officer was regularly scheduled to be elected from that ward
19 or district.

20 A "qualified primary elector" of a party may not sign
21 petitions for or be a candidate in the primary of more than one
22 party.

23 The changes made to this Section of this amendatory Act of
24 the 93rd General Assembly are declarative of existing law,
25 except for item (3) of subsection (d).

26 Petitions of candidates for nomination for offices herein

1 specified, to be filed with the same officer, may contain the
2 names of 2 or more candidates of the same political party for
3 the same or different offices. In the case of the offices of
4 Governor and Lieutenant Governor, a joint petition including
5 one candidate for each of those offices must be filed.

6 (Source: P.A. 96-1018, eff. 1-1-11; 97-81, eff. 7-5-11.)

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

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

12 The following regulations shall be applicable to
13 primaries:

14 ~~No person shall be entitled to vote at a primary.~~

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

17 ~~(b) (Blank).~~

18 ~~(c) (Blank).~~

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

25 ~~(d) (Blank).~~

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

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

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

25 (Source: P.A. 97-681, eff. 3-30-12; 98-463, eff. 8-16-13.)

1 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

2 Sec. 7-44. Voters; primary ballot. Any person desiring
3 to vote at a primary shall state his or her name and ~~7~~
4 residence ~~and party affiliation~~ to the primary judges, one of
5 whom shall thereupon announce the same in a distinct tone of
6 voice, sufficiently loud to be heard by all persons in the
7 polling place. When article 4, 5, or 6 is applicable the
8 Certificate of Registered Voter therein prescribed shall be
9 made and signed and the official poll record shall be made. If
10 the person desiring to vote is not challenged, one of the
11 primary judges shall give to him or her one, ~~and only one,~~
12 primary ballot listing each candidate for office, regardless of
13 party affiliation, participating in the primary election of the
14 ~~political party with which he declares himself affiliated,~~ on
15 the back of which the ~~such~~ primary judge shall endorse his or
16 her initials in such manner that they may be seen when the
17 primary ballot is properly folded. If the person desiring to
18 vote is challenged he or she shall not receive a primary ballot
19 from the primary judges until he or she shall have established
20 his or her right to vote as ~~hereinafter~~ provided in this
21 Article. ~~No person who refuses to state his party affiliation~~
22 ~~shall be allowed to vote at a primary.~~

23 ~~A person who declares his party affiliation with a~~
24 ~~statewide established political party and requests a primary~~
25 ~~ballot of such party may nonetheless also declare his~~
26 ~~affiliation with a political party established only within a~~

1 ~~political subdivision, and may also vote in the primary of such~~
2 ~~local party on the same election day, provided that such voter~~
3 ~~may not vote in both such party primaries with respect to~~
4 ~~offices of the same political subdivision. However, no person~~
5 ~~declaring his affiliation with a statewide established~~
6 ~~political party may vote in the primary of any other statewide~~
7 ~~political party on the same election day.~~

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

9 (10 ILCS 5/7-60) (from Ch. 46, par. 7-60)

10 Sec. 7-60. Not less than 74 days before the date of the
11 general election, the State Board of Elections shall certify to
12 the county clerks the names of each of the candidates who have
13 been nominated as shown by the proclamation of the State Board
14 of Elections as a canvassing board or who have been nominated
15 to fill a vacancy in nomination and direct the election
16 authority to place upon the official ballot for the general
17 election the names of such candidates in the same manner and in
18 the same order as shown upon the certification, except as
19 otherwise provided in this Section.

20 Notwithstanding any other provision of law, the 2
21 candidates in any primary that received the most votes in the
22 primary election, regardless of party affiliation of the
23 candidates, shall be the only 2 candidates certified for
24 participation in the general election.

