



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3656

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

SYNOPSIS AS INTRODUCED:

10 ILCS 5/13-1.2 new
10 ILCS 5/14-3.3 new
10 ILCS 5/19-8

from Ch. 46, par. 19-8

Amends the Election Code. Provides that an election authority shall appoint 3-person vote by mail election judge panels from a supplemental list of election judges submitted by each county central committee, township committeeperson, or ward committeeperson to compare the voter's signature on the certification envelope of the vote by mail ballot with the signature of the voter on file in the office of the election authority. Modifies the procedure for verifying or rejecting the signature on vote by mail ballots. Allows a voter to submit a statement confirming the vote if the signature was rejected. Allows a voter to cast a new ballot if the vote by mail ballot was rejected because the envelope was delivered opened. Makes conforming changes.

LRB103 05124 AWJ 50138 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 19-8 and by adding Sections 13-1.2 and 14-3.3 as
6 follows:

7 (10 ILCS 5/13-1.2 new)

8 Sec. 13-1.2. Vote by mail election judge panel
9 supplemental list; selection. In addition to the lists
10 provided for in Sections 13-1, 13-1.1, and 13-2, the chair of
11 the county central committee of each of the 2 leading
12 political parties, or each township committeeperson in a
13 county with a population of more than 3,000,000 of each of the
14 2 leading political parties, shall submit to the county board
15 a supplemental list, arranged according to precincts in which
16 they are to serve, of persons available as judges of election
17 for vote by mail election judge panels. The names and phone
18 numbers of all persons listed on the supplemental list shall
19 be acknowledged in writing to the county chair or township
20 committeeperson, as the case may be, and submitted to the
21 county board. The county board shall select from this
22 supplemental list persons qualified under Section 13-4. If the
23 list provided for in this Section for any precinct is

1 exhausted, then selection shall be made from the supplemental
2 list submitted under Section 13-1.1. If the supplemental lists
3 in this Section and Section 13-1.1 are exhausted for any
4 precinct, then selection shall be made from any of the persons
5 on the supplemental lists without regard to the precincts in
6 which they are listed to serve. No selection or appointment
7 from the supplemental lists shall be made more than 60 days
8 prior to the date of an election, except as provided in
9 subsection (g-5) of Section 19-8. In any case where selection
10 cannot be made from the supplemental lists without violating
11 Section 13-4, selection shall be made from outside the
12 supplemental lists of some person qualified under Section
13 13-4.

14 The county board shall appoint one or more 3-person vote
15 by mail election judge panels under this Section, of which no
16 more than 2 election judges shall be from the same political
17 party, from the supplemental lists of election judges as
18 provided in this Section. The county board shall appoint a
19 sufficient number of vote by mail election judge panels to be
20 able to examine all vote by mail ballots. A vote by mail
21 election judge panel's only purpose is to examine vote by mail
22 ballots and to make final determinations on rejected ballots,
23 both as provided in Section 19-8.

24 (10 ILCS 5/14-3.3 new)

25 Sec. 14-3.3. Vote by mail election judge panel

1 supplemental list; selection. In addition to the lists
2 provided for in Sections 14-3.1 and 14-3.2, the chair of the
3 county central committees of each of the 2 leading political
4 parties in a municipality of fewer than 500,000 inhabitants,
5 or the ward committeepersons of each of the 2 leading
6 political parties in a municipality of 500,000 or more
7 inhabitants, shall furnish to the board of election
8 commissioners a supplemental list, arranged according to
9 precinct in which they are to serve, of persons available as
10 judges of election for vote by mail election judge panels. The
11 names and phone numbers of all persons listed on the
12 supplemental list shall be acknowledged in writing to the
13 county chair or ward committeepersons, as the case may be, and
14 submitted to the board of election commissioners. The board of
15 election commissioners shall select from this supplemental
16 list persons qualified under Section 14-1 for vote by mail
17 election judge panels. If the list provided for in this
18 Section for any precinct is exhausted, then selection shall be
19 made from the supplemental list submitted under Section
20 14-3.2. If the supplemental lists in this Section and Section
21 14-3.2 are exhausted for any precinct, then selection shall be
22 made from any of the persons on the supplemental lists without
23 regard to the precincts in which they are listed to serve. No
24 selection or appointment from the supplemental lists shall be
25 made more than 60 days prior to the date of an election, except
26 as provided in subsection (g-5) of Section 19-8. In any case

1 where selection cannot be made from the supplemental lists
2 without violating Section 14-1, selection shall be made from
3 outside the supplemental lists of some person qualified under
4 Section 14-1.

