



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3220

Introduced 2/6/2024, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-2	from Ch. 46, par. 19-2
10 ILCS 5/19-2.6	
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/20-16 new	

Amends the Election Code. Provides that, if a voter with a print disability's application for permanent vote by mail status is accepted by the election authority and the voter with a print disability requested an accessible vote by mail ballot, the voter with a print disability shall receive an accessible vote by mail ballot for every election the voter with a print disability remains on the permanent vote by mail list. Provides that, for all elections subsequent to the 2024 general election, the State Board of Elections shall provide a certified remote accessible vote by mail system through which an election authority can deliver a vote by mail ballot through electronic transmission to voters with a print through electronic transmission to voters with a print disability and through which voters with a print disability can mark, verify, and return a vote by mail ballot to the election authority electronically. Provides that all electronic documents and web pages that must be used as part of the certified remote accessible vote by mail system provided by the State Board of Elections or election authorities shall be compliant with specified web content guidelines. Provides that the certified remote accessible vote by mail system shall comply with specified requirements. Changes the definition of "certified remote accessible vote by mail system". Makes other changes. Effective January 1, 2025.

LRB103 39255 SPS 69407 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, 19-2.6, and 19-3 and by adding Section 20-16 as
6 follows:

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

8 Sec. 19-2. Except as otherwise provided in this Code, any
9 elector as defined in Section 19-1 may by mail or
10 electronically on the website of the appropriate election
11 authority, not more than 90 nor less than 5 days prior to the
12 date of such election, or by personal delivery not more than 90
13 nor less than one day prior to the date of such election, make
14 application to the county clerk or to the Board of Election
15 Commissioners for an official ballot for the voter's precinct
16 to be voted at such election. Such a ballot shall be delivered
17 to the elector only upon separate application by the elector
18 for each election. Voters who make an application for
19 permanent vote by mail ballot status shall follow the
20 procedures specified in Section 19-3 and may apply year round.
21 Voters whose application for permanent vote by mail status is
22 accepted by the election authority shall remain on the
23 permanent vote by mail list until the voter requests to be

1 removed from permanent vote by mail status, the voter provides
2 notice to the election authority of a change in registration
3 that affects their registration status, or the election
4 authority receives confirmation that the voter has
5 subsequently registered to vote in another election authority
6 jurisdiction. If a voter with a print disability's application
7 for permanent vote by mail status is accepted by the election
8 authority and the voter with a print disability requested an
9 accessible vote by mail ballot under Section 19-2.6, the voter
10 with a print disability shall receive an accessible vote by
11 mail ballot for every election the voter with a print
12 disability remains on the permanent vote by mail list. The URL
13 address at which voters may electronically request a vote by
14 mail ballot shall be fixed no later than 90 calendar days
15 before an election and shall not be changed until after the
16 election.

17 (Source: P.A. 102-15, eff. 6-17-21; 102-668, eff. 11-15-21;
18 102-687, eff. 12-17-21; 102-813, eff. 5-13-22.)

19 (10 ILCS 5/19-2.6)

20 Sec. 19-2.6. Vote by mail; voters with a print disability.

21 (a) Definitions. As used in this Section, unless the
22 context otherwise requires:

23 "Assistive technology" means any equipment, software, or
24 product used to increase, maintain, or improve the functional
25 capabilities of individuals with disabilities, including, but

1 not limited to, screen reading and magnification software,
2 refreshable Braille displays, and speech recognition programs.

3 "Certified remote accessible vote by mail system" means,
4 for elections that occur before the 2024 general election, a
5 process approved by the State Board of Elections through which
6 an election authority provides for the electronic transmission
7 of a vote by mail ballot to a voter with a print disability and
8 through which the voter with a print disability marks and
9 verifies the voter's ballot using assistive technology.

10 "Certified remote accessible vote by mail system" means, for
11 all elections subsequent to the 2024 general election, a
12 process approved by the State Board of Elections through which
13 an election authority provides for the electronic transmission
14 of a vote by mail ballot to a voter with a print disability and
15 through which the voter with a print disability marks,
16 verifies, and returns the voter's ballot to the election
17 authority electronically using assistive technology.

18 "Electronic transmission" means the transfer of data or
19 information through an authorized electronic data interchange
20 system.

21 "Voter with a print disability" means a person having a
22 temporary or permanent physical or mental impairment, such as
23 blindness, low vision, physical dexterity limitations, or
24 learning or cognitive disabilities, that prevents the person
25 from effective reading, writing, or use of printed material.

26 (b) The State Board of Elections shall provide a certified

1 remote accessible vote by mail system for the General Election
2 of November 8, 2022 and all subsequent elections that occur
3 before the 2024 general election, through which a vote by mail
4 ballot can be delivered by electronic transmission to voters
5 with print disabilities and through which voters with print
6 disabilities are able to mark and verify their ballots using
7 assistive technology.

8 (c) For the November 8, 2022 general election and all
9 subsequent elections that occur on or before the 2024 general
10 election, election ~~Election~~ authorities shall permit voters
11 with a print disability to receive and mark their vote by mail
12 ballots (i) through the certified remote accessible vote by
13 mail system provided by the State Board of Elections pursuant
14 to subsection (b) of this Section or (ii) through a certified
15 remote accessible vote by mail system provided by the election
16 authority.

17 (d) If a vote by mail ballot application from a voter with
18 a print disability arrives after the jurisdiction begins
19 transmitting vote by mail ballots and instructions to voters,
20 the election authority shall electronically transmit the
21 ballot, instructions, and balloting materials to the voter
22 within two business days after receipt of the application.