25 Not less than 68 days before the date of the general

1 election, each county clerk shall certify the names of each of
2 the candidates for county offices who have been nominated as
3 shown by the proclamation of the county election authority or
4 who have been nominated to fill a vacancy in nomination and
5 declare that the names of such candidates for the respective
6 offices shall be placed upon the official ballot for the
7 general election in the same manner and in the same order as
8 shown upon the certification, except as otherwise provided by
9 this Section. Each county clerk shall place a copy of the
10 certification on file in his or her office and at the same time
11 issue to the State Board of Elections a copy of such
12 certification. In addition, each county clerk in whose county
13 there is a board of election commissioners shall, not less than
14 68 days before the date of the general election, issue to such
15 board a copy of the certification that has been filed in the
16 county clerk's office, together with a copy of the
17 certification that has been issued to the clerk by the State
18 Board of Elections, with directions to the board of election
19 commissioners to place upon the official ballot for the general
20 election in that election jurisdiction the names of all
21 candidates that are listed on such certifications, in the same
22 manner and in the same order as shown upon such certifications,
23 except as otherwise provided in this Section.

24 Whenever there are two or more persons nominated by the
25 same political party for multiple offices for any board, the
26 name of the candidate of such party receiving the highest

1 number of votes in the primary election as a candidate for such
2 office, as shown by the official election returns of the
3 primary, shall be certified first under the name of such
4 offices, and the names of the remaining candidates of such
5 party for such offices shall follow in the order of the number
6 of votes received by them respectively at the primary election
7 as shown by the official election results.

8 No person who is shown by the final proclamation to have
9 been nominated or elected at the primary as a write-in
10 candidate shall have his or her name certified unless such
11 person shall have filed with the certifying office or board
12 within 10 days after the election authority's proclamation a
13 statement of candidacy pursuant to Section 7-10, a statement
14 pursuant to Section 7-10.1, and a receipt for the filing of a
15 statement of economic interests in relation to the unit of
16 government to which he or she has been elected or nominated.

17 Each county clerk and board of election commissioners shall
18 determine by a fair and impartial method of random selection
19 the order of placement of established political party
20 candidates for the general election ballot. Such determination
21 shall be made within 30 days following the canvass and
22 proclamation of the results of the general primary in the
23 office of the county clerk or board of election commissioners
24 and shall be open to the public. Seven days written notice of
25 the time and place of conducting such random selection shall be
26 given, by each such election authority, to the County Chairman

1 of each established political party, and to each organization
2 of citizens within the election jurisdiction which was
3 entitled, under this Article, at the next preceding election,
4 to have pollwatchers present on the day of election. Each
5 election authority shall post in a conspicuous, open and public
6 place, at the entrance of the election authority office, notice
7 of the time and place of such lottery. However, a board of
8 election commissioners may elect to place established
9 political party candidates on the general election ballot in
10 the same order determined by the county clerk of the county in
11 which the city under the jurisdiction of such board is located.

12 Each certification shall indicate, where applicable, the
13 following:

14 (1) The political party affiliation of the candidates
15 for the respective offices;

16 (2) If there is to be more than one candidate elected
17 to an office from the State, political subdivision or
18 district;

19 (3) If the voter has the right to vote for more than
20 one candidate for an office;

21 (4) The term of office, if a vacancy is to be filled
22 for less than a full term or if the offices to be filled in
23 a political subdivision are for different terms.

24 The State Board of Elections or the county clerk, as the
25 case may be, shall issue an amended certification whenever it
26 is discovered that the original certification is in error.

1 (Source: P.A. 96-1008, eff. 7-6-10.)

2 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

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

19 Municipal and township clerks (or road district clerks) who
20 have regularly scheduled working hours at regularly designated
21 offices other than a place of residence and whose offices are
22 open for business during the same hours as the office of the
23 election authority shall conduct in-person absentee voting for
24 said elections. Municipal and township clerks (or road district
25 clerks) who have no regularly scheduled working hours but who

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

1 than 45 days before the date of an election, the election
2 authority shall notify the municipal, township, and road
3 district clerks within its jurisdiction if they are to conduct
4 in-person absentee voting. Election authorities, however, may
5 conduct in-person absentee voting in one or more designated
6 appropriate public buildings from the fourth day before the
7 election through the day before the election.

