



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1637

Introduced 2/15/2019, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/1-3	from Ch. 46, par. 1-3
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/20-4	from Ch. 46, par. 20-4

Amends the Election Code. Provides that an election authority shall provide a trackable return envelope to return a vote by mail ballot, including absentee ballots for voters in military or naval service. Requires each election authority to provide online access to the vote by mail ballot list and corresponding dates to when the ballot was requested, received, and returned to the election authority and to update the online vote by mail status list daily. Effective immediately.

LRB101 08076 SMS 53139 b

FISCAL NOTE ACT  
MAY APPLY

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 1-3, 19-4, and 20-4 as follows:

6 (10 ILCS 5/1-3) (from Ch. 46, par. 1-3)

7 Sec. 1-3. As used in this Act, unless the context otherwise  
8 requires:

9 1. "Election" includes the submission of all questions of  
10 public policy, propositions, and all measures submitted to  
11 popular vote, and includes primary elections when so indicated  
12 by the context.

13 2. "Regular election" means the general, general primary,  
14 consolidated and consolidated primary elections regularly  
15 scheduled in Article 2A. The even numbered year municipal  
16 primary established in Article 2A is a regular election only  
17 with respect to those municipalities in which a primary is  
18 required to be held on such date.

19 3. "Special election" means an election not regularly  
20 recurring at fixed intervals, irrespective of whether it is  
21 held at the same time and place and by the same election  
22 officers as a regular election.

23 4. "General election" means the biennial election at which

1 members of the General Assembly are elected. "General primary  
2 election", "consolidated election" and "consolidated primary  
3 election" mean the respective elections or the election dates  
4 designated and established in Article 2A of this Code.

5 5. "Municipal election" means an election or primary,  
6 either regular or special, in cities, villages, and  
7 incorporated towns; and "municipality" means any such city,  
8 village or incorporated town.

9 6. "Political or governmental subdivision" means any unit  
10 of local government, or school district in which elections are  
11 or may be held. "Political or governmental subdivision" also  
12 includes, for election purposes, Regional Boards of School  
13 Trustees, and Township Boards of School Trustees.

14 7. The word "township" and the word "town" shall apply  
15 interchangeably to the type of governmental organization  
16 established in accordance with the provisions of the Township  
17 Code. The term "incorporated town" shall mean a municipality  
18 referred to as an incorporated town in the Illinois Municipal  
19 Code, as now or hereafter amended.

20 8. "Election authority" means a county clerk or a Board of  
21 Election Commissioners.

22 9. "Election Jurisdiction" means (a) an entire county, in  
23 the case of a county in which no city board of election  
24 commissioners is located or which is under the jurisdiction of  
25 a county board of election commissioners; (b) the territorial  
26 jurisdiction of a city board of election commissioners; and (c)

1 the territory in a county outside of the jurisdiction of a city  
2 board of election commissioners. In each instance election  
3 jurisdiction shall be determined according to which election  
4 authority maintains the permanent registration records of  
5 qualified electors.

6 10. "Local election official" means the clerk or secretary  
7 of a unit of local government or school district, as the case  
8 may be, the treasurer of a township board of school trustees,  
9 and the regional superintendent of schools with respect to the  
10 various school officer elections and school referenda for which  
11 the regional superintendent is assigned election duties by The  
12 School Code, as now or hereafter amended.

13 11. "Judges of election", "primary judges" and similar  
14 terms, as applied to cases where there are 2 sets of judges,  
15 when used in connection with duties at an election during the  
16 hours the polls are open, refer to the team of judges of  
17 election on duty during such hours; and, when used with  
18 reference to duties after the closing of the polls, refer to  
19 the team of tally judges designated to count the vote after the  
20 closing of the polls and the holdover judges designated  
21 pursuant to Section 13-6.2 or 14-5.2. In such case, where,  
22 after the closing of the polls, any act is required to be  
23 performed by each of the judges of election, it shall be  
24 performed by each of the tally judges and by each of the  
25 holdover judges.

26 12. "Petition" of candidacy as used in Sections 7-10 and

1 7-10.1 shall consist of a statement of candidacy, candidate's  
2 statement containing oath, and sheets containing signatures of  
3 qualified primary electors bound together.

4 13. "Election district" and "precinct", when used with  
5 reference to a 30-day residence requirement, means the smallest  
6 constituent territory in which electors vote as a unit at the  
7 same polling place in any election governed by this Act.

