92_HB5601 LRB9215947JMmb

- 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 19-1, 19-2, 19-3, and 19-5 as follows:
- 6 (10 ILCS 5/19-1) (from Ch. 46, par. 19-1)
- 7 Sec. 19-1. Any qualified elector of the State of
- 8 Illinois having duly registered where such registration is
- 9 required who is of the age of 65 or more years or who expects
- 10 to be absent from the county in which he is a qualified
- 11 elector or who because of being appointed a judge of election
- in a precinct other than the precinct in which he resides or
- 13 who because of physical incapacity or the tenets of his
- 14 religion in the observance of a religious holiday or who
- 15 because of election duties for the office of an Election
- 16 Authority or the State Board of Elections or who because of
- 17 election duties for a law enforcement agency, including but
- 18 not limited to the offices of the Attorney General, a State's
- 19 Attorney, a United States Attorney, or a State, county, or
- 20 municipal police department, or who, because he is
- 21 temporarily abiding outside the precinct in which he is
- 22 registered to vote due to the fact he is a student attending
- 23 an institution of higher education or who is serving as a
- 24 sequestered juror on a State or federal jury, will be unable
- 25 to be present at the polls on the day of holding any special,
- 26 general or primary election at which any presidential
- 27 preference is indicated or any candidates are chosen or
- 28 elected, for any congressional, State, district, county,
- 29 town, city, village, precinct or judicial offices or at which
- 30 questions of public policy are submitted, may vote at such
- 31 election as hereinafter in this Article provided.

- 1 Each Election Authority, law enforcement agency, and the
- 2 State Board of Elections shall compile and keep current a
- 3 list of his or its officers or employees who are eligible to
- 4 vote under this Article by reason of election duties.
- 5 For purposes of this Article 19, a physically
- 6 incapacitated voter marks his or her ballot "personally" when
- 7 the voter exercises his or her physical abilities to their
- 8 reasonable limit in marking the ballot, and marking
- 9 personally may include instructing the person assisting the
- 10 incapacitated voter when giving such instruction represents
- 11 the reasonable limit of the physical abilities.
- 12 (Source: P.A. 86-873; 86-875; 86-1028.)
- 13 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)
- Sec. 19-2. Any elector as defined in Section 19-1 who
- is of the age of 65 or older or who is expecting to be absent
- 16 from the county of his residence or any such elector who
- 17 because of being appointed a judge of election in a precinct
- 18 other than the precinct in which he resides or who because of
- 19 physical incapacity or the tenets of his religion in the
- 20 observance of a religious holiday or who because of election

duties for the office of an Election Authority, the State

Board of Elections, or a law enforcement agency will be

- 23 unable to be present at the polls on the day of such election
- 24 may by mail, not more than 40 nor less than 5 days prior to
- 25 the date of such election, or by personal delivery not more
- 26 than 40 nor less than one day prior to the date of such
- 27 election, make application to the county clerk or to the
- 28 Board of Election Commissioners for an official ballot for
- 29 the voter's precinct to be voted at such election.
- 30 (Source: P.A. 84-808.)

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- 31 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)
- 32 Sec. 19-3. Application for such ballot shall be made on

-3-

- 1 blanks to be furnished by the election authority and
- 2 duplication of such application for ballot is prohibited,
- 3 except by the election authority. The application for ballot
- 4 shall be substantially in the following form:
- 5 APPLICATION FOR BALLOT
- 6 BY ELECTOR WHO EXPECTS TO BE
- 7 ABSENT FROM COUNTY
- 8 To be voted at the election in the County of
- 9 and State of Illinois, in the precinct of the (1)
- 10 *township of (2) *City of or (3) *.... ward in the
- 11 City of
- 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
- 16 such 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; that I expect to be absent from the
- 19 county of my residence on the date of holding such election,
- 20 and that I will have no opportunity to vote in person on that
- 21 day.
- 22 I hereby make application for an official ballot or
- 23 ballots to be voted by me at such election if I am absent
- 24 from the county of my residence, and I agree that I shall
- 25 return such ballot or ballots to the official issuing the
- 26 same prior to the closing of the polls on the date of the
- 27 election.
- 28 Under penalties as provided by law pursuant to Section
- 29 29-10 of The Election Code, the undersigned certifies that
- 30 the statements set forth in this application are true and
- 31 correct.
- 32
- *fill in either (1), (2) or (3).
- Post office address to which ballot is mailed:

1	
2	However, if application is made for a primary election
3	ballot, such application shall designate the name of the
4	political party with which the applicant is affiliated.
5	APPLICATION FOR BALLOT
б	BY ELECTOR WHO IS JUDGE OF ELECTION
7	IN A PRECINCT OTHER THAN THE PRECINCT
8	IN WHICH HE RESIDES
9	To be voted at the election in the County of
10	and State of Illinois, in the precinct of the (1)
11	*township of (2) *City of or (3) * ward in the
12	City of
13	I state that I am affiliated with the party (to be
14	used in primary elections) and that I am a resident of the
15	precinct of the (1) *township of (2) *City of
16	or (3) * ward in the city of residing at in
17	such city or town in the county of and State of
18	Illinois; that I have lived at such address for month(s)
19	last past; that I am lawfully entitled to vote in such
20	precinct at the election to be held therein on;
21	that I am a judge of election in precinct or the (1)
22	* ward in the city of or (2) *township of or
23	(3) *city, village or incorporated town of in such
24	county and that I will have no opportunity of voting in
25	person on that day:
26	I hereby make application for an official ballot or
27	ballots to be voted by me at such election if I serve as a
28	judge of election in such last named precinct, and I agree
29	that I shall return such ballot or ballots to the official
30	issuing the same prior to the closing of the polls on the
31	date of the election.
32	Under penalties as provided by law pursuant to Section
33	29-10 of The Election Code, the undersigned certifies that
34	the statements set forth in this application are true and

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1	correct.
2	• • • •
3	*fill in either (1), (2) or (3).
4	Post office address to which ballot is mailed:
5	• • • •
6	APPLICATION FOR BALLOT
7	BY PHYSICALLY INCAPACITATED ELECTOR
8	To be voted at the election in the County of
9	and State of Illinois, in the precinct of the (1)
10	*township of (2) *City of or (3) * ward in the
11	City of
12	I state that I am affiliated with the party (to be
13	used in primary elections) and that I am a resident of the
14	\dots precinct of the (1) *township of \dots (2) *City of \dots
15	or (3) * ward in the city of residing at in
16	such city or town in the county of and State of
17	Illinois; that I have lived at such address for month(s)
18	last past; that I am lawfully entitled to vote in such
19	precinct at the election to be held therein on;
20	that I shall be physically incapable of being present at the
21	polls of such precinct on the date of holding such election
22	for the following reasons:
23	I hereby make application for an official ballot or
24	ballots to be voted by me at such election if I am so
25	physically incapacitated, and I agree that I shall return
26	such ballot or ballots to the official issuing the same prior
27	to the closing of the polls on the date of election.
28	Under penalties as provided by law pursuant to Section
29	29-10 of The Election Code, the undersigned certifies that
30	the statements set forth in this application are true and
31	correct.
32	• • • •
33	*fill in either (1), (2) or (3).
34	Post office address to which ballot is mailed:

Τ	• • • • • • • • • • • • • • • • • • • •
2	APPLICATION FOR BALLOT
3	BY ELECTOR 65 YEARS OLD OR OLDER
4	To be voted at the election in the County of
5	and State of Illinois, in the precinct of the (1)
6	*township of (2) *City of or (3) * ward in the
7	City of
8	I state that I am affiliated with the party (to be
9	used in primary elections) and that I am a resident of the
10	precinct of the (1) *township of (2) *City of
11	or (3) * ward in the city of residing at in
12	such city or town in the county of and State of
13	Illinois; that I have lived at such address for month(s)
14	last past; that I am lawfully entitled to vote in such
15	precinct at the election to be held therein on;
16	that I am (or will be on the date of said election) 65 years
17	old or older.
18	I hereby make application for an official ballot or
19	ballots to be voted by me at such election because I am (or
20	will be on the date of said election) 65 years old or older,
21	and I agree that I shall return such ballot or ballots to the
22	official issuing the same prior to the closing of the polls
23	on the date of election.
24	Under penalties as provided by law pursuant to Section
25	29-10 of the Election Code, the undersigned certifies that
26	the statements set forth in this application are true and
27	correct.
28	<u></u>
29	*fill in either (1), (2), or (3).
30	Post office address to which ballot is mailed:
31	
32	APPLICATION FOR BALLOT
33	BY ELECTOR OBSERVING RELIGIOUS HOLIDAY
34	To be voted at the election in the county of