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

22 Within one day after a voter casts an in-person absentee
23 ballot, the appropriate election authority shall transmit by
24 electronic means pursuant to a process established by the State
25 Board of Elections the voter's name, street address, e-mail
26 address, and precinct, ward, township, and district numbers, as

1 the case may be, to the State Board of Elections, which shall
2 maintain those names and that information in an electronic
3 format on its website, arranged by county and accessible to
4 State and local political committees.

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

24 The sealed absentee ballots in their carrier envelope shall
25 be delivered by the respective clerks, or by the election
26 authority on behalf of a clerk if the clerk and the election

1 authority agree, to the election authority's central ballot
2 counting location before the close of the polls on the day of
3 the general primary, consolidated primary, consolidated, or
4 general election.

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

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

22 The clerks of all municipalities, townships and road
23 districts may distribute applications for absentee ballot for
24 the use of voters who wish to mail such applications to the
25 appropriate election authority. Any person may produce,
26 reproduce, distribute, or return to an election authority the

1 application for absentee ballot. Upon receipt, the appropriate
2 election authority shall accept and promptly process any
3 application for absentee ballot.

4 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13.)

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

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

8 APPLICATION FOR ABSENTEE BALLOT

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

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 month(s) last past; that I am lawfully
17 entitled to vote in such precinct at the election to be
18 held therein on; and that I wish to vote by absentee
19 ballot.

20 I hereby make application for an official ballot ~~or ballots~~
21 ~~to be voted by me at such election~~, and I agree that I shall
22 return such ballot ~~or ballots~~ to the official issuing the same
23 prior to the closing of the polls on the date of the election
24 or, if returned by mail, postmarked no later than midnight
25 preceding election day, for counting no later than during the

1 period for counting provisional ballots, the last day of which
2 is the 14th day following election day.

3 I understand that this application is made for an official
4 absentee ballot ~~or ballots~~ to be voted by me at the election
5 specified in this application and that I must submit a separate
6 application for an official absentee ballot ~~or ballots~~ to be
7 voted by me at any subsequent election.

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

11

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

13 Post office address to which ballot is mailed:

14

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

19 If application is made electronically, the applicant shall
20 mark the box associated with the above described statement
21 included as part of the online application certifying that the
22 statements set forth in this application are true and correct,
23 and a signature is not required.

24 Any person may produce, reproduce, distribute, or return to
25 an election authority the application for absentee ballot. Upon
26 receipt, the appropriate election authority shall accept and

1 promptly process any application for absentee ballot submitted
2 in a form substantially similar to that required by this
3 Section, including any substantially similar production or
4 reproduction generated by the applicant.

5 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13.)

6 (10 ILCS 5/19-4.5 new)

7 Sec. 19-4.5. Absentee primary ballots.

8 (a) Notwithstanding any other provision of law, a person
9 entitled to vote by absentee ballot at a primary shall not be
10 required to declare his or her political party affiliation, and
11 shall be provided with the ballot listing all candidates for
12 offices for which the absentee voter is entitled to vote at
13 that primary. The ballots provided for absentee voters shall be
14 the same open-primary ballots as provided under 7-44 of this
15 Act.

