

# HB3384



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

**HB3384**

by Rep. Daniel Didech

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-20

from Ch. 46, par. 17-20

10 ILCS 5/19-8

from Ch. 46, par. 19-8

Amends the Election Code. Requires county clerks to immediately post vote totals received by each precinct, including vote by mail ballots determined to be valid, on the county clerk's website.

LRB101 09911 SMS 55013 b

A BILL FOR

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 17-20 and 19-8 as follows:

6 (10 ILCS 5/17-20) (from Ch. 46, par. 17-20)

7 Sec. 17-20. When the canvass of the ballots has been  
8 completed, the tally judges shall announce to the judges the  
9 total number of votes received by each candidate; each judge of  
10 the election shall proclaim in a loud voice the total number of  
11 votes received by each of the persons voted for and the office  
12 for which he is designated, and the number of votes for and  
13 number of votes against any proposition which has been  
14 submitted to a vote of the people; such proclamation shall be  
15 prima facie evidence of the result of such canvass of the  
16 ballots.

17 Immediately after making such proclamation the judges  
18 shall designate one of their number to go to the nearest  
19 telephone and report to the office of the county clerk the  
20 results announced in such proclamation. The county clerk in  
21 such counties shall keep his office open after the close of the  
22 polls on the day of any election and thereafter until he has  
23 received from each precinct in such county the report above

1 provided for. Immediately upon receiving such report the county  
2 clerk shall cause the same to be posted in a public place in  
3 his office for inspection by the public and shall post the vote  
4 totals for each precinct on the county clerk's website.  
5 Immediately after making such report such judge shall return to  
6 the polling place.

7 After making such proclamation and before separating, the  
8 judges of all counties shall fold or roll all of the ballots  
9 which have been counted by them, except those ballots which  
10 have been in the ballot box but have not been counted and  
11 marked "defective" or "objected to", securely bind them,  
12 lengthwise and in width, with a soft cord having a minimum  
13 tensile strength of 60 pounds, and wrap the same with heavy  
14 wrapping paper on which the judges of election shall write  
15 their signature and seal the package with filament over the  
16 signatures and around the package lengthwise and crosswise, at  
17 least twice each way, so that the ballots cannot be removed  
18 from the package without breaking the seal and the filament  
19 tape and disturbing the signatures, and enclose the ballots so  
20 wrapped, together with the envelope containing the ballots  
21 marked "defective" or "objected to", in a secure canvass  
22 covering, which the judges of election shall sign and seal with  
23 filament tape as above specified. The precinct judges of  
24 election shall elect 2 judges (one from each of the major  
25 political parties), who shall immediately return the ballots,  
26 in such sealed canvass covering, to the election authority who

1 shall keep their respective offices, or any receiving stations  
2 designated by them, open for at least 12 consecutive hours  
3 after the polls close, or until the ballots from all precincts  
4 within the jurisdiction of any such election authority are  
5 returned to the office of such election authority, signed and  
6 sealed as above specified. Ballots returned to the office of an  
7 election authority which are not signed and sealed as above  
8 specified shall not be accepted until the judges returning the  
9 same sign and properly seal the same. Upon acceptance of the  
10 returned ballots by the election authority, the judges  
11 returning the same shall take a receipt signed by the election  
12 authority and stamped with the time and date of such return.  
13 The election judges whose duty it is to return any ballots as  
14 above provided shall, in the event such ballots cannot be found  
15 when needed, on proper request, produce the receipt which they  
16 are to take as above provided. Upon receiving the ballots so  
17 returned, the election authority shall carefully preserve the  
18 ballots for 2 months, subject to their examination in a  
19 discovery recount proceeding in accordance with law. However,  
20 where electronic voting systems are used, the apparatus or  
21 frame in which the ballot booklet is contained shall not be  
22 subject to the 2 month preservation requirement. At the  
23 expiration of that time such election authority shall remove  
24 the same from original package and shall destroy the same,  
25 together with all unused ballots returned from the polling  
26 places. If any contest of election is pending at such time in

1 which such ballots may be required as evidence, and such  
2 election authority has notice thereof the same shall not be  
3 destroyed until after such contest is finally determined.

4 Where voting machines or electronic voting systems are  
5 used, the provisions of this section may be modified as  
6 required or authorized by Article 24 or Article 24A, whichever  
7 is applicable.

8 (Source: P.A. 83-1362.)

9 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

11 (a) (Blank.)

12 (b) Each vote by mail voter's ballot returned to an  
13 election authority, by any means authorized by this Article,  
14 and received by that election authority before the closing of  
15 the polls on election day shall be endorsed by the receiving  
16 election authority with the day and hour of receipt and may be  
17 processed by the election authority beginning on the day it is  
18 received by the election authority in the central ballot  
19 counting location of the election authority, but the results of  
20 the processing may not be counted until the day of the election  
21 after 7:00 p.m., except as provided in subsections (g) and  
22 (g-5).

23 (c) Each vote by mail voter's ballot that is mailed to an  
24 election authority and postmarked no later than election day,  
25 but that is received by the election authority after the polls

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

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

21 If an election authority is using an intelligent mail  
22 barcode tracking system, a ballot that is mailed to an election  
23 authority absent a postmark may be counted if the intelligent  
24 mail barcode tracking system verifies the envelope was mailed  
25 no later than election day.

26 (d) Special write-in vote by mail voter's blank ballots

1 returned to an election authority, by any means authorized by  
2 this Article, and received by the election authority at any  
3 time before the closing of the polls on election day shall be  
4 endorsed by the receiving election authority with the day and  
5 hour of receipt and shall be counted at the central ballot  
6 counting location of the election authority during the same  
7 period provided for counting vote by mail voters' ballots under  
8 subsections (b), (g), and (g-5). Special write-in vote by mail  
9 voter's blank ballots that are mailed to an election authority  
10 and postmarked no later than election day, but that are  
11 received by the election authority after the polls close on  
12 election day and before the closing of the period for counting  
13 provisional ballots cast at that election, shall be endorsed by  
14 the receiving authority with the day and hour of receipt and  
15 shall be counted at the central ballot counting location of the  
16 election authority during the same periods provided for  
17 counting vote by mail voters' ballots under subsection (c).

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

1 election.

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

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



1 the face of the certification envelope the word "Rejected" and  
2 shall not cast or count the ballot.

3 In addition to the voter's signatures not matching, a vote  
4 by mail ballot may be rejected by the election judge or  
5 official:

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

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

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

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

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

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

1 authority supporting his or her contention that the ballot  
2 should be counted. The election authority shall appoint a panel  
3 of 3 election judges to review the contested ballot,  
4 application, and certification envelope, as well as any  
5 evidence submitted by the vote by mail voter. No more than 2  
6 election judges on the reviewing panel shall be of the same  
7 political party. The reviewing panel of election judges shall  
8 make a final determination as to the validity of the contested  
9 vote by mail ballot. The judges' determination shall not be  
10 reviewable either administratively or judicially.

11 A vote by mail ballot subject to this subsection that is  
12 determined to be valid shall be counted before the close of the  
13 period for counting provisional ballots.

14 (g-10) All vote by mail ballots determined to be valid  
15 shall be added to the vote totals for the precincts for which  
16 they were cast in the order in which the ballots were opened  
17 and added to the vote totals for each precinct on the county  
18 clerk's website as required under Section 17-20.

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

22 (Source: P.A. 98-1171, eff. 6-1-15; 99-522, eff. 6-30-16.)