1	State of Illinois, in the precinct (1) *township of
2	(2) *City of or (3) * ward in the City of
3	I state that I am affiliated with the party (to be
4	used in primary elections) and that I am a resident of the
5	precinct of the (1) *township of (2) *City of
6	or (3) * ward in the city of residing at in
7	such city or town in the county of and State of
8	Illinois; that I have lived at such address for month(s)
9	past, that I am lawfully entitled to vote in such precinct at
10	the election to be held therein on; that I shall be
11	unable to be present at the polls of such precinct on the
12	date of holding such election because of the tenets of my
13	religion in the observance of a religious holiday.
14	I hereby make application for an official ballot or
15	ballots to be voted by me at such election if I am so unable
16	to be present at the polls of such precinct on the date of
17	the election because of the tenets of my religion in the
18	observance of a religious holiday, and I agree that I shall
19	return the ballot or ballots to the official issuing the same
20	prior to the closing of the polls on the date of the
21	election.
22	Under penalties as provided by law pursuant to Section
23	29-10 of The Election Code, the undersigned certifies that
24	the statements set forth in this application are true and
25	correct.
26	••••
27	*fill in either (1), (2) or (3).
28	Post office address to which ballot is mailed:
29	
30	APPLICATION FOR BALLOT
31	BY ELECTOR WHO IS AN ELECTION EMPLOYEE
32	OF STATE'S ATTORNEY, COUNTY CLERK OR
33	BOARD OF ELECTION COMMISSIONERS
34	To be voted at the election in the County of

1	and State of Illinois, in the precinct of the (1)
2	*township of (2) *City of or (3) * ward in the
3	City of
4	I state that I am a resident of the precinct of the
5	(1) *township of (2) *City of or (3) * ward in
6	the city of residing at in such city or town in the
7	county of and State of Illinois; that I have lived at
8	such address for month(s) last past; that I am lawfully
9	entitled to vote in such precinct at the election to be
10	held therein on; that I am employed in the office of the
11	(State's Attorney of County) (County Clerk of
12	County) (Board of Election Commissioners of the (City)
13	(County) of and that because of election duties on the
14	date of holding such election I will have no opportunity to
15	vote in person on that day.
16	I hereby make application for an official ballot or
17	ballots to be voted by me at such election, and I agree that
18	I shall return such ballot or ballots to the official issuing
19	the same prior to the closing of the polls on the date of the
20	election.
21	Under penalties as provided by law pursuant to Section
22	29-10 of The Election Code, the undersigned certifies that
23	the statements set forth in this application are true and
24	correct.
25	••••
26	*fill in either (1), (2) or (3).
27	Post office address to which ballot is mailed:
28	
29	Provided, that if application be made for a primary
30	election ballot, such application shall designate the name of
31	the political party with which the applicant is affiliated.
32	APPLICATION FOR
33	TEMPORARILY ABSENT STUDENT BALLOT
34	To be voted at the election in the County of

1	and State of Illinois, in the precinct of the (1)
2	*township of (2) *City of or (3) * ward in the
3	City of
4	I state that I am a resident of the precinct of the
5	(1) *township of (2) *City of or (3) * ward in
6	the city of residing at in such city or town in the
7	county of and State of Illinois; that I have lived at
8	such address for month(s) last past; that I am lawfully
9	entitled to vote in such precinct at the election to be
10	held therein on; that I am temporarily abiding outside
11	such precinct in the (1) *township of (2) *City of
12	in the county of and State of due to the fact I am
13	a student attending an institution of higher education, and
14	for that reason do not expect to have an opportunity to vote
15	in person on that day.
16	I hereby make application for an official ballot or
17	ballots to be voted by me at such election if I am absent
18	from the precinct of my residence, and I agree that I shall
19	return such ballot or ballots to the official issuing the
20	same prior to the closing of the polls on the date of the
21	election.
22	Under penalties as provided by law pursuant to Section
23	29-10 of The Election Code, the undersigned certifies that
24	the statements set forth in this application are true and
25	correct.
26	
27	*fill in either (1), (2) or (3).
28	Post office address to which ballot is mailed:
29	
30	However, if application is made for a primary election
31	ballot, such application shall designate the name of the
32	political party with which the applicant is affiliated.
33	In lieu of the separate application blanks heretofore