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

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

21 Sec. 19-5. It shall be the duty of the election authority
22 to fold the ballot or ballots in the manner specified by the
23 statute for folding ballots prior to their deposit in the
24 ballot box, and to enclose such ballot or ballots in an

1 envelope unsealed to be furnished by him, which envelope shall
 2 bear upon the face thereof the name, official title and post
 3 office address of the election authority, and upon the other
 4 side a printed certification in substantially the following
 5 form:

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

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

14 I further state that I personally marked the enclosed
 15 ballot in secret.

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

20

21 If the ballot is to go to an elector who is physically
 22 incapacitated and needs assistance marking the ballot, the
 23 envelope shall bear upon the back thereof a certification in
 24 substantially the following form:

25 I state that I am a resident of the precinct of the
 26 (1) *township of (2) *City of or (3) *.... ward in

1 the city of residing at in such city or town in the
 2 county of and State of Illinois, that I have lived at such
 3 address for months last past; that I am lawfully entitled
 4 to vote in such precinct at the election to be held on
 5; that I am physically incapable of personally marking the
 6 ballot for such election.

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

8 I further state that I marked the enclosed ballot in secret
 9 with the assistance of

10

11 (Individual rendering assistance)

12

13 (Residence Address)

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

18

19 In the case of a voter with a physical incapacity, marking
 20 a ballot in secret includes marking a ballot with the
 21 assistance of another individual, other than a candidate whose
 22 name appears on the ballot (unless the voter is the spouse or a
 23 parent, child, brother, or sister of the candidate), the
 24 voter's employer, an agent of that employer, or an officer or
 25 agent of the voter's union, when the voter's physical
 26 incapacity necessitates such assistance.

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

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

12 In addition to the above, the election authority shall
13 provide printed slips giving full instructions regarding the
14 manner of marking and returning the ballot in order that the
15 same may be counted, and shall furnish one of such printed
16 slips to each of such applicants at the same time the ballot is
17 delivered to him. Such instructions shall include the following
18 statement: "In signing the certification on the absentee ballot
19 envelope, you are attesting that you personally marked this
20 absentee ballot in secret. If you are physically unable to mark
21 the ballot, a friend or relative may assist you after
22 completing the enclosed affidavit. Federal and State laws
23 prohibit a candidate whose name appears on the ballot (unless
24 you are the spouse or a parent, child, brother, or sister of
25 the candidate), your employer, your employer's agent or an
26 officer or agent of your union from assisting physically

1 disabled voters."

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

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

13 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

15 (a) (Blank.)

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

24 (c) Each absent voter's ballot that is mailed to an
25 election authority and postmarked by the midnight preceding the

1 opening of the polls on election day, but that is received by
2 the election authority after the polls close on election day
3 and before the close of the period for counting provisional
4 ballots cast at that election, shall be endorsed by the
5 receiving authority with the day and hour of receipt and shall
6 be counted at the central ballot counting location of the
7 election authority during the period for counting provisional
8 ballots.

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

22 (d) Special write-in absentee voter's blank ballots
23 returned to an election authority, by any means authorized by
24 this Article, and received by the election authority at any
25 time before the closing of the polls on election day shall be
26 endorsed by the receiving election authority with the day and

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

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

24 (f) Counting required under this Section to begin on
25 election day after the closing of the polls shall commence no
26 later than 8:00 p.m. and shall be conducted by a panel or

1 panels of election judges appointed in the manner provided by
2 law. The counting shall continue until all absent voters'
3 ballots and special write-in absentee voter's blank ballots
4 required to be counted on election day have been counted.

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

26 In addition to the voter's signatures not matching, an

1 absentee ballot may be rejected by the election judge or
2 official:

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

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

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

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

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

14 (g-5) If an absentee ballot, other than an in-person
15 absentee ballot, is rejected by the election judge or official
16 for any reason, the election authority shall, within 2 days
17 after the rejection but in all cases before the close of the
18 period for counting provisional ballots, notify the absentee
19 voter that his or her ballot was rejected. The notice shall
20 inform the voter of the reason or reasons the ballot was
21 rejected and shall state that the voter may appear before the
22 election authority, on or before the 14th day after the
23 election, to show cause as to why the ballot should not be
24 rejected. The voter may present evidence to the election
25 authority supporting his or her contention that the ballot
26 should be counted. The election authority shall appoint a panel

1 of 3 election judges to review the contested ballot,
2 application, and certification envelope, as well as any
3 evidence submitted by the absentee voter. No more than 2
4 election judges on the reviewing panel shall be of the same
5 political party. The reviewing panel of election judges shall
6 make a final determination as to the validity of the contested
7 absentee ballot. The judges' determination shall not be
8 reviewable either administratively or judicially.

