



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1139

Introduced 1/12/2023, by Rep. Blaine Wilhour

SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-70 new

10 ILCS 5/19-3

from Ch. 46, par. 19-3

Amends the Election Code. Provides that the State Board of Elections must develop and maintain a statewide or locally-based system to track and confirm when there is a change in the status of a trackable ballot. Provides that the term "trackable ballot" means a ballot that is mailed to a voter and deposited in the mail or deposited in a ballot box. Provides that the system shall be operational by January 1, 2024. Effective immediately.

LRB103 05323 AWJ 50341 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 19-3 and by adding Section 1A-70 as follows:

6 (10 ILCS 5/1A-70 new)

7 Sec. 1A-70. Ballot tracking system.

8 (a) As used in this Section:

9 "Change in the status" means:

10 (1) when a trackable ballot is mailed to a voter;

11 (2) when an election official receives a voted
12 trackable ballot; and

13 (3) when a voted trackable ballot is counted.

14 "Trackable ballot" means a ballot that is:

15 (1) mailed to a voter in accordance with Article 19;

16 and

17 (2) deposited in the mail by a voter in accordance
18 with Article 19 or deposited in a ballot box by a voter in
19 accordance with Article 15.

20 "Voter registration database" means the statewide database
21 established under Section 1A-45, or any successor statewide
22 voter registration database established by the State Board of
23 Elections, the Secretary of State, or both.

1 (b) The State Board of Elections must develop and maintain
2 a statewide or locally-based system to track and confirm when
3 there is a change in the status of a trackable ballot.

4 (c) The ballot tracking system shall be operational on or
5 before January 1, 2024.

6 (d) Beginning January 1, 2024, if a voter elects to
7 receive electronic notifications regarding the status of the
8 voter's trackable ballot, the ballot tracking system shall,
9 when there is a change in the status of the voter's trackable
10 ballot:

11 (1) send a text message notification to the voter if
12 the voter's information in the voter registration database
13 includes a mobile telephone number;

14 (2) send an email notification to the voter if the
15 voter's information in the voter registration database
16 includes an email address; and

17 (3) send a notification by another electronic means
18 allowed by the State Board of Elections.

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

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

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

23 APPLICATION FOR VOTE BY MAIL BALLOT

24 To be voted at the election in the County of and
25 State of Illinois, in the precinct of the (1) *township of

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

2 Post office address to which ballot is mailed:

3

4 (a-5) The application for a single vote by mail ballot
5 transmitted electronically pursuant to Section 19-2.6 shall be
6 substantively similar to the application for a vote by mail
7 ballot for a single election and shall include:

8 I swear or affirm that I am a voter with a print
9 disability, and, as a result of this disability, I am
10 making a request to receive a vote by mail ballot
11 electronically so that I may privately and independently
12 mark, verify, and print my vote by mail ballot.

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

15 APPLICATION FOR PERMANENT VOTE BY MAIL STATUS

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

18 I state that I am a resident of the City of residing
19 at in such city in the county of and State of
20 Illinois; that I have lived at such address for month(s)
21 last past; that I am lawfully entitled to vote in such precinct
22 at the election to be held therein on; and that I
23 wish to vote by vote by mail ballot in:

24 all subsequent elections that do not require a party
25 designation.

26 all subsequent elections, and I wish to receive a

1 Party vote by mail ballot in
2 elections that require a party designation.

3 I hereby make application for an official ballot or
4 ballots to be voted by me at such election, and I agree that I
5 shall return such ballot or ballots to the official issuing
6 the same prior to the closing of the polls on the date of the
7 election or, if returned by mail, postmarked no later than
8 election day, for counting no later than during the period for
9 counting provisional ballots, the last day of which is the
10 14th day following election day.

11 Under penalties as provided by law under Section 29-10 of
12 the Election Code, the undersigned certifies that the
13 statements set forth in this application are true and correct.

14

15 Post office address to which ballot is mailed:

16

17 (b-5) The application for permanent vote by mail ballots
18 transmitted electronically pursuant to Section 19-2.6 shall be
19 substantively similar to the application for permanent vote by
20 mail status and shall include:

21 I swear or affirm that I am a voter with a
22 non-temporary print disability, and as a result of this
23 disability, I am making a request to receive vote by mail
24 ballots electronically so that I may privately and
25 independently mark, verify, and print my vote by mail
26 ballots.

1 (c) However, if application is made for a primary election
2 ballot, such application shall require the applicant to
3 designate the name of the political party with which the
4 applicant is affiliated. The election authority shall allow
5 any voter on permanent vote by mail status to change his or her
6 party affiliation for a primary election ballot by a method
7 and deadline published and selected by the election authority.

8 (d) If application is made electronically, the applicant
9 shall mark the box associated with the above described
10 statement included as part of the online application
11 certifying that the statements set forth in the application
12 under subsection (a) or (b) are true and correct, and a
13 signature is not required.

14 (e) Any person may produce, reproduce, distribute, or
15 return to an election authority an application under this
16 Section. If applications are sent to a post office box
17 controlled by any individual or organization that is not an
18 election authority, those applications shall (i) include a
19 valid and current phone number for the individual or
20 organization controlling the post office box and (ii) be
21 turned over to the appropriate election authority within 7
22 days of receipt or, if received within 2 weeks of the election
23 in which an applicant intends to vote, within 2 days of
24 receipt. Failure to turn over the applications in compliance
25 with this paragraph shall constitute a violation of this Code
26 and shall be punishable as a petty offense with a fine of \$100

1 per application. Removing, tampering with, or otherwise
2 knowingly making the postmark on the application unreadable by
3 the election authority shall establish a rebuttable
4 presumption of a violation of this paragraph. Upon receipt,
5 the appropriate election authority shall accept and promptly
6 process any application under this Section submitted in a form
7 substantially similar to that required by this Section,
8 including any substantially similar production or reproduction
9 generated by the applicant.

10 (f) An election authority may combine the applications in
11 subsections (a) and (b) onto one form, but the distinction
12 between the applications must be clear and the form must
13 provide check boxes for an applicant to indicate whether he or
14 she is applying for a single election vote by mail ballot or
15 for permanent vote by mail status.

16 (g) Beginning January 1, 2024, the applications under
17 subsections (a) and (b), or an application under subsection
18 (f), shall also include the following provision:

19 "If you have provided a mobile phone number or email
20 address, you can receive notifications by text message or
21 email regarding the status of a ballot that is mailed to you
22 and that you deposit in the mail or in a ballot drop box by
23 indicating the mobile phone number or email address here:
24 (insert mobile phone number/email address). By providing your
25 mobile phone number or email address, you are giving consent
26 to receive text messages or emails concerning your ballot

1 status."

2 If the applicant provides a mobile phone number or email
3 address on his or her application, the election authority must
4 transmit that information to the State Board of Elections for
5 inclusion in the statewide voter registration database.

6 (Source: P.A. 102-15, eff. 6-17-21; 102-819, eff. 5-13-22.)

7 Section 99. Effective date. This Act takes effect
8 immediately.