



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1631

Introduced 2/26/2021, by Sen. Steven M. Landek

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-2	from Ch. 46, par. 19-2
10 ILCS 5/19-2.5 new	
10 ILCS 5/19-3	from Ch. 46, par. 19-3

Amends the Election Code. Allows an elector to be added to a list of permanent vote by mail status voters who receive an official vote by mail ballot for all subsequent elections. Provides that a voter whose application for permanent vote by mail status is accepted by the election authority shall remain on the permanent vote by mail list until the voter requests to be removed from permanent vote by mail status, the voter provides notice to the election authority of a change in registration, or the election authority receives confirmation that the voter has subsequently registered to vote in another county. Provides the notice to be sent by election authorities to all qualified voters before a general election for the option to be placed on the list of permanent vote by mail status voters. Provides the application form for permanent vote by mail status. Allows an election authority to combine the applications for single election vote by mail and permanent vote by mail status on one form. Makes conforming changes.

LRB102 10360 SMS 15687 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 19-2 and 19-3 and by adding Section 19-2.5 as  
6 follows:

7 (10 ILCS 5/19-2) (from Ch. 46, par. 19-2)

8 Sec. 19-2. Any elector as defined in Section 19-1 may by  
9 mail or electronically on the website of the appropriate  
10 election authority, not more than 90 nor less than 5 days prior  
11 to the date of such election, or by personal delivery not more  
12 than 90 nor less than one day prior to the date of such  
13 election, make application to the county clerk or to the Board  
14 of Election Commissioners for an official ballot for the  
15 voter's precinct to be voted at such election, or be added to a  
16 list of permanent vote by mail status voters who receive an  
17 official vote by mail ballot for subsequent elections. Voters  
18 who make an application for permanent vote by mail ballot  
19 status shall follow the procedures specified in Section 19-3.  
20 Voters whose application for permanent vote by mail status is  
21 accepted by the election authority shall remain on the  
22 permanent vote by mail list until the voter requests to be  
23 removed from permanent vote by mail status, the voter provides

1 notice to the election authority of a change in registration,  
2 or the election authority receives confirmation that the voter  
3 has subsequently registered to vote in another county. The URL  
4 address at which voters may electronically request a vote by  
5 mail ballot shall be fixed no later than 90 calendar days  
6 before an election and shall not be changed until after the  
7 election. Such a ballot shall be delivered to the elector only  
8 upon separate application by the elector for each election.

9 (Source: P.A. 97-81, eff. 7-5-11; 98-115, eff. 7-29-13;  
10 98-691, eff. 7-1-14; 98-1171, eff. 6-1-15.)

11 (10 ILCS 5/19-2.5 new)

12 Sec. 19-2.5. Notice for vote by mail ballot. An election  
13 authority shall notify all qualified voters, not more than 90  
14 days nor less than 45 days before a general election, of the  
15 option for permanent vote by mail status using the following  
16 notice and including the application for permanent vote by  
17 mail status in subsection (b) of Section 19-3:

18 "You may apply to permanently be placed on vote by mail  
19 status using the attached application."

20 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

21 Sec. 19-3. Application for a vote by mail ballot.

22 (a) The application for a vote by mail ballot for a single  
23 election shall be substantially in the following form:

24 APPLICATION FOR VOTE BY MAIL BALLOT

1           To be voted at the .... election in the County of .... and  
2 State of Illinois, in the .... precinct of the (1) \*township of  
3 .... (2) \*City of .... or (3) \*.... ward in the 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 such  
8 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 ....; and that I wish to vote by vote by mail  
11 ballot.

12           I hereby make application for an official ballot or  
13 ballots to be voted by me at such election, and I agree that I  
14 shall return such ballot or ballots to the official issuing  
15 the same prior to the closing of the polls on the date of the  
16 election or, if returned by mail, postmarked no later than  
17 election day, for counting no later than during the period for  
18 counting provisional ballots, the last day of which is the  
19 14th day following election day.

20           I understand that this application is made for an official  
21 vote by mail ballot or ballots to be voted by me at the  
22 election specified in this application and that I must submit  
23 a separate application for an official vote by mail ballot or  
24 ballots to be voted by me at any subsequent election.

25           Under penalties as provided by law pursuant to Section  
26 29-10 of the Election Code, the undersigned certifies that the

1 statements set forth in this application are true and correct.

2 . . . .

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

4 Post office address to which ballot is mailed:

5 .....

6 (b) The application for permanent vote by mail status  
7 shall be substantially in the following form:

8 APPLICATION FOR PERMANENT VOTE BY MAIL STATUS

9 I am currently a registered voter and wish to apply for  
10 permanent vote by mail status.

11 I state that I am a resident of the City of .... residing  
12 at .... in such city 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 precinct  
15 at the .... election to be held therein on ....; and that I  
16 wish to vote by vote by mail ballot in:

17 ..... all subsequent elections that do not require a party  
18 designation.

19 ..... all subsequent elections, and I wish to receive a  
20 ..... Party vote by mail ballot in  
21 elections that require a party designation.

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

1 election day, for counting no later than during the period for  
2 counting provisional ballots, the last day of which is the  
3 14th day following election day.

4 Under penalties as provided by law pursuant to Section  
5 29-10 of the Election Code, the undersigned certifies that the  
6 statements set forth in this application are true and correct.

7 ....

8 Post office address to which ballot is mailed:  
9 .....

10 (c) However, if application is made for a primary election  
11 ballot, such application shall require the applicant to  
12 designate the name of the political party with which the  
13 applicant is affiliated. The election authority shall allow  
14 any voter on permanent vote by mail status to change his or her  
15 party affiliation for a primary election ballot by a method  
16 and deadline published and selected by the election authority.

17 (d) If application is made electronically, the applicant  
18 shall mark the box associated with the above described  
19 statement included as part of the online application  
20 certifying that the statements set forth in the ~~this~~  
21 application under subsection (a) or (b) are true and correct,  
22 and a signature is not required.

23 (e) Any person may produce, reproduce, distribute, or  
24 return to an election authority an ~~the~~ application under this  
25 Section ~~for vote by mail ballot.~~ If applications are sent to a  
26 post office box controlled by any individual or organization

1 that is not an election authority, those applications shall  
2 (i) include a valid and current phone number for the  
3 individual or organization controlling the post office box and  
4 (ii) be turned over to the appropriate election authority  
5 within 7 days of receipt or, if received within 2 weeks of the  
6 election in which an applicant intends to vote, within 2 days  
7 of receipt. Failure to turn over the applications in  
8 compliance with this paragraph shall constitute a violation of  
9 this Code and shall be punishable as a petty offense with a  
10 fine of \$100 per application. Removing, tampering with, or  
11 otherwise knowingly making the postmark on the application  
12 unreadable by the election authority shall establish a  
13 rebuttable presumption of a violation of this paragraph. Upon  
14 receipt, the appropriate election authority shall accept and  
15 promptly process any application under this Section ~~for vote~~  
16 ~~by mail ballot~~ submitted in a form substantially similar to  
17 that required by this Section, including any substantially  
18 similar production or reproduction generated by the applicant.

19 (f) An election authority may combine the applications in  
20 subsections (a) and (b) onto one form, but the distinction  
21 between the applications must be clear and the form must  
22 provide check boxes for an applicant to indicate whether he or  
23 she is applying for a single election vote by mail ballot or  
24 for permanent vote by mail status.

25 (Source: P.A. 99-522, eff. 6-30-16; 100-623, eff. 7-20-18.)