8 14. "District" means any area which votes as a unit for the  
9 election of any officer, other than the State or a unit of  
10 local government or school district, and includes, but is not  
11 limited to, legislative, congressional and judicial districts,  
12 judicial circuits, county board districts, municipal and  
13 sanitary district wards, school board districts, and  
14 precincts.

15 15. "Question of public policy" or "public question" means  
16 any question, proposition or measure submitted to the voters at  
17 an election dealing with subject matter other than the  
18 nomination or election of candidates and shall include, but is  
19 not limited to, any bond or tax referendum, and questions  
20 relating to the Constitution.

21 16. "Ordinance providing the form of government of a  
22 municipality or county pursuant to Article VII of the  
23 Constitution" includes ordinances, resolutions and petitions  
24 adopted by referendum which provide for the form of government,  
25 the officers or the manner of selection or terms of office of  
26 officers of such municipality or county, pursuant to the

1 provisions of Sections 4, 6 or 7 of Article VII of the  
2 Constitution.

3 17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29,  
4 6-60, and 6-66 shall include a computer tape or computer disc  
5 or other electronic data processing information containing  
6 voter information.

7 18. "Accessible" means accessible to persons with  
8 disabilities and elderly individuals for the purpose of voting  
9 or registration, as determined by rule of the State Board of  
10 Elections.

11 19. "Elderly" means 65 years of age or older.

12 20. "Person with a disability" means a person having a  
13 temporary or permanent physical disability.

14 21. "Leading political party" means one of the two  
15 political parties whose candidates for governor at the most  
16 recent three gubernatorial elections received either the  
17 highest or second highest average number of votes. The  
18 political party whose candidates for governor received the  
19 highest average number of votes shall be known as the first  
20 leading political party and the political party whose  
21 candidates for governor received the second highest average  
22 number of votes shall be known as the second leading political  
23 party.

24 22. "Business day" means any day in which the office of an  
25 election authority, local election official or the State Board  
26 of Elections is open to the public for a minimum of 7 hours.

1           23. "Homeless individual" means any person who has a  
2 nontraditional residence, including, but not limited to, a  
3 shelter, day shelter, park bench, street corner, or space under  
4 a bridge.

5           24. "Signature" means a name signed in ink or in digitized  
6 form. This definition does not apply to a nominating or  
7 candidate petition or a referendum petition.

8           25. "Intelligent mail barcode tracking system" means a  
9 printed trackable barcode attached to the return business reply  
10 envelope for mail-in ballots under Article 19 or Article 20  
11 that allows an election authority to determine the date the  
12 envelope was mailed in absence of a postmark.

13           26. "Trackable" means using an intelligent mail barcode  
14 tracking system.

15           (Source: P.A. 99-143, eff. 7-27-15; 99-522, eff. 6-30-16.)

16           (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

17           Sec. 19-4. Mailing or delivery of ballots; time.  
18 Immediately upon the receipt of such application either by mail  
19 or electronic means, not more than 90 days nor less than 5 days  
20 prior to such election, or by personal delivery not more than  
21 90 days nor less than one day prior to such election, at the  
22 office of such election authority, it shall be the duty of such  
23 election authority to examine the records to ascertain whether  
24 or not such applicant is lawfully entitled to vote as  
25 requested, including a verification of the applicant's

1 signature by comparison with the signature on the official  
2 registration record card, and if found so to be entitled to  
3 vote, to post within one business day thereafter the name,  
4 street address, ward and precinct number or township and  
5 district number, as the case may be, of such applicant given on  
6 a list, the pages of which are to be numbered consecutively to  
7 be kept by such election authority for such purpose in a  
8 conspicuous, open and public place accessible to the public at  
9 the entrance of the office of such election authority, and in  
10 such a manner that such list may be viewed without necessity of  
11 requesting permission therefor. Within one day after posting  
12 the name and other information of an applicant for a vote by  
13 mail ballot, the election authority shall transmit by  
14 electronic means pursuant to a process established by the State  
15 Board of Elections that name and other posted information to  
16 the State Board of Elections, which shall maintain those names  
17 and other information in an electronic format on its website,  
18 arranged by county and accessible to State and local political  
19 committees. Within 2 business days after posting a name and  
20 other information on the list within its office, but no sooner  
21 than 40 days before an election, the election authority shall  
22 mail, postage prepaid and trackable, or deliver in person in  
23 such office an official ballot or ballots if more than one are  
24 to be voted at said election. Included with the ballot or  
25 ballots, the election authority shall also mail return  
26 envelopes, postage prepaid and trackable, or deliver in person



