



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3651

Introduced 2/17/2023, by Rep. Ryan Spain

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19-8	from Ch. 46, par. 19-8

Amends the Voting by Mail Article of the Election Code. Provides that it shall be the duty of an election authority to examine the records to ascertain whether or not such applicant is lawfully entitled to vote as requested, including a verification of the applicant's signature by comparison with the signature only on the official registration record card. Provides that within 2 days after a vote by mail ballot is received, the election judge or official shall compare the voter's signature on the certification envelope of that vote by mail ballot only with the signature of the voter on file in the office of the election authority. Provides that the election authority shall not compare the signature with the vote by mail application.

LRB103 25280 BMS 51624 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 19-4 and 19-8 as follows:

6 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

7 Sec. 19-4. Mailing or delivery of ballots; time.  
8 Immediately upon the receipt of such application either by  
9 mail or electronic means, not more than 90 days nor less than 5  
10 days prior to such election, or by personal delivery not more  
11 than 90 days nor less than one day prior to such election, at  
12 the office of such election authority, it shall be the duty of  
13 such election authority to examine the records to ascertain  
14 whether or not such applicant is lawfully entitled to vote as  
15 requested, including a verification of the applicant's  
16 signature by comparison with the signature only on the  
17 official registration record card, and if found so to be  
18 entitled to vote, to post within one business day thereafter  
19 the name, street address, ward and precinct number or township  
20 and district number, as the case may be, of such applicant  
21 given on a list, the pages of which are to be numbered  
22 consecutively to be kept by such election authority for such  
23 purpose in a conspicuous, open and public place accessible to

1 the public at the entrance of the office of such election  
2 authority, and in such a manner that such list may be viewed  
3 without necessity of requesting permission therefor. Within  
4 one day after posting the name and other information of an  
5 applicant for a vote by mail ballot, the election authority  
6 shall transmit by electronic means pursuant to a process  
7 established by the State Board of Elections that name and  
8 other posted information to the State Board of Elections,  
9 which shall maintain those names and other information in an  
10 electronic format on its website, arranged by county and  
11 accessible to State and local political committees. Within 2  
12 business days after posting a name and other information on  
13 the list within its office, but no sooner than 40 days before  
14 an election, the election authority shall mail, postage  
15 prepaid, or deliver in person in such office, or deliver via  
16 electronic transmission pursuant to Section 19-2.6, an  
17 official ballot or ballots if more than one are to be voted at  
18 said election. Mail delivery of Temporarily Absent Student  
19 ballot applications pursuant to Section 19-12.3 shall be by  
20 nonforwardable mail. However, for the consolidated election,  
21 vote by mail ballots for certain precincts may be delivered to  
22 applicants not less than 25 days before the election if so much  
23 time is required to have prepared and printed the ballots  
24 containing the names of persons nominated for offices at the  
25 consolidated primary. The election authority shall enclose  
26 with each vote by mail ballot or application written

1 instructions on how voting assistance shall be provided  
2 pursuant to Section 17-14 and a document, written and approved  
3 by the State Board of Elections, informing the vote by mail  
4 voter of the required postage for returning the application  
5 and ballot, and enumerating the circumstances under which a  
6 person is authorized to vote by vote by mail ballot pursuant to  
7 this Article; such document shall also include a statement  
8 informing the applicant that if he or she falsifies or is  
9 solicited by another to falsify his or her eligibility to cast  
10 a vote by mail ballot, such applicant or other is subject to  
11 penalties pursuant to Section 29-10 and Section 29-20 of the  
12 Election Code. Each election authority shall maintain a list  
13 of the name, street address, ward and precinct, or township  
14 and district number, as the case may be, of all applicants who  
15 have returned vote by mail ballots to such authority, and the  
16 name of such vote by mail voter shall be added to such list  
17 within one business day from receipt of such ballot. If the  
18 vote by mail ballot envelope indicates that the voter was  
19 assisted in casting the ballot, the name of the person so  
20 assisting shall be included on the list. The list, the pages of  
21 which are to be numbered consecutively, shall be kept by each  
22 election authority in a conspicuous, open, and public place  
23 accessible to the public at the entrance of the office of the  
24 election authority and in a manner that the list may be viewed  
25 without necessity of requesting permission for viewing.

26 Each election authority shall maintain a list for each

1 election of the voters to whom it has issued vote by mail  
2 ballots. The list shall be maintained for each precinct within  
3 the jurisdiction of the election authority. Prior to the  
4 opening of the polls on election day, the election authority  
5 shall deliver to the judges of election in each precinct the  
6 list of registered voters in that precinct to whom vote by mail  
7 ballots have been issued by mail.

8 Each election authority shall maintain a list for each  
9 election of voters to whom it has issued temporarily absent  
10 student ballots. The list shall be maintained for each  
11 election jurisdiction within which such voters temporarily  
12 abide. Immediately after the close of the period during which  
13 application may be made by mail or electronic means for vote by  
14 mail ballots, each election authority shall mail to each other  
15 election authority within the State a certified list of all  
16 such voters temporarily abiding within the jurisdiction of the  
17 other election authority.

18 In the event that the return address of an application for  
19 ballot by a physically incapacitated elector is that of a  
20 facility licensed or certified under the Nursing Home Care  
21 Act, the Specialized Mental Health Rehabilitation Act of 2013,  
22 the ID/DD Community Care Act, or the MC/DD Act, within the  
23 jurisdiction of the election authority, and the applicant is a  
24 registered voter in the precinct in which such facility is  
25 located, the ballots shall be prepared and transmitted to a  
26 responsible judge of election no later than 9 a.m. on the

1 Friday, Saturday, Sunday, or Monday immediately preceding the  
2 election as designated by the election authority under Section  
3 19-12.2. Such judge shall deliver in person on the designated  
4 day the ballot to the applicant on the premises of the facility  
5 from which application was made. The election authority shall  
6 by mail notify the applicant in such facility that the ballot  
7 will be delivered by a judge of election on the designated day.