34 prescribed, the election authority may adopt a standard

Τ	application blank in substantially the following form for all
2	categories of absentee voters:
3	APPLICATION FOR
4	ABSENT VOTER'S BALLOT
5	To be voted at the election in the County of
6	and State of Illinois, in the precinct of the
7	(1) *township of (2) *City of or (3) *
8	ward in the City of
9	I state that I am a resident of the precinct of
10	the (1) *township of (2) *City of or (3)
11	* ward in the City of residing at
12	in such city or town in the county of and State of
13	Illinois; that I have lived at such address for months
14	last past; that I am lawfully entitled to vote in such
15	precinct at a election to be held therein on;
16	and that (1) I am (or will be on the date of said election)
L7	65 years old or older or (2) I will be unable to vote in
18	person at the polls of such precinct for the following
19	reasons:
20	(Check One)
21	I expect to be absent from my county of residence.
22	I expect to be temporarily absent from the country.
23	I shall be serving as a judge of election in the
24	precinct which is not my precinct of
25	residence.
26	I shall be observing a religious holiday in
27	accordance with the tenets of my religion.
28	I shall be performing official election duties
29	for an Election Authority,
30	(election authority)
31	or the State Board of Elections
32	(location)
33	I shall be performing election law enforcement
34	duties in the employment of,

1	(law enforcement agency)
2	
3	(location)
4	I am temporarily abiding in the (1) *township of
5	\dots (2) *city of \dots in the county of \dots and
6	State of due to the fact I am a student
7	attending an institution of higher
8	education.
9	I am physically incapacitated.
10	Reason(s):
11	I have been called for jury duty on said day by
12	
13	(court jurisdiction)
14	I hereby make application for an official ballot or
15	ballots to be voted by me at such election and agree that I
16	shall return the ballot or ballots to the election official
17	issuing the same in sufficient time for such official to
18	deliver the ballot or ballots to the proper polling place
19	prior to the closing of the polls on the date of the
20	election.
21	Under penalties as provided by law pursuant to Section
22	29-10 of the Election Code, the undersigned certifies that
23	the statements set forth in this application are true and
24	correct.
25	
26	*fill in either (1), (2) or (3). Post office address to which
27	ballot is mailed:
28	
29	Provided, that if application is made for a primary
30	election, such application shall designate the name of the
31	political party with which applicant is affiliated.
32	(Source: P.A. 86-873; 86-875; 86-1028.)

33 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

1	Sec. 19-5. It shall be the duty of the election
2	authority to fold the ballot or ballots in the manner
3	specified by the statute for folding ballots prior to their
4	deposit in the ballot box, and to enclose such ballot or
5	ballots in an envelope unsealed to be furnished by him, which
6	envelope shall bear upon the face thereof the name, official
7	title and post office address of the election authority, and
8	upon the other side if the ballot is to go to an elector who
9	is to be out of the county on the day of the election a
10	printed certification in substantially the following form:
11	I state that I am a resident of the precinct of the
12	(1) *township of (2) *City of or (3) * ward in
13	the city of residing at in such city or town in the
14	county of and State of Illinois, that I have lived at
15	such address for months last past; that I am lawfully
16	entitled to vote in such precinct at the election to be
17	held on; and I expect to be absent from the county of my
18	residence on the date of such election.
19	*fill in either (1), (2) or (3).

- I further state that I personally marked the enclosed 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.

26

- 27 If the ballot is to go to an elector who is physically 28 incapacitated the envelope shall bear upon the back thereof a 29 certification in substantially the following form:
- I state that I am a resident of the precinct of the (1) *township of (2) *City of or (3) *.... ward in the city of residing at in such city or town in the county of and State of Illinois, that I have lived at such address for months last past; that I am lawfully

1	entitled to vote in such precinct at the election to be
2	held on; that I shall be physically incapable of being
3	present at the polls of such precinct on the date of holding
4	such election.
5	*fill in either (1), (2) or (3).
6	I further state that I personally marked the enclosed
7	ballot in secret. If I received assistance in casting my
8	ballot, I further attest that, due to physical incapacity, I
9	marked the enclosed ballot in secret with the assistance of
10	
11	(Individual rendering assistance)
12	
13	(Residence Address)
14	Under penalties of perjury as provided by law pursuant
15	to Section 29-10 of The Election Code, the undersigned
16	certifies that the statements set forth in this certification
17	are true and correct.
18	
19	In the case of a voter who is voting absentee by reason
20	of physical incapacity, marking a ballot in secret includes
21	marking a ballot with the assistance of another individual,
22	other than a candidate whose name appears on the ballot
23	(unless the voter is the spouse or a parent, child, brother,
24	or sister of the candidate), the voter's employer, an agent
25	of that employer or an officer or agent of the voter's union,
26	when the voter's physical incapacity necessitates such
27	assistance.
28	If the ballot is to go to an elector who is 65 years old
29	or older, the envelope shall bear upon the back thereof a
30	certification in substantially the following form:
31	I state that I am a resident of the precinct of the
32	(1) *township of (2) *City of or (3) * ward in
33	the city of residing at in said city or town in the
34	county of and State of Illinois, that I have lived at

