



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB4775**

Introduced 1/27/2022, by Rep. Terra Costa Howard

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/17-9

from Ch. 46, par. 17-9

Amends the Election Code. Removes a requirement that an election judge initial the ballot after the ballot is properly folded. Removes a requirement for the election authority to provide a space both above and below the perforation for the judge's initials and for the judge to endorse his or her initials in both spaces (in those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be cast above the perforation).

LRB102 24821 AWJ 34066 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 Section 17-9 as follows:

6 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

7 Sec. 17-9. Any person desiring to vote shall give his name  
8 and, if required to do so, his residence to the judges of  
9 election, one of whom shall thereupon announce the same in a  
10 loud and distinct tone of voice, clear, and audible; the  
11 judges of elections shall check each application for ballot  
12 against the list of voters registered in that precinct to whom  
13 grace period, vote by mail, or early ballots have been issued  
14 for that election, which shall be provided by the election  
15 authority and which list shall be available for inspection by  
16 pollwatchers. A voter applying to vote in the precinct on  
17 election day whose name appears on the list as having been  
18 issued a grace period, vote by mail, or early ballot shall not  
19 be permitted to vote in the precinct, except that a voter to  
20 whom a vote by mail ballot was issued may vote in the precinct  
21 if the voter submits to the election judges that vote by mail  
22 ballot for cancellation. If the voter is unable to submit the  
23 vote by mail ballot, it shall be sufficient for the voter to

1 submit to the election judges (i) a portion of the vote by mail  
2 ballot if the vote by mail ballot was torn or mutilated or (ii)  
3 an affidavit executed before the election judges specifying  
4 that (A) the voter never received a vote by mail ballot or (B)  
5 the voter completed and returned a vote by mail ballot and was  
6 informed that the election authority did not receive that vote  
7 by mail ballot. All applicable provisions of Articles 4, 5 or 6  
8 shall be complied with and if such name is found on the  
9 register of voters by the officer having charge thereof, he  
10 shall likewise repeat said name, and the voter shall be  
11 allowed to enter within the proximity of the voting booths, as  
12 above provided. One of the judges shall give the voter one, and  
13 only one of each ballot to be voted at the election, ~~on the~~  
14 ~~back of which ballots such judge shall indorse his initials in~~  
15 ~~such manner that they may be seen when each such ballot is~~  
16 ~~properly folded,~~ and the voter's name shall be immediately  
17 checked on the register list. ~~In those election jurisdictions~~  
18 ~~where perforated ballot cards are utilized of the type on~~  
19 ~~which write in votes can be cast above the perforation, the~~  
20 ~~election authority shall provide a space both above and below~~  
21 ~~the perforation for the judge's initials, and the judge shall~~  
22 ~~endorse his or her initials in both spaces.~~ Whenever a  
23 proposal for a constitutional amendment or for the calling of  
24 a constitutional convention is to be voted upon at the  
25 election, the separate blue ballot or ballots pertaining  
26 thereto shall, when being handed to the voter, be placed on top

1 of the other ballots to be voted at the election in such manner  
2 that the legend appearing on the back thereof, as prescribed  
3 in Section 16-6 of this Act, shall be plainly visible to the  
4 voter. At all elections, when a registry may be required, if  
5 the name of any person so desiring to vote at such election is  
6 not found on the register of voters, he or she shall not  
7 receive a ballot until he or she shall have complied with the  
8 law prescribing the manner and conditions of voting by  
9 unregistered voters. If any person desiring to vote at any  
10 election shall be challenged, he or she shall not receive a  
11 ballot until he or she shall have established his right to vote  
12 in the manner provided hereinafter; and if he or she shall be  
13 challenged after he has received his ballot, he shall not be  
14 permitted to vote until he or she has fully complied with such  
15 requirements of the law upon being challenged. Besides the  
16 election officer, not more than 2 voters in excess of the whole  
17 number of voting booths provided shall be allowed within the  
18 proximity of the voting booths at one time. The provisions of  
19 this Act, so far as they require the registration of voters as  
20 a condition to their being allowed to vote shall not apply to  
21 persons otherwise entitled to vote, who are, at the time of the  
22 election, or at any time within 60 days prior to such election  
23 have been engaged in the military or naval service of the  
24 United States, and who appear personally at the polling place  
25 on election day and produce to the judges of election  
26 satisfactory evidence thereof, but such persons, if otherwise

1 qualified to vote, shall be permitted to vote at such election  
2 without previous registration.

3 All such persons shall also make an affidavit which shall  
4 be in substantially the following form:

5 State of Illinois,)

6 ) ss.

7 County of .....)

8 ..... Precinct ..... Ward

9 I, ....., do solemnly swear (or affirm) that I am a citizen  
10 of the United States, of the age of 18 years or over, and that  
11 within the past 60 days prior to the date of this election at  
12 which I am applying to vote, I have been engaged in the ....  
13 (military or naval) service of the United States; and I am  
14 qualified to vote under and by virtue of the Constitution and  
15 laws of the State of Illinois, and that I am a legally  
16 qualified voter of this precinct and ward except that I have,  
17 because of such service, been unable to register as a voter;  
18 that I now reside at .... (insert street and number, if any) in  
19 this precinct and ward; that I have maintained a legal  
20 residence in this precinct and ward for 30 days and in this  
21 State 30 days next preceding this election.

22 .....

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

24 .....

25 Judge of Election.

1 The affidavit of any such person shall be supported by the  
2 affidavit of a resident and qualified voter of any such  
3 precinct and ward, which affidavit shall be in substantially  
4 the following form:

5 State of Illinois,)

6 ) ss.

7 County of .....)

8 ..... Precinct ..... Ward

9 I, ....., do solemnly swear (or affirm), that I am a  
10 resident of this precinct and ward and entitled to vote at this  
11 election; that I am acquainted with .... (name of the  
12 applicant); that I verily believe him to be an actual bona fide  
13 resident of this precinct and ward and that I verily believe  
14 that he or she has maintained a legal residence therein 30 days  
15 and in this State 30 days next preceding this election.

16 .....

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

18 .....

19 Judge of Election.

20 All affidavits made under the provisions of this Section  
21 shall be enclosed in a separate envelope securely sealed, and  
22 shall be transmitted with the returns of the elections to the  
23 county clerk or to the board of election commissioners, who  
24 shall preserve the said affidavits for the period of 6 months,  
25 during which period such affidavits shall be deemed public

1 records and shall be freely open to examination as such.

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