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

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

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

18 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
19 95-699, eff. 11-9-07.)

20 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

21 Sec. 19-12.1. Any qualified elector who has secured an
22 Illinois Person with a Disability Identification Card in
23 accordance with the Illinois Identification Card Act,
24 indicating that the person named thereon has a Class 1A or
25 Class 2 disability or any qualified voter who has a permanent

1 physical incapacity of such a nature as to make it improbable
2 that he will be able to be present at the polls at any future
3 election, or any voter who is a resident of (i) a federally
4 operated veterans' home, hospital, or facility located in
5 Illinois or (ii) a facility licensed or certified pursuant to
6 the Nursing Home Care Act, the Specialized Mental Health
7 Rehabilitation Act of 2013, or the ID/DD Community Care Act and
8 has a condition or disability of such a nature as to make it
9 improbable that he will be able to be present at the polls at
10 any future election, may secure a disabled voter's or nursing
11 home resident's identification card, which will enable him to
12 vote under this Article as a physically incapacitated or
13 nursing home voter. For the purposes of this Section,
14 "federally operated veterans' home, hospital, or facility"
15 means the long-term care facilities at the Jesse Brown VA
16 Medical Center, Illiana Health Care System, Edward Hines, Jr.
17 VA Hospital, Marion VA Medical Center, and Captain James A.
18 Lovell Federal Health Care Center.

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

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

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

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

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

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

25 For the purposes of this Section, "nursing home resident"
26 includes a resident of (i) a federally operated veterans' home,

1 hospital, or facility located in Illinois or (ii) a facility
2 licensed under the ID/DD Community Care Act or the Specialized
3 Mental Health Rehabilitation Act of 2013. For the purposes of
4 this Section, "federally operated veterans' home, hospital, or
5 facility" means the long-term care facilities at the Jesse
6 Brown VA Medical Center, Illiana Health Care System, Edward
7 Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain
8 James A. Lovell Federal Health Care Center.

9 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-275,
10 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1064, eff. 1-1-13;
11 98-104, eff. 7-22-13.)

12 (10 ILCS 5/20-3) (from Ch. 46, par. 20-3)

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

17 1. Members of the United States Service, citizens of the
18 United States temporarily residing outside the territorial
19 limits of the United States, and certified program participants
20 under the Address Confidentiality for Victims of Domestic
21 Violence Act may make application within the periods prescribed
22 in Sections 20-2 or 20-2.1, as the case may be. Such
23 application shall be substantially in the following form:

24 "APPLICATION FOR BALLOT

25 To be voted at the..... election in the precinct in

1 which is located my residence at....., in the
 2 city/village/township of(insert home address)
 3 County of..... and State of Illinois.

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

- 10 1. () a member of the United States Service,
- 11 2. () a citizen of the United States temporarily residing
 12 outside the territorial limits of the United States and that I
 13 expect to be absent from the said county of my residence on the
 14 date of holding such election, and that I will have no
 15 opportunity to vote in person on that day.
- 16 3. () a certified program participant under the Address
 17 Confidentiality for Victims of Domestic Violence Act.

18 I hereby make application for an official ballot or ballots
 19 to be voted by me at such election if I am absent from the said
 20 county of my residence, and I agree that I shall return said
 21 ballot or ballots to the election authority postmarked no later
 22 than midnight preceding election day, for counting no later
 23 than during the period for counting provisional ballots, the
 24 last day of which is the 14th day following election day or
 25 shall destroy said ballot or ballots.