- 1 such address for months last past; that I am lawfully
- 2 <u>entitled to vote in such precinct at the election to be</u>
- 3 <u>held on; that I am (or will be on the date of said</u>
- 4 <u>election</u>) 65 years old or older.
- 5 <u>*fill in either (1), (2), or (3).</u>
- 6 <u>I further state that I personally marked the enclosed</u>
- 7 <u>ballot in secret.</u>
- 8 <u>Under penalties of perjury as provided by law pursuant to</u>
- 9 <u>Section 29-10 of the Election Code, the undersigned certifies</u>
- 10 that the statements set forth in this certification are true
- 11 <u>and correct.</u>
- <u>.....</u>
- If the ballot is to go to an elector who is unable to be
- 14 present at the polls on the date of the election because of
- 15 the observance of a religious holiday, the envelope shall
- 16 bear upon the back thereof a certification in substantially
- 17 the following form:
- I state that I am a resident of the precinct of the
- 19 (1) *township of (2) *City of or (3) *.... ward in
- 20 the city of residing at in said city or town in the
- 21 county of and State of Illinois, that I have lived at
- 22 such address for months last past; that I am lawfully
- 23 entitled to vote in such precinct at the election to be
- 24 held on; that I shall be unable to be present at the
- 25 polls of such precinct on the date of holding such election
- 26 because of the tenets of my religion in the observance of a
- 27 religious holiday.
- 28 *fill in either (1), (2) or (3).
- I further state that I personally marked the enclosed
- 30 ballot in secret.
- 31 Under penalties of perjury as provided by law pursuant to
- 32 Section 29-10 of The Election Code, the undersigned certifies
- 33 that the statements set forth in this certification are true
- 34 and correct.

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2	If the ballot is to go to an elector who is temporarily
3	abiding outside the precinct in which he is registered to
4	vote due to the fact he is a student attending an institution
5	of higher education the envelope shall bear upon the back
6	thereof a certification in 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
11	such address for months last past; that I am lawfully
12	entitled to vote in such precinct at the election to be
13	held on; and I expect to be absent from the precinct of
14	my residence on the date of such election because I am
15	temporarily abiding outside such precinct in the (1)
16	*township of (2) *city of in the county of and
17	State of due to the fact I am a student attending an
18	institution of higher education.
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.
26	
27	If the election authority adopts the standard absentee
28	ballot application blank provided in Section 19-3, the
29	printed certification on the absentee ballot envelope shall
30	be in substantially the following form:
31	I state that I am a resident of the precinct of
32	the (1) *township of (2) *City of or (3) *
33	ward in the city of residing at in said city or
34	town in the county of and State of Illinois, that I

1	have lived at such address for months last past; that I
2	shall be unable to be present at the polls of such precinct
3	on the date of holding such election for the reason indicated
4	on the application for ballot enclosed herein.
5	*fill in either (1), (2) or (3).
6	I further state that I personally marked the enclosed
7	ballot in secret. If I received assistance in casting my
8	ballot, I further attest that, due to physical incapacity, I
9	marked the enclosed ballot in secret with the assistance of
10	
11	(Individual rendering assistance)
12	
13	(Residence Address)
14	Under penalties of perjury 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 who is voting absentee by reason
20	of physical incapacity, marking a ballot in secret includes
21	marking a ballot with the assistance of another individual,
22	other than a candidate whose name appears on the ballot
23	(unless the voter is the spouse or a parent, child, brother,
24	or sister of the candidate), the voter's employer, an agent
25	of that employer, or an officer or agent of the voter's
26	union, when the voter's physical incapacity necessitates such
27	assistance.
28	Provided, that if the ballot enclosed is to be voted at a
29	primary election, the certification shall designate the name
30	of the political party with which the voter is affiliated.
31	In addition to the above, the election authority shall

provide printed slips giving full instructions regarding the

manner of marking and returning the ballot in order that the

same may be counted, and shall furnish one of such printed

32

33

34

1 slips to each of such applicants at the same time the ballot

2 is delivered to him. Such instructions shall include the

3 following statement: "In signing the certification on the

4 absentee ballot envelope, you are attesting that you

personally marked this absentee ballot in secret. If you are

6 physically unable to mark the ballot, a friend or relative

7 may assist you after completing the enclosed affidavit.

8 Federal and State laws prohibit a candidate whose name

9 appears on the ballot (unless you are the spouse or a parent,

10 child, brother, or sister of the candidate), your employer,

11 your employer's agent or an officer or agent of your union

12 from assisting physically disabled voters."

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

23 (Source: P.A. 89-653, eff. 8-14-96.)