5 The board of election commissioners shall appoint one or
6 more 3-person vote by mail election judge panels under this
7 Section, of which no more than 2 election judges shall be from
8 the same political party, from the supplemental lists of
9 election judges as provided in this Section. The board of
10 election commissioners shall appoint a sufficient number of
11 vote by mail election judge panels to be able to examine all
12 vote by mail ballots. A vote by mail election judge panel's
13 only purpose is to examine vote by mail ballots and to make
14 final determinations on rejected ballots, both as provided in
15 Section 19-8.

16 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

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

18 (a) (Blank.)

19 (b) Each vote by mail voter's ballot returned to an
20 election authority, by any means authorized by this Article,
21 and received by that election authority before the closing of
22 the polls on election day shall be endorsed by the receiving
23 election authority with the day and hour of receipt and may be
24 processed by the election authority beginning on the day it is
25 received by the election authority in the central ballot

1 counting location of the election authority, but the results
2 of the processing may not be counted until the day of the
3 election after 7:00 p.m., except as provided in subsections
4 (g) and (g-5).

5 (c) Each vote by mail voter's ballot that is mailed to an
6 election authority and postmarked no later than election day,
7 but that is received by the election authority after the polls
8 close on election day and before the close of the period for
9 counting provisional ballots cast at that election, shall be
10 endorsed by the receiving authority with the day and hour of
11 receipt and shall be counted at the central ballot counting
12 location of the election authority during the period for
13 counting provisional ballots.

14 Each vote by mail voter's ballot that is mailed to an
15 election authority absent a postmark or a barcode usable with
16 an intelligent mail barcode tracking system, but that is
17 received by the election authority after the polls close on
18 election day and before the close of the period for counting
19 provisional ballots cast at that election, shall be endorsed
20 by the receiving authority with the day and hour of receipt,
21 opened to inspect the date inserted on the certification, and,
22 if the certification date is election day or earlier and the
23 ballot is otherwise found to be valid under the requirements
24 of this Section, counted at the central ballot counting
25 location of the election authority during the period for
26 counting provisional ballots. Absent a date on the

1 certification, the ballot shall not be counted.

2 If an election authority is using an intelligent mail
3 barcode tracking system, a ballot that is mailed to an
4 election authority absent a postmark may be counted if the
5 intelligent mail barcode tracking system verifies the envelope
6 was mailed no later than election day.

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

26 (e) Except as otherwise provided in this Section, vote by

1 mail voters' ballots and special write-in vote by mail voter's
2 blank ballots received by the election authority after the
3 closing of the polls on an election day shall be endorsed by
4 the election authority receiving them with the day and hour of
5 receipt and shall be safely kept unopened by the election
6 authority for the period of time required for the preservation
7 of ballots used at the election, and shall then, without being
8 opened, be destroyed in like manner as the used ballots of that
9 election.

10 (f) Counting required under this Section to begin on
11 election day after the closing of the polls shall commence no
12 later than 8:00 p.m. and shall be conducted by a panel or
13 panels of election judges appointed in the manner provided by
14 law. The counting shall continue until all vote by mail
15 voters' ballots and special write-in vote by mail voter's
16 blank ballots required to be counted on election day have been
17 counted.