26 (Check below only if category 2 or 3 and not previously

1 registered)

2 () I hereby make application to become registered as a
3 voter and agree to return the forms and affidavits for
4 registration to the election authority not later than 30 days
5 before the election.

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 application are true and correct.

9

10 Post office address or service address to which
11 registration materials or ballot should be mailed

12

13

14

15"

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

19 Such applications may be obtained from the election
20 authority having jurisdiction over the person's precinct of
21 residence.

22 2. A spouse or dependent of a member of the United States
23 Service, said spouse or dependent being a registered voter in
24 the county, may make application on behalf of said person in
25 the office of the election authority within the periods
26 prescribed in Section 20-2 which shall be substantially in the

1 following form:

2 "APPLICATION FOR BALLOT to be voted at the..... election
3 in the precinct in which is located the residence of the person
4 for whom this application is made at.....(insert
5 residence address) in the city/village/township of.....
6 County of..... and State of Illinois.

7 I certify that the following named person.....
8 (insert name of person) is a member of the United States
9 Service.

10 I state that said person is a citizen of the United States;
11 that on (insert date of election) said person shall have
12 resided in the State of Illinois and in the election precinct
13 for which this application is made for 30 days; that on the
14 above date said person shall be the age of 18 years or above;
15 that said person is lawfully entitled to vote in such precinct
16 at that election; that said person is a member of the United
17 States Service, and that in the course of his duties said
18 person expects to be absent from his county of residence on the
19 date of holding such election, and that said person will have
20 no opportunity to vote in person on that day.

21 I hereby make application for an official ballot or ballots
22 to be voted by said person at such election and said person
23 agrees that he shall return said ballot or ballots to the
24 election authority postmarked no later than midnight preceding
25 election day, for counting no later than during the period for
26 counting provisional ballots, the last day of which is the 14th

1 day following election day, or shall destroy said ballot or
2 ballots.

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

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

10 Name of applicant

11 Residence address

12 City/village/township.....

13 Service address to which ballot should be mailed:
14
15
16
17"

18 ~~If application is made for a primary election ballot, such~~
19 ~~application shall designate the name of the political party~~
20 ~~with which the person for whom application is made is~~
21 ~~affiliated.~~

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

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

1 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

2 Sec. 20-4. Immediately upon the receipt of the official
3 postcard or an application as provided in Section 20-3 within
4 the times heretofore prescribed, the election authority shall
5 ascertain whether or not such applicant is legally entitled to
6 vote as requested, including verification of the applicant's
7 signature by comparison with the signature on the official
8 registration record card, if any. If the election authority
9 ascertains that the applicant is lawfully entitled to vote, it
10 shall enter the name, street address, ward and precinct number
11 of such applicant on a list to be posted in his or its office in
12 a place accessible to the public. Within one day after posting
13 the name and other information of an applicant for a ballot,
14 the election authority shall transmit that name and posted
15 information to the State Board of Elections, which shall
16 maintain the names and other information in an electronic
17 format on its website, arranged by county and accessible to
18 State and local political committees. As soon as the official
19 ballot is prepared the election authority shall immediately
20 deliver the same to the applicant in person, by mail, by
21 facsimile transmission, or by electronic transmission as
22 provided in 20-4.5, when applicable, and this Article.

23 If any such election authority receives a second or
24 additional application which it believes is from the same
25 person, he or it shall submit it to the chief judge of the
26 circuit court or any judge of that court designated by the

1 chief judge. If the chief judge or his designate determines
2 that the application submitted to him is a second or additional
3 one, he shall so notify the election authority who shall
4 disregard the second or additional application.

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

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

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

20 (10 ILCS 5/20-4.5 new)

21 Sec. 20-4.5. Primary ballots.

22 (a) Notwithstanding any other provision of law, a person
23 entitled to vote by absentee ballot at a primary shall not be
24 required to declare his or her political party affiliation and
25 shall be provided with a ballot including all candidates,

1 regardless of party affiliation of the candidates, for offices
2 for which the absentee voter is entitled to vote at that
3 primary.