23 (e) Ballots received and marked pursuant to subsections
24 (b) and (c) of this Section must be printed by the voter and
25 returned to the election authority as provided in Section
26 19-6.

1 (f) For all elections subsequent to the 2024 general
2 election, the State Board of Elections shall provide a
3 certified remote accessible vote by mail system through which
4 an election authority can deliver a vote by mail ballot
5 through electronic transmission to voters with a print through
6 electronic transmission to voters with a print disability and
7 through which voters with a print disability can mark, verify,
8 and return a vote by mail ballot to the election authority
9 electronically.

10 (g) To ensure that voters with a print disability are able
11 to complete all aspects of the vote by mail process privately
12 and independently, the State Board of Elections shall
13 establish a method that allows voters with a print disability
14 to electronically authenticate a vote by mail ballot without
15 assistance, and election authorities shall use that method of
16 authentication.

17 (h) All electronic documents and web pages that must be
18 used as part of the certified remote accessible vote by mail
19 system provided by the State Board of Elections or election
20 authorities shall be compliant with the Web Content
21 Accessibility Guidelines 2.1 Level A standards and updated as
22 necessary to comply with any subsequent Web Content
23 Accessibility Guidelines standards.

24 (i) ~~(f)~~ The State Board of Elections shall adopt rules,
25 including emergency rules, necessary for the implementation of
26 this Section. The State Board of Elections' adopted rules

1 shall include certification standards for a remote accessible
2 vote by mail system and a method subject to the provisions in
3 Sections 19-2 and 19-3 of this Article by which a voter with a
4 print disability may request to use a certified remote
5 accessible vote by mail system and apply for an accessible
6 vote by mail ballot.

7 (Source: P.A. 102-819, eff. 5-13-22.)

8 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

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

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

12 APPLICATION FOR VOTE BY MAIL BALLOT

13 To be voted at the election in the County of and
14 State of Illinois.

15 I state that I am a resident of in the municipality of
16 in the county of; that I have resided at such address
17 for at least 30 days; that I am lawfully entitled to vote at
18 the election to be held on; and that I wish to vote
19 by mail.

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

1 counting provisional ballots, the last day of which is the
2 14th day following election day.

3 I understand that this application is made for an official
4 vote by mail ballot or ballots to be voted by me at the
5 election specified in this application and that I must submit
6 a separate application for an official vote by mail ballot or
7 ballots to be voted by me at any subsequent election.

8 Under penalties as provided by law pursuant to Section
9 29-10 of the Election Code, the undersigned certifies that the
10 statements set forth in this application are true and correct.

11

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

13 Post office address to which ballot is mailed:

14

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

19 I swear or affirm that I am a voter with a print
20 disability, and, as a result of this disability, I am
21 making a request to receive a vote by mail ballot
22 electronically so that I may privately and independently
23 mark, verify, and print my vote by mail ballot.

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

26 APPLICATION FOR PERMANENT VOTE BY MAIL STATUS

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

3 I state that I am a resident of in the municipality of
4 in the county of; that I have resided at such address
5 for at least 30 days; that I am lawfully entitled to vote at
6 the election to be held on; and that I wish to vote
7 by mail in:

8 all subsequent elections that do not require a party
9 designation.

10 all subsequent elections, and I wish to receive a
11 Party vote by mail ballot in
12 elections that require a party designation.

13 I hereby make application for an official ballot or
14 ballots to be voted by me at such election, and I agree that I
15 shall return such ballot or ballots to the official issuing
16 the same prior to the closing of the polls on the date of the
17 election or, if returned by mail, postmarked no later than
18 election day, for counting no later than during the period for
19 counting provisional ballots, the last day of which is the
20 14th day following election day.

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

24

25 Post office address to which ballot is mailed:

26

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

5 I swear or affirm that I am a voter with a
6 non-temporary print disability, and as a result of this
7 disability, I am making a request to receive vote by mail
8 ballots electronically so that I may privately and
9 independently mark, verify, and print my vote by mail
10 ballots.

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

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

24 (e) Any person may produce, reproduce, distribute, or
25 return to an election authority an application under this
26 Section. If applications are sent to a post office box

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

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

26 (g) For all elections subsequent to the 2024 general

1 election, the application shall provide an applicant with a
2 print disability the ability to designate on the application
3 that the voter has a print disability and is requesting an
4 accessible vote by mail ballot under Section 19-2.6.

5 (Source: P.A. 102-15, eff. 6-17-21; 102-819, eff. 5-13-22;
6 103-467, eff. 8-4-23.)

7 (10 ILCS 5/20-16 new)

8 Sec. 20-16. Certified remote accessible vote by mail
9 system. Certified remote accessible vote by mail system. An
10 election authority shall provide a certified remote accessible
11 vote by mail system that complies with Section 19-2.6, or use
12 the certified remote accessible vote by mail system provided
13 by the State Board of Elections under Section 19-2.6, through
14 which a vote by mail ballot can be delivered by electronic
15 transmission to any voter eligible to receive a vote by mail
16 ballot under this Article and through which a voter can mark,
17 verify, and return a vote by mail ballot to the election
18 authority electronically. The certified remote accessible vote
19 by mail system shall comply with the requirements of Section
20 19-2.6, except for subsection (h) of that Section, unless the
21 voter is a voter with a print disability.

22 Section 99. Effective date. This Act takes effect January
23 1, 2025.