18 (g) The procedures set forth in Articles 17 and 18 of this
19 Code shall apply to all ballots counted under this Section. In
20 addition, within 2 days after a vote by mail ballot is
21 received, but in all cases before the close of the period for
22 counting provisional ballots, each 3-person election judge
23 panel appointed under Section 13-1.2 or 14-3.3 ~~the election~~
24 ~~judge or official~~ shall compare the voter's signature on the
25 certification envelope of that vote by mail ballot with the
26 signature of the voter on file in the office of the election

1 authority and determine if the ballot should be rejected or if
2 the election authority should count the ballot. The signature
3 shall be presumed to match unless all 3 election judges on the
4 election judge panel determine that the 2 signatures do not
5 match. A ballot may be rejected only for the following
6 reasons: (1) the signature on the certification envelope and
7 the signature used by the election authority for verification
8 purposes do not match or the certification envelope contains
9 no signature; (2) the ballot envelope was delivered opened;
10 (3) the voter has already cast a ballot; (4) the voter has
11 already voted in person on election day; (5) the voter is not a
12 duly registered voter in the precinct. If all 3 election
13 judges on the election judge panel determine the ballot should
14 be rejected for any reasons stated in this subsection, the
15 judges shall mark across the face of the certification
16 envelope the word "rejected" and the date and names of the
17 judges voting to reject the ballot. If the election judge
18 panel ~~or official~~ determines that the 2 signatures match, and
19 that the vote by mail voter is otherwise qualified to cast a
20 vote by mail ballot, the election authority shall cast and
21 count the ballot on election day or the day the ballot is
22 determined to be valid, whichever is later, adding the results
23 to the precinct in which the voter is registered. ~~If the~~
24 ~~election judge or official determines that the signatures do~~
25 ~~not match, or that the vote by mail voter is not qualified to~~
26 ~~cast a vote by mail ballot, then without opening the~~

1 ~~certification envelope, the judge or official shall mark~~
2 ~~across the face of the certification envelope the word~~
3 ~~"Rejected" and shall not cast or count the ballot.~~

4 ~~In addition to the voter's signatures not matching, a vote~~
5 ~~by mail ballot may be rejected by the election judge or~~
6 ~~official.~~

7 ~~(1) if the ballot envelope is open or has been opened~~
8 ~~and resealed;~~

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

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

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

14 ~~If the election judge or official determines that any of~~
15 ~~these reasons apply, the judge or official shall mark across~~
16 ~~the face of the certification envelope the word "Rejected" and~~
17 ~~shall not cast or count the ballot.~~

18 (g-5) If a vote by mail ballot is rejected by the election
19 judge panel ~~or official~~ for any reason, the election authority
20 shall, within 2 days after the rejection or within one day, if
21 the rejection occurs after election day, but in all cases
22 before the close of the period for counting provisional
23 ballots, notify the vote by mail voter through mail, email, or
24 both that his or her ballot was rejected. The notice shall
25 inform the voter of the reason or reasons the ballot was
26 rejected and shall state that the voter may appear before the

1 election authority, on or before the 14th day after the
2 election, to show cause as to why the ballot should not be
3 rejected. The voter may present evidence to the election
4 authority supporting his or her contention that the ballot
5 should be counted. If the ballot was rejected based on the
6 signature or lack of a signature, the voter may submit a
7 statement that the voter cast the ballot, and, upon receipt,
8 the rejected ballot is valid and shall be counted before the
9 close of the period for counting provisional ballots. If the
10 ballot was rejected because the envelope was delivered opened,
11 the voter may vote in person or request to receive another vote
12 by mail ballot if the voter submits an application and casts or
13 mails the new ballot on or before the 14th day after the
14 election. The election authority shall select one of the
15 election judge panels not involved in the decision in
16 rejecting the vote by mail ballot, or appoint a new election
17 judge panel under Section 13-1.2 or 14-3.3, to review the
18 evidence supporting a voter's contention that the ballot
19 should be counted or if a voter may cast a new ballot under
20 this Section. Except when a ballot's rejection is based upon
21 the voter's signature and a voter submits a statement that the
22 voter cast the ballot, the reviewing election judge panel ~~The~~
23 ~~election authority shall appoint a panel of 3 election judges~~
24 ~~to review the contested ballot, application, and certification~~
25 ~~envelope, as well as any evidence submitted by the vote by mail~~
26 ~~voter. No more than 2 election judges on the reviewing panel~~

1 ~~shall be of the same political party. The reviewing panel of~~
2 ~~election judges~~ shall make a final determination as to the
3 validity of the contested vote by mail ballot and if the voter
4 may vote in person or request to receive another vote by mail
5 ballot, as applicable. The judges' determination shall not be
6 reviewable either administratively or judicially.

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

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

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

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