8 All applications for vote by mail ballots shall be  
9 available at the office of the election authority for public  
10 inspection upon request from the time of receipt thereof by  
11 the election authority until 30 days after the election,  
12 except during the time such applications are kept in the  
13 office of the election authority pursuant to Section 19-7, and  
14 except during the time such applications are in the possession  
15 of the judges of election.

16 Notwithstanding any provision of this Section to the  
17 contrary, pursuant to subsection (a) of Section 30 of the  
18 Address Confidentiality for Victims of Domestic Violence,  
19 Sexual Assault, Human Trafficking, or Stalking Act, neither  
20 the name nor the address of a program participant under that  
21 Act shall be included in any list of registered voters  
22 available to the public, including the lists referenced in  
23 this Section.

24 (Source: P.A. 102-292, eff. 1-1-22; 102-819, eff. 5-13-22.)

25 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

2           (a) (Blank.)

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

14           (c) Each vote by mail voter's ballot that is mailed to an  
15 election authority and postmarked no later than election day,  
16 but that is received by the election authority after the polls  
17 close on election day and before the close of the period for  
18 counting provisional ballots cast at that election, shall be  
19 endorsed by the receiving authority with the day and hour of  
20 receipt and shall be counted at the central ballot counting  
21 location of the election authority during the period for  
22 counting provisional ballots.

23           Each vote by mail voter's ballot that is mailed to an  
24 election authority absent a postmark or a barcode usable with  
25 an intelligent mail barcode tracking system, but that is  
26 received by the election authority after the polls close on

1 election day and before the close of the period for counting  
2 provisional ballots cast at that election, shall be endorsed  
3 by the receiving authority with the day and hour of receipt,  
4 opened to inspect the date inserted on the certification, and,  
5 if the certification date is election day or earlier and the  
6 ballot is otherwise found to be valid under the requirements  
7 of this Section, counted at the central ballot counting  
8 location of the election authority during the period for  
9 counting provisional ballots. Absent a date on the  
10 certification, the ballot shall not be counted.

11 If an election authority is using an intelligent mail  
12 barcode tracking system, a ballot that is mailed to an  
13 election authority absent a postmark may be counted if the  
14 intelligent mail barcode tracking system verifies the envelope  
15 was mailed no later than election day.

16 (d) Special write-in vote by mail voter's blank ballots  
17 returned to an election authority, by any means authorized by  
18 this Article, and received by the election authority at any  
19 time before the closing of the polls on election day shall be  
20 endorsed by the receiving election authority with the day and  
21 hour of receipt and shall be counted at the central ballot  
22 counting location of the election authority during the same  
23 period provided for counting vote by mail voters' ballots  
24 under subsections (b), (g), and (g-5). Special write-in vote  
25 by mail voter's blank ballots that are mailed to an election  
26 authority and postmarked no later than election day, but that



1 are received by the election authority after the polls close  
2 on election day and before the closing of the period for  
3 counting provisional ballots cast at that election, shall be  
4 endorsed by the receiving authority with the day and hour of  
5 receipt and shall be counted at the central ballot counting  
6 location of the election authority during the same periods  
7 provided for counting vote by mail voters' ballots under  
8 subsection (c).

9 (e) Except as otherwise provided in this Section, vote by  
10 mail voters' ballots and special write-in vote by mail voter's  
11 blank ballots received by the election authority after the  
12 closing of the polls on an election day shall be endorsed by  
13 the election authority receiving them with the day and hour of  
14 receipt and shall be safely kept unopened by the election  
15 authority for the period of time required for the preservation  
16 of ballots used at the election, and shall then, without being  
17 opened, be destroyed in like manner as the used ballots of that  
18 election.

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

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

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

26 (1) if the ballot envelope is open or has been opened

1 and resealed;

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

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

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

7 If the election judge or official determines that any of  
8 these reasons apply, the judge or official shall mark across  
9 the face of the certification envelope the word "Rejected" and  
10 shall not cast or count the ballot.

11 (g-5) If a vote by mail ballot is rejected by the election  
12 judge or official for any reason, the election authority  
13 shall, within 2 days after the rejection but in all cases  
14 before the close of the period for counting provisional  
15 ballots, notify the vote by mail voter that his or her ballot  
16 was rejected. The notice shall inform the voter of the reason  
17 or reasons the ballot was rejected and shall state that the  
18 voter may appear before the election authority, on or before  
19 the 14th day after the election, to show cause as to why the  
20 ballot should not be rejected. The voter may present evidence  
21 to the election authority supporting his or her contention  
22 that the ballot should be counted. The election authority  
23 shall appoint a panel of 3 election judges to review the  
24 contested ballot, application, and certification envelope, as  
25 well as any evidence submitted by the vote by mail voter. No  
26 more than 2 election judges on the reviewing panel shall be of

1 the same political party. The reviewing panel of election  
2 judges shall make a final determination as to the validity of  
3 the contested vote by mail ballot. The judges' determination  
4 shall not be reviewable either administratively or judicially.

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

8 (g-10) All vote by mail ballots determined to be valid  
9 shall be added to the vote totals for the precincts for which  
10 they were cast in the order in which the ballots were opened.

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

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