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

8 (c) When voting absentee at a primary, the voter shall be
9 instructed to discard or otherwise destroy any ballot that the
10 voter does not intend to cast. Such a discarded or destroyed
11 ballot is not the ballot the voter agreed in the absentee
12 ballot application to return to the election authority.

13 (10 ILCS 5/20-5) (from Ch. 46, par. 20-5)

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

22 "CERTIFICATION

23 I state that I am a resident/former resident of the
24 precinct of the city/village/township of,
25 (Designation to be made by Election Authority) or of the

1 ward in the city of (Designation to be made by
2 Election Authority) residing at in said
3 city/village/township in the county of and State of
4 Illinois; that I am a

- 5 1. () member of the United States Service
- 6 2. () citizen of the United States temporarily residing
7 outside the territorial limits of the United States
- 8 3. () nonresident civilian citizen

9 and desire to cast the enclosed ballot pursuant to Article 20
10 of The Election Code; that I am lawfully entitled to vote in
11 such precinct at the election to be held on
12

13 I further state that I marked the enclosed ballot in
14 secret.

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 certification are true and
18 correct.

19 (Name)
20
21 (Service Address)"
22
23
24

25 ~~If the ballot enclosed is to be voted at a primary~~
26 ~~election, the certification shall designate the name of the~~

1 ~~political party with which the voter is affiliated.~~

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

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 The envelope in which such registration or such ballot is
20 mailed to the voter as well as the envelope in which the
21 registration materials or the ballot is returned by the voter
22 shall have printed across the face thereof two parallel
23 horizontal red bars, each one-quarter inch wide, extending from
24 one side of the envelope to the other side, with an intervening
25 space of one-quarter inch, the top bar to be one and
26 one-quarter inches from the top of the envelope, and with the

1 words "Official Election Balloting Material-VIA AIR MAIL"
2 between the bars. In the upper right corner of such envelope in
3 a box, there shall be printed the words: "U.S. Postage Paid 42
4 USC 1973". All printing on the face of such envelopes shall be
5 in red, including an appropriate inscription or blank in the
6 upper left corner of return address of sender.

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

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

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

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

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

21 (a) (Blank.)

22 (b) Each absent voter's ballot returned to an election
23 authority, by any means authorized by this Article, and
24 received by that election authority before the closing of the
25 polls on election day shall be endorsed by the receiving

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

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

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

1 ballot shall not be counted.

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

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

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

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

11 (g) The procedures set forth in Articles 17 and 18 and,
12 with respect to primaries, in Section 20-4.5 of this Code shall
13 apply to all ballots counted under this Section. In addition,
14 within 2 days after a ballot subject to this Article is
15 received, but in all cases before the close of the period for
16 counting provisional ballots, the election judge or official
17 shall compare the voter's signature on the certification
18 envelope of that ballot with the signature of the voter on file
19 in the office of the election authority. If the election judge
20 or official determines that the 2 signatures match, and that
21 the voter is otherwise qualified to cast a ballot under this
22 Article, the election authority shall cast and count the ballot
23 on election day or the day the ballot is determined to be
24 valid, whichever is later, adding the results to the precinct
25 in which the voter is registered. If the election judge or
26 official determines that the signatures do not match, or that

1 the voter is not qualified to cast a ballot under this Article,
2 then without opening the certification envelope, the judge or
3 official shall mark across the face of the certification
4 envelope the word "Rejected" and shall not cast or count the
5 ballot.

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

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

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

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

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

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

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

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

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

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

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

23 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
24 95-699, eff. 11-9-07.)

1 (10 ILCS 5/7-3 rep.)

2 (10 ILCS 5/Art. 10 rep.)

3 Section 10. The Election Code is amended by repealing

4 Sections 7-2 and 7-3 and Article 10.