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

1 added to such list within one business day from receipt of such  
2 ballot. Each election authority shall provide online access to  
3 the vote by mail ballot list and corresponding dates to when  
4 the ballot was requested, received, and returned to the  
5 election authority. This online vote by mail status list shall  
6 be updated by the election authority daily. If the vote by mail  
7 ballot envelope indicates that the voter was assisted in  
8 casting the ballot, the name of the person so assisting shall  
9 be included on the list. The list, the pages of which are to be  
10 numbered consecutively, shall be kept by each election  
11 authority in a conspicuous, open, and public place accessible  
12 to the public at the entrance of the office of the election  
13 authority and in a manner that the list may be viewed without  
14 necessity of requesting permission for viewing in addition to  
15 being available on the election authority's website.

16 Each election authority shall maintain a list for each  
17 election of the voters to whom it has issued vote by mail  
18 ballots. The list shall be maintained for each precinct within  
19 the jurisdiction of the election authority. Prior to the  
20 opening of the polls on election day, the election authority  
21 shall deliver to the judges of election in each precinct the  
22 list of registered voters in that precinct to whom vote by mail  
23 ballots have been issued by mail.

24 Each election authority shall maintain a list for each  
25 election of voters to whom it has issued temporarily absent  
26 student ballots. The list shall be maintained for each election

1 jurisdiction within which such voters temporarily abide.  
2 Immediately after the close of the period during which  
3 application may be made by mail or electronic means for vote by  
4 mail ballots, each election authority shall mail to each other  
5 election authority within the State a certified list of all  
6 such voters temporarily abiding within the jurisdiction of the  
7 other election authority.

8 In the event that the return address of an application for  
9 ballot by a physically incapacitated elector is that of a  
10 facility licensed or certified under the Nursing Home Care Act,  
11 the Specialized Mental Health Rehabilitation Act of 2013, the  
12 ID/DD Community Care Act, or the MC/DD Act, within the  
13 jurisdiction of the election authority, and the applicant is a  
14 registered voter in the precinct in which such facility is  
15 located, the ballots shall be prepared and transmitted to a  
16 responsible judge of election no later than 9 a.m. on the  
17 Friday, Saturday, Sunday, or Monday immediately preceding the  
18 election as designated by the election authority under Section  
19 19-12.2. Such judge shall deliver in person on the designated  
20 day the ballot to the applicant on the premises of the facility  
21 from which application was made. The election authority shall  
22 by mail notify the applicant in such facility that the ballot  
23 will be delivered by a judge of election on the designated day.

24 All applications for vote by mail ballots shall be  
25 available at the office of the election authority for public  
26 inspection upon request from the time of receipt thereof by the

1 election authority until 30 days after the election, except  
2 during the time such applications are kept in the office of the  
3 election authority pursuant to Section 19-7, and except during  
4 the time such applications are in the possession of the judges  
5 of election.

6 (Source: P.A. 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;  
7 98-756, eff. 7-16-14; 98-1171, eff. 6-1-15; 99-180, eff.  
8 7-29-15; 99-522, eff. 6-30-16.)

9 (10 ILCS 5/20-4) (from Ch. 46, par. 20-4)

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

1 State and local political committees. Each election authority  
2 shall provide online access to the vote by mail ballot list and  
3 corresponding dates to when the ballot was requested, received,  
4 and returned to the election authority. This online vote by  
5 mail status list shall be updated by the election authority  
6 daily. As soon as the official ballot is prepared the election  
7 authority shall immediately deliver the same to the applicant  
8 in person, by mail, by facsimile transmission, or by electronic  
9 transmission as provided in this Article. Included with the  
10 ballot or ballots, the election authority shall also mail  
11 return envelopes, postage prepaid and trackable, or deliver in  
12 person in such office a return envelope or envelopes if more  
13 than one are needed at said election.

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

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

1 shall deliver to the judges of election in each precinct the  
2 list of registered voters in that precinct to whom vote by mail  
3 ballots have been issued.

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

11 (Source: P.A. 98-1171, eff. 6-1-15.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.